

D. CONSENT AGENDA (CONTINUED)

- D-3) AUTHORIZE PURCHASE OF FORD ESCAPE FOR ADMINISTRATIVE DUTIES, DECLARE TOYOTA COROLLA SURPLUS, AND AUTHORIZE SALE OF TOYOTA [RECOMMEND APPROVAL]
- D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH BOYLE ENGINEERING TO PREPARE COMPARISON OF BLACKLAKE WATER SYSTEM STAND ALONE VERSES MERGED WITH TOWN SYSTEM [RECOMMEND APPROVAL]
- D-5) ACKNOWLEDGE INTERIM REVISIONS TO COMMITTEE ASSIGNMENTS FOR BALANCE OF 2006 [RECOMMEND APPROVAL]
- D-6) ADOPT RESOLUTION COMMENDING BATTALION CHIEF DAN ANDERSON FOR HIS SERVICE TO NIPOMO [RECOMMEND ADOPTION]

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 [RECOMMEND ADOPTION]

NOTE: AGENDA ITEM E-2 WILL PROBABLY BE HEARD AT APPROXIMATELY 11AM

- E-2) CONSIDER REQUEST FROM THE K BERGMAN GROUP TO DEFER CAPACITY FEES FOR THE CHESTNUT VILLAS COMMERCIAL PROJECT [PROVIDE POLICY DIRECTION]
- E-3) CONSIDER REQUEST FROM CHRIS WILL FOR DISTRICT TO ABSORB PUDWILL MUTUAL WATER COMPANY [RECOMMENDATION PENDING]

F. MANAGER'S REPORT

G. COMMITTEE REPORTS

- 1.) RECEIVE MINUTES FROM 11/6/06 WATERLINE INTERTIE PROJECT DESIGN AND CONSTRUCTION COMMITTEE [RECOMMEND RECEIVING MINUTES]

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 MARIA VISTA VS. NCSO CASE NO. CV 040877
- 3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSO (CASE NO. CV060349)

**Nipomo Community Services District
REGULAR MEETING
AGENDA**

- I. *CLOSED SESSION ANNOUNCEMENTS (CONTINUED)*
 - 4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSD 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
- K. ADJOURN TO CLOSED SESSION
- L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

- **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

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: NOVEMBER 17, 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.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Approve minutes of November 8, 2006 Regular Meeting
- D-3) AUTHORIZE PURCHASE OF FORD ESCAPE FOR ADMINISTRATIVE DUTIES,
DECLARE TOYOTA COROLLA SURPLUS, AND AUTHORIZE SALE OF TOYOTA
[RECOMMEND APPROVAL]
- D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH BOYLE ENGINEERING TO
PREPARE COMPARISON OF BLACKLAKE WATER SYSTEM STAND ALONE VERSES
MERGED WITH TOWN SYSTEM [RECOMMEND APPROVAL]
- D-5) ACKNOWLEDGE INTERIM REVISIONS TO COMMITTEE ASSIGNMENTS FOR
BALANCE OF 2006 [RECOMMEND APPROVAL]
- D-6) ADOPT RESOLUTION COMMENDING BATTALION CHIEF DAN ANDERSON FOR HIS
SERVICE TO NIPOMO [RECOMMEND ADOPTION]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\CONSENT 11-22-06.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS NOVEMBER 17, 2006**

**AGENDA ITEM
D-1
NOVEMBER 22, 2006**

HAND WRITTEN CHECKS

18928	11-08-06	BLMA	100.00
18929	11-08-06	BLMA	75.00
18930	11-08-06	D JOHNSON	50.00
18931	11-15-06	ROCKHURST	4.00
18932	11-15-06	J WIRSING	50.00
18933	11-15-06	L VIERHEILIG	50.00

**TOTAL COMPUTER
CHECKS
\$ 194,628.69**

VOIDED CHECKS

18924 & 12358

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
12838	11/13/06	EMP01	EMPLOYMENT DEVELOP DEPT	572.67	.00	572.67	A61113	STATE INCOME TAX
12839	11/13/06	MID01	MIDSTATE BANK-PR TAX DEP	2342.81	.00	2342.81	A61113	FEDERAL INCOME TAX
				100.44	.00	100.44	1A61113	FICA
				607.58	.00	607.58	2A61113	MEDICARE (FICA)
			Check Total.....:	3050.83	.00	3050.83		
12840	11/13/06	MID02	MIDSTATE BANK - DIRECT DP	17401.52	.00	17401.52	A61113	NET PAY
12841	11/13/06	PER01	PERS RETIREMENT	5752.47	.00	5752.47	A61113	PERS PAYROLL REMITTANCE
12842	11/13/06	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A61113	WAGE ASSIGNMENT
12843	11/13/06	STA01	STATE STREET GLOBAL	1105.00	.00	1105.00	A61113	457 DEFERRED COMP
012844	11/22/06	AME02	AMERICAN INDUSTRIAL SUPPL	39.37	.00	39.37	0165650	SUPPLIES
012845	11/22/06	AME03	AMERI PRIDE	71.89	.00	71.89	F825589	UNIFORMS
				67.12	.00	67.12	F831428	UNIFORMS
			Check Total.....:	139.01	.00	139.01		
012846	11/22/06	AQU01	AQUA-METRIC SALES CO.	1352.48	.00	1352.48	14765	24 WATER METERS
012847	11/22/06	AWW02	AMERICAN WATER WORKS ASSO	305.00	.00	305.00	29391	AWWA ANNUAL DUES
012848	11/22/06	BOY01	BOYLE ENGINEERING CORP	1220.40	.00	1220.40	036827	HETRICK WATERLINE
				3561.30	.00	3561.30	19996.09	BL BOOSTER STATION UPGRAD
				55.08	.00	55.08	19996.11	PCI-090-143-005 BURTNESS
				73576.62	.00	73576.62	19996.12	WATERLINE INTERTIE PROJEC
				15641.10	.00	15641.10	19996.17	SOUTHLAND WWTF MASTER PLA
				145.80	.00	145.80	19996.27	PCI-090-371-013 RICHEY
				51.30	.00	51.30	19996.28	PCI-TRACT 2715 NESTER
				270.00	.00	270.00	19996.29	PCI-TRACT 2734 DEBLAUW
			Check Total.....:	94521.60	.00	94521.60		
012849	11/22/06	BUE02	BUEL, BRUCE	300.00	.00	300.00	NOVEMBER	AUTO ALLOWANCE-NOVEMBER
012850	11/22/06	CAN02	CANNON ASSOCIATES	381.00	.00	381.00	39652	INTERCONNECT SCADA SET UP
012851	11/22/06	CRE01	CREEK ENVIRONMENTAL LABS	176.00	.00	176.00	N6559	LAB TEST-TOWN WATER
				24.00	.00	24.00	N6560	LAB TEST-BLWWTP
				24.00	.00	24.00	N6592	LAB TEST-BLWWTP
				200.00	.00	200.00	N6598	LAB TEST-SOUTHLAND WWTP
				24.00	.00	24.00	N6629	LAB TEST-BLWWTP
				24.00	.00	24.00	N6664	LAB TEST-BLWWTP
			Check Total.....:	472.00	.00	472.00		
012852	11/22/06	DWI01	DWIGHT'S AUTOMOTIVE	339.19	.00	339.19	31977	ALTERNATOR REPLACEMENT
012853	11/22/06	EBY01	EBY, ED	100.00	.00	100.00	112206	BOARD MEETING 11/22/06
012854	11/22/06	ENV01	ENVIRONMENTAL EQUIP ENG	10645.81	.00	10645.81	3573	FLOATING AERATOR
012855	11/22/06	FGL01	FGL ENVIRONMENTAL	348.00	.00	348.00	610691A	LAB TEST-BLWWTP
				112.00	.00	112.00	611007B	LAB TEST-BLWWTP
				187.00	.00	187.00	611008B	LAB TEST-SOUTHLAND WWTP
				210.00	.00	210.00	611043A	LAB TEST-OLYMPIC WELL
			Check Total.....:	857.00	.00	857.00		

