

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: FEBRUARY 9, 2007

**AGENDA ITEM
E-7
FEB. 14, 2007**

EXPLORE ACTIVATION OF GRAFFITI REMOVAL POWERS

ITEM

Consider Director Eby's request to explore activation of graffiti removal powers [PROVIDE POLICY GUIDANCE].

BACKGROUND

Attached is a memorandum from Director Eby requesting that the Board consider activation of graffiti removal powers for NCSD along with reference materials supplied by Director Eby.

Staff is seeking policy guidance from the Board regarding the Board's willingness to expend staff time to fully research this request. The General Manager estimates that it will take approximately 10 hours of staff time and up to two hours of legal counsel's time to develop an options analysis for the Board to define its concept (within three months of approval to investigate). Should the Board agree to proceed, additional staff time, funding for environmental review, and funding for LAFCO processing will need to be approved.

RECOMMENDATION

Staff recommends that your Honorable Board determine if you wish staff to explore this issue and return with cost estimates and legal analysis.

ATTACHMENTS –

- DIRECTOR EBY'S REQUEST
- REFERENCE MATERIAL SUPPLIED BY DIRECTOR EBY

T:\doc\board matters\board meetings\board letter 2007\Graffiti Removal Initiation

From: edeby@charter.net
Subject: Graffiti Abatement Powers
Date: February 3, 2007 10:20:12 AM PST
To: Buel Bruce <bbuel@nipomocsd.com>
Cc: Winn Mike <mwwinn@charter.net>

I request that you include an item on the February 14 NCSD agenda that considers activation of graffiti abatement powers for the NCSD. Over the past two months I have noticed new graffiti on fences and walls of properties on Pomeroy near Camino Caballo, the mailbox at the Senior Center, and across the street from the First Baptist Church on Division. We have contacted the sheriff with no results. We were informed that there is no program or funds for graffiti cleanup in Nipomo. If the graffiti is not cleaned up, it invites more of this ugly vandalism.

When I lived in Torrance, there was a graffiti hotline where the problem could be reported, and it was often cleaned up in hours. This reduced the incidence of new graffiti very noticeably. One possibility could be notification of the property owner with an order to clean up in a specified period (much like weed abatement). The owner could authorize local government cleanup instead. I think the case could be made that the cost could be covered by the solid waste fund and possibly the NCSD property tax rebate. The details should be researched by the staff and discussed with the board at the next meeting.

Let's solve this problem at its infancy.

Ed Eby

NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTOR BY-LAWS 2006 UPDATE
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- 2.5 The President, or in his/her absence the Vice President (or his/her designee), shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall announce the Board's decision on all subjects. He/She shall vote on all questions and on roll call his/her name shall be called last.
- 2.6 Three (3) Directors of the Board shall constitute a quorum for the transaction of business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.7 No ordinance, resolution or motion shall be passed or become effective without the affirmative vote of at least a majority of the total membership of the Board of Directors.
- 2.8 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those abstaining, those not voting because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.9 Votes of abstention shall be counted as a no vote.
- 2.10 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.11 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. AGENDAS

- 3.1. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. one week prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.
- 3.2 A block of 20 minutes time shall be set aside to receive general public comment. Comments on agendized items should be held until the appropriate item is called. Unless otherwise directed by the President, public comment shall be presented from the podium. The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President at his/her discretion.
- 3.3 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting

Graffiti Abatement and Management

by Lee Barnard

The removal of graffiti is of the utmost importance in cleaning up a community. We spend about \$7 billion a year on graffiti removal, and this figure increases to \$15 billion a year when we consider graffiti removal, law enforcement, court, and probation costs. Although taggers view their work as art, if you look around the city at the graffiti that is on the walls, garages, trashcans, and other surfaces, you will see a definite eyesore in your community.

In most police jurisdictions, graffiti abatement is the only means of contending with the graffiti because many police agencies do not have an active investigator to investigate these types of crimes. In investigating graffiti, the eradication of the graffiti is the initial stage to any graffiti investigation.

Under the "Broken Windows" theory, we should never let the vandals think that it is okay to vandalize our neighborhoods. If one person or group of people vandalize a piece of property and the community does not seem to care, then another group is going to come along and vandalize the same property, then another and another, until now it has become increasingly more of an eyesore.

Suspects of any crime are less likely to commit their crimes in neighborhoods where everyone seems to be watching other neighbor's property and know that the residents of a certain community are more likely to contact the police if they commit the crime.

Starting a Graffiti Removal Program

The first part in starting a graffiti removal program is to acknowledge that there is a graffiti problem within your specific city or town. Convincing the city management might not be that difficult. If there is a significant graffiti problem, the residents of your city or township already will have voiced their opinions. Use the citizens in assisting you in developing your graffiti management program.

There is a cost in running a graffiti abatement program. Money seems to always be the battle in running a successful program. The cost will include any equipment, vehicles, and personnel used in the graffiti program. Any grant or funding available to the city is always one avenue of approach. The manpower used usually depends on the amount of graffiti involved.

RECORD: The first step in dealing with the graffiti is to record the graffiti. This includes the date that the graffiti was recorded. This step is very important for dealing with the issue "statute of limitations," referring to the time you have to prosecute the vandal. It also helps in refreshing the vandal's memory when being interviewed.

You can choose to document the graffiti whichever way is more comfortable for you; the camera used to take a photograph of the graffiti is your choice as well. You might choose to take photographs of only the monikers listed, as this is the most effective way of identification, however, the photograph of the gang or crew name is certainly not discouraged.

REMOVE: Once the graffiti is recorded, it then can be removed from the property either by painting, power washing, or sand blasting the graffiti from the surface.

REPORT: Last, you need to report it to your local law enforcement investigator or expert, if one is available.

The residents in your community want to be involved, and most want to help their local law enforcement agency. The neighborhood watch groups and neighborhood councils are willing to help. They are a valuable source of information, especially for the activities that go on in their neighborhood in which they live. Neighborhood clean-up days are a great chance to remove some of the graffiti in the neighborhood.

Check with your local businesses; you may be surprised by the effort to help you in your graffiti-eradication efforts.

Businesses that sell building supplies and home improvement products may donate painting supplies or other supplies that will help the removal of graffiti.

Neighboring law enforcement agencies are also a good source of information and assistance. Many times, jurisdictions might share the same tagging crews and even gangs, therefore, they see the same graffiti. If funds are needed, you may consider writing a grant request or having someone do it for you. Your program proposals may include documentation supporting your plan, as well as letters of support. You should be able to get all kinds of support from residents to benefit your grant proposal.

Starting a Graffiti Management Program

As in any program, you need to follow the rules, and you need to follow them inherently, in order to have a successful program. Plan carefully your anti-graffiti policy. Know what you want to achieve and the resources available. An under-resourced program will have no lasting effect.

Create a focal point for the program and generate local multi-agency support. Remove all graffiti and restore the neighborhood to its original pre-graffiti condition. Be professional and sympathetic. Do not create further eyesores by poor quality graffiti eradication.

