

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

- 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]
Approve Minutes of November 15, 2006, Regular Meeting
Approve Minutes of November 22, 2006, Special Meeting
- D-3) ADOPT RESOLUTION OF APPRECIATION FOR JUDITH WIRSING [RECOMMEND APPROVAL]
- D-4) AMEND AGREEMENT WITH SHIPSEY AND SEITZ TO INCREASE HOURLY CHARGES [RECOMMEND APPROVAL]
- D-5) AMEND AGREEMENT WITH RICHARDS WATSON LAW FIRM TO INCREASE HOURLY CHARGES [RECOMMEND APPROVAL]
- D-6) AUTHORIZE THE ADDITION OF JAMES D. HARRISON TO BANK SIGNATURE CARDS [RECOMMEND APPROVAL]
- D-7) AUTHORIZE RETENTION OF OFFICE TEMPORARY HELP DURING RECRUITMENTS PERIOD [RECOMMEND APPROVAL]
- D-8) ADOPT RESOLUTION AMENDING DESIGNATED PARTY FOR SANITARY SEWER OVERFLOW REPORTING [RECOMMEND ADOPTION]

E. ADMINISTRATIVE ITEMS

- E-1) REVIEW WATER ALLOCATION AND ANNEXATION OPTIONS AND DEVELOP PROPOSAL FOR SUBSEQUENT CONSIDERATION [PROVIDE POLICY DIRECTION]
- E-2) CONSIDER INTENT TO SERVE LETTER APPLICATION FROM GEORGE NEWMAN FOR TRACT 2652 COMMERCIAL PROJECT AT MARY AND JUNIPER [RECOMMEND ADOPTION]
- E-3) AUTHORIZE EXECUTION OF AGREEMENT WITH BOYLE ENGINEERING REGARDING DEVELOPMENT OF AN EVALUATION OF SUPPLEMENTAL WATER ALTERNATIVES [RECOMMEND ADOPTION]
- E-4) RECEIVE PRESENTATION FROM BOYLE ENGINEERING REGARDING SOUTHLAND WWTF MASTER PLAN CONCEPTS [RECEIVE PRESENTATION]

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

E-5) CONSIDER ACCEPTING COMPENSATION STUDY, APPROVE PHASE IN OF SALARY ADJUSTMENTS, AND APPROVE MONTHLY SALARY SCHEDULE AND POSITION PLACEMENT [RECOMMEND ADOPTION]

E-6) ELECT 2007 OFFICERS [RECOMMEND ADOPTION]

F. MANAGER'S REPORT

G. COMMITTEE REPORTS

1.) RECEIVE MINUTES FROM 11/29/06 WATERLINE INTERTIE PROJECT DESIGN AND CONSTRUCTION COMMITTEE [RECOMMEND RECEIVING MINUTES]

H. DIRECTORS' COMMENTS

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.

2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSA CASE NO. CV 040877

3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSA (CASE NO. CV060349)

4. TORT LIABILITY CLAIM PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – CLAIMANT: DLG DEVELOPMENT – AGENCY CLAIMED AGAINST: NIPOMO COMMUNITY SERVICES DISTRICT

5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C) – 1 CASE

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

➤ **THE NEXT REGULAR BOARD MEETING IS JANUARY 10, 2006.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

○ Southland WWTF Master Plan

➤ **THE NEXT SPECIAL BOARD MEETING IS JANUARY 17, 2006.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

○ Desalination Technology

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 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.**

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T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\CONSENT 12-13-06.DOC

NIPOMO COMMUNITY SERVICES DISTRICT WARRANTS DECEMBER 8, 2006



HAND WRITTEN CHECKS

18939 12-07-06 CALIFORNIA HIGHWAY PATROL 10.00

**TOTAL COMPUTER
CHECKS
\$ 101,372.54**

VOIDED CHECKS

NONE

COMPUTER GENERATED CHECKS

Check No	Date	Payee	Amount	Check No	Description
012928	12/06/06	LARRY VIERHEILIG	\$100.00		SPECIAL MTG 12-6-06
012929	12/06/06	MICHAEL WINN	\$100.00		SPECIAL MTG 12-6-06
012930	12/09/06	EBY01 EBY, ED	100.00	120906	SPECIAL MEETING 12-9-06
012931	12/09/06	HAR02 HARRISON, JAMES	100.00	120906	SPECIAL MEETING 12-9-06
012932	12/09/06	TRO01 TROTTER, CLIFFORD	100.00	120906	SPECIAL MEETING 12-9-06
012933	12/09/06	VIE01 VIERHEILIG, LARRY	100.00	120906	SPECIAL MEETING 12-9-06
012934	12/09/06	WIN01 WINN, MICHAEL	100.00	120906	SPECIAL MEETING 12-9-06
012935	12/13/06	AME03 AMERI PRIDE	71.89	F848821	UNIFORMS ETC
012936	12/13/06	ASA01 ASAP REPROGRAPHICS	740.24	47739	PRINTING
012937	12/13/06	ATT01 AT&T/MCI	36.52	T5825005	PHONE 9290161
			147.85	T5825007	PHONE 9291133
		Check Total.....:	184.37		
012938	12/13/06	BRE02 BRENNTAG PACIFIC INC.	579.35	603351	CHLORINE
012939	12/13/06	BUE02 BUEL, BRUCE	300.00	DEC 06	AUTO ALLOWANCE DECEMBER
012940	12/13/06	COM01 COMPUTER NETWORK SERVICES	522.73	120606	COMPUTER SUPPORT
012941	12/13/06	COM02 COMMUNICATION SOLUTIONS	1954.82	3617	TEFFT ST LIFT STN MAINT
012942	12/13/06	CRE01 CREEK ENVIRONMENTAL LABS	24.00	N6974	BL WWTP LAB
			176.00	N7025	WATER SAMPLES
			24.00	N7026	BL WWTP LAB
			200.00	N7057	TOWN WWTP LAB
			24.00	N7058	BL WWTP LAB
			132.00	N7104	WATER SAMPLES
			176.00	N7145	WATER SAMPLES
			24.00	N7146	BL WWTP LAB
		Check Total.....:	780.00		
012943	12/13/06	CUE01 CUESTA EQUIPMENT	36.90	161154	SUPPLIES
			135.14	329454	SHOVELS
		Check Total.....:	172.04		
012944	12/13/06	CUL02 CULLIGAN WATER CONDITION	34.27	732566+	DELIVERY 726671
012945	12/13/06	EBY01 EBY, ED	100.00	121306	REG BD MEETING 121306
012946	12/13/06	EME01 EMEDCO SIGN & SOLUTIONS	56.97	665520	NO CELL SIGNS
012947	12/13/06	FAR01 FARM SUPPLY COMPANY	37.45	178357	SUPPLIES
012948	12/13/06	FAR02 FAR WEST EXPRESS	31.50	E72448+	DELIVERY OF BILLS
012949	12/13/06	FGL01 FGL ENVIRONMENTAL	187.00	611837A	TOWN WWTP LAB
			112.00	612099A	BL WWTP LAB
			212.00	612100B	TOWN WWTP LAB
		Check Total.....:	511.00		
012950	12/13/06	GAR01 GARING TAYLOR & ASSOC	8623.41	6819	PCI-MARIA VISTA
			183.75	6820	REVIEW PUDWILL REQUEST
		Check Total.....:	8807.16		
012951	12/13/06	GER01 GERMAN, SCOTT	54.03	113006	TRAVEL TO CLASSES