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS NOVEMBER 17, 2006**

**AGENDA ITEM
D-1
NOVEMBER 22, 2006
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
012856	11/22/06	GRO02	GROUND UP	765.00	.00	765.00	10/15/06	HETRICK WATERLINE CONSTRU
012857	11/22/06	IND02	INDEPENDENT ELEC SUPPLY	35.38	.00	35.38	1778101	SUPPLIES
012858	11/22/06	KOF01	KOFF & ASSOCIATES, INC.	4575.00	.00	4575.00	168	COMPENSATION STUDY-OCT 20
012859	11/22/06	MID05	MID STATE BANK PETTY CASH	39.00 24.43 87.00 43.59	.00 .00 .00 .00	39.00 24.43 87.00 43.59	111606 111606A 111606C 111606D	OFFICE DEMO GARDEN CREEK DAY SUPPLIES OFFICE SUPPLIES POSTAGE
			Check Total.....:	194.02	.00	194.02		
012860	11/22/06	NIP08	NIPOMO CSD	354.90	.00	354.90	A61115	LANDSCAPE MAINT DIST WATE
012861	11/22/06	PAD02	PADRE ASSOCIATES, INC	981.94	.00	981.94	1579	HETRICK ENVIRONMENTAL DET
012862	11/22/06	PER04	PERRY'S ELECTRIC MOTORS	137.50 343.75	.00 .00	137.50 343.75	6506 6507	INSTALL IMPELLOR MOTOR FOR AERATOR
			Check Total.....:	481.25	.00	481.25		
012863	11/22/06	FWM01	PW MANN ELECTRIC INC	3828.69	.00	3828.69	6070	LIGHTING AT WELLS/OFFICE
012864	11/22/06	REL01	RELIABLE	107.24	.00	107.24	YPX05702	OFFICE SUPPLIES
012865	11/22/06	RIC01	RICHARDS, WATSON, GERSHON	11303.09 7110.00	.00 .00	11303.09 7110.00	149247 149248	GROUNDWATER LITIGATION COASTKEEPER LAWSUIT
			Check Total.....:	18413.09	.00	18413.09		
012866	11/22/06	SAN09	SAN LUIS MAILING SERVICE	184.98 904.13	.00 .00	184.98 904.13	31093A 31093B	BILL FOLD/MAIL POSTAGE FOR BILLS
			Check Total.....:	1089.11	.00	1089.11		
012867	11/22/06	SOU04	SOUTHWEST SERVICES	431.21	.00	431.21	9354	CALIBRATE INFLUENT FLOW M
012868	11/22/06	SPE01	SPECIAL DISTRICT RISK	3370.40	.00	3370.40	18986	W/C INS 2005-2006 PROGRAM
012869	11/22/06	SPM01	SP MAINTENANCE SERVICES	350.00 1828.00 1832.00 1832.00 1828.00	.00 .00 .00 .00 .00	350.00 1828.00 1832.00 1832.00 1828.00	16318 16389 16390 16391 16392	RAIN GUTTER CLEANING JULY STREET SWEEPING AUGUST STREET SWEEPING SEPTEMBER STREET SWEEPING OCTOBER STREET SWEEPING
			Check Total.....:	7670.00	.00	7670.00		
012870	11/22/06	TAR01	TARVIN & ASSOCIATES	7040.00	.00	7040.00	3	RIGHT OF WAY SERVICES-INT
012871	11/22/06	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	112206	BOARD MEETING 11/22/06
012872	11/22/06	UNI01	UNION ASPHALT, INC.	486.95	.00	486.95	256111	CLASS II BASE
012873	11/22/06	UNI02	UNITED STATES POSTAL	500.00	.00	500.00	A61116	POSTAGE FOR MACHINE
012874	11/22/06	VAL01	VALLEY SEPTIC SERVICE	500.00	.00	500.00	3592	JET BL GOLF COURSE/MANHOL
012875	11/22/06	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	112206	BOARD MEETING 11/22/06
012876	11/22/06	WIN01	WINN, MICHAEL	100.00	.00	100.00	112206	BOARD MEETING 11/22/06
012877	11/22/06	WIR02	WIRSING, JUDY	100.00	.00	100.00	112206	BOARD MEETING 11/22/06
012878	11/22/06	WOO01	DOUGLAS WOOD & ASSOCIATES	5364.41 555.15	.00 .00	5364.41 555.15	20 A61114	INTERTIE DRAFT & FINAL EI SOUTHLAND SHOP UPGRADE EI

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

D2

MINUTES

NOVEMBER 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

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 9:01 a.m. and led the flag salute.
- 00:00:15 B. ROLL CALL
At Roll Call, all Board members were present.
- 00:02:04 C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT
- C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S STATION
Commander Basti was not present.
- C-2) CALIFORNIA DEPARTMENT OF FORESTRY (CDF)
00:02:24 Captain Felix Camacho informed the Board that he would be getting the information about Battalion Chief Dan Anderson.
He announced the new Battalion Chief will be Bill Fisher from the Monterey County Unit who had been with the San Luis Obispo CDF since 1979. Chief Fisher will report on November 13, 2006.
Captain Camacho presented information about the CDF activities on the Nipomo Mesa. For the month of October, Station 20 had 115 calls: 11 fire, 23 vehicle accidents, 55 medical aid and 26 various others. Station 22 had 54 calls: 7 fire, 7 vehicle accidents, 28 medical aids and 12 miscellaneous calls.
There were two structure fires on the same day, one in the Mesa Dunes development being a total loss and displacing a family of eight. Two days later, a truck filled with merchandise went over the overpass at Los Berros.
Burn permits for areas allowed to burn are available at the station and in the District lobby. A map showing the Urban Reserve Lines is also available in the lobby.
- C-3) STAFF OVERVIEW OF PRELIMINARY ELECTION RESULTS
00:08:04 Bruce Buel, General Manager, presented the uncertified Election Results.
Larry Vierheilig and Cliff Trotter will be remaining on the Board and Jim Harrison will be joining the Board.
- C-4) STAFF PREVIEW OF LAND CONSERVANCY FLOOD PREPAREDNESS FORUM
00:08:46 A Flood Preparedness Form will be held Thursday, November 16, 2006, in the District Board room from 7 to 10 p.m. This is being organized by The Land Conservancy and Herb Kandel. The objective is for property owners to prepare for this winter.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
**REGULAR MEETING
 MINUTES**

- C. PUBLIC COMMENT PERIOD (continued)
 Sand bags will be available at the District office for 25 cents each. Sand will be available in the field next to the District office.

The following member of the public spoke:

Ed Jones, TCG Project Manager for the Maria Vista Development – stated that he was disappointed that his project was not on the agenda for acceptance. He stated that he has been treated poorly by NCSD staff.

00:13:06

- D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Approve Minutes of October 25, 2006, Regular Meeting

The Board had several corrections: E-1, E-3, E-4, E-9 and change Board “they” to “it.”

D-3) AWARD BID FOR CONSTRUCTION OF REPLACEMENT FENCE FOR TEFFT STREET LIFT STATION AND AUTHORIZE EXECUTION OF AGREEMENT

D-4) AUTHORIZE PURCHASE OF WATER AND SEWER GEMS MODELING SOFTWARE FOR WATER AND SEWER SYSTEM MASTER PLAN IMPLEMENTATION

D-5) AWARD 2007 LANDSCAPE MAINTENANCE CONTRACT FOR LANDSCAPE MAINTENANCE DISTRICT NO. 1 – TEJAS

D-6) AUTHORIZE EXECUTION OF TASK ORDER WITH DEE JASPAR AND ASSOCIATES, INC. TO PERFORM A PEER REVIEW OF THE BLACKLAKE BOOSTER STATION REPLACEMENT TECHNICAL MEMORANDUM

Bruce Buel, General Manager, reviewed the items to be considered on the Consent Agenda.