Provide fast response to new graffiti attacks. Tackle the problem in such a manner that the problem is not displaced elsewhere, and develop methods of deterring future graffiti attacks during the clean-up program. Identify the graffiti hardliners. Use the law where necessary. Do this in such a way that new recruits to the graffiti culture are actively discouraged. During and after the clean-up program, encourage local interest and pride in the finished product. This must include a clearly defined attitude of zero tolerance and a local government policy for preventing or avoiding future attacks through good housekeeping practice. Encourage the planners to study methods of actually designing out the potential for graffiti and vandalism in public buildings at the time they are being designed or refurbished. After the initial cleanup, leave behind a method of monitoring and fast response to new problems before they get out of hand again. Think in terms of a continuing perpetual program rather than a quick clean-up. Remember, graffiti is endemic in the human psyche and has been around for thousands of years. Think also of the people who are not part of anti-graffiti programs and remove graffiti and repair vandal damage as part of their daily routine.

Crime Prevention Through Environmental Design

Crime Prevention Through Environmental Design (CPTED) refers to altering environmental situations to deter or possibly prevent crime. This can include any crime, especially graffiti. To start this process, you need three things: 1) the hardware, 2) a rule book, or some sort of policies and procedures, and 3) the technical expertise.

One researcher known as Oscar Newman theorized that four situations needed to be addressed to deter criminal activity.

These were massive buildings, multitude of exits, location in crime areas, and the "Broken Window Syndrome."

Massive buildings, which are usually great for business in a particular jurisdiction, are usually a criminal nightmare for residents and the businesses. Things such as proper lighting need to be addressed. This includes parking lots and/or parking structures. The lighting as you approach the building needs to be stronger. This makes the patrons feel safe and when referring to vandals if they think they can be seen then there likely not to tag at that location.

Let's don't assume that we are referring only to businesses. Many apartment and residential complexes suffer from criminal stigma, as well. The bigger the complex, the more thought you will have to consider for reducing criminal activity.

A multitude of entrances is a security nightmare. It must be understood that if we are talking about shopping malls, then the number of exits might be necessary for fire safety and convenience of the patrons. However, doing something for mere convenience is not always the safest approach.

Consider a residential cul de sac. Although it is an inconvenience at times, as a resident of that street, it should be a lot easier to observe suspicious vehicles and people entering that street. This holds true for apartment complexes, as well.

There are four choices of situational crime prevention. First, you must increase the difficulty to commit the crime. This could be by a frequent police patrol in the area, or the environmental design, or other security measures. Second, increase the risk of getting caught; either by a surveillance, police patrol, proactive and aggressive neighborhood involvement.

Third, remove the rewards. In other words, taggers tag for notoriety, so remove the graffiti immediately so that when they come back to show their friends, the graffiti is gone. Last, remove excuses and increase shame. Do not give vandals an excuse to tag a certain location, and when they do, increase their shame by removing it and expressing your intolerance to their act.

This CPTED has five defensible space components. First, facilitate territoriality. The citizens should claim their neighborhood, not the gang members and the taggers. Show a sense of pride in your neighborhood. Keep the neighborhood clean and especially free of graffiti. Graffiti places a notable decrease in property values and increases the resident's fear in the neighborhood.

Second, facilitate surveillance. Natural surveillance includes the shrubs and the vegetation. Do not let the vegetation get over 3 feet high so that you cannot see behind the shrubs. Have wide open areas so that you and your neighbors have a clear view.

Consider mechanical surveillance such as video cameras. A decoy camera is also a good option. But remember that with a decoy camera, if something serious happens, such as a rape, and the victim gets a false sense of security, you could open yourself up for a lawsuit. The advantage of a decoy camera for taggers is if there is a remote chance that they will get caught, they might go to another location.

Lighting is a form of convenience for surveillance. When considering lighting, there is also the possibility of getting those lights broken by a vandal. So to defend against this, consider cages around the lights or cameras for that matter.

Third, reduce stigma. The best way to do this is to make your property aesthetically pleasing. To prevent graffiti on walls, consider types of vines that are pleasing to look at.

Access control is another important way to reduce stigma. You can erect fences or barriers and also make your property pleasing to look at by possible future tenants. The barriers can deter or prevent loitering, which can reduce criminal activity. Fourth, you need to be responsive to residents' needs. The residents live in the neighborhood or may own businesses, and they have a right to voice their concerns. Listen to their complaints. However, you need to convince them that you cannot handle their problems alone; they must be part of the solution.

Last, avoid concentration of disadvantages. You may consider territorial reinforcement; avoid any kind of space conflict. Any useless space can be beautified. Turn disadvantages into advantages. Remember, target hardening as a rule. Make any targets that are easy to be tagged make them difficult to be tagged. Remember, image and maintenance are important. Control the high ground and keep the advantage in order to defeat your local graffiti vandals. There are three things to consider in a crime, the victim, the suspect, and the location. Take one of them away and you remove the opportunity to commit the crime. Remember, graffiti is a crime of opportunity.

As part of a graffiti program, your local businesses need to be involved in the graffiti-eradication efforts. The removal of graffiti needs to be immediate. This can be frustrating to businesses, especially a business that gets hit with graffiti daily or weekly.

You may need to be empathetic to their needs and try to motivate them.

Although police officers need to be empathetic to businesses, we also need to take a firm stance on graffiti. It must be understood that it is not law enforcement's intent to re-victimize the graffiti victim but to clean up the community. That is why many laws and ordinances are set forth in regards to graffiti.

One law may be directed toward businesses to lock and secure all spray paint. Not only does this prevent the stealing of spray paint, but it also makes it difficult and inconvenient for taggers to obtain their graffiti implement of choice. This ordinance is usually enacted by city or county legislation.

Many states have enacted laws reference the sale of aerosol spray paint to minors. One ordinance may be considered a public nuisance law and may get mixed opinions by the business community and this is the removal of graffiti from ones property. Should a business get fined for not removing their graffiti? With careful planning and cooperation between residents and law enforcement, graffiti abatement and management can be used to keep your community clean and to apprehend the vandals.

View recently adopted ordinances as of May 2, 2006 NOT YET CODIFIED OR INTEGRATED IN THIS SITE. (pdf file)

Ordinances enacted through May 2, 2006

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CHAPTER I. GENERAL PROVISIONS

Sec. B27-1. Intent and purpose.

The Board of Supervisors finds that graffiti on public and private property in the County constitutes a threat to the public health, safety and welfare, in that the presence of graffiti is detrimental to property values, degrades the quality of life in the community, is often connected to gang activity and may therefore lead to an increase in crime, and, if not promptly removed, invites further vandalism.

The purpose of this division is to prevent the spread of graffiti and to establish mechanisms for its removal from property within the unincorporated area of the County, and for recovery of County costs associated with such removal. In order to accomplish this purpose, the County hereby establishes a graffiti abatement program. It is the intent of the County to hereby implement the provisions of Penal Code § 594 et seq. and Government Code § 53069.3 regarding graffiti abatement ordinances. It is further the intent of the County to work cooperatively with other governmental agencies in order to implement the most effective program for elimination of graffiti.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-2. Definitions.

As used in this division, the following terms shall have the meaning set forth in this section:

(a) Director means the Planning Director of Santa Clara County or his/her authorized designee.

(b) Graffiti means any unauthorized inscription, writing, lettering, word, figure, mark, design or other inscribed material that is written, marked, etched, scratched, drawn, painted or otherwise placed on real or personal property, whether public or private. "Unauthorized" means either without the prior consent of the property owner, or in violation of any law or regulation.