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS DECEMBER 13, 2006**

**AGENDA ITEM
D-1
DECEMBER 13, 2006
PAGE TWO**

012952	12/13/06	GIL01	GLM, INC.	300.00	.00	300.00	120106A	LANDSCAPE OFFICE
				100.00	.00	100.00	120106B	LANDSCAPE BL
			Check Total.....:	400.00	.00	400.00		
012953	12/13/06	HAR02	HARRISON, JAMES	100.00	.00	100.00	121306	REG BD MEETING 121306
012954	12/13/06	IMP02	IMPAC GOVERNMENT SERVICES	19.91	.00	19.91	112206	TRAVEL EXP
				535.12	.00	535.12	112206A	OFFICE SUPPLIES
				134.69	.00	134.69	112206B	SAND BAGS
				455.00	.00	455.00	112206D	DUES CA WATER ENVIRONMENT
			Check Total.....:	1144.72	.00	1144.72		
012955	12/13/06	JOB01	JOBS AVAILABLE INC	677.25	.00	677.25	625073	EMPLOYMENT AD - DIST ENG
012956	12/13/06	JOH01	JOHNSON, DONNA	18.48	.00	18.48	120606	REIMB FOR SUPPLIES
012957	12/13/06	MID05	MID STATE BANK PETTY CASH	31.88	.00	31.88	120706A	OP SUPPLIES
				51.97	.00	51.97	120706B	OFF SUPPLIES
			Check Total.....:	83.85	.00	83.85		
012958	12/13/06	MOT01	MOTLEY, RICK	38.90	.00	38.90	113006	TRAVEL TO CLASSES
012959	12/13/06	MSC01	M-S CASH DRAWER CORP	4.21	.00	4.21	341763	CASH REGISTER TAPE
012960	12/13/06	MUL01	MULLAHEY FORD	15805.98	.00	15805.98	A61207	2007 FORD ESCAPE
012961	12/13/06	NEW03	NEW IMAGE TECHNOLOGIES	25.00	.00	25.00	3102	RENEW DOMAIN NAME
012962	12/13/06	NIP01	NIPOMO ACE HARDWARE INC	278.58	.00	278.58	609558+	MISC SUPPLIES
012963	12/13/06	NIP06	NIPOMO AUTO PARTS	92.42	.00	92.42	136492	SUPPLIES
012964	12/13/06	NIP09	NIPOMO MARKET PLACE	1586.81	.00	1586.81	250	GASOLINE
012965	12/13/06	PER04	PERRY'S ELECTRIC MOTORS	1582.51	.00	1582.51	6539	SOUTHLAND WWTP AERATOR MA
012966	12/13/06	PGE01	P G & E	43697.42	.00	43697.42	112906	ELECTRICITY 4449664603-3
012967	12/13/06	POO01	POOR RICHARD'S PRESS	167.95	.00	167.95	116733	DOORHANGERS
012968	12/13/06	PWM01	PW MANN ELECTRIC INC	226.80	.00	226.80	6076	PALMS LIFT STN MAINT
012969	12/13/06	REE02	THE REED GROUP INC	612.50	.00	612.50	882	BL WATER ANALYSIS
012970	12/13/06	REL01	RELIABLE	66.53	.00	66.53	FLV14100	SUPPLIES
012971	12/13/06	REY01	REYNOSO, CARLOS CPA	500.00	.00	500.00	112706	AUDIT SERVICES
012972	12/13/06	SAN09	SAN LUIS MAILING SERVICE	35.86	.00	35.86	31192A	MAILING BILLS
				190.32	.00	190.32	31192B	POSTAGE FOR BILLS
			Check Total.....:	226.18	.00	226.18		
012973	12/13/06	SNY01	SNYDER LANDSCAPE MAINT CO	571.00	.00	571.00	415	TRACT 2409 LMD
012974	12/13/06	SOF01	SOFTWARE SOLUTIONS TEAM	50.00	.00	50.00	06-4576	COMPUTER SUPPORT
012975	12/13/06	SOU01	SOUTH COUNTY SANITARY	165.80	.00	165.80	1637060	TRASH COLLECTION OLDE TOW
				34.24	.00	34.24	1646085	TRASH COLLECTION OFFICE
			Check Total.....:	200.04	.00	200.04		

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS DECEMBER 13, 2006**

**AGENDA ITEM
D-1
DECEMBER 13, 2006
PAGE THREE**

012976	12/13/06	SPA01	SPANGO VOICE COMM	509.62	.00	509.62	5750	PHONE HEADSET
012977	12/13/06	SPE01	SPECIAL DISTRICT RISK	437.17	.00	437.17	19891	INSURANCE FOR FORD ESCAPE
012978	12/13/06	STA03	STATEWIDE SAFETY & SIGNS	27.91	.00	27.91	45462	SUPPLIES
012979	12/13/06	STA04	STATE DEPT OF HEALTH SERV	50.00	.00	50.00	BREWER	EXAM FOR GRADE D-1
012980	12/13/06	THE01	THE GAS COMPANY	956.53	.00	956.53	112106	GAS ENGINE AT SOUTHLAND
				12631.43	.00	12631.43	112906	GAS FOR SUNDALE 08619205
			Check Total.....:	13587.96	.00	13587.96		
012981	12/13/06	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	121306	REG BD MEETING 121306
012982	12/13/06	VAL01	VALLEY SEPTIC SERVICE	500.00	.00	500.00	3667	PUMPED LIFT STNS
				312.50	.00	312.50	3669	PUMPING B AND PALMS LIFT
			Check Total.....:	812.50	.00	812.50		
012983	12/13/06	VER01	VERIZON	29.96	.00	29.96	111906A	BL PHONE 3432397
				29.79	.00	29.79	111906B	BL PHONE 3436061
			Check Total.....:	59.75	.00	59.75		
012984	12/13/06	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	121306	REG BD MEETING 121306
012985	12/13/06	WIN01	WINN, MICHAEL	100.00	.00	100.00	121306	REG BD MEETING 121306
012986	12/13/06	WOO01	DOUGLAS WOOD & ASSOCIATES	822.25	.00	822.25	SHOP #3	SOUTHLAND SHOP UPGRADE PR
				1060.00	.00	1060.00	21 FINAL	WATERLINE INTERTIE EIR
			Check Total.....:	1882.25	.00	1882.25		
012987	12/13/06	XER01	XEROX CORPORATION	85.18	.00	85.18	21652893	COPIER MAINT
012988	12/13/06	\A003	ATHERTON, SENIA	25.25	.00	25.25	000A61201	MQ CUSTOMER REFUND

NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, November 15, 2006

9:00 A. M.

SPECIAL MEETING MINUTES

BOARD of DIRECTORS

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

PRINCIPAL STAFF

BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, ASSIST. ADMINISTRATOR
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
DAN MIGLIAZZO, UTILITY SUPERVISOR

District Board Room
148 S. Wilson Street
Nipomo, California

00:00:00 A. **CALL TO ORDER, FLAG SALUTE, AND ROLL CALL**

President Vierheilig called the meeting to order at 9:00 a.m. and led the flag salute. At Roll Call, all Board members were present.

00:01:25 B. **APPROVE WARRANTS**

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved the Warrants presented at the November 15, 2006, meeting. There was no public comment. Vote 5-0

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

00:02:20 C. **RECEIVE PRESENTATION ON DISTRICT SALARY SURVEY FROM KOFF AND ASSOCIATES**

Bruce Buel, General Manager, explained that the Personnel Committee (President Vierheilig and Director Wirsing) met with the employees Tuesday, November 14, 2006, at the District office, as Koff & Associates representative, Georg Kraemer, reviewed the process of the salary survey.

Director Wirsing stated that it was a productive meeting. Mr. Buel introduced Mr. Kraemer.