Jon Seitz, District Legal Counsel, made a small change in the Landscape Maintenance Agreement, Page 2 E. “Minimum Wage” changes to “Prevailing Wage”.

Director Wirsing asked that Item D-5 be pulled from the Consent Agenda to be considered separately.

The directors pointed out necessary corrections in E-1, E-3, E-4, and E-9 of the Minutes.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1 through D-4 and D-6 of the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

Item D-5 was discussed. Director Wirsing stated that the Board letter did not mention the owner’s name. Mr. Buel stated that when the agreement is signed, the owner of Landmark Landscape, Inc. will provide the information. Lisa Bognuda stated that she reviewed the project with Andy Furakawa, the Project Manager, to confirm the correctness of the bid.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Item D-5. There was no public comment. Vote 5-0.

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

MINUTES SUBJECT TO BOARD APPROVAL

00:28:35 E. ADMINISTRATIVE ITEMS

At 9:56 a.m., the Board took a break and resumed at 10:05 a.m.

E-1) RECEIVE PRESENTATION FROM CARLOS REYNOSO REGARDING FY2005-06 AUDIT AND ACCEPT FY2005-06 AUDIT

Bruce Buel, General Manager, introduced Mr. Reynoso.
Carlos Reynoso, CPA, who conducted the annual audit for the fiscal year ending June 30, 2006, reviewed the report.
The Board discussed the report with Mr. Reynoso.
The following members of the public spoke:
Jim Harrison, NCS D resident – asked about the total cost of the pipeline so far.
Lisa Bognuda, Assistant Administrator – explained how the costs are shown on Page 28 of the report.
Upon motion of Director Winn and seconded by Director Eby, the Board unanimously accepted the FY 2005-2006 Audit Report. Vote 5-0. President Vierheilig thanked Mr. Reynoso for the report.

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

00:55:47 E-2) RECEIVE WATERLINE INTERTIE PROJECT PRE-DESIGN TECHNICAL MEMORANDUM

Bruce Buel, General Manager, introduced Mr. Mike Nunley from Boyle Engineering. Mr. Buel suggested that there may be a workshop held December 6, 2006, to discuss this subject further.
Mike Nunley, Project Manager for the waterline intertie, presented many slides explaining the project. A condensed version of the slides is filed in the District office.
Cesar Romero, also from Boyle Engineering – presented more slides relating to the project.
The Board had many questions for the presenters.

The Board took a break at 11:23 a.m. and returned at 11:55 a.m.

Chris Vardas, from Padre Engineering, presented some slides about the project.
Brian Douglas, from Padre Engineering, also talked about the project.
Mike Nunley returned to answer questions from the Board.
Director Wirsing asked how many years are anticipated before receiving water.
Mr. Buel explained the process, including recirculation of a revised EIR. Construction of the waterline intertie might be complete by late 2009.
Inflation was not included in the costs of the project. Present day costs were used in the cost estimates.
Director Eby asked what percentage of the design was complete. Mr. Nunley explained that about 10% of the design portion of the project is complete.
President Vierheilig stated that water from Santa Maria was only one alternative to a supplemental water supply. Other possibilities need to be explored.
There was no public comment.
President Vierheilig thanked the presenters.

MINUTES SUBJECT TO BOARD APPROVAL

00:13:06

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS 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 GC 54956.9 NCSA VS. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSA (CASE NO. CV060349)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 1:00 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:58 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above.

1. The latest ruling on the Santa Clara County case is posted on the website.
2. There was no reportable action on Items I-1, I-2, and I-4.
3. Upon motion of Director Winn and seconded by President Vierheilig, the Board unanimously authorized legal counsel to dismiss the Summit Station case.
4. The trial for the Coastkeeper case was held Monday, November 6, 2006. No report has been received from the court.

The Board agreed to consider Item E-6 out of order

03:41:52

E-6) CONSIDER PACE BROS. REQUEST TO WAIVE WATERLINE LOOPING REQUIREMENT FOR TRACT 2658 – GROVE STREET WEST OF SOUTH OAKGLEN STREET

Bruce Buel, General Manager, explained the request from the developers of Tract 2658 to waive the District standard requirement to loop the waterline.

Jon Seitz, District Legal Counsel, explained that looping of water lines is a health and safety issue.

The Board discussed the matter with the developers and agent.

Dan Pace, one of the developers of the project, explained that the looping was not a part of the original requirement for the water line to supply the project.

John Shoals, Agent from RRM Design Group, stated that the clients are willing to do whatever is necessary.

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

- E-6) CONSIDER PACE BROS. REQUEST TO WAIVE WATERLINE LOOPING REQUIREMENT FOR TRACT 2658 – GROVE STREET WEST OF SOUTH OAKGLEN STREET (continued)

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to approve the waiver conditioned upon the following: the recordation of an utility easement from the west end of Grove Street to the Northern perimeter of Lot 9; the installation of a valve cluster at the west end of Grove Street; the installation of an 8" water main from the west end of Grove Street to the Northern perimeter of lot 9; and the recordation of a notice for each of the nine lots that water to each lot would be delivered by a dead end line. Vote 4-1 with Director Wirsing voting no.

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

04:18:20

- E-3) DISCUSS PROCESS FOR ACTIVATING PARKS AUTHORITY; PREVIEW CONCEPT FOR DEVELOPMENT OF JIM MILLER PARK AT TEFFT AND CARRILLO, AND AUTHORIZE NEGOTIATION OF MOU WITH COUNTY OF SAN LUIS OBISPO REGARDING PARKS AUTHORITY AND JIM MILLER PARK

President Vierheilig described the preliminary plans for a neighborhood park in the vacant area on W. Tefft Street and adjacent to Carrillo Street. SLO County is proposing that designing will be a senior project extending over two quarters. There was some Board discussion. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to authorize staff to interact with the project stakeholders, and authorize staff to interact with SLO County and SLO LAFCO regarding activation of parks authority and development of a neighborhood park. Vote 5-0

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

04:41:25

- E-4) AUTHORIZE REQUEST FOR PROPOSAL FOR CONSULTANT TO CONDUCT PARKS SURVEY AND REFER DEVELOPMENT OF SURVEY TO PARKS COMMITTEE

Bruce Buel, General Manager, explained the recommendation to restructure the parks survey and then authorize staff to process an RFP for a random sample phone survey. The Board discussed questions such as: why the survey is necessary, what the boundaries would be, who would be writing the survey, etc.

Upon motion of Director Eby and seconded by Director Wirsing, the Board authorized the Parks Committee to develop a survey and report back to the Board. There was no public comment. Vote 5-0.

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

MINUTES SUBJECT TO BOARD APPROVAL

04:54:54 E-5) CREATE AD HOC COMMITTEE TO DISCUSS BLACKLAKE WATER SYSTEM ISSUES WITH BLACKLAKE COMMUNITY

Bruce Buel, General Manager, explained the need to create an ad hoc committee of the Board to interact with the Blacklake Community regarding the Water Booster Station and the status of the Blacklake Water Fund. Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to form an ad hoc committee to discuss the Blacklake water system issues with the Blacklake community. There was no public comment. Vote 5-0

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

04:56:38 F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the Manager's Report. There was no public comment.

04:58:38 G. COMMITTEE REPORTS

The Personnel Committee (Director Wirsing and President Vierheilig) will meet Tuesday, November 14, 2006, with Koff & Associates and the District employees.