(c) Graffiti abatement costs and expenses includes the following costs and expenses incurred by the County in abating graffiti:

(i) The costs and expenses of removing graffiti from defaced property; and/or

(ii) The costs and expenses of repairing or replacing the defaced property when the County determines that removal of the graffiti would not be cost effective; and/or

(iii) The law enforcement costs and expenses incurred in identifying and apprehending a responsible party; and/or

(iv) The related administrative, overhead, direct or incidental costs incurred in performing or causing the performance of the enforcement, abatement or collection procedures described in this division.

(d) Responsible party means:

(i) Any person, including a minor, who has been determined by a court to have placed graffiti on the real or personal property of another person, including a minor who has been declared a ward of the Juvenile Court pursuant to California Welfare and Institutions Code § 602 by reason of the commission of an act of graffiti vandalism prohibited by the Penal Code; and

(ii) The parents or guardians having custody and control of a minor who is a responsible party.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-3. Graffiti abatement program established.

There is hereby created in the Environmental Resources Agency a graffiti abatement program, which shall include the following components:

(a) community education regarding the prevention of graffiti, (b) administration and financing of graffiti removal on public and private property, and (c) enforcement of the provisions of this division. This program is intended to and shall satisfy the requirements of Penal Code § 594 for such a program, which authorizes local jurisdictions to enact graffiti abatement ordinances to establish penalties and restitution.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-4. Graffiti--Public nuisance.

The Board of Supervisors of the County of Santa Clara hereby declares that graffiti visible from a public right-of-way, or other public or private property, is a public nuisance which may be abated pursuant to the procedures set forth in this division.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-5. Graffiti--Prohibitions.

(a) It is unlawful for any person to place graffiti, as defined in Section B27-2, upon any public or private property within the unincorporated

area of the County.

(b) It is unlawful for any person to aid, abet, or encourage another to place graffiti upon any public or private property within the unincorporated area of the County.

(c) It is unlawful for any person owning, leasing or otherwise in control of any real property within the unincorporated area of the County to allow or permit any graffiti to remain on any permanent structure located on such property for more than five calendar days after receiving the notice described in Section B27-12, when the graffiti is visible from the street or other public or private property.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-6. Criminal penalties.

Anyone convicted under California Penal Code § 594, 594.1, 594.3, 594.4, 640.5, 640.6, or 640.7 of acts of graffiti vandalism occurring within the County may be subjected by the court to the following, in addition to any applicable fines, imprisonment, and/or other punishment:

(a) The court may order the defendant to remove graffiti, clean up, repair, or replace the damaged property, or order the defendant and his/her parents or guardians if the defendant is a minor, as a condition of probation, to keep the damaged or defaced property or another specified property in the County free of graffiti for up to one year. Participation of a parent or guardian may be required, at the discretion of the court or Probation Department.

(b) The court may order the defendant to pay all or part of the costs incurred by the Sheriff in identifying and apprehending the defendant, provided that the court determines that the defendant has the ability to pay, and that such costs do not exceed the amount allowed by state law. Payment of law enforcement costs under this section shall not in any way limit, preclude, or restrict any other right, remedy or action otherwise available to the County for recovery of any other costs incurred by the Sheriff or other law enforcement agency.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-7. Remedies cumulative.

The remedies and procedures set forth in this division shall be cumulative to, and shall not foreclose the application of, any other existing legal remedies available.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-8. Reward.

(a) Pursuant to California Government Code § 53069.5, the County may offer a reward in an amount to be established by resolution of the Board of Supervisors for information leading to the identification, apprehension and conviction of any person who willfully damages or destroys any County-owned property, or without the permission of the owner or occupant, any other property located within the unincorporated area of the County by use of graffiti. The resolution may authorize a contribution to a joint reward fund offered on behalf of multiple governmental entities, in the event one is established.

(b) In the event of damage to public property, the convicted offender or the parent or legal guardian of any unemancipated minor so convicted must reimburse the County for any reward paid pursuant to this section. For the purposes of this section, diversion of the perpetrator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.

(c) In the event of multiple contributors of information concerning the same act, the reward amount shall be divided by the County in the manner it deems appropriate and in furtherance of the purposes of this division. Claims for rewards under the section shall be filed with the County in the manner specified by the Board of Supervisors, and no claim shall be allowed unless the County verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-9. Collection of abatement costs from responsible party.

(a) All responsible parties for graffiti removed by the County under this division shall be jointly and severally liable for the graffiti abatement costs and expenses.

(b) The Director shall, upon identifying a responsible party, send an invoice for such graffiti abatement costs and expenses to that party. The invoice shall contain at least the following information: the address or location of the defaced property; a summary of the graffiti abatement actions performed by the County; a description of the graffiti abatement costs and expenses incurred; the identity of the responsible parties and the basis for that determination; a description of the payment process, including the time within which and the place to which the graffiti abatement costs and expenses shall be paid; and a description of the process by which a responsible party may appeal the determination that he or she is a responsible party, and/or the amount of the graffiti abatement costs and expenses.

(c) The invoice shall be paid to the County within 30 days from the date of the invoice, unless timely appealed, in which case the time for payment shall be tolled during the pendency of appeal proceedings.

(d) A responsible party who has received an invoice under this section may appeal the determination that he or she is a responsible party, and/or the amount of the graffiti abatement costs and expenses, by filing an appeal with the Planning Office within ten calendar days of receipt of the invoice. Any timely appeal so filed shall be heard by the Director within 30 days of filing the appeal, or as soon thereafter as the matter may be scheduled for hearing. The Director shall provide to the appellant written notice of the time and place of the hearing at least ten calendar days in advance, by personal service or regular, first class mail. Following the hearing, the Director shall determine whether the appellant is a responsible party under this division and whether the amount of the invoice is appropriate. The appellant shall be notified of the Director's decision in writing and, unless the appeal is upheld, shall pay the invoice within 30 days of such notice. The decision of the Director is final.

(e) Any invoice which remains unpaid following the expiration of any appeal period and the time specified for payment may be collected as a special assessment against a parcel of land owned by a minor who is a responsible party, or by the parent or guardian having custody and control of the minor. Proceedings to collect the amount due shall comply with the requirements of California Government Code § 38773.6 which provides for collection of costs by recording a lien against real property owned by the responsible party for abatement of a nuisance.

(f) As an alternative to the collection process described elsewhere in this section, a responsible party may be required to pay for graffiti abatement costs and expenses as a condition of probation for a related offense.

(Ord. No. NS-300.655, 8-28-01)

Sec. B27-10. Removal by County with consent of owner.

(a) The Director shall implement one or more programs for the removal of graffiti, and may remove or authorize the removal of graffiti from publicly or privately owned real or personal property located within the unincorporated areas of the County and which is visible from any public right-of-way or any other public or private property. Such removal shall be at the County's expense, unless the County elects to recover the graffiti abatement costs and expenses from third parties or from the owner of the property, in accordance with other provisions of this division. The owner of such property will be encouraged to perform the removal with his/her own resources.

(b) The Director may authorize the replacement or repair of publicly or privately owned real or personal property that has been defaced with graffiti when the Director determines that the graffiti cannot be removed cost effectively.

(c) The Director may not, pursuant to this section, authorize the painting, repair or replacement of other parts of property that were not defaced with graffiti.

(d) Prior to commencing the removal of graffiti, and/or repair or replacement pursuant to this section, the Director shall obtain the consent of the owner of the defaced real or personal property, and such owner shall first execute a release and right of entry form permitting the graffiti removal.