Georg Kraemer, Koff and Associates, reviewed the steps taken for the draft report that was created. The agencies contacted were approved by the NCS D Board. The classifications were a benchmark from which to work. The firm collected data, analyzed the data and compared wages and benefits.

The Board discussed the report.

Director Trotter asked if the NCS D employees were contacted. Mr. Kraemer stated that a meeting with the maintenance crew is planned to occur after this meeting.

Director Wirsing stated that it is important to study the positions carefully to justly compensate the employees.

Director Eby asked for clarifications in retirement benefits as those costs are escalating.

C. RECEIVE PRESENTATION ON DISTRICT SALARY SURVEY FROM KOFF AND ASSOCIATES (continued)

The following member of the public spoke:

Bill Nelson, NCSD resident – stated that with all the computerized systems (Water Gem, GIS, SCADA, etc.) on line, he hopes the employees will be talented enough to use them.

Director Trotter – stated that NCSD's employees are well-groomed and well able to handle customers.

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to receive the draft report from Koff and Associates. Vote 5-0.

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

The Board thanked Mr. Kraemer for his presentation.

The Board took a break at 9:53 a.m. and returned at 10:10 a.m.

00:53:13

D. REVIEW STATUS OF NIPOMO MESA GROUNDWATER BASIN AND DISCUSS POTENTIAL EDITS TO WATER ALLOCATION ORDINANCENIPOMO MESA GROUNDWATER BASIN

Bruce Buel, General Manager, stated that this subject is being continued from the November 11, 2006, meeting.

Dr. Brad Newton, representative from Science Applications International Corporation (SAIC) presented an overview of Technical Memorandum I and II, the hydrologic monitoring program. Copies of the slides are in the Board packet in the NCSD office.

The following members of the public spoke:

John Snyder, Nipomo resident – stated that he was disappointed with some of the data presented. He received the Woodlands data in July and feels it should have been included in the Technical Memoranda.

Jesse Hill, NCSD resident – stated that it is wise to do a model as suggested. He also stated that geology needs to be considered. He does not agree with the numbers provided in the reports. NCSD needs to continue to pursue a supplemental water supply.

There was more Board discussion. The Board agreed that the District needs to continue pursuing a supplemental water supply.

President Vierheilig thanked Dr. Newton for his presentation.

The Board took a break at 11:35 a.m. and returned at 11:46 a.m.

D. REVIEW STATUS OF NIPOMO MESA GROUNDWATER BASIN AND DISCUSS POTENTIAL EDITS TO WATER ALLOCATION ORDINANCE (continued)WATER ALLOCATION

Bruce Buel, General Manager, reviewed the following topics:

Annual Allocation Limit

Use Group Limitations

Tracking Non-Residential Demand

There was much Board discussion regarding the annual limit and the calculation of use.

The Board will bring this back for further discussion at the December 13, 2006, meeting.

The following member of the public spoke:

Jesse Hill, NCSD resident and representative for the Holloway annexation – stated that the formation of mutual water companies is still possible for the Holloway Project and the Craig Trust Project.

The Board took a break for lunch at 12:39 p.m. Jon Seitz, District Legal Counsel, advised the Board not to talk about anything District-related during the break.

03:13:00

E. DISCUSS DEVELOPMENT OF WATER ALLOCATION POLICY FOR FUTURE ANNEXATIONS

Bruce Buel, General Manager, reviewed the Board letter and the concepts listed in the Board packet. The Board discussed possible allocations for future annexations to be similar to existing District allocations. The Board had some discussion and suggestions to the policy proposal and agreed by consensus to discuss this topic further at the December 13, 2006, meeting. There was no action taken.

04:00:18

F. ADJOURN

President Vierheilig adjourned the meeting at 2:04 p.m.

NIPOMO COMMUNITY SERVICES DISTRICT

D2

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

NOVEMBER 22, 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

BRUCE BUEL, **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.

00:00:00 A. CALL TO ORDER AND FLAG SALUTE

President Vierheilig called the meeting to order at 9:00 a.m. and led the flag salute.

00:00:39 B. ROLL CALL AND RECOGNITION OF JUDITH WIRSING'S SERVICE

At Roll Call, all Board members were present.

President Vierheilig thanked Director Wirsing for all her participation on the Board. He presented her with a card that had been signed by all of the other Board members and some flowers. Director Wirsing thanked the Board.

00:03:46 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) LARRY KRAEMER OF CANNON RE: WATER AND SEWER MASTER PLAN

Bruce Buel, General Manager, introduced Larry Kraemer of Cannon and Malcom McEwen from Garing, Taylor and Associates who are working together on the Master Plan.

Larry Kraemer of Cannon and Associates presented information concerning the progress in developing the Water and Sewer Master Plan. He had presented a rough draft of the First Technical Memorandum to staff for comments. A final Technical Memo should soon be ready for Board comments. The Board asked what percentage was used for growth rates. Mr. Kraemer answered 2.3%.

There was much Board discussion with Mr. Kraemer. The Board suggested using actual water usage rather than the usage values adopted in the Urban Water Management Plan. President Vierheilig thanked Mr. Kraemer for his report.

00:25:11 C-2) NCSD UTILITY SUPERVISOR DAN MIGLIAZZO

Dan Migliazzo presented information concerning the operations of the Utility Department.

He is working with Cannon on the Master Plan and Boyle Engineering on the Southland Plant upgrade and the waterline planned from Santa Maria.

The crew will be flushing the east side of town starting December 11th. There will be notices suggesting non-use of water during the flushing process To prevent dirty water in their systems.

The crew is locating blow-off valves in Blacklake and town. They will be added to the preventative maintenance schedule.

There are some pre-design plans for connecting the Blacklake water, if the connection is decided. There were divers in the Blacklake water tank last week.

Meter replacement program is working well with the students and the customer service representative, Reed Brewer.

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

C-2) NCSD UTILITY SUPERVISOR DAN MIGLIAZZO (continued)

Director Trotter stated that Mr. Billinger is working as the chair of a committee to decide whether to join with the Town Water Division.

Bruce Buel, General Manager, stated that there were 67 blow-offs located which means 67 dead ends and will be included in the Master Plan.

President Vierheilg thanked Mr. Migliazzo for his report.

00:32:19

C-3) NCSD WATER CONSERVATION SPECIALIST MADONNA DUNBAR

Madonna Dunbar presented information concerning Water Conservation Activities.

October 21, 2006, NCSD partnered with SLO County Public Works Department for a stormwater drain marking program. 52 drains were marked by high school students.

Construction is complete on the stormwater diversion, rainwater harvesting demonstration area in the back of the NCSD office. A brochure is forthcoming on the water conservation benefits of constructing such an area.

October 28, 2006, 2nd Composting workshop had 32 attendees.

November 16, 2006, Flood Preparedness Forum was held in NCSD board room. There were several presenters from SLO County, the SLO Land Conservancy. Jeff Wurst, County Public Works (four major culvert construction projects in the plans), American Red Cross (flood issues addressed, plans to have emergency materials stored and available in Nipomo).

Questionnaire concerning Water Conservation Program was mailed to approx 20 agencies in the area.

Working on report of water consumption in the Town and Blacklake water divisions.

Upgrading the web site.

November 20, 2006, meeting with President Vierheilg, Director Winn and Bruce Buel concerning emergency response for water conservation.

President Vierheilg thanked Ms. Dunbar for her report.

00:40:02

C-4) PUBLIC COMMENT ON PRESENTATIONS AND ITEMS NOT ON AGENDA

There was no public comment.

0:41:22

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Minutes of November 8, 2006 Regular Meeting

Corrections in Items C-2, E-2, E-6, E-3, E-5 and the recording time on Item I.