04:59:27 H. DIRECTOR'S COMMENTS

Director Wirsing

Some Golden State Water Co. customers are upset with Nipomo because they think that their water rates will be going up to pay for supplemental water.

Director Eby

Sent out press releases about the Flood Forum Thursday, November 16, 2006 at 7:00 p.m.

Director Winn

Thursday, November 16, 2006, SLO Planning Commission will be looking at the West Tefft Corridor Plan.

Friday, November 17, 2006, Economic Summit in Santa Barbara put on by Mid State Bank and UCSB.

Monday, November 20, 2006, Conservation Committee meeting with Ms. Dunbar at noon.

Wednesday, November 29, 2006, WRAC will meet at 1:30 p.m.

Wednesday, December 6, 2006, WRAC may meet.

Mr. Buel announced that the Parks Committee was originally set to meet November 20th but may be changed to December 11, 2006.

05:05:00 ADJOURN

President Vierheilig adjourned the meeting at 3:22 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS NOVEMBER 22, 2006.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Waterline Intertie Project Definition
- Recirculation of Waterline Intertie Project Revised Draft EIR

➤ **THE NEXT SPECIAL BOARD MEETING IS NOVEMBER 15, 2006.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Water Allocation Policy Amendments
- Addition of Water Allocation Component to Annexation Policy
- Presentation of Salary Survey

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: Nov. 17, 2006



AUTHORIZE PURCHASE OF ADMINISTRATIVE VEHICLE

ITEM

Authorize purchase of Ford Escape for administrative duties, declare Toyota Corolla surplus, and authorize sale of Toyota [Approve Recommendation].

BACKGROUND

Your Honorable Board in October authorized staff to solicit bids for a vehicle to replace the Toyota Corolla. On November 2, 2006, staff faxed the attached bid quote to eight dealers. Two dealers responded with the attached quotes. The apparent low bidder is Mullahey Ford of Arroyo Grande with a bid of \$15,805.97.

RECOMMENDATION

Staff recommends your Honorable Board award the bid to Mullahey Ford and direct staff to execute a purchase agreement. Staff further recommends that the Board amend the FY06-07 Budget to transfer \$15,805.97 from reserves, declare the Toyota Corolla surplus and authorize staff to sell it pursuant to the requirements of the government code.

ATTACHMENT

Bid request Memorandum
Bid responses

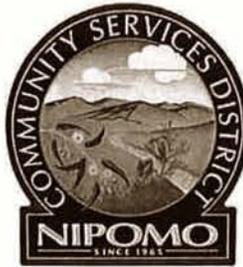
Faxed Bid Request Nov. 2, 2006, to the following car dealerships:

<u>Dealership</u>	<u>FAX#</u>
Mullahey Ford	473-0877
Santa Maria Ford	925-7165
Perry Ford	544-7574
Atascadero Ford	470-4473
Paso Robles Ford	239-2683
Lompoc Valley Ford	735-6039
Mel Clayton Ford	682-8530
Jim Vreeland	688-8528

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

BRUCE BUEL, 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: NCSD.CA.GOV

November 2, 2006

TO: SLO County Car Dealers

SUBJECT: BID ON 2007 FORD ESCAPE

NCSD will accept fax bids until 4pm on Monday November 13, 2006 on a 2007 Ford Escape or equivalent with the following features – Duratec 2.3L I4 Engine, Automatic Transmission, Air Conditioning, Cloth Interior, Roof Rack, Power Mirrors, and XLS 12A Package.

Please return you bid by fax to my attention at 929-1932. If you have any questions, please don't hesitate to call me at 929-1133

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT


Bruce Buel
General Manager

BID SUBMITTAL FOR ABOVE REFERENCED VEHICLE

<u>ITEM</u>	<u>BID</u>
Base Bid	_____
Tax	_____
Tire Fee	_____
TOTAL	_____

EXCLUSIONS AND/OR DEVIATIONS FROM SPECIFICATION: _____

AUTHORIZED AGENT SIGNATURE: _____ DATE: _____



Mullahey Ford

To: Nipomo Community Svcs District

ATTN: DAN

RE: Bid ON 2007 Ford ESCAPE

Duratec 2.3L I4 ENG, Auto, AirCond, Cloth Interior, Roof Rack,
Power Mirrors, XLS 120A PKG

\$14,729.	<u>35</u>
1067.	<u>37</u> TAX
8.	<u>75</u> Tire fee
<hr/>	
15,805.	<u>97</u>

Bid ON exact unit	
With V6 310A PKG	
17,644.	<u>30</u>
1279.	<u>21</u> TAX
8.	<u>75</u> Tire fee
<hr/>	
18,932.	<u>26</u>

Thanks. Bo @ Mullahey



330 Traffic Way • P.O. Box 578 • Arroyo Grande, CA 93421
(805) 481-FORD (3673) • (805) 929-3218 • FAX (805) 473-0877

LOMPOC VALLEY FORD

Discover the Difference

FAX COMMUNICATION

DATE: 11-3-06

TIME: 12:00

NUMBER OF PAGES: 3 (Including Cover)

TO: Mr. Bruce Buel

LOCATION: Nipomo Community Services District

FAX NUMBER: 805-929-1932

SPECIAL INSTRUCTIONS/NOTE: Dear Mr. Buel:

This peticular Escape is available to you
ASAP. Ordering for 2007 Escapes will
terminate in the next month. Thank you
for the opportunity to earn the Nipomo
Community Services Districts business.



Sincerely,
Michelle Hutton
Sales & Fleet

FROM: LOMPOC VALLEY FORD Mrs. Michelle Hutton

DEPARTMENT: Sales & Fleet

MAILING ADDRESS: POST OFFICE BOX 1176 LOMPOC, CA, 93438

1201 North H St, Lompoc, California, 93436 • Lompoc Phone: (805) 735-7676 • Fax: (805) 735-6039

Santa Maria Phone: (805) 922-7987

Copy of document found at www.NoNewWipFax.com

Lompoc Valley Ford NOV-06-2006 (MON) 10:02

(FAX) 805 735 6039

NIPOMO COMMUNITY

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



SERVICES DISTRICT

STAFF
 BRUCE BUEL, GENERAL MANAGER
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Please return you bid by fax to my attention at 929-1932. If you have any questions, please don't hesitate to call me at 929-1133

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Bruce Buel
 General Manager

BID SUBMITTAL FOR ABOVE REFERENCED VEHICLE

ITEM	BID
Base Bid	\$ 14,745
Tax	\$ 1,142.74
Tire Fee	\$ 8.75
TOTAL	\$ 15,896.49

EXCLUSIONS AND/OR DEVIATIONS FROM SPECIFICATION: none

AUTHORIZED AGENT SIGNATURE: Mrs. Michelle Hutton DATE: 11-3-06

 [Print window sticker](#)



Disclaimer: This window sticker is only representative of the information contained on an actual window sticker, and may or may not match the actual window sticker on the vehicle itself. Please see your retailer for further information.