(Ord. No. NS-300.655, 8-28-01)

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Services

BETTER SERVING OUR COMMUNITY



HOME



BOARD & STAFF



SERVICES



WATER



SHOVEL TALK



CONSERVATION



KIDS' PAGE

Troop 300 Plants Pine Trees

General Manager Sherry DeLano and Chief Sewer Plant Operator Mike Gilardon helped Junior Girl Scout Troop 300 plant 3 pine trees at the United Street Park for their Earth Day Project. Even though it was cold and windy the girls worked hard mixing soils and back filling the holes. They showed that a lot can be accomplished with great teamwork and a smile!



STREET LIGHT WATCH

If you notice that a streetlight is not working please contact our office and we will report the problem to Southern California Edison.

PARKS AND RECREATION

The United Street Park is now in full swing! Ever Tuesday through Thursday the American Youth Soccer Organization will be using the fields for practice and on Saturday and Sunday soccer games will be held. For more information on the youth soccer program contact Debi Keys at 256-3035

GRAFFITI ABATEMENT

The Board of Directors have approved a Graffiti Abatement Ordinance allowing District employees to remove graffiti from county and public areas.




If the graffiti is on private property a release may be obtained in the District office to be signed by the property owner.

You may now report graffiti one of three ways:

- [Email us @ RCSD.](#)
- Complete a form. [Click here.](#)
- Call our office: 661.258.3411.

No name or phone number is required when you file a graffiti report.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: FEBRUARY 9, 2007

AGENDA ITEM
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FEB. 14, 2007

MANAGER'S REPORT

ITEM

Standing report to your Honorable Board --*Period covered by this report January 17, 2007 through February 9, 2007*

DISTRICT BUSINESS

Administrative

Staff did receive one application for the District Engineer Position and interviewed that candidate on February 2, 2007.

Staff has advertised for the Water Conservation Coordinator's job with a filing deadline of March 2, 2007.

Faith Watkins has reported to work as the Temporary Assistant to the General Manager. She will be introduced at the Board Meeting.

Staff has replaced the Board Member Chairs in the Board Chambers and has secured a Green, Yellow, Red timing system to assist the President in controlling the length of speaker's comments.

Staff has submitted the Annual Reports for both the Southland WWTF and the Black Lake WWTF to the RWQCB (Copies supplied to the Board under separate cover).

Staff participated in the January 23, 2007 Board of Supervisors Hearing on the Annual Resource Evaluation Summary.

Safety Program

No injury reports during the period.

Project Activity

See attached Projects Update.

Conservation Program Activities

Staff has been working with the Conservation Committee on the Emergency Shortage Ordinance.

RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

ATTACHMENTS –

- Projects Update



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MEMORANDUM

TO: HONORABLE BOARD
FROM: BRUCE BUEL *BB*
DATE: FEBRUARY 9, 2007
RE: PROJECTS UPDATE – 12/19/06 to 2/7/07

Following is a narrative describing the status and progress on projects that office and field staff has worked on from 12/19/06 through 2/7/07. Additionally, this Update includes a section on Projects Completed, a section on Environmental Review Task Orders issued; a section on Small Construction Work Orders issued a section on new water allocations approved, a section on parks related activities, and a section on the Waterline Intertie Project fiscal activity.

I. PROJECTS UPDATE

NCSD Water Intertie Project –

- This project is in back to the concept formulation stage with the December 6, 2006 Board Action to suspend activity on the Santa Maria Waterline Intertie Project.
- Your Honorable Board on December 13, 2006 authorized Boyle Engineering to develop an analysis of alternate water supply options. The formal agreement for this work has been executed. Staff and Boyle have scheduled a kick off meeting to initiate the study and Boyle provided an update to the Board on January 10, 2007.
- The Board is scheduled to receive an update from Boyle on February 14, 2007 and to set a presentation on Desalination Technology for March 21, 2007.
- The Water Project Design & Construction Standing Committee held a Special Meeting on Wednesday November 29, 2006 at the NCSD Office to discuss Boyle's WIP Pre-Design Technical Memorandum.

- Staff and Director Winn have conducted two meetings with Rick Sweet of the City of Santa Maria to discuss alternate water supply options.

Southland WWTF Upgrade Project –

- Phase I of this project is complete (responding to the RWQCB's Notice of Violation). Phase II is in process (considering logical upgrades to the WWTF and to the adjacent collection system).
- The Board on July 26, 2006 the Board authorized the President to execute the agreement for the Phase II work.
- The Board on December 13, 2006 agreed to hold a workshop with Boyle to discuss the Draft Plan on February 21, 2007. Boyle is scheduled to release their draft Phase II Technical Memorandum to the Board at the February 14, 2007 Board Meeting.

Southland Shop Upgrades –

- This Project is at the Design Phase with staff securing a quote from the architect for completion of all services necessary for award of construction bids.
- The Board on July 26, 2006 Board selected the "Preferred Project" for environmental review of enlarging the shop and reorganizing the site.
- Staff circulated a Notice of Availability of the IS/MND on October 23, 2006 and posted and published notice. Your Honorable Board adopted a mitigated negative declaration at your January 24, 2007 Board Meeting.
- Staff expects to present a design services proposal to your Honorable Board at your February 28, 2007 Board Meeting.

Hetrick Road Waterline Upgrade –

- This project is substantially complete with Papich construction installing the entire water line in January. Papich still needs to complete the two tie-ins and resolve one conflict with a gas line.
- Staff advertised for bids in September and opened bids on October 17, 2006. Staff presented bids to your Honorable Board at the October 25, 2006 Board Meeting. Your Honorable Board awarded the Bid to Papich construction.
- Your Board on October 25, 2006 also authorized Boyle Engineering to provide Engineering Services During Construction. Boyle is now working with Ground Up Design on review of the tie-ins and the gas line conflict.

- Papich is expected to complete all work on the project in February 2007. Staff expects to bring a Notice of Acceptance to your Honorable Board in March.

Blacklake Pump Station Upgrade –

- Boyle Engineering presented its Preliminary Design to your Honorable Board at your October 25, 2006 Board Meeting. Your honorable Board forwarded the Design to the Blacklake Community and formed a Board committee to interact with the Blacklake Community on options. Staff provided an update on this matter to your Honorable Board on December 13, 2006 and January 14, 2007.
- Your Honorable Board on November 8, 2006 retained Dee Jaspar to provide a peer review of the Boyle Design. Dee Jaspar has initiated his peer review and he submitted an administrative draft of his report in January. Staff expects to present his final report to your Board at your February 28, 2007 Meeting.
- Your Honorable Board on December 13, 2006 retained Boyle Engineering to prepare a report comparing the cost of upgrading the Blacklake System with the cost of merging the Blacklake System with the Town System. Boyle submitted an administrative draft of their report on February 2, 2007. Staff expects to present the final version of the Boyle report to your Board at your February 28, 2007 Meeting.
- It is staff's understanding that Blacklake has formed its own committee and your Honorable Board appointed Director Trotter to coordinate with this committee at your January 14, 2007 Board Meeting.
- The old Booster station is now off-line and the District is supplying 100% of Blacklake's demand from the Town system through the inter-tie.