D-3) AUTHORIZE PURCHASE OF FORD ESCAPE FOR ADMINISTRATIVE DUTIES, DECLARE TOYOTA COROLLA SURPLUS, AND AUTHORIZE SALE OF TOYOTA

D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH BOYLE ENGINEERING TO PREPARE COMPARISON OF BLACKLAKE WATER SYSTEM STAND ALONE VERSES MERGED WITH TOWN SYSTEM

D-5) ACKNOWLEDGE INTERIM REVISIONS TO COMMITTEE ASSIGNMENTS FOR BALANCE OF 2006

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

D. CONSENT AGENDA (continued)

D-6) ADOPT RESOLUTION COMMENDING BATTALION CHIEF DAN ANDERSON FOR HIS SERVICE TO NIPOMO

The Board wished to pull Item D-5 for further consideration. There were several corrections in the Minutes. See above. Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Items D-1 through D-4 and D-6, as amended. Vote 5-0.

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

RESOLUTION 2006-997
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
THANKING DAN ANDERSON
FOR HIS SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT
AND TO THE COMMUNITY OF NIPOMO

D-5) ACKNOWLEDGE INTERIM REVISIONS TO COMMITTEE ASSIGNMENTS FOR BALANCE OF 2006

The Board discussed the proposed Committee assignments. Jon Seitz, District Legal Counsel, explained that a standing committee needs to be approved by the Board and an ad hoc committee is appointed by the President. The Board discussed the types of committees. There was no public comment. Upon motion of Director Wirsing and seconded by Director Eby, the Board unanimously agreed to acknowledge the changes to the Ad Hoc Committee assignments and the delegates to community organizations. The recommended changes to the Standing Committee assignments would be brought to the Board at its December 6th Special Meeting for action. Vote 5-0.

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

01:30:33 E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE SUBMITTAL OF COMMENTS TO SAN LUIS OBISPO COUNTY ON POTENTIAL REVISIONS TO RESOURCE CAPACITY STUDY REGARDING WATER SUPPLY FOR THE NIPOMO MESA AREA

Bruce Buel, General Manager, explained the recommendation to transmit a letter to San Luis Obispo County Board of Supervisors concerning potential revisions to the Resource Capacity Study regarding water supply for the Nipomo Mesa Area. There was no public comment.

- The Board discussed the possible revisions.
- Remind the County about supplemental water, that the District is not ready
 - New information that the costs and the date of receiving supplemental water supply has changed since Level III Severity was declared
 - The District has on-going activity seeking other sources of supplemental water

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-1) AUTHORIZE SUBMITTAL OF COMMENTS TO SAN LUIS OBISPO COUNTY ON POTENTIAL REVISIONS TO RESOURCE CAPACITY STUDY REGARDING WATER SUPPLY FOR THE NIPOMO MESA AREA (continued)

- When the Board of Supervisors certified Level III, part of the motion was that it would remain in place until water availability
- 2005 update on page 10 & 11 of the RMS Water Supply Criteria needs to be updated to include that in December of 2005. Tthe Level of Severity was changed to a Level III Severity
- Page 33 of the report should state that Nipomo and associated mesa is served by four major water suppliers. List NCSD first, then the others
- Cal Cities needs to be updated to Golden State.
- Needs to be language describing the scope of supply for NCSD, Golden State Woodlands, and Rural Water Company
- Page 34 leaves out storage capacity information for NCSD
- Should say that the other major water suppliers have made commitments to share the costs of a supplemental water supply
- Chart on page 41 needs to be changed from Level II to Level III

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to direct staff to compose a letter to the Board of Supervisors asking for revisions to the Resource Capacity Study, as suggested by the Board. Vote 5-0.

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

The Board took a break at 10:47 a.m. and returned at 10:55 a.m.

01:47:20

E-2) CONSIDER REQUEST FROM THE K BERGMAN GROUP TO DEFER CAPACITY FEES FOR THE CHESTNUT VILLAS COMMERCIAL PROJECT

Bruce Buel, General Manager, reviewed the request from Klara Bergman to defer capacity fees for the Chestnut Villa Commercial Project. The Board discussed that the only way to approve this would be to continue to another meeting and revise the code.

Klara Bergman, representing Chestnut Villas, gave the Board a letter and read it into the record explaining the request. (A copy of the letter will be in the office copy of the board packet.)

There was much Board discussion.

- How these fees would be paid or guaranteed.
- How has the County responded to this type of request?
- Today's fees of \$14,000 could be near \$60,000 after supplemental water is ready.
- Should not defer without a policy change. Would need to apply to anyone who requests a deferment.
- Could the modified policy cause fees to be paid upon sale of the property
- If payment of fees were deferred, when would the clock start
- Will interest be paid

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-2) CONSIDER REQUEST FROM THE K BERGMAN GROUP TO DEFER CAPACITY FEES FOR THE CHESTNUT VILLAS COMMERCIAL PROJECT (continued)

The following member of the public spoke:

Kevin Beauchamp, NCS D customer – stated that it is easy to say no to such a request when it has not been done in the past. These are desperate times. This may be a way to stimulate growth. He stated that he hopes the Board will consider the request.

Other Board considerations:

- Deferring Capacity Fees – Can it be limited to Olde Towne, not residential mixed use
- How can NCS D guarantee payment
- Rate study had a project of fees based on the waterline from Santa Maria costing \$6 million and not \$24 million.
- Partial Capacity Fees deferral could possibly be paid in annual payments.
- If NCS D fees were deferred, would a contractor accept deferral
- How would a lending institution view a deferral
- Code would need to be revised

Jon Seitz, District Legal Counsel, suggested that the Board look at different scenarios of deferral of payment of fees.

Director Wirsing stated that this is an emotional issue and cannot see how this is feasible, but the applicant could possibly pursue other investors.

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to defer the matter to staff for evaluation and no change in policy would be one option. Director Eby asked for an analysis, such as financial ramifications. Director Wirsing stated that the Board should not even consider this as it is not in the best interest of the District and the Board should not put the District at risk. Vote 4-1 with Director Wirsing voting no.

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

02:38:20

E-3) CONSIDER REQUEST FROM CHRIS WILL FOR DISTRICT TO ABSORB PUDWILL MUTUAL WATER COMPANY

Bruce Buel, General Manager, reviewed the request from Chris Will for the District to absorb the Pudwill Mutual Water Company. The Board denied annexation of the property two years ago. LAFCo would have to approve out of District service.

Chris Will, SLO Trio Properties – stated belief that it would benefit the community. The property has a very high capacity well. He stated that the District would not have costs to absorb the water system. He had planned to charge the new property owners capacity fees. He requests the District pay SLO Trio Properties those capacity fees.

The Board discussed the following:

- Subdivision was created by clustering
- County supplemental water fees
- SLO Trio fees
- Is this well connected with agreement with Woodlands
- Infrastructure payment
- Is service to these properties postponed until supplemental water supply is resolved
- Advantages – obtaining a well and keeping other customers off the groundwater
- SLO Trio should pay for evaluation by Garing, Taylor & Associates, for LAFCo costs and for staff time

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

E-3) CONSIDER REQUEST FROM CHRIS WILL FOR DISTRICT TO ABSORB PUDWILL MUTUAL WATER COMPANY (continued)

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to the following:

Authorize an evaluation of the works by Garing, Taylor and Associates, consultation with LAFCo staff regarding the process and negotiation with SLO Trio Properties to define the details of their offer. Stipulate that the applicant pay for GTA, LAFCo costs and staff time. All capacity fees will go to the District for all eight (8) parcels. Vote 5-0.