Vehicle Description

ESCAPE 2007 XLS FWD
 DURATEC 2.3L I4 ENGINE
 4-SPEED AUTOMATIC O/D TRANS

Exterior
 OXFORD WHITE CLEARCOAT
Interior
 MEDIUM DARK FLINT CLOTH BUCKETS

Standard Equipment INCLUDED AT NO EXTRA CHARGE

EXTERIOR

- . P225/75R15 A/S BSW TIRES
- . 15" STYLED STEEL WHEELS
- . BODY SIDE CLADDING
- . PWR WINDOWS, LOCK, MIRRORS
- . FULL GRIP ERG DOOR HANDLES
- . LIFTGATE W/FLIP-UP GLASS
- . ROOF SIDE RAILS
- . REAR DEFROST & 2 SPD WIPER
- . MAN FOLD SIDEVIEW MIRRORS

- . REAR CARGO AREA LIGHT
- . CARGO FLOOR HOOKS (4)
- . ILLUMINATED ENTRY
- . POWER OUTLET, 12V

FUNCTIONAL

- . FRONT WHEEL DRIVE
- . 16.5 GALLON FUEL TANK
- . 4-WHL INDEPENDENT SUSP
- . WHEEL NUT WRENCH AND JACK

SAFETY/SECURITY

- . 4 WHEEL ANTI-LOCK BRAKES
- . 2ND GEN DUAL FRONT AIRBAGS
- . SIDE IMPACT DOOR BEAMS
- . SECURILOCK PASS ANTI THEFT
- . LATCH SYSTEM
- . BATTERY SAVER FEATURE
- . REMOTE KEY ENT W/2 KEYFOBS

WARRANTY

- . 24 HR ROADSIDE ASSISTANCE
- . 36 / 36 BUMPER TO BUMPER

INTERIOR

- . CLOTH BUCKET FRONT SEATS
- . CLOTH 60/40 REAR SEAT
- . TIP FOLD FLAT REAR SEATS
- . FLOOR SHIFT W/CNTR CONSOLE
- . AM/FM STEREO W/SINGLE CD
- . DUAL VANITY MIRRORS
- . AIR CONDITIONING
- . CENTER DOME W/ MAP LIGHTS
- . TILT STEERING WHEEL

Price Information

STANDARD VEHICLE PRICE **MSRP**
 \$19,845

Key Standard Equipment

- ORDER CODE 120A
- POWER MIRRORS W/MANUAL FOLD
- ROOF SIDE RAILS-LESS HORIZ
- AIR CONDITIONING

Optional Equipment

- 2007 MODEL YEAR
- OXFORD WHITE CLEARCOAT
- MED DRK FLINT CLOTH BUCKET
- .DURATEC 2.3L I4 ENGINE
- .4-SPEED AUTOMATIC O/D TRANS
- .P225/75R15 A/S BSW TIRES
- CALIFORNIA EMISSIONS SYSTEM
- ROOF RACK W/HORIZ
- CROSSBARS 40

TOTAL VEHICLE & OPTIONS 19,885
 DESTINATION & DELIVERY 640

TOTAL MSRP **\$20,525**

Disclaimer: Option pricing will be blank for any item that is priced as 0 or "No Charge".



Ford Motor Company
Insurance Services

This vehicle qualifies
 for auto insurance discounts,
 call 1-866-367-3131 or visit
www.fordautoinsurance.com
 for availability in your state.



CITY MPG
23
HIGHWAY
MPG
26

Estimated Annual
 Fuel Cost: \$1,376

Vehicle Engine Information

2007 ESCAPE FWD DURATEC 23 - 2.3L I4 ENGINE 4 CYLINDER, FUEL INJECTION, CATALYST, 4-SPEED AUTOMATIC TRANSMISSION
 Actual mileage will vary with options, driving conditions, driving habits and vehicle's condition. Results reported to EPA indicate that the majority of vehicles with these estimates will achieve between 19 and 27 mpg in the city and between 22 and 30 mpg on the highway. For Comparison Shopping all vehicles classified as SPECIAL PURPOSE have been issued mileage ratings from _ to _ mpg city and _ to _ mpg highway.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: NOVEMBER 17, 2006

**AGENDA ITEM
D-4
NOVEMBER 22, 2006**

AUTHORIZE COMPARISON OF BLACKLAKE WATER SYSTEM OPTIONS

ITEM

Authorize Execution of Task Order with Boyle Engineering to prepare comparison of Blacklake Water System stand alone verses merged with Town System [Recommend Approval].

BACKGROUND

Attached is a proposal from Boyle Engineering to perform a comparison of options for the Blacklake Water System on a time and materials basis with a not to exceed expenditure limit of \$6,000.

RECOMMENDATION

Staff believes that this study is essential to negotiating the best solution for all parties regarding provision of future water supply to Blacklake's residents. Staff recommends that your Honorable Board authorize staff to issue a Task Order for up to \$6,000 to perform the scope of work described in the proposal.

ATTACHMENT

Boyle Proposal

T:\documents\board matters\2006 board letters\Blacklake comparison.doc

1194 Pacific Street, Suite 204
San Luis Obispo, CA 93401
TEL: (805)542-9840
FAX: (805)542-9990
www.boyleengineering.com

Employee Owned

Bruce Buel
General Manager
NIPOMO COMMUNITY SERVICES DISTRICT

November 16, 2006
19996.00

Comparative Analysis of Blacklake Supply Options

At your request, Boyle Engineering is pleased to submit a proposal to compare the water supply, storage and distribution options for Blacklake. Options to be considered are 1) Continue with the stand-alone system; 2) Merge with the District's town system; or 3) Create a hybrid system.

The comparative analysis will identify the major capital improvements required to allow each option to serve the community with potable drinking water as well as provide an adequate fire fighting supply. Comparative power costs for each alternative will be included in the analysis.

Costs will be provided to aide the District in determining the best course of action regarding the Blacklake water system. However, the comparative analysis will not assess the potential financial impacts of the options on user rates within the District and Blacklake.

Boyle will be compensated on a time and materials basis, with a budget of \$6,000 not to be exceeded without written authorization from the District. This will include one (1) kickoff meeting with District Staff.

Boyle will complete a draft of the comparative analysis within 60-days of receiving authorization to begin work.

If you have any questions or comments, please contact Mike Nunley or me at 805.542.9840.

Sincerely,

Boyle Engineering Corporation



Joshua Reynolds, P.E.
Senior Engineer

BLACKLAKECOMPARISONLETTER.DOC

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: Nov. 17, 2006

AGENDA ITEM
D-5
NOV. 22, 2006

ACKNOWLEDGE INTERIM COMMITTEE ASSIGNMENTS

ITEM

Acknowledge Interim Revisions to Committee Assignments for the period December 1, 2006 through December 31, 2006. [Approve Recommendation].

BACKGROUND

Attached is a listing of the current Committee Assignments. Effective December 1, 2006, James D. Harrison will assume the Board Seat previously held by Judith Wirsing. In addition, Director Trotter has resigned as Chair of the Parks Committee.

President Vierheilg has made the following appointments for the three following seats for this interim period: Mike Winn as Chair of the Parks Committee; Jim Harrison as Member on the Parks Committee; and Mike Winn as Member on the Personnel Committee.

RECOMMENDATION

No action is required by Honorable Board.

ATTACHMENT

Current Assignments

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\Comm Assignments 2.DOC

NCSD Committee Assignments

As of JULY, 2006

Standing Committee Assignments (2 members)	Chairperson	Member
Santa Maria Supplemental Water/Annexation	Ed Eby	Michael Winn
Olde Towne Parcels	Michael Winn	Larry Vierheilig
Waterline Intertie Project Design	Cliff Trotter	Ed Eby
Parks	Cliff Trotter	Judith Wirsing

Standing Committees are approved by the Board of Directors. A Standing Committee is a legislative body of the Board whose meetings are conducted in compliance with the Brown Act. The Committee Chair is responsible for coordinating meeting announcements with District staff, complying with the Brown Act, and making reports back to the full Board of Directors.

Ad-Hoc Committee Assignments (2 members)	Chairperson	Member
Finance/Audit	Larry Vierheilig	Ed Eby
Water Resources- Other	Michael Winn	Larry Vierheilig
Santa Maria Negotiations	Michael Winn	-----
Conservation/Landscape Design	Michael Winn	Larry Vierheilig
Community Projects Grant Funding	Larry Vierheilig	Michael Winn
Personnel	Larry Vierheilig	Judith Wirsing

Ad-Hoc Committees are appointed by the Board President. Ad-Hoc Committees serve a limited or single purpose and only meet and report when activated by the Board. Once the Report is delivered to the Board, the Ad-Hoc Committee returns to inactive status.