Frontage Road Relocation/Tefft Corridor Design Standards –

- The County is the lead agency on this project, which is in its concept phase with no defined timeline for completion.
- King Ventures and Shapiro have proposed to realign Frontage from Hill Street to Grande Street as part of their respective development proposals. EDA on behalf of the two parties submitted a draft set of plans and profiles to County Public Works last fall. The County and Caltrans have reviewed these initial plans and responded with redlines, but additional discussions are necessary to determine the exact alignment and to deal with reconfiguration of the Southbound off-ramp and drainage.

- Staff has also met with a representative of EDA regarding the proposed extension of Mary South from West Tefft Street to Hill Street and the reconfiguration of Hill Street from the new intersection of Mary down to the realigned segment of Frontage.
- Staff met with Dale Ramey of County Public Works on August 17, 2006 to discuss the County's timing and design concepts. Mr. Ramey indicated that he expected that the extension of Mary to Hill would be completed by spring 2008.

Telemetry and Control (SCADA)–

- The Telemetry and Control System is functioning with all water storage reservoirs, ten wells, 12 lift stations, both WWTFs, the Blacklake Blower Building, and the Blacklake Connection connected. The Board on May 10, 2006 accepted the system and authorized staff to close out the development agreement with the contractor.
- Staff still needs to integrate additional facilities and start using the data capabilities of the software to gather data. Staff has retained Juan Anderson of Cannon and Associates to add in these upgrades.

Geographic Information System (Geo-Viewer)

- The GIS System is functioning with data attributes available for most layers in most of the District's Service Area.
- Staff is still adding data and attempting to rectify features to the actual geography.

Basin Groundwater Monitoring-

- Staff has fully executed the agreement with the consultant (SAIC) and conducted a kick off meeting with Bob Beeby on August 1, 2006. Bob Beeby has submitted his request for data and staff is assembling the requested data.
- Staff expects that this program will extend for multiple years and will involve interaction with the other basin stakeholders.
- Staff has secured the monitoring program being implemented by the Woodlands and has met with Woodland's Engineer to discuss their ongoing groundwater monitoring and production.
- Bob Beeby of SAIC has requested that the other participating entities appoint representatives to the NMMA Technical Group, however, the only entity to do so aside from NCSD has been Conoco-Phillips.

- Bob Beeby has published two Draft Memorandum regarding Groundwater Storage in the NMMA.
- Brad Newton of SAIC presented the two Technical Memorandums to your Honorable Board in November and responded to questions regarding the basin.
- Staff has retained SAIC to prepare a third technical memorandum and SAIC has initiated the process to install data loggers in the beach strand monitoring wells to gather water quality and water level information. SLO County and the State of California have agreed to allow SAIC to proceed and SAIC has installed the reading equipment in the well immediately west of the Conoco-Phillips refinery. Staff expects to get preliminary data from this well in February.

Preventative Maintenance and Staffing Review -

- This project has just started with staff assembling all systems and facilities.
- Staff has reviewed various computer software systems capable of tracking and reporting on maintenance management and has focused on two competing systems that appear to be promising.
- The Master Plan Update RFP approved by the Board on July 26, 2006 Board includes work elements regarding Preventative Maintenance Management.

Woodgreen Lift Station Access Upgrade –

- This project is in the concept phase with significant input from the homeowners group. Staff has placed this project on hold until the District Engineer reports.

Water Tank Security –

- The FY06-07 Budget includes funds to install video camera systems at the Tank Farm and the Standpipe Tank to address security issues.

Blacklake Salts –

- This project involves limiting the discharge from regenerative water softener units within the Blacklake development. Staff expects to develop education material to share with the property owners late this year or early in 2007.

- Staff understands that the Blacklake Homeowner's Association has promulgated amendments to its Master CCRs prohibiting the installation of new regenerative water softeners and encouraging conversion of existing units to the canister format.

Relocation of NCSD Mains in/through County Drainage Structures -

- As currently planned, SLO County would work on the Mallagh Culvert and the Burton Culvert; the Sea & Burton Culvert and the Haystack Culvert; and the Thompson Avenue and the Tefft & Avocado Culvert in FY 06-07.
- The Board has approved funding for the Mallagh Culvert and the Burton Culvert in the District's FY06-07 Budget.
- Staff met with Dale Ramey of County Public Works to discuss the County's timing and design concepts for the six projects proposed this fiscal year. Staff has also retained Boyle Engineering to develop cost estimates for each reach.
- Staff has "Pot-holed" the location of the District's Water and Sewer facilities in each of the crossings to confirm the exact location of our facilities so we can advise the County on the scope of the conflicts.

SSO Overflows General Waste Discharge Requirements –

- Staff researched the G-WDRs proposed by the SWRCB; discussed their potential impact on NCSD internally and with SWRCB staff; and presented staff conclusions at the Board's April 26, 2006 Board Meeting.
- The SWRCB at its May 2, 2006 Meeting did amend and then adopt the G-WDR. Staff presented the revised G-WDR at the June 14, 2005 District Board Meeting.
- The Board on December 13, 2006 designated the District's General Manager as our Designated Party.

AB885 –

- Staff is tracking the status of the SWRCB's Septic System Management Program Guidelines and will report once the revised guidelines are available for public comment.

Water and Sewer Master Plan Update-

- The Board approved a Request for Proposal for engineering firms to update our Water and Sewer Master Plan at its July 26, 2006 Board Meeting. Staff then circulated the RFP on July 27, 2006 with a submittal deadline of August 22, 2006. Three firms – Boyle, Cannon, and Penfield Smith submitted proposals and staff interviewed all three firms on September 6, 2006. The Board on September 13, 2006 awarded this assignment to Cannon and Associates.
- Staff conducted the Kick Off meeting with Cannon on September 19, 2006 and has gathered information so that Cannon can proceed. Staff has also held several meetings with Cannon to discuss Master Plan Issues. Cannon has submitted their Draft Version of Task Group 1 Demand Projections. Cannon is scheduled to submit Task Group 5 Hazard and Security and Task Group 6 Regulations at the end of February.
- Your Honorable Board has agreed to hold a Workshop Meeting on February 21 to review the Demand Projection technical memorandum and to view the preliminary results from the Water Gems and Sewer Gems Modeling.

FY06-07 Projects -

- The adopted FY06-07 Budget includes funds for a valve exercising and hydrant flushing program and staff completed about a third of the East side in January. Staff has retained County Services to complete the East side in February.
- Staff has also completed the upgrades to the Gardenia Lift Station and is preparing to upgrade the Hazel Lift Station.
- Fred Asmussen has completed the renovation of four of the percolation ponds at the Southland Wastewater Treatment Facility.
- Staff is monitoring the efforts of OCSD/Grover Beach/Arroyo Grande to evaluate the feasibility of a Desalination Plant at their Waste Water Treatment Facility. The Tri-Agency Group has retained the Wallace Group to prepare a Feasibility Study evaluating the cost effectiveness of desalting water at their WWTF for development of a future water supply.

Willow Road Extension Referral From County –

- SLO County Public Works has requested NCSD feedback regarding the rough draft plans for the extension/realignment of Willow Road from Pomeroy to Thompson and the interconnection of Willow Road at the proposed US 101 overpass to North Frontage Road. Staff has retained Boyle Engineering to assist in this response. Staff has meting with Dale Ramey of County Public Works Department on August 17, 2006 to discuss interaction between the County and NCSD as the project proceeds.
- SLO County Public Works provided a presentation to the Board on January 24, 2007 regarding funding options to pay for the construction of the project.