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

03:21:08

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSA CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSA (CASE NO. CV060349)
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSA VS. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
5. TORT LIABILITY CLAIM PURSUANT TO GOVERNMENT CODE SECTION 54956.9 – CLAIMANT: DLG DEVELOPMENT – AGENCY CLAIMED AGAINST: NIPOMO COMMUNITY SERVICES DISTRICT

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

03:21:58

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:50 p.m.

Recording started over at zero 00:0:00

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:00 p.m.

Jon Seitz, District Legal Counsel, announced the following:

The Board heard updates on all the items on the Closed Session Agenda.

Item 5

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to instruct staff to send a Notice of Insufficiency to the claimant. Vote 5-0.

MINUTES SUBJECT TO BOARD APPROVAL

00:00:47 F. MANAGER'S REPORT

Bruce Buel, General Manager presented the staff report to the Board. Also, there will be a holiday party for staff and Board, December 15, 2006, at noon in the patio area. Spouses will be invited. The Board discussed the following with Mr. Buel:

- The two positions, District Engineer and Utility Field Foreman
- Suggested checking with Cal Poly graduating classes for the engineer position.
- Formal discussion with the City of Santa Maria
- Directors Trotter and Winn and Mr. Buel will be meeting the week of November 28th with the Santa Maria city staff.

There was no public comment.

00:04:52 G. COMMITTEE REPORTS

1.) RECEIVE MINUTES FROM 11/6/06 WATERLINE INTERTIE PROJECT DESIGN AND CONSTRUCTION COMMITTEE

Director Winn reported that the Conservation Committee met Monday, November 20, 2006, and discussed how the District would respond in the event of a drought.

The Waterline Intertie Project Design & Construction Committee will be meeting Wednesday, November 29, 2006, at 10:00 a.m.

The Parks Committee is tentatively scheduled to meet December 11, 2006 at 2:00 p.m.

There was no public comment.

H. DIRECTOR'S COMMENTS

Director Trotter

Blacklake Committee – George Billinger, chair, will be meeting to discuss the possibility of connecting Blacklake water with the Town Division.

Director Wirsing

Asked to agendize televising special meetings for supplemental water and other very important issues.

Thanked the Board for the flowers and card.

Congratulations to Jim Harrison on being elected to the Board.

Director Eby

Agrees with Director Wirsing to again bring up televising meetings.

Director Winn

Possibly ask AGP Video to give the District updates on cable use within the SOI

Asked that staff send a letter to the Chamber of Commerce asking that the monthly luncheon day be changed from the fourth Wednesday of the month.

Would like to agendize a strategy report from the staff how the District can stop the bleeding on the current pipeline project, how the District can cut back the spending on the waterline project.

Wednesday, December 6, 2006, 1:30 at SLO Library, WRAC meeting to discuss the RMS

Tuesday, December 12, 2006, SLO County Board of Supervisors to consider EIR for Halcyon Road, possibly transferring \$2 million from Nipomo to Arroyo Grande

President Vierheilig

Thursday, November 16, 2006 Olde Towne Nipomo Association met with Dana Lilley to talk about enterprise zones for Olde Towne and other areas

December 2, 2006, Nipomo Native Gardens will be having its Fall Planting from 9:00 a.m. to 12:00.

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

00:29:17

ADJOURN

President Vierheilig adjourned the meeting at 1:34 p.m.

- **THE NEXT REGULAR BOARD MEETING IS DECEMBER 13, 2006.
TENTATIVELY SCHEDULED ITEMS INCLUDE:**
 - Southland WWTF Master Plan
 - Implementation of Salary Survey

- **THE NEXT SPECIAL BOARD MEETING IS DECEMBER 6, 2006.
TENTATIVELY SCHEDULED ITEMS INCLUDE:**
 - Waterline Intertie Project Review

- **THE SECOND SPECIAL BOARD MEETING IS DECEMBER 9, 2006.
TENTATIVELY SCHEDULED ITEMS INCLUDE:**
 - Strategic Plan Workshop

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL ~~BB~~
DATE: DECEMBER 8, 2006

AGENDA ITEM
D-3
DECEMBER 13, 2006

RESOLUTION OF APPRECIATION FOR JUDITH WIRSING

ITEM

Adopt Resolution of Appreciation for Judith Wirsing

BACKGROUND

The Board of Directors wishes to acknowledge the service of retired NCSD Director Judith Wirsing.

RECOMMENDATION

Approve the attached Resolution

ATTACHMENT

Resolution

T:\documents\board matters\2006 board letters\Wirsing resolution.doc

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2006-__**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
THANKING
JUDITH WIRSING
FOR HER SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT
AND TO THE COMMUNITY OF NIPOMO**

WHEREAS, Judith Wirsing has been active in Nipomo civic activities for many years;
and

WHEREAS, Judith Wirsing was first elected to a two year term on the NCSD Board of Directors by Nipomo voters in 2000 and was re-elected to a full term on the NCSD Board of Directors by Nipomo voters in 2002; and

WHEREAS, Judith Wirsing served diligently at the District Board and Committee levels for the six years of her term, and

WHEREAS, Judith Wirsing was always true to her beliefs, courageous in speaking her mind, and consistent in voting her values.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS AS FOLLOWS:

***THE BOARD OF DIRECTORS
OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
EXPRESSES SINCERE APPRECIATION TO
JUDITH WIRSING
AND WISHES HER GREAT SUCCESS IN HER FUTURE ENDEAVORS***

The Board unanimously adopted the foregoing resolution on December 13, 2006.


Lawrence Vierheilig, President

Ed Eby, Director

Michael Winn, Vice President

James D. Harrison, Director

Clifford Trotter, Director

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: DECEMBER 8, 2006

AGENDA ITEM
D-4
DECEMBER 13, 2006

AMEND SHIPSEY AND SEITZ AGREEMENT

ITEM

Amend agreement with Shipsey and Seitz, Inc. to increase hourly charges [Recommend approval].

BACKGROUND

NCSD's 2003 agreement with Shipsey and Seitz calls for paying Jon Seitz a retainer of \$750 per month for preparation and attendance at two regular meetings plus \$140 per hour for general legal services not including the regular meeting retainer, \$155 per hour for litigation, and actual expenses. Mr. Seitz has submitted the attached letter requesting that NCSD drop the retainer and pay \$135 per hour for meeting related hours from 1/1/07 through 6/30/07, \$145 per hour from 7/1/07 through 6/30/08, and then after 6/30/08 annually adjust the then current hourly charge by the standard CPI clause with a not-to-exceed increase limitation of five percent. For non-meeting hourly rates, Mr. Seitz is proposing that the District pay \$160 per hour for meeting related hours from 1/1/07 through 6/30/07, \$170 per hour from 7/1/07 through 6/30/08, and then after 6/30/08 annually adjust the then current hourly charge by the standard CPI Clause with a not-to-exceed increase limitation of five percent. Staff estimates that these changes will result in a budget increase of about \$5,000 in FY06-07, about \$11,000 in FY07-08, and larger increases in the subsequent years depending on inflation.

Following are charges paid for General Legal Counsel services by similar Districts: Heritage Ranch \$190 per hour (Ty Green); Oceano CSD \$175 per hour (Kirk and Simas); Templeton CSD \$150 per hour (Steve Chronic); and Vandenberg Village CSD \$150 per hour (SB Co. Counsel Sr. Deputy) and \$235 for Special Counsel.

RECOMMENDATION

Staff believes that Mr. Seitz has provided exceptionally valuable service to NCSD and his proposed charges are reasonable. Staff recommends that your Honorable Board approve the request and authorize execution of an amendment to our current letter agreement.