Delegates to Community Organizations (1 member & 1 alternate)	Member	Alternate
Nipomo Community Advisory Committee (Includes NCAC Water Committee and Land Use Committee)	Ed Eby	None per NCAC Bylaws- no alternate allowed
Water Resources Advisory Committee	Ed Eby	Bruce Buel
Chamber of Commerce (meets last Wed. @ noon @ Blacklake Club House)	Larry Vierheilig	Cliff Trotter
West Tefft Corridor Design Committee	Larry Vierheilig	-----

Delegates are appointed by the President of the Board of Directors.

*Subject to other requirements of the Brown Act, Committee appointments are not to be interpreted as limiting individual contacts between Board members or any other person or persons.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: NOVEMBER 17, 2006



RESOLUTION OF APPRECIATION TO
RETIRED BATTALION CHIEF DAN ANDERSON

ITEM

Resolution of appreciation to retired Battalion Chief Dan Anderson

BACKGROUND

The Board of Directors wishes to acknowledge the service of retired Battalion Chief Dan Anderson to the community of Nipomo. The Board of Directors appreciated Battalion Chief Anderson's monthly presentation and found it very informative.

RECOMMENDATION

Approve attached Resolution

ATTACHMENT

Resolution

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

RESOLUTION 2006-ANDERSON

**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**

WHEREAS, Dan Anderson began his career with the California Department of Forestry in 1974 and served the community of Nipomo as Battalion Chief from 1997 to his retirement in November 2006; and

WHEREAS, Battalion Chief Anderson served as Chief of Stations 20, 21 and 22; and

WHEREAS, Battalion Chief Anderson graciously took time out of his busy schedule to make presentations on CDF matters to the Board of Directors of the Nipomo Community Services District on a monthly basis; and

WHEREAS, Battalion Chief contributed to the community by his direct involvement in such projects as the Vegetation Management Project (including control burns and fire breaks) and the Horse Emergency Evacuation Team (HEET).

**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
DAN ANDERSON
AND WISHES HIM WELL
IN HIS RETIREMENT***

The Board unanimously adopted the foregoing resolution on November 22, 2006.

Lawrence Vierheilig, President

Judith Wirsing, Director

Michael Winn, Vice President

Ed Eby, Director

Clifford Trotter, Director

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: NOVEMBER 17, 2006

**AGENDA ITEM
E-1
NOVEMBER 22, 2006**

RESOURCE CAPACITY STUDY COMMENTS

ITEM

Authorize submittal of comments to SLO County on potential revisions to Resource Capacity Study regarding water supply for the Nipomo Mesa Area [Recommend adoption].

BACKGROUND

SLO County is preparing its annual update to the Resource Capacity Study (RCS) that is the foundation for the Resource Management System (RMS) level of severity determinations by the Board of Supervisors. Attached are excerpts from the 2005 RCS relevant to water supply for the Nipomo Mesa Area. Also attached is a copy of the motion adopted by the Board of Supervisors in December 2005 to increase the Water Supply Level of Severity for the Nipomo Mesa Area from a LOS II to a LOS III. It should be noted that in 2006, the County amended County Code Titles 19 and 22 to add water conservation standards, to limit the formation of Mutual Water Companies, and to enable the adoption of In-Lieu Fees; the District has advanced the Waterline Intertie Project; and the Court has issued a tentative decision in the Santa Maria Groundwater Litigation.

RECOMMENDATION

Staff recommends that your Honorable Board authorize the President to transmit a letter to the County detailing the 2006 updates referenced above and requesting that the Board of Supervisors formally confirm the LOS III for water supply for the Nipomo Mesa Area.

ATTACHMENT

- Excerpts from 2005 SLO County RCS
- December 2005 Board of Supervisors Motion re LOS III

Water

RMS WATER SUPPLY CRITERIA

Level of Severity I: *When projected water demand over the next nine years equals or exceeds the estimated dependable supply.*

Level of Severity II: *When projected water demand over the next seven years equals or exceeds the estimated dependable supply.*

Level of Severity III: *When the existing water demand equals or exceeds the dependable supply.*

The communities of San Luis Obispo County obtain almost 60 percent of their water from groundwater supplies and about 40 percent from reservoirs. In this section, the discussion of groundwater supply focuses on the groundwater basins supplying water to the county's more heavily populated areas. For many of these basins, demand is now near or greater than supply, and recommended Levels of Severity are designated accordingly. Communities using these basins as a water source are assigned the same Level of Severity as the basin. A section covering overall recommendations for groundwater basins is included on pages 18 - 20.

Water information for specific communities is discussed in the Water Systems section page beginning on page 23. The discussion includes delivery systems in addition to sources of supply. In some cases, a community may have an adequate supply, but an inadequate delivery system. For example, storage facilities or pumping capacity may be inadequate to handle peak demand. Conversely, a community's delivery system may be able to supply whatever water its residents need, but the groundwater basin from which they extract water may be in a condition of overdraft.

The water supply and distribution status for each community are summarized in the table on page 41.

Water Demand and Supply
Morro / Chorro Groundwater Basins
 (acre-foot per year)

	Demand		Supply	
	2004/05	2000/01		
City of Morro Bay	1400	2070		
Morro Bay Golf Course	180	180	Groundwater	3200
PG&E Power Plant	30	30	Desalination	645
Private Wells	55	60	State Water Project	1313
Agriculture	2600	2600	Nacimiento Project	55
Total	4265	4940	Total	5213

Recommended Level of Severity: None

Santa Maria Groundwater Basin

In San Luis Obispo county, the Santa Maria groundwater basin lies generally west of Highway 101, extending north to the southern boundary of the city of Pismo Beach. South of the Santa Maria River at the county line, the basin extends south into northern Santa Barbara county. Approximately 30 percent of the basin's area lies north of the river in San Luis Obispo county.

In 1994, the DWR began an update of the 1979 study of the Arroyo Grande Valley - Nipomo Mesa Area groundwater basin (Basin 3-11) and the northern portion of the Santa Maria River Valley groundwater basin (Basin 3-12). The study, Water Resources of the Arroyo Grande - Nipomo Mesa Area, was completed and published in 2003. The study contains the following findings and conclusions:

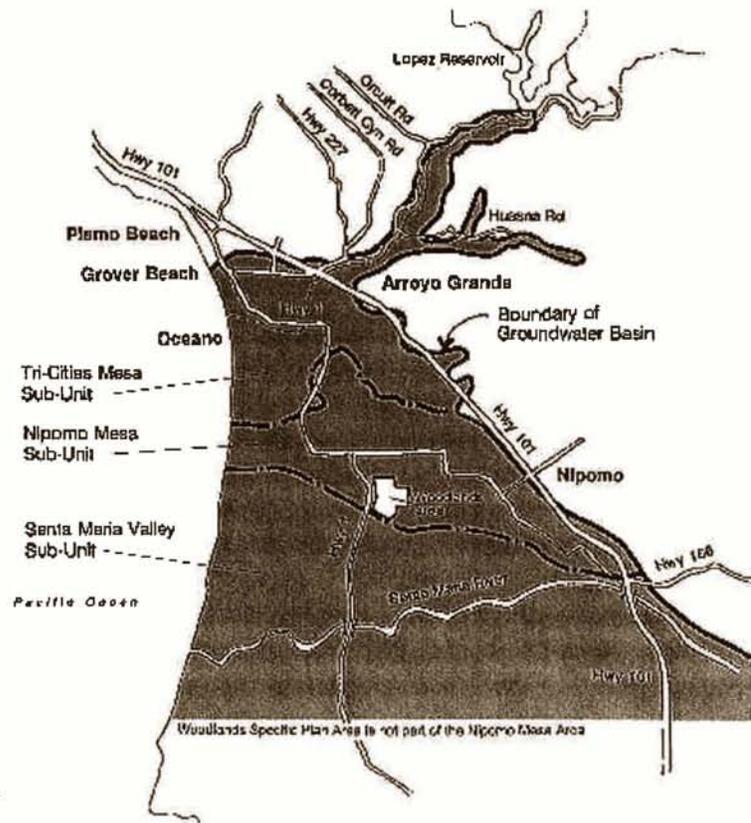
Observations of groundwater elevations in 1975, 1985 and 1995 revealed the development and subsequent expansion of a depression in groundwater elevations generally south of Willow Road and east of Highway 1 - the south central portion of the Nipomo Mesa. Nipomo Community Services District and Southern California Water Company have many of their wells in or near the depression. The extractions of these two agencies have increased from about 940 afy in 1979 to 2,790 afy in 1995 and 3,620 in 2000. There have also been increases in demand for water to serve rural residences and agricultural uses. Since the depression enlarges, the reduced water in storage could result in increased inflow from Santa Maria Valley and decreased outflow to the ocean from the mesa and the valley. If the pumping depression on the mesa pulls in water from the Santa Maria Valley, the possibility

exists for the poorer quality groundwater of the valley, containing high concentrations of dissolved solids, to locally reduce the quality of the mesa's groundwater. Also, if, in the future, subsurface outflows to the ocean cease and the seaward hydraulic gradient is reversed, this condition could lead to sea water intrusion of the groundwater resources. Currently, there is no evidence of seawater intrusion.

A major source of recharge for the Nipomo Mesa is deep percolation of precipitation. This makes the groundwater basin vulnerable to protracted periods of below-average rainfall.

In 1998, a complaint was filed by agricultural pumpers in Santa Barbara County against the basin's water purveyors, including the City of Santa Maria, the NCS D and Cal Cities Water Co.

Because of inconsistencies in the DWR study, the County commissioned an additional study by S.S. Papadopulos & Associates (SSPA) to provide clarification of water issues on the Mesa. SSPA concluded that the data presented in the DWR study correctly identified overdraft conditions in the Nipomo Mesa area of the groundwater basin. Concurrently, the judge in the groundwater litigation issued a finding that the basin as a whole was not being overdrafted and that there was insufficient evidence to support the existence of sub-basins. The County's Water Resources Advisory Committee (WRAC) reviewed the SSPA study and the judge's decision and concluded that overdraft in the Nipomo Mesa area either exists currently or is imminent. In November 2004 the Board of Supervisors certified Level of Severity II and approved several actions intended to strengthen water conservation efforts in the Nipomo Mesa area.



**2005
UPDATE**

Litigation of the basin has resulted in a settlement in which the stipulating parties have agreed to a "physical solution establishing a legal and practical means for ensuring the Basin's long-term sustainability". The physical solution establishes three management areas, creates a management entity for each area and directs each management entity to monitor groundwater conditions

and prepare plans for dealing with water shortages. The agenda for the Nipomo Mesa Management Area (NMMA) also includes importation of at least 2,500 acre feet per year of supplemental water by the NCS D from the City of Santa Maria and an agreement of the major water purveyors in the area to purchase some of that water. New urban uses within the service area of a major water purveyor or within the Sphere of Influence of the NCS D must obtain water service from the local supplier. New urban uses outside these areas and within one quarter mile of a service area or NCS D Sphere of Influence must conduct good faith negotiations with the local supplier before forming a mutual water company to provide water service. In May 2005 the Board of Supervisors revised the Growth Management Ordinance to further limit new residential development in the Nipomo Mesa Area from 2.3% to 1.8% per year. Also in May, the Board affirmed Level of Severity II for the Nipomo Mesa Area and directed staff to make the provision of supplemental water a condition of general plan amendments and land divisions that would result in an increased water demand. The Nipomo Community Services District is proceeding with plans to acquire supplemental water from the City of Santa Maria. #

Level of Severity: II (Nipomo Mesa area) (Certified by the Board of Supervisors)

Recommended Actions:

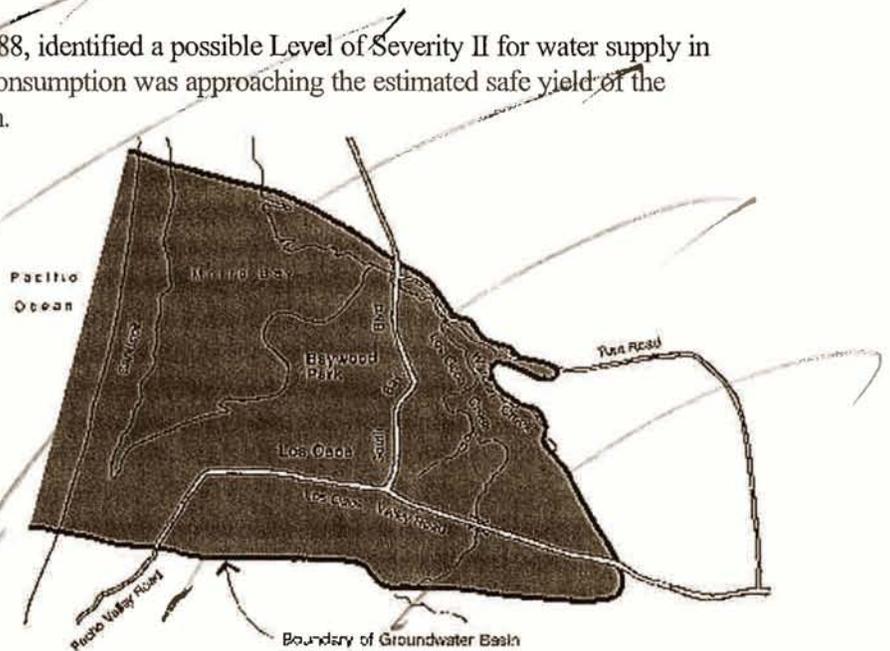
Continue the limitation on the number of dwelling units allocated for the Nipomo Mesa area for the year 2005/06 through the County's Growth Management System to 1.8% of the number of units existing in that area as of December 31, 2004.

Los Osos Valley Groundwater Basin

The Estero Area Plan, adopted in 1988, identified a possible Level of Severity II for water supply in the South Bay Area because water consumption was approaching the estimated safe yield of the Los Osos Valley Groundwater Basin.

Since then, studies by The State Department of Water Resources (DWR) and the U.S. Geological Survey (USGS) have suggested that excessive pumping from portions of the basin adjacent to Morro Bay could be causing seawater intrusion.

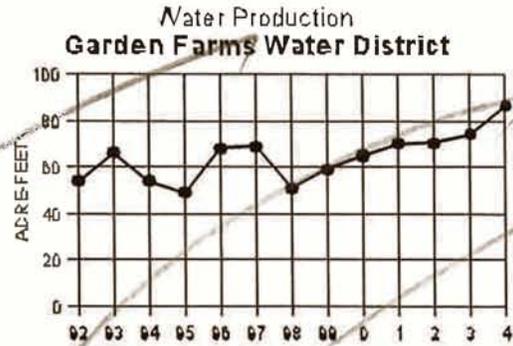
Ground water production from the basin overall increased steadily from 1978 to 1988 when the Regional Water Quality Control Board imposed a prohibition on new septic system



Garden Farms

Garden Farms County Water District experienced diminished pumping capacity during the 1987-92 drought. Although the dependable yield of the groundwater source is unknown, there is a concern that demand may be approaching supply.

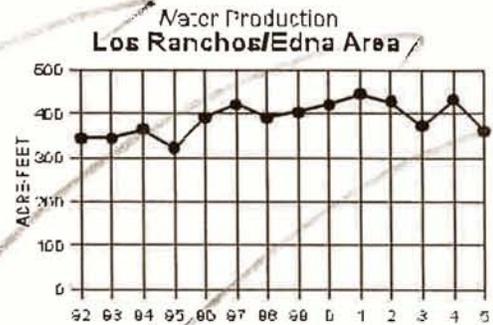
The District reports no water quantity problems for 2004-2005. However, there exists no estimate of sustainable yield for the community's groundwater resource. The cost of a groundwater study of the Garden Farms/Santa Margarita area is too expensive for the two districts to fund by themselves. Beginning in 2000, the district began treating the water for iron and manganese.



Recommended Level of Severity: II

Los Ranchos/Edna Area

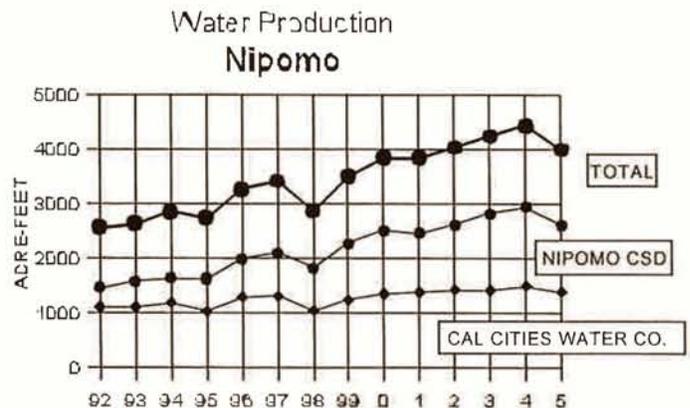
California Cities Water Company provides water to the San Luis Obispo Country Club and Rolling Hills areas from three wells drawing from the San Luis Obispo Creek groundwater basin. No level of severity is currently recommended for this system.



Recommended Level of Severity:
None

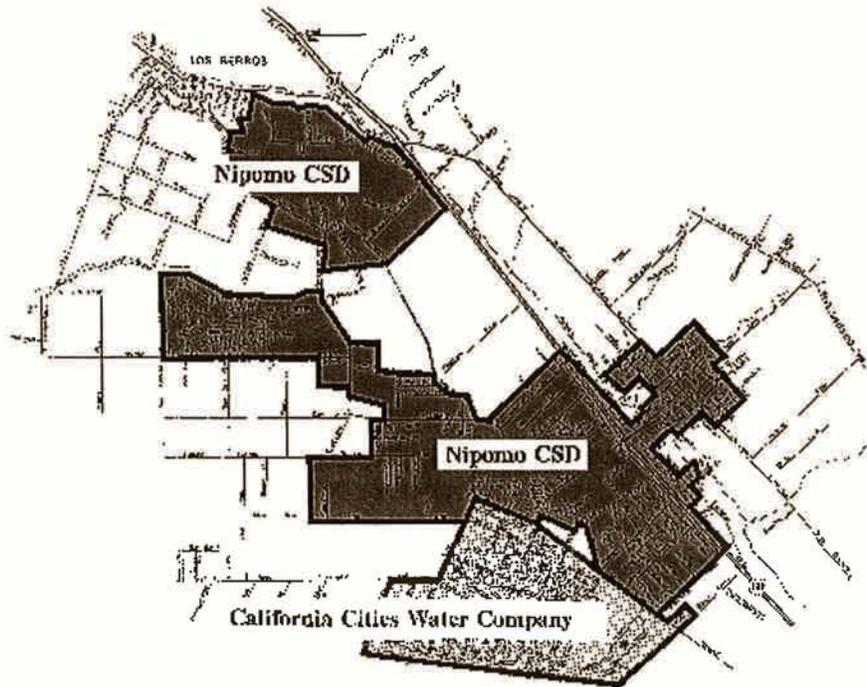
Nipomo

Nipomo is served by two major water purveyors. The Nipomo Community Services District (NCSD) serves the original townsite east of Highway 101 and newer areas west of the highway, including the recently annexed Black Lake area. The Summit Station area, a non-contiguous area east of Los Berros, was also annexed by the NCSD in 1993. Residents of the Summit Station area had long-



standing concerns with falling water levels in their wells, a situation which has been relieved by tying in to the NCS D distribution system. California Cities Water Company serves an area south of Nipomo Regional Park.

Nipomo Community Services District completed a one million gallon storage tank in 1993. Storage capacity was increased by an additional million gallons in 1999.

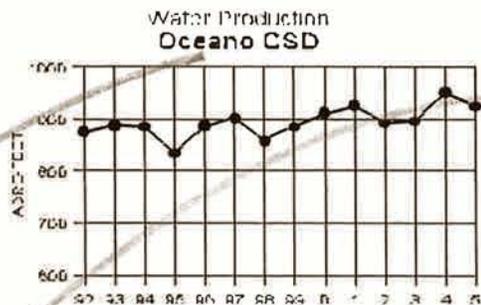


Neither the NCS D nor California Cities Water Company has applied for supplemental water, from either the State Water Project or the Nacimiento Project. However, the NCS D has entered into an agreement with the City of Santa Maria for 3,000 acre-feet per year of supplemental water. Water supply for the Nipomo Mesa area is discussed on pages 9 and 10.

Recommended Level of Severity: None

Oceano

Water service in Oceano is provided by the Oceano Community Services District. As a member of the South San Luis Obispo County Water Association, the CSD is a party to the agreement by which the groundwater from the Arroyo Grande Tri-Cities Mesa area is shared with the cities of Arroyo Grande, Grover Beach and Pismo Beach, as well as with agricultural interests. The Oceano CSD share is 900 acre-feet per year (AFY). The CSD also contracts



**Community Water Supply and Distribution, 2005
Recommended Levels of Severity (RLOS)**

Community	RLOS		Reason
	SUPPLY	SYSTEM	
Avila Beach	None	None	
Cambria	III	III	Seasonal supply shortage
Cayucos	II	II	LOS II for supply certified by Board of Supervisors LOS II for system based on CSA#10A allocation
Garden Farms	None	II	Inadequate pumping capacity during drought
Heritage Ranch	None	None	
Los Ranchos/Edna	II	None	Possible basin overdraft (SLO Creek)
Nipomo	II	None	LOS II certified by Board of Supervisors
Oceano	None	None	
S.Miguel	None	II	Demand is approaching pumping capacity
San Simeon	III	I/II	CSD moratorium; supply uncertainty during drought
Santa Margarita	I/II	III	Supply uncertainty; backup deficiency
Shandon	None	None	
Los Osos	III	III	Overdraft and current seawater intrusion
Templeton	None	II	Supply fully allocated

That the Annual Resource Summary Report should include a recommendation for Level of Severity III for water supply in the Nipomo Mesa area and that the "Recommended Actions" be amended to include additional actions as follows:

1. At this time, a building moratorium is not considered an appropriate action for the Nipomo Mesa area. The Board of Supervisors has specified other appropriate actions that are currently in the implementation process;
2. Complete the processing of planning area standards that would require new development to incorporate specific water conservation features and make the provision of supplemental water a condition of general plan amendments. Direct staff to return with an amendment to reduce the level of severity at such time as those planning area standards become effective.
3. Environmental determinations for developmental proposals on the Nipomo Mesa will continue to be made on a case by case basis. Do not require EIR's for projects that would not otherwise be required to prepare an EIR. Mitigation measures and project amendments may be available to lessen or avoid Class I water impacts in some circumstances.