Pomeroy Road Widening Referral From County –

- SLO County Public Works has requested NCSD feedback regarding their project to widen Pomeroy Road from Live Oak Ridge Road to Aden Way in the summer of 2007.
- Staff has retained Boyle Engineering to assist in this response and to develop specifications for resetting NCSD's water system valve canisters following County completion of their Widening Project.

II. PROJECTS COMPLETED

Staff has completed the Tefft Street Lift Station Fence Replacement, the Southland Percolation Pond Refurbishing, the replacement of the Gardenia Lift Station pump, the Standard Specifications, the Fairways Street Light Painting, and SP Maintenance has initiated street sweeping.

III. ENVIRONMENTAL REVIEWS PROCESSED

To date, environmental reviews have been completed for the Hetrick Project and the Southland Shop upgrade.

IV. SMALL CONSTRUCTION PROJECT WORK ORDERS ISSUED

Staff issued a Work Order on January 3, 2007 to TGP West for \$2,750.43 for maintenance of the Sundale Well, on January 4, 2007 to P. W. Mann for \$20,000 for lift station repairs, on

January 26, 2007 to Baker Construction for \$20,000 for potholing services, and to County Services for \$20,000 for flushing and valve exercising on the East Side.

V. CHANGES TO WATER ALLOCATION

The only "new" Intent to Serve Letter issued was for a lot split along Pino Solo Court and Primrose Lane. Attached is a Water Allocation Accounting Summary which shows the aggregate allocation committed this water year is at 36.4 % whereas 25% of the water year has passed. Please note that Mike Allshouse has applied for an intent to serve letter for a 15 unit residential complex at 1 Avenida De Amigos (See Agenda Item E-2).

VI. PARKS ACTIVITIES

The Parks Committee met on January 22, 2007 (See Minutes published under Committee Reports – Agenda Item G). The next meeting is scheduled for February 26, 2007.

VII. WIP FISCAL ACTIVITY

Attached is a WIP Fiscal Activity Report for December 2007.

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Nipomo Community Services District
Water Allocation Accounting Summary

Water Year 2006-2007													
Project	Dwelling units per category					Water allotment (acre-feet)					Total	Tally	Notes:
	SFR > 10	SFR 4.5 ~ 10	SFR < 4.5	SEC	MF	Low I	SFR/DUP/SEC	MF	Low I	Low I			
						32.5	5	10.2	3.3			51	Low I (low income) pulls from SFR/DUP a
APN 092-083-009/010 - PHASED (year 3 of 4)					11	0.0	0.0	(2.0)	0.0	(2.0)		49.0	Board approved 5/25/5
APN 092-130-043, GRANDE-PHASE (year 2 of 3)					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	46.3	BOD approved 10/26/05
APN 092-130-044 ROOSEVELT apts, Phased 2/4					11	4	0.0	0.0	(2.0)	(0.7)	(2.7)	43.6	BOD Approved 5/10/06
Tract 2441, Blume and Grande, Phased 1/2			21			(6.3)	0.0	0.0	0.0	(6.3)		37.3	BOD Approved 10/25/06
Kengel Lot Split, West Tefft	3					(1.7)	0.0	0.0	0.0	(1.7)		35.7	
Casas Lot Split, Pino Solo Lane	3					(1.7)	0.0	0.0	0.0	(1.7)		34.0	
Porter Lot Split, Pino Solo Lane	3					(1.7)	0.0	0.0	0.0	(1.7)		32.4	
						0.0	0.0	0.0	0.0	0.0		32.4	
						0.0	0.0	0.0	0.0	0.0		32.4	
Totals	9	0	21	0	33	8	(11.3)	0.0	(5.9)	(1.4)	(18.6)		
Abbreviations defined:													
SFR = single family residence													
SEC = secondary dwelling (a.k.a. Granny Unit)													
DUP = Duplex													
MF = multi-family development (e.g. mutiple dwelling units sharing a common roof)													
Low I = Low income housing in accordance with County housing definition.													
Phasing Limit Check (Max 50% of annual allocation or 25.5 AF)													
Phased allocation = 7.4													

**NIPOMO COMMUNITY SERVICES DISTRICT
WATERLINE INTERTIE PROJECT
MONTHLY REPORT TO THE BOARD OF DIRECTORS
DECEMBER 2006**

REVENUES FY 2006-2007 (1)	<u>MONTH OF</u> <u>DECEMBER</u>	<u>FISCAL YEAR</u> <u>7/1/2006 TO</u> <u>6/30/2007</u>
Supplemental Water Capacity Fees Collected	0.00	71,837.00
Interest Income (monthly & quarterly posting)	13,004.48	59,472.88
Revenue Subtotal	<u>13,004.48</u>	<u>131,309.88</u>
EXPENDITURES FY 2006-2007 (2)		
<u>CONSULTANTS</u>		
1590-A1 Feasibility Study (Cannon)	0.00	0.00
1590-A2 EIR Preparation (Wood & Assoc)	1,060.00	16,053.83
1590-A3 Estimate/Preliminary Schedule (Cannon)	0.00	0.00
1590-A4 Proposed Routes/Facilities (Cannon)	0.00	0.00
1590-A5 Prop 50 Grant Applicatin (Cannon)	0.00	0.00
1590-A6 Project Support (Cannon)	0.00	0.00
<u>LEGAL</u>		
1590-B1 Shipsey & Seitz	1,376.50	15,107.25
1590-B2 McDonough, Holland & Allen	10,789.40	15,813.12
1590-B3 Richards, Watson & Gershon	22.50	26,483.75
<u>LAND ACQUISITION</u>		
1590-C1 Tarvin & Associates	0.00	16,170.00
<u>FINANCIAL</u>		
1590-D1 Reed Group	0.00	0.00
<u>ENGINEERING</u>		
1590-E1 Preliminary Engineering Design (Boyle)	0.00	195,675.42
1590-E2 Water Modeling by Carollo (City of Santa Maria)	19,500.75	19,500.75
<u>OTHER</u>		
1590-F1 FGL Environmental	0.00	5,047.00
1590-F2 Copy/Print	0.00	740.24
<u>SALARY AND BENEFITS (3)</u>		
1590-Z1 Wages-Capitalized	2,884.59	22,230.71
1590-Z2 Payroll Taxes-Capitalized	41.82	345.77
1590-Z3 Retirement-Capitalized	830.58	6,413.55
1590-Z4 Medical-Capitalized	178.82	2,145.96
1590-Z5 Dental/Vision-Capitalized	25.32	95.98
1590-Z6 Workers Compensation-Capitalized	26.16	217.79
Expenditure Subtotal	<u>36,736.44</u>	<u>342,041.12</u>
Net Revenues less Expenditures	<u>(23,731.96)</u>	<u>(210,731.24)</u>
Beginning Fund Balance as of July 1, 2006		2,421,250.05
Ending Fund Balance as of December 31, 2006		<u>2,210,518.81</u>

(1) See attached "Supplemental Water Fees Collected" Schedule for more detail.

(2) See attached "Supplemental Water Cost Summary" for more detail.

(3) Salary and Benefits of Project Manager are allocated among NCSD projects and capitalized as part of the cost of the project.