ATTACHMENT

Shipsey and Seitz Letter Request

T:\documents\board matters\2006 board letters\Seitz Charges.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)

December 5, 2006

VIA E-MAIL AND 1ST CLASS MAIL

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Attn: Larry Vierheilig, President
Michael Winn, Vice-President
Clifford Trotter, Director
Ed Eby, Director
James Harrison, Director
Bruce Buel, General Manager

Re: Attorney Fee Proposal for 2007 -2008

Dear Mr. President and Members of the Board:

Pursuant to the September, 2003 Fee Agreement, Shipsey and Seitz provides legal services to the Nipomo Community Services District ("District") under the categories of Retainer Services and Hourly Rates. Under the 2003 Agreement, Shipsey and Seitz charges seven hundred fifty dollars (\$750) per month for preparation and attendance at two (2) regular Board Meetings. Additionally, Shipsey & Seitz currently charges one hundred forty dollars (\$140) per hour for preparation of Ordinances, Resolutions, Memorandum, Contracts, attendance at meetings (other than regular Board meetings) and other general advice pertaining to District business. Lastly, under the 2003 Agreement, Shipsey and Seitz charges one hundred fifty-five dollars (\$155) per hour for litigation. A copy of the 2003 Letter Agreement is attached as a reference.

The District has recently performed an employee compensation survey that included surveying other districts for the hourly rates paid to their attorneys. That survey reflected that other attorneys serving special districts charge at two hundred thirty-five dollars (\$235) per hour, one hundred ninety dollars (\$190) per hour, one hundred seventy-five dollars (\$175) per hour and two districts are charged at one hundred fifty dollars (\$150) per hour. The average rate is one hundred eighty dollars (\$180) per hour. By eliminating the highest and one of the lowest hourly charges, the average hourly rate is one hundred seventy-two dollars (\$172) per hour.

SHIPSEY & SEITZ, INC. PROPOSAL 2007 - 2008

Preparation and Attendance at regular meetings

Shipsey & Seitz proposes to prepare and attend regular Board meetings as follows:

- One hundred thirty-five dollars (\$135) per hour from January 1, 2007 through June 30, 2007;
- One hundred forty-five dollars (\$145) per hour from July 1, 2007 through June 30, 2008;
- Commencing on July 1, 2008 and for the remainder of the Agreement the hourly rate would be adjusted annually by the District's standard CPI Clause for rate adjustments, not to exceed five percent (5%).

Hourly Rates

Shipsey & Seitz proposes to provide all other legal services, including preparation of Ordinances, Resolutions, Memorandum, Contracts, attendance at meetings (other than regular meetings), litigation and general advice pertaining to District business, as follows:

- One hundred sixty dollars (\$160) per hour from January 1, 2007 through June 30, 2007;
- One hundred seventy dollars (\$170) per hour from July 1, 2007 through June 30, 2008;
- Commencing on July 1, 2008 and for the remainder of the Agreement the hourly rate would be adjusted annually by the District's standard CPI Clause for rate adjustments, not to exceed five percent (5%).

These services would be performed at the request of management staff and/or the President of the Board. These fees would be charged in increments of one-tenth (1/10) per hour.

Expenses

Shipsey & Seitz does not expense the District for long distance phone calls, in-office photocopying, faxing, e-mailing, or secretarial time. Shipsey and Seitz would continue to expense the District, at its direct cost, for bulk photocopying

(i.e. photocopying service such as Kinko's) and extraordinary mailing (i.e. overnight or large items). Travel expenses would be billed pursuant to District's policies related to Director and Employee travel reimbursement

Continuing Education and Law Library

Shipsey and Seitz would continue to expense the District for out of pocket costs for: (a) continuing education (that relates to governmental agency representation); (b) specialized computer programs (that relate to governmental services or are obtained at a governmental rate); and (c) books and other materials on the subject of Special District representation. By agreement these costs would be split with other Special Districts that we represent as District Legal Counsel.

Billing

Shipsey & Seitz would prepare billing statements for each of the categories referenced above. The Board of Directors would continue to approve legal fees as part of the general warrant approval process prior to payment.

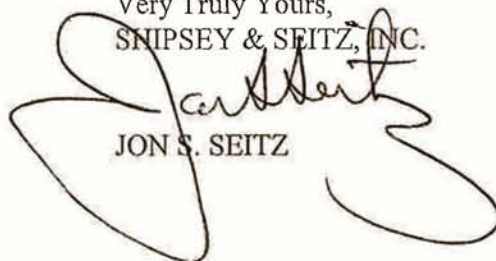
Outside Counsel

Lastly, upon my recommendation and the authorization of either the District Board of Directors and/or the General Manager, the District would, from time to time, retain Special Counsel to associate with District Legal Counsel on any matter customarily requiring or warranting the need for such Special Counsel by reason of his or her expertise on particular matters.

I will continue to represent the District as District Legal Counsel, and my partner, Michael W. Seitz, will continue to represent the District as Deputy District Legal Counsel.

If you should have any questions regarding this proposal, I would be happy to discuss them with you.

Very Truly Yours,
SHIPSEY & SEITZ, INC.



JON S. SEITZ

JSS:jb
Cc: Michael W. Seitz

JON S. SEITZ
MICHAEL W. SEITZ
KAROL M. VOGT

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

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

September 3, 2003

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Attn: Michael Winn, President
Judith Wirsing, Vice President
Robert Blair, Director
Larry Vierheilig, Director
Clifford Trotter, Director
Doug Jones, General Manager

Re: Attorney Fee Proposal for Fiscal Year 2003

Dear President Winn and Members of the Board:

Shipsey and Seitz provides legal services to the Nipomo Community Services District ("District") under the categories of Retainer Services (covering Board Meetings) and hourly rates (covering duties and obligations of the District Legal Counsel). These services and proposal for fees for fiscal year 2003 are further described as follows:

1. Retainer:

The firm provides preparation for and attendance at regular meetings on a retainer basis to avoid attorney costs becoming a factor in determining agenda and meeting length. Retainer services include: (a) preparation for meetings (regardless of agenda length); (b) telephone conferences with the General Manager, Administrative Assistant, and other management staff, relating to the agenda and Brown Act procedures; and (c) attendance at meetings (regardless of length). Since 2000 we have provided these services at a fixed rate of \$650.00 per month. We propose a retainer of seven hundred and fifty dollars (\$750) per month for fiscal year 2003.

Rarely do the costs of Retainer Services exceed the same services provided under our hourly rates. However, at your request, Shipsey and Seitz will provide Retainer Services at our hourly rate.

A recap of the last ten (10) months of Retainer Services are as follows:

MONTH	HOURS	AMOUNT PAID
August 2002	10.9	\$650.00
September 2002	4.45	\$650.00
October 2002	10.8	\$650.00
November 2002	10.5	\$650.00
December 2002	13.2	\$650.00
January 2003	5.95	\$650.00
February 2003	14.10	\$650.00
March 2003	11.9	\$650.00
April 2003	9.7	\$650.00
May 2003	10.55	\$650.00
Total	102.05	\$6,500.00

2. Hourly Rates:

Hourly rates include: (a) preparation of ordinance, resolutions, memorandum, contracts, attendance at meetings (other than regular meetings); and (b) general advice pertaining to District business. These services are performed at the request of management staff and/or the President of the Board. These fees are charged in increments of one-tenth per hour. We have been providing these services to the District at the rate of one hundred and thirty dollars (\$130) per hour since 2000. We propose an hourly rate of one hundred and forty dollars (\$140) per hour commencing with fiscal year 2003.

3. Reimbursable Hourly Rates and Litigation:

This would represent a new category of legal billing services that are outside District Legal Counsel responsibilities as defined in Sections 1 and 2 above. Under this category the District would be billed one hundred and fifty-five dollars (\$155) per hour for services provided in connection with matters the District is reimbursed through third parties for legal services and/or any work which the District can, by statute or other authority, impose and collect fees from third parties for legal services. Included in this service category would be the preparation, prosecution and defense of litigation.

Shipsey and Seitz would prepare separate billing statements for each of the matters referenced in this category.

4. Expenses

Shipsey & Seitz does not expense the District for long distance phone calls, in-office photocopying, faxing, e-mailing, or secretarial time. Shipsey and Seitz would continue to expense the District, at its direct cost, for bulk photocopying (i.e. photocopying service such as Kinko's) and extraordinary mailing (i.e. overnight or large items).

5. Continuing Education and Law Library

Shipsey and Seitz would continue to expense the District for out of pocket costs for: (a) continuing education (that relates to governmental agency representation); (b) specialized computer programs (that relate to governmental services or are obtained at a governmental rate); and (c) books and other materials on the subject of Special District representation. By agreement these costs would be split with other Special Districts that we represent as District Legal Counsel.

6. Billing

I would expect the Board of Directors to approve legal fees as part of the general warrant approval process prior to payment.

7. Outside Counsel

Lastly, upon my recommendation and the authorization of either the District Board of Directors and/or the General Manager, the District would, from time to time, retain Special Counsel to associate with District Legal Counsel on any matter customarily requiring or warranting the need for such Special Counsel by reason of his or her expertise on particular matters.

During the fiscal year 2003 I will continue to represent the District as District Legal Counsel, and my partner, Michael W. Seitz, will continue to represent the District as Deputy District Legal Counsel.

Nipomo Community Services District
Board of Directors
September 3, 2003
Page 4 of 4

If you should have any questions regarding this proposal, I would be happy to discuss them with you.

Very Truly Yours,
SHIPSEY & SEITZ, INC.

JON S. SEITZ

JSS:jb

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 8, 2006

AGENDA ITEM
D-5
DECEMBER 13, 2006

AMEND RICHARDS WATSON AGREEMENT

ITEM

Amend agreement with Richards Watson Gershon Attorneys at Law to increase hourly charges [Recommend approval].

BACKGROUND

Your Honorable Board hired Jim Markman of the Richards Watson Law Firm in January 1999 at the rate of \$200 per hour for his time, \$175 per hour for other partners, and \$150 per hour for associates. Mr. Markman has submitted the attached letter requesting an increase in his charges to \$250 per hour, \$225 per hour for other partners and \$185 per hour for associates. These proposed charges are at or below the charges for similar specialized legal services in California.

RECOMMENDATION

Staff believes that Mr. Markman has provided valuable service to NCSD and his proposed charges are reasonable. Staff recommends that your Honorable Board approve the request and authorize execution of an amendment to our current letter agreement.

ATTACHMENT

Richards Watson Letter Request

T:\documents\board matters\2006 board letters\Markman Charges.doc



RICHARDS | WATSON | GERSHON

ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

1 Civic Center Circle, P.O. Box 1059, Brea, California 92822-1059
Telephone 714.990.0901 Facsimile 714.990.6230

November 30, 2006

RICHARD RICHARDS
(1916-1988)

GLENN R. WATSON
(RETIRED)

HARRY L. GERSHON
(RETIRED)

STEVEN L. DORSEY
WILLIAM L. STRAUSS
MITCHELL E. ABBOTT
GREGORY W. STEPANICH
ROCHELLE BROWNE
WILLIAM B. RUDELL
QUINN M. BARROW
CAROL W. LYNCH
GREGORY M. KUNERT
THOMAS M. JIMBO
ROBERT C. CECCON
STEVEN H. KAUFMANN
KEVIN G. ENNIS
ROBIN D. HARRIS
MICHAEL ESTRADA
LAURENCE S. WIENER
STEVEN R. ORR
B. TILDEN KIM
SASKIA T. ASAMURA
KAYSER O. SUME
PETER M. THORSON
JAMES L. MARKMAN
CRAIG A. STEELE
T. PETER PIERCE
TERENCE R. BOGA
LISA BOND
JANET E. COLESON
ROXANNE M. DIAZ
JIM G. GRAYSON
ROY A. CLARKE
WILLIAM P. CURLEY III
MICHAEL F. YOSHIBA
REGINA N. DANNER
PAULA GUTIERREZ BAEZA
TERESA HO-URANO
OWEN P. GROSS
BRUCE W. GALLOWAY
MARGUERITE P. BATTERSBY
BILLY D. DUNSMORE
AMY GREYSON
DEBORAH R. HAKMAN
D. CRAIG FOX
ROBERT H. PITTMAN
ALEXANDER ABBE
DIANA K. CHUANG
PATRICK K. BOBKO
DAVID M. SNOW
LOLLY A. ENRIQUEZ
KIRSTEN R. BOWMAN
G. INDER KHALSA
GINETTA L. GIOVINCO
TRISHA ORTIZ
CANDICE K. LEE
DAVID G. ALDERSON
MELISSA C. LAUZARDO
MARICELA E. MARROQUIN
BRIAN D. MABEE
GENA M. STINNETT
JENNIFER PETRUSIS
STEVEN L. FLOWER
ROBERT C. HORTON
MATTHEW E. COHEN
ANDREW TAM
DEBBIE Y. CHO

Nipomo Community Services District
148 S. Wilson Street
PO Box 326
Nipomo, California 93444-0326
Attention: Mr. Bruce Buel, General Manager

Re: Amendment to Agreement for Legal Services in Connection with *Santa Maria Water Valley Conservation District v. City of Santa Maria, et al.*, and related matters dated January 22, 1999

Dear Mr. Buel:

The purpose of this letter is to memorialize the amendment to the above-referenced agreement concerning fees being charged for services. In that regard, it has been agreed between our law firm and the District that the following fees will be charged at the following rates commencing January 1, 2007:

\$250.00 per hour for services rendered by James L. Markman;

\$225.00 per hour for services performed by other firm shareholders; and

\$185.00 per hour for services performed by firm associates.

Other than as so amended, the above-referenced agreement for legal services and each and every term and provision contained therein shall remain in full force and effect.

Please execute the copy of the letter provided herewith where indicated below, thus memorializing the Board of Directors' agreement with this amendment and then

OF COUNSEL

MARK L. LAMKEN
SAYRE WEAVER
WILLIAM K. KRAMER
NORMAN A. DUPONT
JIM R. KARPIAK

LOS ANGELES OFFICE
TELEPHONE 213.626.8484

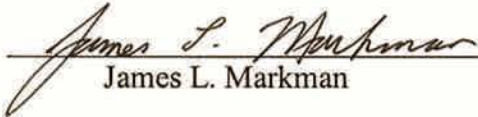
SAN FRANCISCO OFFICE
TELEPHONE 415.421.8484

Mr. Bruce Buel
Nipomo Community Services District
November 30, 2006
Page 2

return the copy to me in the return envelope provided for your convenience. We look forward to continuing to represent the District in this adjudication.

Very truly yours,

RICHARDS, WATSON & GERSHON

By: 
James L. Markman

The above is agreed to.

NIPOMO COMMUNITY SERVICES DISTRICT

By: _____

Dated: _____

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 8, 2006



AUTHORIZE THE ADDITION OF JAMES D. HARRISON TO
BANK SIGNATURE CARDS

ITEM

Authorize the addition of James D. Harrison to bank signature cards.

BACKGROUND

Midstate Bank and Trust is requesting the Board of Directors approve by minute order the addition of James D. Harrison to the bank signature cards and the removal of Judith Wirsing from the bank signature cards.