T:\documents\projects\supplemental Water\SWP\Financial Reports\FY 6-30-07\monthly report to board.xls

**NIPOMO COMMUNITY SERVICES DISTRICT
SUPPLEMENTAL WATER COST SUMMARY**

<u>A/C #</u>	<u>DESCRIPTION</u>	<u>7/1/2004 TO 6/30/2005</u>	<u>7/1/2005 TO 6/30/2006</u>	<u>7/1/2006 TO 6/30/2007</u>	<u>GRAND TOTAL</u>
1645	Reservation Fee-City of Santa Maria	37,500.00	0.00	0.00	37,500.00
1590-A1	Feasibility Study (Cannon)	25,887.29	0.00	0.00	25,887.29
1590-A2	EIR Preparation (Wood & Assoc)	29,037.48	87,100.23	16,053.83	132,191.54
1590-A3	Est/Preliminary Schedule (Cannon)	3,706.19	2,602.75	0.00	6,308.94
1590-A4	Proposed Routes/Facilities (Cannon)	5,050.07	520.00	0.00	5,570.07
1590-A5	Prop 50 Grant Application (Cannon)	2,757.00	6,210.00	0.00	8,967.00
1590-A6	Project Support (Cannon)	0.00	11,797.44	0.00	11,797.44
1590-B1	Shipsey & Seitz	0.00	23,095.55	15,107.25	38,202.80
1590-B2	McDonough, Holland & Allen	0.00	34,177.28	15,813.12	49,990.40
1590-B3	Richard, Watson & Gershon	0.00	9,472.38	26,483.75	35,956.13
1590-C1	Tarvin Appraisal	0.00	0.00	16,170.00	16,170.00
1590-D1	Reed Group	0.00	2,809.85	0.00	2,809.85
1590-E1	Preliminary Engineering Design (Boyle)	0.00	6,470.33	195,675.42	202,145.75
1590-E2	Water Modeling by Carollo (City of SM)	0.00	0.00	19,500.75	19,500.75
1590-F1	Lab Testing (FGL Environmental)	0.00	0.00	5,047.00	5,047.00
1590-F2	Copy/Print	0.00	0.00	740.24	740.24
1590-Z1	Wages-Capitalized	0.00	29,076.92	22,230.71	51,307.63
1590-Z2	Payroll Taxes-Capitalized	0.00	587.22	345.77	932.99
1590-Z3	Retirement-Capitalized	0.00	8,418.08	6,413.55	14,831.63
1590-Z4	Medical-Capitalized	0.00	2,861.36	2,145.96	5,007.32
1590-Z5	Dental/Vision-Capitalized	0.00	0.00	95.98	95.98
1590-Z6	Workers Compensation-Capitalized	0.00	260.35	217.79	478.14
		<u>103,938.03</u>	<u>225,459.74</u>	<u>342,041.12</u>	<u>671,438.89</u>

**NIPOMO COMMUNITY SERVICES DISTRICT
CERTIFICATES OF PARTICIPATION
DEBT SERVICE SCHEDULE**

	<u>PRINCIPAL</u>	<u>INTEREST</u>	<u>TOTAL DEBT SERVICE</u>	<u>PRINCIPAL BALANCE</u>
				4,000,000.00
FY June 30, 2004	0.00	136,384.79	136,384.79	4,000,000.00
FY June 30, 2005	75,000.00	169,950.00	244,950.00	3,925,000.00
FY June 30, 2006	80,000.00	167,625.00	247,625.00	3,845,000.00
FY June 30, 2007	80,000.00	165,225.00	245,225.00	3,765,000.00

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NIPOMO COMMUNITY SERVICES DISTRICT
SUPPLEMENTAL WATER FEES COLLECTED


PROJECT	DEVELOPER	SUMMARY	DATE PAID	WATER SUPPLY PORTION	PIPELINE PORTION	SUPPLEMENTAL TOTAL
2513	COOL	7 RESIDENTIAL MINUS CREDIT FOR 1 EXISTING	6/23/05	59,406.00	7,320.00	66,726.00
2513	COOL	1 FOUR INCH FIRE SYSTEM	6/23/05	37,125.23	4,588.52	41,713.75
2514	NEWDOLL	7 RESIDENTIAL MINUS CREDIT FOR 1 EXISTING PLUS 1 IRRIGATION	6/23/05	69,307.00	8,540.00	77,847.00
2619	ALLSHOUSE	22 RESIDENTIAL MINUS 4 EXISTING PLUS 1 IRRIGATION	6/30/05	188,119.00	23,180.00	211,299.00
2619	ALLSHOUSE	1 TWO INCH FIRE SYSTEM	6/30/05	11,870.37	1,467.13	13,337.50
2513	COOL	REFUND 1 FOUR INCH FIRE SYSTEM	8/29/05	(37,125.23)	(4,588.52)	(41,713.75)
2619	ALLSHOUSE	REFUND 1 TWO INCH FIRE SYSTEM	8/29/05	(11,870.37)	(1,467.13)	(13,337.50)
FISCAL YEAR 2004-2005			SUBTOTAL	316,832.00	39,040.00	355,872.00

PROJECT	DEVELOPER	SUMMARY	DATE PAID	WATER SUPPLY PORTION	PIPELINE PORTION	SUPPLEMENTAL TOTAL
090-095-011 to 090-095-014	DANMARK	4 RESIDENTIAL MINUS CREDIT FOR 1 EXISTING	8/4/05	29,703.00	3,660.00	33,363.00
2561	VISTA COLINA	8 RESIDENTIAL MINUS CREDIT FOR 1 EXISTING PLUS 1 IRRIGATION	11/7/05	79,208.00	9,760.00	88,968.00
090-381-006	DENNERLEIN	1 RESIDENTIAL SERVICE 182 EAST CHESTNUT	1/25/06	9,901.00	1,220.00	11,121.00
091-327-075	PRUIT	2 ONE INCH METERS	2/1/06	19,802.00	2,440.00	22,242.00
091-327-075	PRUIT	1 FOUR INCH FIRE SYSTEM	2/1/06	37,125.23	4,588.52	41,713.75
091-322-046	HARDESTY	1 ONE INCH METER	3/20/06	9,901.00	1,220.00	11,121.00
090-251-021	BLUME	1 ONE INCH METER	4/19/06	9,901.00	1,220.00	11,121.00
2565	PUHEK	5 RESIDENTIAL PLUS 1 IRRIGATION	5/9/06	59,406.00	7,320.00	66,726.00
CO 04-0606	MVIII	5 RESIDENTIAL	5/18/06	49,505.00	6,100.00	55,605.00
2499	NESTER	18 RESIDENTIAL	6/9/06	178,218.00	21,960.00	200,178.00
FISCAL YEAR 2005-2006			SUBTOTAL	482,670.23	59,488.52	542,158.75

PROJECT	DEVELOPER	SUMMARY	DATE PAID	WATER SUPPLY PORTION	PIPELINE PORTION	SUPPLEMENTAL TOTAL
090-091-017	SCOGGINS	2 RESIDENTIAL MINUS CREDIT FOR 1 EXISTING-325 N THOMPSON	7/18/06	10,288.00	1,268.00	11,556.00
2595	BAUR	6 RESIDENTIAL MINUS CREDIT FOR 2 EXISTING	10/11/06	41,152.00	5,072.00	46,224.00
091-327-075	PRUIT	FINAL FEES PAID-BALANCE DUE TO FEE INCREASE 7/1/06	10/11/06	2,226.00	275.00	2,501.00
090-381-002	STEELE	1 RESIDENTIAL	10/18/2006	10,288.00	1,268.00	11,556.00
FISCAL YEAR 2006-2007			SUBTOTAL	63,954.00	7,883.00	71,837.00

GRAND
TOTAL 863,456.23 106,411.52 969,867.75

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TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: FEBRUARY 9, 2007



COMMITTEE REPORTS

ITEM

Receive Minutes from January 22, 2007, Parks Committee and the Minutes from the January 31, 2007, Finance, Audit, and Personnel Committee

BACKGROUND

Attached is the set of draft minutes from the January 22, 2007, Parks Committee and the draft minutes from the January 31, 2007, Finance, Audit, and Personnel Committee. Members of the Committees or Staff can respond to questions and receive comments from the Board regarding the meetings or the draft minutes.

RECOMMENDATION

It is recommended that your Honorable Board edit the draft minutes as appropriate and, adopt the final sets of minutes.

ATTACHMENTS

1. Draft Minutes from January 22, 2007, Parks Committee
2. Draft Minutes from January 31, 2007, Finance, Audit, and Personnel Committee

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NIPOMO COMMUNITY SERVICES DISTRICT

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

MINUTES OF THE 1/22/07 MEETING OF THE PARKS COMMITTEE

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairman Winn called the Special Meeting to order at 2:15pm in the NCSD Board Chambers. Both Chairman Winn and Director Harrison were in attendance along with General Manager Bruce Buel, and five members of the public. Chairman Winn described the purpose and format of the meeting. There was no public comment on this item.

2. DISCUSS ACTIVATION AND PARK DEVELOPMENT STATUS

Bruce Buel summarized the interaction with Supervisor Katcho Achadjian and SLO County Staff in regards to negotiating a Memorandum of Understanding between NCSD and the County for development and maintenance of Miller Park. Danny Diaz requested an explanation of how parks maintenance costs would be paid. Roger Diaz requested a schedule of presentations from Cal Poly. Ken Sibley requested that the Miller Park design include a youth section. Committee discussion followed in response to the comments and the status of the discussions with the County.

3. REVIEW DRAFT PARKS SURVEY REQUEST FOR PROPOSALS

Bruce Buel summarized the draft RFP and requested committee feedback. Roger Davis requested more detail on the funding sources available for maintenance of parks. Bruce Buel responded with a summary of funding options that were available to NCSD. The Committee concluded, by consensus that the draft RFP could be mailed with some minor edits.

4. SET MEETING DATE(S) FOR SUBSEQUENT MEETINGS

The Committee agreed to meet again at 2 pm on Monday 2/26/07. There was no public comment.

5. ADJOURNMENT

Chairman Winn thanked the public for participating and adjourned the meeting at 2:47 p.m.



NIPOMO COMMUNITY SERVICES DISTRICT

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MINUTES OF THE 1/31/07 MEETING OF THE FINANCE, AUDIT AND PERSONNEL COMMITTEE

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairman Vierheilg called the Special Meeting to order at 12:00 pm in the NCSD Board Chambers. Both Chairman Vierheilg and Director Trotter were in attendance along with staff members Bruce Buel, Lisa Bognuda and Dan Migliazzo. There were no members of the public present during the meeting.

Chairman Vierheilg suggested that Item 6 be discussed out of order. Director Trotter was in agreement to hear Item 6 first.

6. STATUS REPORT ON RECRUITMENTS

Bruce Buel reported that the recruitment was successful for the temporary Assistant to the General Manager. Faith Watkins began work on January 26, 2007. The recruitment for a Water Conservation/Public Information Specialist is in process. Applications close on March 2, 2007. The application period for District Engineer closed on January 5, 2007. NCSD received one application and the candidate is going to be interviewed on Friday, February 2, 2007. The recruitment for a Utility Foreman last fall was unsuccessful-NCSD did not receive any applications. Bruce Buel stated that the Classification Study is in process and may have an impact on how staff should proceed with the recruitment process for a new Utility Foreman.

Butch Simmons, our current Utility Foreman, plans on retiring on May 10, 2007. He is, however, willing to continue to work for NCSD for up to a maximum of one year at an increased compensation of \$1,000 a month over and above his current salary. Dan Migliazzo, Utility Supervisor, handed the Committee a letter stating his reasons for supporting Mr. Simmon's proposal. Dan also discussed his reasons with the Committee. Lisa Bognuda, Assistant Administrator, stated that this proposal would not be fair and is unequitable to the other employees and may encourage these requests in the future.

Upon motion of Director Trotter and seconded by Chairman Vierheilg, the Committee recommends to the Board of Directors that they approve a six month contract beginning on May 11, 2007 with Butch Simmons which includes a \$1,000 per month salary increase. The contract shall have a definite ending date.

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2. REVIEW PROPOSED FISCAL YEAR 2007-2008 BUDGET TIME LINE

Lisa Bognuda reviewed the proposed budget time line. Director Trotter felt the public hearing and adoption should not be on the same date. It was recommended that the public hearing be held on June 13 and the adoption be held at a Special Meeting on June 20. A date for the Kick Off meeting with the Finance Committee was set for March 7 at 9:00 a.m. The Finance Committee will meet again on April 18 at 9:00 a.m. The Study Session with the Board of Directors will be May 30 at 9:00 a.m.

3. REVIEW AUDIT PROPOSALS FOR 3 YEAR AUDIT ENGAGEMENT

The District received three audit proposals from the following firms:

Crosby & Cindrich	\$8,000 2006-2007 \$8,000 + CPI 2007-2008 \$8,000 + CPI 2008-2009
Glenn, Burdette, Phillips & Bryson	\$12,100 2006-2007 \$12,500 2007-2008 \$12,950 2008-2009
Barbich, Longcrier Hooper & King	\$14,525 each year

Chairman Vierheilg spoke with Gina at Oceano CSD and she gave Crosby & Cindrich a high recommendation. Bruce Buel also stated that he had worked with Crosby & Cindrich in the past and was pleased with their work. Upon motion by Director Trotter and seconded by Chairman Vierheilg, the Committee unanimously agreed to recommend the firm of Crosby & Cindrich to the Board of Directors.

4. REVIEW LONG TERM EMPLOYEE ENTITLEMENTS

Bruce Buel reviewed the post-retirement health care benefits for employees hired by the District prior to December 14, 2005 and those hired after December 14, 2005. The Committee agreed that the post-retirement health care benefits are grandfathered in for current employees based on their hire date. The Committee agreed to refer this matter to District Legal Counsel, Jon Seitz, to review alternatives for employees hired in the future.

5. REVIEW OF GENERAL MANAGER PERFORMANCE EVALUATION FORM

The Committee reviewed the draft General Manager Performance Evaluation Form. Director Trotter asked that edits be made and that spaces be added for the Board Members to write their comments. After the modifications are made, the Committee directed Staff to circulate the form to the Board of Directors. The Committee also agreed to review the Performance Evaluation Form that is in NCSO Personnel Policies and Procedures Manual and modify, as needed. The Committee will bring this back for consideration at a future meeting.

7. SET NEXT MEETING

The next meeting of the Finance, Audit and Personnel Committee will be on Wednesday, March 7, 2007, at 9:00 a.m.