RECOMMENDATION

Staff recommends that the Board of Directors authorize the addition of James D. Harrison to the bank signature cards and the removal of Judith Wirsing from the bank signature cards by minute order.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 8, 2006

**AGENDA ITEM
D-7
DECEMBER 13, 2006**

AUTHORIZE RETENTION OF TEMPORARY OFFICE HELP

ITEM

Authorize retention of office temporary help during recruitments period [Recommend approval].

BACKGROUND

With the resignation of Conservation Specialist Madonna Dunbar and the likelihood that the District Engineer position will be unfilled until it can be re-advertised at a revised salary scale this Winter, a staffing shortage will affect the ability of the office staff and particularly the General Manager to cover all of the Board's priorities. The General Manager is requesting that the Board create a temporary contract position (for up to 960 hours of time) of Assistant to the General Manager with the duties set forth in the attached Job Description. The General Manager proposes to pay \$19.89 per hour (the mid point of the proposed Water Conservation Specialist salary range) with no health or PERS retirement benefits. The total cost to the District would be approximately \$21,000 (including FICA, Workers Comp and Medicare contributions), which would be partially offset by not paying for a regular Conservation Specialist during the recruitment period for replacement of the conservation specialist.

RECOMMENDATION

Staff believes that this temporary position is desirable to maintain the current level of effort.

Staff recommends that your Honorable Board create the temporary contract position for up to 960 hours of time with the attached job description at a salary of \$19.89 per hour with no health or PERS Retirement benefits.

ATTACHMENT

Proposed Job Description – Assistant to the General Manager

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ASSISTANT TO GENERAL MANAGER

1. DEFINITION

Under direction of the General Manager and in his/her absence the Assistant Administrator, the Assistant to the General Manager, as a temporary contract position (up to 960 hours), assists the General Manager as directed; assists in processing developer Will Serve Applications and Annexation Applications; assists in implementing District Projects; assists in tracking Water Allocation program; assists in preparing regulatory and operational reports; coordinates with staff from other agencies; assists in implementing water conservation program; handles correspondence; performs clerical tasks; and performs related work as assigned.

2. EXAMPLES OF DUTIES (Illustrative Only)

- A. Assists the General Manager as directed in implementing District Projects.
- B. Assists in the implementation of District Projects including all tasks necessary to plan, design, comply with CEQA, secure permits, secure land, award bids, manage construction, accept completion, arrange for operation, and submit periodic reports on projects status in conjunction with authorized consultants, contractors, property owners, and agency personnel.
- C. Assists in processing developer sponsored will serve applications including all tasks necessary to receive applications, determine the completeness of applications; process the intent to serve letter approval or denial; secure Plan Check and Inspection Agreement execution; assign an appropriate plan check consultant; monitor the plan check and inspection process; assist in select inspections; approve final plans; issue the Notice to Proceed; secure required easements; coordinate project construction inspection; coordinate with the county and other utilities; secure applicant submittals; secure applicant fee payments; issue a final will serve letter; present a Resolution of Acceptance to the Board; and finalize the warranties.
- D. Assists in processing developer sponsored annexation application including all tasks necessary to receive applications, determine the completeness of applications; process Board review of the annexation application; develop the draft annexation agreement; present the annexation agreement to the Board; implement the conditions of the annexation agreement; and coordinate with LAFCO.
- E. Assists in tracking District Water Allocation Program including all tasks necessary to maintain current allocation balances by category for approved projects; advise the Board on the commitment represented by projects; track the dedication of approved projects; submit periodic reports; and maintain waiting lists as required.

- F. Assists in preparing a variety of periodic and special reports for submission to District management and regulatory agencies.
- G. Coordinates with the staff of other agencies, attends meetings as directed and reports results of meetings to management.
- H. Assists in Implementing the District's Water Conservation program.
- I. Researches issues as directed and drafts correspondence for completion by management.
- J. Provide clerical assistance as directed in support of front office staff including answering telephones, copying, filing, and interacting with customers.
- K. Presents information to the District Board, District Committees, Agency Boards and Committees and citizen groups.
- L. Interacts with District Staff and Legal Counsel to respond to requests for support under the supervision of the General Manager.
- M. Represents the District in a professional manner.

3. EMPLOYMENT STANDARDS

Knowledge of:

- A. Principles and practices of project management;
- B. Applicable laws, codes and regulations including CEQA and the Subdivision Map Act;
- C. Computer applications related to the work.

Skill in:

- A. Complying with CEQA;
- B. Securing Permits for development of works;
- C. Coordinating the use of consultants and contractors;
- D. Maintaining accurate records and preparing accurate reports and clear and concise correspondence;
- E. Working independently within established procedural guidelines;
- F. Making oral presentation to groups;
- G. Identifying customer problems and resolving them in an effective and congenial manner;
- H. Establishing and maintaining effective and professional working relationships with those contacted in the course of the work;
- I. Typing reports and memorandum using word-processing programs.

Physical Characteristics:

- A. Vision to read maps, plans, and instruction manuals and to operate a motor vehicle;
- B. Hearing to interact in person, on the telephone and over a radio;
- C. Strength to lift and move equipment 40 pounds with proper equipment;

**ASSISTANT TO GENERAL MANAGER
TEMPORARY CONTRACT POSITION**

EFFECTIVE: 12/13/06

Working Conditions:

- A. The normal working day starts at 8am and ends at 4:30pm;
- B. Employee must be available for attendance at evening and weekend meetings;

Licenses:

- A. Must possess and maintain a valid California Class C driver's license and have a satisfactory driving record.

Education and Experience:

Equivalent to graduation from an accredited high school and at least four years of work experience in a comparable position.

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TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBU*
DATE: DECEMBER 8, 2006

**AGENDA ITEM
D-8
DECEMBER 13, 2006**

AMEND SANITARY SEWER OVERFLOW REPORTING DESIGNATED PARTY

ITEM

Adopt Resolution amending designated party for Sanitary Sewer Overflow reporting.

BACKGROUND

Your Honorable Board in September adopted resolution 2006-993 appointing Madonna Dunbar as the designated reporting party for sanitary sewer overflows. Madonna Dunbar has resigned and the State Regulations require a current employee to be designated. Attached is a resolution rescinding Resolution 2006-993 and appointing Bruce Buel as the District's Designated Reporting Party.

RECOMMENDATION

Approve the attached Resolution

ATTACHMENT

Draft Resolution

T:\documents\board matters\2006 board letters\SSO Designation.doc

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-__**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING BRUCE BUEL, NCSD GENERAL MANAGER,
AS A LEGALLY RECOGNIZED REPRESENTATIVE FOR REPORTING PURPOSES**

WHEREAS, the State Water Resources Control Board (State Water Board) adopted a Statewide General Waste Discharge Requirement (WDR) for Wastewater Collection System Agencies on May 2, 2006. The WDR requires the District to develop system specific Sewer System Management Plan(s) consisting of provisions for proper and efficient management, operation and maintenance of the sanitary sewer systems, as well as a spill response plan. In addition, regular system reports by District staff will be required through the Monitoring and Reporting Program (MRP), and

WHEREAS, the NCSD Board on September 13, 2006 adopted resolution 2006-993 appointing Madonna Dunbar as the Legally Responsible Official but Madonna Dunbar has resigned effective December 8, 2006, and

WHEREAS, the designation of the General Manager as the Legally Responsible Official will facilitate the reporting procedure.

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

1. NCSD General Manager Bruce Buel is recognized as a Legally Responsible Official for the Sanitary Sewer Overflow Monitoring and Reporting program, and
2. Resolution 2006-993 appointing Madonna Dunbar is rescinded.

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

AYES: Directors
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 13th day of December, 2006.

Lawrence Vierheilg, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel