

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



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) APPROVE WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Approve Minutes of February 14, 2007 Regular Meeting, the February 28, 2007 Regular Meeting and February 21, 2007 Special Meeting
- D-3) ACCEPT HETRICK WATERLINE REPLACEMENT PROJECT AND DIRECT STAFF TO FILE NOTICE OF ACCEPTANCE [ADOPT RECOMMENDATION]
- D-4) RATIFY AMENDMENT OF WATER & SEWER MASTER PLAN AGREEMENT TO ADD SALARY ANALYSIS TO CLASSIFICATION STUDY [ADOPT RECOMMENDATION]
- D-5) AUTHORIZE RECRUITMENTS OF UTILITY INTERNS FOR FY07-08 [ADOPT RECOMMENDATION]

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

**AGENDA ITEM  
 D-1  
 MARCH 14, 2007**

**HAND WRITTEN CHECKS**

02-26-07	18960	STANDARD INS CO	1,074.08
02-27-07	18961	CSUS FOUNDATION	50.00
03-07-07	18962	C TROTTER	50.00
03-07-07	18963	L VIERHEILIG	50.00
03-14-07	18965	SANTA BARBARA WATER AGENCY	34.00

**TOTAL COMPUTER  
 CHECKS  
 \$ 221,383.48**

**VOIDED CHECKS**

18964

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
13256	03/09/07	EMP01	EMPLOYMENT DEVELOP DEPT	604.61	.00	604.61	A70305	STATE INCOME TAX
13257	03/09/07	MID01	MIDSTATE BANK-PR TAX DEP	2394.81 183.42 619.34	.00 .00 .00	2394.81 183.42 619.34	A70305 1A70305 2A70305	FEDERAL INCOME TAX FICA MEDICARE (FICA)
Check Total.....:				3197.57	.00	3197.57		
13258	03/09/07	MID02	MIDSTATE BANK - DIRECT DP	17971.40	.00	17971.40	A70305	NET PAY
13259	03/09/07	PER01	PERS RETIREMENT	5659.44	.00	5659.44	A70305	PERS PAYROLL REMITTANCE
13260	03/09/07	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A70305	WAGE ASSIGNMENT
13261	03/09/07	STA01	STATE STREET GLOBAL	1105.00	.00	1105.00	A70305	457 DEFERRED COMP
013262	03/14/07	ADV01	ADVANTAGE ANSWERING PLUS	92.95	.00	92.95	83475	PAGING SERVICE
013263	03/14/07	ALX01	ALEXANDER'S CONTRACT SERV	2739.40	.00	2739.40	200720012	METER READING
013264	03/14/07	AME03	AMERI PRIDE	71.89 67.12	.00 .00	71.89 67.12	F117991 F123778	UNIFORMS, ETC UNIFORMS, ETC
Check Total.....:				139.01	.00	139.01		
013265	03/14/07	APO01	APOGEE PUBLICATIONS	375.00	.00	375.00	05-2060	JOB ADVERTISEMENT
013266	03/14/07	ASA01	ASAP REPROGRAPHICS	179.80	.00	179.80	106920	SOUTHLAND WWTP MP COPIES
013267	03/14/07	BLU01	BLUEPRINT EXPRESS	5.36	.00	5.36	29923	COPIES
013268	03/14/07	BRI01	BRISCO'S	37.34	.00	37.34	132206	SUPPLIES
013269	03/14/07	CAN02	CANNON ASSOCIATES	19547.21	.00	19547.21	40432	WATER AND SEWER MASTER PL
013270	03/14/07	CAR04	CAR QUEST ARROYO GRANDE	558.28	.00	558.28	997137	SUPPLIES
013271	03/14/07	COM01	COMPUTER NETWORK SERVICES	685.50	.00	685.50	072A	COMPUTER SERVICE
013272	03/14/07	COR01	CORBIN WILLITS SYSTEMS	710.80	.00	710.80	A702151	BILLING PROGRAM SUPPORT
013273	03/14/07	COR02	CORRPRO COMPANIES, INC.	2610.00	.00	2610.00	SIO79777	CATHODIC PROTECTION
013274	03/14/07	CRE01	CREEK ENVIRONMENTAL LABS	256.00 24.00 24.00 24.00 24.00 256.00 24.00 60.00 200.00 24.00	.00 .00 .00 .00 .00 .00 .00 .00 .00 .00	256.00 24.00 24.00 24.00 24.00 256.00 24.00 60.00 200.00 24.00	00925 00926 00970 01011 01027 01070 01106 01107 01108 01147	WATER SAMPLES BL WWTP LAB BL WWTP LAB BL WWTP LAB BL WWTP LAB WATER SAMPLES BL WWTP LAB WATER SAMPLES NEW MAIN TOWN WWTP LAB BL WWTP LAB
Check Total.....:				916.00	.00	916.00		
013275	03/14/07	CUE01	CUESTA EQUIPMENT	188.89	.00	188.89	332284	SUPPLIES
013276	03/14/07	CUL02	CULLIGAN WATER CONDITION	18.57	.00	18.57	022807	DELIVERY
013277	03/14/07	EBY01	EBY, ED	100.00	.00	100.00	031407	REG BD MEETING 031407
013278	03/14/07	FAR01	FARM SUPPLY COMPANY	67.98	.00	67.98	251303	SUPPLIES
013279	03/14/07	FAR02	FAR WEST EXPRESS	26.50	.00	26.50	209109+	MAILING SERVICE 73464, 99



**NIPOMO COMMUNITY SERVICES DISTRICT  
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
013280	03/14/07	FER01	FERGUSON ENTERPRISES INC	317.21	.00	317.21	1249942	SUPPLIES
013281	03/14/07	FGL01	FGL ENVIRONMENTAL	89.00	.00	89.00	700342	TOWN WWTP LAB
				89.00	.00	89.00	700824	TOWN WWTP LAB
				94.00	.00	94.00	701048	TOWN WWTP LAB
				112.00	.00	112.00	701553	BL WWTP LAB
				187.00	.00	187.00	701554	TOWN WWTP LAB
				464.00	.00	464.00	701780	TOWN WWTP LAB
				187.00	.00	187.00	701781	TOWN WWTP LAB
				112.00	.00	112.00	701782	BL WWTP LAB
			Check Total.....:	1334.00	.00	1334.00		
013282	03/14/07	GAR01	GARING TAYLOR & ASSOC	4356.25	.00	4356.25	1207	PCI-MARIA VISTA
013282	03/14/07	GAR01	GARING TAYLOR & ASSOC	65.00	.00	65.00	1208	BL POND LINER #3
				2762.25	.00	2762.25	1221	SHOP EXPANSION-GRADING PL
				7349.52	.00	7349.52	1207A	MARIA VISTA LITIGATION
			Check Total.....:	14533.02	.00	14533.02		
013283	03/14/07	GIL01	GLM, INC.	300.00	.00	300.00	170301	OFFICE LANDSCAPE
				100.00	.00	100.00	4700301	BL LANDSCAPE
			Check Total.....:	400.00	.00	400.00		
013284	03/14/07	GRO01	GROENIGER & CO	435.44	.00	435.44	661907SM	SUPPLIES
013285	03/14/07	GRO02	GROUND UP	3937.50	.00	3937.50	17	CONSTRUCTION MGMT-HETRICK
013286	03/14/07	GWA01	GWA INC	28.00	.00	28.00	702006401	FIRE ALARM
013287	03/14/07	HAR02	HARRISON, JAMES	100.00	.00	100.00	031407	REG BD MEETING 031407
013288	03/14/07	IMP02	IMPAC GOVERNMENT SERVICES	277.94	.00	277.94	32207A	TRAVEL EXPENSES
				414.97	.00	414.97	022207B	COMPUTER SUPPLIES
				113.40	.00	113.40	022207C	MISC
				60.00	.00	60.00	022207D	FUEL
				1390.75	.00	1390.75	022207E	OFFICE SUPPLIES
				298.43	.00	298.43	022207F	SUBSCRIPTIONS
				195.00	.00	195.00	022207G	POSTAGE FOR ENVELOPES
				255.00	.00	255.00	022207H	AWWA SEMINAR
			Check Total.....:	3005.49	.00	3005.49		
013289	03/14/07	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	37324	LANDSCAPE TR 2409
013290	03/14/07	NIP01	NIPOMO ACE HARDWARE INC	436.62	.00	436.62	022807	SUPPLIES
013291	03/14/07	NIP08	NIPOMO CSD	164.42	.00	164.42	02/28/07	NCSO LANDSCAPE METER
013292	03/14/07	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	60672	PEST CONTROL
				49.00	.00	49.00	60673	PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
013293	03/14/07	OFF01	OFFICE DEPOT	67.54	.00	67.54	375631036	SUPPLIES
				85.79	.00	85.79	375638521	OFFICE SUPPLIES
			Check Total.....:	153.33	.00	153.33		
013294	03/14/07	OSH01	OSHA PRO'S INC.	2950.00	.00	2950.00	0207-15	CONFINED SPACE CLASS
013295	03/14/07	PAP01	PAPICH CONSTRUCTION CO IN	75765.60	.00	75765.60	238-01	HETRICK WATER LINE REPLAC
013296	03/14/07	PGE01	P G & E	28465.29	.00	28465.29	022807	ELECTRICITY 4449664603-
013297	03/14/07	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	159	JANITORIAL SERVICE
013298	03/14/07	QUI03	QUINN RENTAL SERVICES	322.55	.00	322.55	2079188	TRENCHER RENTAL
				17.05	.00	17.05	2079345	SUPPLIES
				270.78	.00	270.78	2079455	SUPPLIES
			Check Total.....:	610.38	.00	610.38		
013299	03/14/07	REL01	RELIABLE	128.69	.00	128.69	FNK72502	SUPPLIES
013300	03/14/07	SAI01	SAIC	1756.21	.00	1756.21	922807	HYDROLOGIC MONITORING

**NIPOMO COMMUNITY SERVICES DISTRICT  
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Payment Information	
							Invoice #	Description
013301	03/14/07	SAN09	SAN LUIS MAILING SERVICE	35.18	.00	35.18	31479A	MAILING BILLS
				115.05	.00	115.05	31479B	POSTAGE FOR BILLS
Check Total.....:				150.23	.00	150.23		
013302	03/14/07	SHI01	SHIPSEY & SEITZ, INC	22558.24	.00	22558.24	021507	LEGAL SERIVCES THRU 2/15/
013303	03/14/07	SOU01	SOUTH COUNTY SANITARY	34.24	.00	34.24	1734216	TRASH COLLECTION
				165.80	.00	165.80	1738269	OLDE TOWNE TRASH COLLECTI
Check Total.....:				200.04	.00	200.04		
013304	03/14/07	STA03	STATEWIDE SAFETY & SIGNS	41.85	.00	41.85	53200	SUPPLIES
013305	03/14/07	TGP01	TGP WEST, INC.	2300.43	.00	2300.43	3572	SUNDALE WELL MAINT
				592.61	.00	592.61	3684	SUNDALE WELL MAINT 2/8 &
Check Total.....:				2893.04	.00	2893.04		
013306	03/14/07	THE01	THE GAS COMPANY	137.96	.00	137.96	022107	OFFICE HEAT
				15.78	.00	15.78	022607	GAS ENGINE
Check Total.....:				153.74	.00	153.74		
013307	03/14/07	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	031407	REG BD MEETING 031407
013308	03/14/07	UND01	UNDERGROUND SERVICE ALERT	192.00	.00	192.00	70020050	UNDERGROUND NOTIFICATION
013309	03/14/07	VER01	VERIZON	34.40	.00	34.40	021907A	BL PHONE
				34.40	.00	34.40	021907B	BL PHONE
Check Total.....:				68.80	.00	68.80		
013310	03/14/07	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	031407	REG BD MEETING 031407
013311	03/14/07	WAT02	WATER RESOURCES MGMT, INC	480.00	.00	480.00	N22607	SOFTWARE-MAINTENANCE PROG
013312	03/14/07	WAY01	WAYNE COOPER AG SERVICES	150.00	.00	150.00	208	EFFICIENCY TEST - CHURCH
013313	03/14/07	WIN01	WINN, MICHAEL	100.00	.00	100.00	031407	REG BD MEETING 031407
013314	03/14/07	WIN02	WINN, MICHAEL	327.50	.00	327.50	TRAVEL06+	TRAVEL VARIOUS DATES
013315	03/14/07	XER01	XEROX CORPORATION	85.18	.00	85.18	23521237	COPIER MAINT
013316	03/14/07	\A004	MARK ALONZO CONSTRUCTION,	300.50	.00	300.50	000A70301	MQ CUSTOMER REFUND
013317	03/14/07	\R001	RAMINHA CONSTRUCTION,	471.55	.00	471.55	000A70301	MQ CUSTOMER REFUND



# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 42 - Years of Service 1965 - 2007*

## MINUTES

**FEBRUARY 14, 2007 9:00 A. M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

### **BOARD of DIRECTORS**

MICHAEL WINN, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
CLIFFORD TROTTER, **DIRECTOR**  
ED EBY, **DIRECTOR**  
JAMES HARRISON, **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 Winn called the meeting to order at 9:00 a.m. and led the flag salute.

00:00:20 B. ROLL CALL

At Roll Call, all Board members were present.

00:00:60 C. PRESENTATIONS AND PUBLIC COMMENT

President Winn presented a resolution to Judith Wirsing, past NCSD director, thanking her for her service to the community. Mrs. Wirsing thanked the Board.

Director Trotter suggested a book (Future Edge by Joel Barker) to the members of the Board as required reading. He loaned a couple of the books for the Board to share.

Bruce Buel, General Manager, introduced Faith Watkins, who is the temporary Assistant to the Manager. Ms. Watkins thanked the Board for the opportunity to work at the District and offered her assistance to the Board, as well.

00:06:54 C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S OFFICE

Commander Martin Basti presented information on Sheriff's Activities on the Nipomo Mesa.

- In response to inquiry regarding the recycle bins, he reported that once anything is put in the recycle bin it has been given away, it is not personal property and not yet property of the trash company.
- He would like the sheriff's office to be called as soon as any graffiti is observed. If there is graffiti on personal property, the County has no authority to go on the property to clean up. It is unlawful for a minor (under 18) to purchase or possess paint spray cans.
- Saturday, February 10, there was a drive-by shooting, seemingly gang related.

President Winn thanked Commander Basti for his presentation.

00:15:29 C-2) BATTALION CHIEF BILL FISHER OF CA DEPARTMENT OF FORESTRY (CDF)

Bill Fisher, Battalion Chief of Cal Fire (changed from CA Department of Forestry) presented an activity report for Fire Department activities on the Nipomo Mesa in January 2007. A copy is available for viewing in the District office. President Winn thanked Battalion Chief Fisher for his presentation.

**MINUTES SUBJECT TO BOARD APPROVAL**

Copy of document found at [www.NipomoNipTax.com](http://www.NipomoNipTax.com)



- 00:17:46 C-3) MIKE NUNLEY OF BOYLE ENGINEERING  
Mike Nunley, Project Manager for Boyle Engineering, presented a progress report concerning Evaluation of Alternate Water Supply Options. During night observations, the bio-surveys found red-legged frogs. There are four night surveys remaining. Some alternate water supply options are in the process of being evaluated, including State Water, Santa Maria Valley groundwater, desalination, and recharge of treated wastewater.  
Mr. Nunley answered questions from the Board.
- 00:37:40 C-4) STAFF UPDATE ON BLACKLAKE WATER SYSTEM NEGOTIATIONS  
General Manager, Bruce Buel, presented information concerning the Blacklake water system negotiations. He suggested the item be on the February 28, 2007, agenda to review the engineers' report.
- 00:41:47 C-5) DIRECTOR'S ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community Interest  
Director Eby – SCAC elections – filing for intention 2/12 to 3/12/07. Applications are available at the front desk and the SCAC web site.  
Town Hall meeting and election March 19th. New council will be seated March 26<sup>th</sup>.  
Notice from Jay Johnson – February 22, 2007, 7:00 to 9:00 p.m. meeting in the NCSD Board room concerning Oakglen and Southland.  
February 26, 2007, SCAC meeting – presentation by Chuck Stevenson regarding the South Oakglen Area Plan.  
Director Vierheilig – Strategic Planning Seminar coming up March 16<sup>th</sup> – Pleasanton May 9, 2007, in Los Angeles
- 00:47:15 C-6) PUBLIC COMMENT ON PRESENTATIONS AND ITEMS NOT ON AGENDA  
The following members of the public spoke:  
Cory Cave, Men At Work Property Services – offered his services for graffiti removal, etc. He stated that he has the latest equipment to provide services.  
Judith Wirsing, NCSD resident – asked the Board if the public is able to comment on the presenters.
- 00:52:50 D. CONSENT AGENDA  
D-1) APPROVE WARRANTS  
D-2) APPROVE BOARD MEETING MINUTES  
Approve Minutes of January 24, 2007, Regular Meeting  
D-3) SET MAY 30, 2007, AS DATE FOR FY 2007-2008 BUDGET WORKSHOP;  
JUNE 13, 2007, AS DATE FOR THE PUBLIC HEARING; AND JUNE 20, 2007, AS DATE FOR THE BUDGET ADOPTION  
D-4) RESET DESALINATION PRESENTATION FOR MARCH 21, 2007  
D-5) ADD WATER MANIFOLD DETAIL TO STANDARD SPECIFICATIONS  
D-6) AMEND CANNON WATER AND SEWER MASTER PLAN AGREEMENT TO ADD ADDITIONAL EVALUATION OF WATER AND SEWER DEMAND PROJECTIONS AND AMEND FY2006-07 BUDGET



**Nipomo Community Services District  
REGULAR MEETING  
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D. CONSENT AGENDA (continued)

D-7) AUTHORIZE EXECUTION OF AGREEMENT WITH CROSBY AND CINDRICH TO PREPARE FY 06-07 THROUGH FY 08-09 AUDITS

Director Vierheilg asked to pull Item D-5 and one item on the Warrants and suggested that in the Minutes for January 24, 2007, - Item F – last sentence of second bullet needs to be deleted.

Staff pulled Item D-4.

Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously approved Items D-1, 2, 3, 6 and 7, as amended. There was no public comment. Vote 5-0

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

D-4 Mr. Buel stated that Ernie Kertinen cannot be here March 21, 2007, for the desalination presentation. He has committed to coming here in May. Instead, Staff recommends considering the final adoption of the Southland Wastewater Treatment Facility Master Plan on March 21, 2007. Upon motion of Director Vierheilg and seconded by Director Eby, the Board unanimously approved the recommendation from the General Manager. There was no public comment. Vote 5-0.

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

D-5 Director Vierheilg asked to have the item continued for further staff review. Upon motion of Director Vierheilg and seconded by Director Eby, the Board agreed to remove this item for modification and return it to the Board at a later date. There was no public comment. Vote 5-0

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

Item on Warrants – The Board discussed the amount stated on the Warrants to be paid to SP Maintenance. Director Vierheilg stated that the Group #3 area on Waypoint, Ten Oaks, etc. has not been swept adequately. Bruce Buel, General Manager, recommended that he would work with SP Maintenance to remedy the situation. Upon motion of Director Vierheilg and seconded by Director Harrison, the Board unanimously agreed to have staff pursue the matter with SP Maintenance, to withhold payment to SP Maintenance and bring the matter back as an administrative item. There was no public comment. Vote 5-0



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

**01:08:37** E. ADMINISTRATIVE ITEMS

E-1) CONSIDER AMENDING DISTRICT MISSION STATEMENT AND ADOPTING DISTRICT VISION STATEMENT

Bruce Buel, General Manager, reviewed the Board’s discussion at the Strategic Plan Workshop held December 9, 2006. He read the Mission Statement as it now exists: “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.” The following revised mission statement is proposed.

Mission Statement: The Nipomo Community Services District’s mission is to provide the community with reliable, quality and cost-effective services.

At the workshop, the Board also considered the following Vision Statement:

Vision Statement: The Nipomo Community Services District’s vision is to manage the resources and future growth of the community.

The following member of the public spoke:

Kevin Beauchamp, NCS D customer – stated that the District should build infrastructure rather than have businesses build it.

President Winn stated that the District had some sewer laterals installed on Tefft Street in Olde Towne. The developers would pay as they needed the services. The Board suggested some minor grammatical edits. Upon motion of Director Vierheilg and seconded by Director Eby, the Board unanimously adopted the Mission Statement and the Vision Statement, as amended. Vote 5-0.

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

**01:13:59** E-2) CONSIDER INTENT TO SERVE APPLICATION FOR WATER AND SEWER SERVICE AT 1 AVENIDA DE AMIGOS (APN 092-142-033)

Bruce Buel, General Manager, reviewed the request from Mr. Mike Allshouse for an Intent-to-Serve letter for a project on Avenida de Amigos (APN 092-142-033). The water allocation available for multi-family projects for this Allocation Year 06-07 is 4.2 AF of water.

The Board discussed the project fees, allocation and connections.

The following members of the public spoke:

Pam Jardini, from Planning Solutions and representative for Mike Allshouse – discussed the project with the Board.

The Board discussed the fact that the when fees for the project were originally estimated, the supplemental water supply project was estimated to be \$6 million. The fees for this multi-family project will probably increase proportionately. The developer should know that the final fee will be due before a meter is set to serve the project.

Upon motion of Director Vierheilg and seconded by Director Winn, the Board unanimously agreed to direct staff to allocate water to the project (2 acre-feet in AY06-07 and 0.7 acre-feet in AY07-08) in accordance the District’s water allocation policy and re-issue the Intent-to-Serve (ITS) letter for the project with the conditions as outlined in the Board letter. There was no public comment. Vote 5-0.



Nipomo Community Services District  
REGULAR MEETING  
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E-2) CONSIDER INTENT TO SERVE APPLICATION FOR WATER AND SEWER SERVICE AT 1 AVENIDA DE AMIGOS (APN 092-142-033) (continued)

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

The Board took a break at 10:35 a.m. and returned at 10:47 a.m.

01:36:56

E-3) CONSIDER RETENTION OF GARING TAYLOR ASSOCIATES TO PREPARE DESIGN FOR BLACKLAKE WWTF POND #3 LINER REPLACEMENT AND ADOPT RESOLUTION TRANSFERRING FUNDS AND PROVIDING FOR REIMBURSEMENT

Bruce Buel, General Manager, explained the proposal to retain the services of Garing, Taylor & Associates (GTA) to prepare design for Blacklake Wastewater Treatment Facility Pond #3 liner replacement and the funding for the actual replacement. The Board discussed the matter.

The following members of the public spoke:

Bill Nelson, NCS D and Blacklake resident – A briefing was given to the Blacklake community in May of 2005, and included the rate increases for water and sewer (including a 4% rate increase every year until the year 2009 for the sewer bill). The community understood that the increases were necessary in order to keep Blacklake going. Now NCS D will be asking for another rate increase. He stated that he hoped the District can get it right this time.

Upon motion of Director Trotter and seconded by Director Harrison, the Board unanimously agreed to authorize execution of an agreement with GTA to perform the scope of work set forth in the attached proposal on a time and materials basis with a not to exceed expenditure limit of \$19,600 and authorize the discussions with Black Lake and the request for Bob Reed to submit a proposal for a rate study for subsequent Board consideration. Vote 5-0

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

01:57:00

E-4) REVIEW OF BOARD BYLAWS

The Board discussed the proposed changes to the By-Laws. The Board agreed to some changes. Upon motion of Director Vierheilig and seconded by Director Trotter, the Board unanimously agreed to adopt Resolution 2007-1006, as amended. There was no public comment. Vote 5-0.

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

RESOLUTION NO. 2007-1006  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2007 UPDATE)

02:30:52

E-5) DEVELOP POSITION ON SALE OF SLO COUNTY WATER ENTITLEMENT TO CCWA AND FORWARD POSITION TO SLO COUNTY AND CCWA

Bruce Buel reviewed the concepts of possibly purchasing a portion of the SLO County Flood Control and Water Conservation District's (FC&WC District) excess entitlements of state water. He spoke with Bill Brennan, General Manager of CCWA, concerning negotiating an agreement. Board discussion followed. There was no public comment.



Nipomo Community Services District  
REGULAR MEETING  
MINUTES

E-5) DEVELOP POSITION ON SALE OF SLO COUNTY WATER ENTITLEMENT TO CCWA AND FORWARD POSITION TO SLO COUNTY AND CCWA (continued)

Director Winn suggested for staff to write a letter to the Board of Supervisors, affirming the Board of Supervisors' policies of January 2003; suggest a change in Item 4 to a two-year term rather than five; negotiations need to be done openly – informing our 4<sup>th</sup> District Supervisor and others; and complying with CEQA. Upon motion of Director Eby and seconded by Director Harrison, the Board unanimously agreed to send a letter, as described by Director Winn. There was no public comment. Vote 5-0.

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

02:46:37

The Board discussed moving to Closed Session but moved to E-7 instead.

02:48:55

E-7) CONSIDER DIRECTOR EBY'S REQUEST TO EXPLORE ACTIVATION OF GRAFFITI REMOVAL POWERS [PROVIDE POLICY GUIDANCE]

Bruce Buel, General Manager, reviewed the request from Director Eby to have this item on the agenda.

Director Eby stated that there seems to be more graffiti lately. He described several places that have graffiti and has not been cleaned. Cleaning seems to change the cycles. He talked about how others agencies have handled graffiti abatement. He suggested that the Board pursue the District explore the issue. Board discussion followed. Upon motion of Director Trotter and seconded by Director Vierheilg, the Board unanimously agreed to direct staff to return to a future Board meeting with cost estimates, legal analysis, liability, etc. Vote 5-0.

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

03:02:47

I. CLOSED SESSION ANNOUNCEMENTS

Mike Seitz, Deputy District Legal Counsel, announced the following items to be discussed in Closed Session.

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSA CASE NO. CV 040877, MARIA VISTA VS. NCSA CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSA ET AL CASE NO. CV 040150)
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSA (CASE NO. CV060349)
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSA VS COUNTY OF SAN LUIS OBISPO (CASE NO. CV070066)



Nipomo Community Services District  
REGULAR MEETING  
MINUTES

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:14 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:00 p.m. Mike Seitz, District Legal Counsel, announced that the Board heard updates on the items listed above. There was no reportable action.

03:04:00

E-6) REVIEW DISTRICT WATER ALLOCATION POLICY OPTIONS AND DEVELOP PROPOSAL FOR SUBSEQUENT CONSIDERATION

Bruce Buel, General Manager, reviewed the information in the Board letter. The following points were discussed separately.

• ANNUAL ALLOCATION LIMIT

The Board discussed whether the 51 acre feet per year limitation on new water demand should be revised. There was no public comment. Upon motion of Director Eby and seconded by Director Trotter, the Board proposed to change the yearly allocation to 34.3 AFY from the existing 51 acre feet per year. Vote 3-2 with Directors Harrison and Winn voting no.

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

• DIVISION OF ANNUAL LIMIT AMONGST CATEGORIES (EXISTING ALLOCATION)

The Board discussed whether the existing division of the annual usage amongst categories should be revised. There was no public comment. Upon motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously agreed to stay with the current allocation divisions. Vote 5-0.

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

• USE GROUP LIMITATIONS ON FUTURE RESIDENTIAL UNITS (EXISTING)

The Board discussed whether the existing usage estimates for the various categories of land use should be revised. There was no public comment. Upon motion of Director Eby and seconded by Director Harrison, the Board unanimously agreed to use the Actual Values for the proposal. Vote 5-0.

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

**MINUTES SUBJECT TO BOARD APPROVAL**

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

E-6) REVIEW DISTRICT WATER ALLOCATION POLICY OPTIONS AND DEVELOP PROPOSAL FOR SUBSEQUENT CONSIDERATION (continued)

- CERTIFICATION USAGE TARGETS (EXISTING ALLOCATION)

The Board discussed whether the target use values in the water usage certification should be revised. The directors wanted to know what message is being sent to the developers.

The following members of the public spoke:

Greg Parker, Santa Barbara – stated that tying a certification to an observed use will decline. He suggested to tie a developer’s allocation to what you say you will serve them and enforce it by covenants that run with the land, on landscaping, internal plumbing fixtures, etc., He stated that you may obtain your ultimate goal without tying it to observed use in the community as the new ones get less and less.

Upon motion of Director Harrison and seconded by Director Trotter, the Board agreed to direct staff to obtain a solid number of observed usage over a 4-5 year period, put a 30% reduction on the new development and have them certify that their homes would meet that reduction as a proposal for subsequent consideration in a draft ordinance. Vote 4-1 with Director Eby voting no.

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

- TRACKING NON-RESIDENTIAL DEMAND (EXISTING ALLOCATION)

The Board discussed whether the District should start adding a non-residential surcharge (additional tracking) from every allocation commitment.

Upon motion of Director Vierheilig and seconded by Director Harrison, the Board unanimously agreed to start adding the additional usage as a proposal for subsequent consideration in a draft ordinance. There was no public comment. Vote 5-0.

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

- REQUIRING A SEPARATE METER/CHARGE FOR SECONDARY UNITS

The Board discussed whether the District should require a separate meter and a separate capacity charge for the addition of a secondary unit to an existing residential lot now that the County is requiring separate meters.

Upon motion of Director Vierheilig and seconded by Director Eby, the Board agreed to require a separate meter and reduced charge, where detached. There was no public comment. Vote 4-1 with Director Harrison voting no.

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



**04:22:20** F. MANAGER'S REPORT

Bruce Buel, General Manager, added some information to the Board letter which was presented in the packet.

- Lisa Bognuda, Dan Migliazzo and Mr. Buel interviewed an candidate for the Engineer position and that individual declined.
- Pudwill's have withdrawn their application for an Outside User request.
- Mr. Buel attended a presentation in Oxnard with Director Trotter. Mr. Boschman, General Manager of the Semi Tropic Water Storage District, was the presenter. (Copies of some slides are available for viewing in the District office.)
- Strategic Plan report comments are due today.

There was no public comment.

**04:29:34** G. COMMITTEE REPORTS

- (1) Minutes of January 22, 2007, Parks Committee Meeting  
There were no comments.
- (2) Minutes of January 31, 2007, Finance, Audit, and Personnel Committee Meeting  
Director Vierheilg briefly reviewed the FAP meeting. The next meeting will be March 7<sup>th</sup>.

**04:32:26** H. DIRECTORS' COMMENTS FOR STAFF

Director Vierheilg

March 31, April 1 – Central Coast Orchid Show

March 30 – Friday night preview tickets available to benefit the Alzheimers Association.

Director Winn

February 19, 2007 – Professor Clay, Department Chair for Landscape Architecture at Cal Poly, will be bring a class of landscaping students to look at the proposed park are across the street for suggestions.

He requested to receive the General Manager evaluation forms before the March 21<sup>st</sup> meeting.

The Board of Supervisors decline to add representation to the committee to TDC to look at rural planned development. Rural planned development will have a huge demand on water and will affect Nipomo. It could change zoning.

Blue Ribbon Committee for TDC meetings – 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 3:30 p.m. in the new government center.

Tracking update of the County's Title 22 on RMF zoning.

February 22, 2007, 7:00 p.m. in the District Board room - Oakglen Specific Plan meeting

- Question to ask at the meeting: Charging fee for hook ramps which can be transmuted into a funding a specific plan

Asked staff to agendize preferred option for the Blacklake water system for the meeting on February 28<sup>th</sup>.

04:40:23 ADJOURN

President Winn adjourned the meeting at 2:40 p.m.

➤ **THE FOLLOWING SPECIAL BOARD MEETING IS FEBRUARY 21, 2007.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Southland WWTF Master Plan
- Water and Sewer Master Plan
- General Manager Performance Review

➤ **THE NEXT REGULAR BOARD MEETING IS FEBRUARY 28, 2007.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Bylaws Update Approval
- Supplemental Water Alternatives Progress Report
- Holloway Outside User Agreement
- Annexation Policy Review
- Blacklake Water Booster Station Options
- Receive Legal Opinion on Fee Deferral Issue



**NIPOMO COMMUNITY SERVICES DISTRICT****Wednesday, February 21, 2007****9:00 A. M.****MINUTES****BOARD of DIRECTORS**

MICHAEL WINN, PRESIDENT  
 LARRY VIERHEILIG, VICE PRESIDENT  
 ED EBY, DIRECTOR  
 CLIFFORD TROTTER, DIRECTOR  
 JAMES HARRISON, DIRECTOR

**PRINCIPAL STAFF**

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

**MEETING LOCATION**

**District Board Room  
 148 S. Wilson Street  
 Nipomo, California**

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**Special Meeting Minutes**


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**A. CALL TO ORDER AND FLAG SALUTE**

President Winn called the meeting to order at 9:02 a.m. and led the flag salute.

**B. ROLL CALL**

At Roll Call, Directors Winn, Vierheilig, Harrison and Eby were present.  
 Director Trotter was absent.

**C. DISCUSS SOUTHLAND WWTF MASTER PLAN**

Mike Nunley and Eileen Mick from Boyle Engineering presented a power point presentation summarizing the Draft Southland WWTF Master Plan. Board discussion followed on the presentation with the consensus that the Board would consider adopting the draft Master Plan at its March 21, 2007 Workshop. There was no public comment.

**D. DISCUSS WATER AND SEWER MASTER PLAN**

Larry Kramer, Jonathan Jacobson, and Jeff Spanbauer from Cannon and Associates presented a power point presentation describing the modeling that had been done in support of the Master Plan and outlining the various demand projection options under consideration. Board discussion followed on the presentation with the consensus that Cannon should add a larger demand options in its future analysis. There was no public comment.

**CLOSED SESSION****PUBLIC EMPLOYMENT GC §54957 – PUBLIC EMPLOYEE PERFORMANCE REVIEW – GENERAL MANAGER POSITION**

President Winn announced the topic of the closed session. There was no public comment.

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**Wednesday, February 21, 2007**  
**9:00 A. M.**  
**MINUTES**

**Page 2 of 2**

The Board adjourned to Closed Session at 12:16 p.m.

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

President Winn announced the Board had completed its performance review but it took no reportable action.

**ADJOURN**

President Winn adjourned the meeting at 1:01 p.m.

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# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 42 - Years of Service 1965 - 2007*

## MINUTES

**FEBRUARY 28, 2007 9:00 A. M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### **BOARD of DIRECTORS**

MICHAEL WINN, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
CLIFFORD TROTTER, **DIRECTOR**  
ED EBY, **DIRECTOR**  
JAMES HARRISON, **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 community with reliable, quality and cost-effective services.

**Vision Statement:** The Nipomo Community Services District's vision is to manage the resources and future growth of the community.

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

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

**00:01:08** B. ROLL CALL

At Roll Call, all Board members were present.

**00:01:22** C. PRESENTATIONS AND PUBLIC COMMENT

C-1) COUNTY HEALTH DEPARTMENT REGARDING MOSQUITO ABATEMENT

Kim Catherina and Lea Fainer, San Luis Obispo County Public Health Dept, Environmental Health Services, presented an informative slide show (copy available for viewing in the District office) about activities concerning the Mosquito Abatement Program. The efforts of the programs will hopefully control the West Nile Virus in San Luis Obispo County. The Department will provide mosquito eating fish (the Gambusia Affinis) to residents upon request (free of charge) to place in water troughs and /or residential ponds.

The Board thanked Ms. Catherina and Ms. Fainer for their presentation.

C-2) STAFF PRESENTATION RE QUAGGA MUSSEL

General Manager, Bruce Buel, presented information about the Quagga Mussel. Introducing Quagga Mussels to a body of water is punishable by harsh fines and impoundment of vessel. It is imperative that vessels (boat, trailer and vehicle) be inspected and mussels be removed. The entire information packet is available for viewing in the District office or on the web at [www.protectyourwaters.net](http://www.protectyourwaters.net). There was no public comment.

C-3) STAFF UPDATE ON DISTRICT UTILITY OPERATIONS

Utility Supervisor Dan Migliazzo reviewed information provided in the packet and added: Dan passed the examination for a Grade IV water operator. Confined-Space class was held in the District Board room on February 23<sup>rd</sup>. Power outage Friday night kept on-call employee busy until 4:00 a.m. Dan has been working with Cannon and Garing, Taylor & Associates on the Master Plan.

**MINUTES SUBJECT TO BOARD APPROVAL**

Copy of document found at [www.NipomoVipFax.com](http://www.NipomoVipFax.com)



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig

March 3, 2007, Saturday, 9:00 a.m. to 12:00 p.m. - Nipomo Native Garden, Work Day  
 March 16, 17, & 18, 2007 - Santa Barbara International Orchid Show, Earl Warren Showground.  
 March 30, 31 & April 1, 2007 – Central Coast Orchid Show, South County Regional Center. Tickets are available for the Friday night preview to benefit the Alzheimer's Association, California Central Coast Division.

Director Eby

SCAC annual election March 19, 2007, 11:00 a.m. to 8:00 p.m.  
 Candidacy open to March 12. There will be a Town Hall meeting March 12<sup>th</sup> in the District Board room to introduce the candidates  
 March 26, 2007 – New council members will be sworn in to begin a new year.

Director Trotter

George Billinger is the representative to NCS D for Blacklake. He has appointed a committee formed to discuss whether to rebuild the Blacklake water pump or connect to the Town Water Division.

Director Winn

February 28, 2007, 3:30 p.m. TDC Blue Ribbon Committee will meet in San Luis Obispo.  
 March 1, 2007, CCWA Membership meeting 12:00 p.m. in Room 106 in the County Government Center in San Luis Obispo.  
 March 2, 2007, 10:00 a.m. Maria Vista Estates first trial begins.  
 March 3, 2007, 1:00 p.m. Save the Mesa – Dave Congleton speaker  
 March 7, 2007, 1:30 p.m. WRAC meeting at SLO Library  
 March 10, 2007, 9:00 a.m. to 3:00 p.m. Friends of the Library Sale Members - Friday at 7:00 p.m.

C-5) PUBLIC COMMENT ON PRESENTATIONS AND ITEMS NOT ON AGENDA

The following member of the public spoke:

Jesse Hill, Nipomo resident – handed the Board a packet of information from the Papadopulos Report. He stated that the report has some problems and he disagrees with some of the stated facts. He admonished the Board to consider the inconsistencies.

01:13:30

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

*NOTE: 2/14/07 & 2/21/07 MINUTES WILL BE CONSIDERED AT 3/14/07 MEETING*

Upon motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda, as presented. Vote 5-0

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



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

**01:15:12** E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE EXECUTION OF HOLLOWAY OUTSIDE USER AGREEMENT FOR SERVICE TO TRACT 2642, AN 18 LOT SUBDIVISION ON SOUTH OAKGLEN AVENUE

Jon Seitz, District Legal Counsel, reviewed the request from Carl and Debra Holloway for an outside user agreement for water and sewer service to Tract 2642. He reviewed the proposed agreement.

The Board discussed the following:

- Is the agreement a substitution for an Intent-to-Serve letter
- Is the project subject to the allocation schedule
- How are other outside District users being charged
- What are the solid waste rates for these parcels
- Clarification of E-4 on agreement?

Mr. Seitz explained that the agreement is in effect until the annexation is complete.

Carl Holloway, Nipomo resident and developer of Tract 2642 – stated that he would like to reserve the right to form a mutual water company in case the annexation is not concluded. He requested that the Board consider approving the agreement. There was no public comment.

The Board discussed the agreement. Director Eby stated that the findings send a wrong message to the SLO County Board of Supervisors and that the agreement circumvents LAFCo procedures. He stated that there should be some classification for allocation. Also, the amount charged should be 2 times the rate or else the other outside users' rate should be reduced to 1.5 times the inside-District rate. Director Trotter agreed with Director Eby about the allocation process. Director Winn stated that the 1.5 rate is temporary and asked why the others are different. Mr. Seitz stated that the situation is unique – that the other outside users are not in the annexation process.

Carl Holloway asked that the Board not use this as a no-growth measure. The development will use 15% less water than if the property were being used for agricultural purposes.

Director Winn disagreed that the process circumvents LAFCo, that LAFCo proposed the agreement.

Upon motion of Director Trotter and seconded by Director Vierheilg, the Board approved Resolution 2007-1005, as amended. Vote 4-1 with Director Eby

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

**RESOLUTION NO. 2007-1005  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING AN OUTSIDE USER AGREEMENT FOR  
WATER AND SEWER SERVICES TO TRACT 2642**

The Board took a break at 11:20 a.m. and returned at 11:30 a.m.



02:21:01

## E-2) RECEIVE EVALUATIONS OF BLACKLAKE WATER BOOSTER STATION REPORTS AND DISCUSS POTENTIAL OPTIONS

Bruce Buel, General Manager, reviewed the evaluations of the Blacklake water system booster station and the potential options.

The following members of the public spoke:

Bill Nelson, Blacklake resident and member of the committee reviewing the situation – stated that the committee will be meeting the week of March 12 to discuss the matter. He asked if we are at a critical point in reference to the Master Plan and the budget.

Mr. Buel stated that Cannon Associates, (firm preparing the Master Plan) is not ready to give an evaluation of funding for this project. The budget could possibly be prepared with place holders for the cost of the project.

Jesse Hill, NCS D resident – stated that it would be more economical to merge the systems. He suggested injecting water from the Southland Wastewater Treatment Facility into the basin to help fill the depression and balance the basin.

Mr. Buel stated that the Cannon Study considers recycling water as an option.

The Board discussed having a water rate study that covers a three-year period rather than five to help evaluate the possible merger of the two water systems. Maintenance on the wells is needed now. Discussion about Blacklake rates changing and if the Town residents would be subsidizing the Blacklake system.

Possible issues to be considered include:

- Expenses of merger - Plumbing, looping, inter-tie, etc.
- Refurbishing of Well #4 to supply water for the Town system
- Money has been borrowed from the Town Division for the Blacklake water system
- Rate study necessary for equity
- No change proposed for Blacklake sewer system

Staff will bring more information to future Board meetings.

02:59:30

## E-3) SUPPORT CERTIFICATION OF LEVEL OF SEVERITY III DESIGNATION FOR NIPOMO MESA MANAGEMENT AREA BY SLO COUNTY BOARD OF SUPERVISORS

Bruce Buel, General Manager, reviewed the possible support of the Level of Severity III designation for the Nipomo Mesa Management Area by San Luis Obispo County Board of Supervisors and recommended the resolution in the Board letter.

The following member of the public spoke:

Jesse Hill, NCS D resident – stated that the District needs to carefully consider the inconsistencies in the Papadopoulos report.

The Board discussed some additional wording for the resolution.

Director Eby suggested adding this idea: "The County has in place ordinances that help mitigate the conditions as certification requires. Additional mitigation measures are not required as a result of this certification. Certification will express recognition of the County's understanding or the severe condition we are in."

Jon Seitz, District Legal Counsel, stated that the SLO County Board of Supervisors may consider a more stringent Environmental Impact Report on all development as a result of Level of Severity III.



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

E-3) SUPPORT CERTIFICATION OF LEVEL OF SEVERITY III DESIGNATION FOR NIPOMO MESA MANAGEMENT AREA BY SLO COUNTY BOARD OF SUPERVISORS (continued)

Director Winn suggested some changes in the resolution, including:

- Moving the "Whereas" including the Papadopoulos report to another position
- Cite the EIR for LAFCo SOI
- We do not call for a moratorium
- Reference to Nipomo's Urban Water Management Plan

Upon motion of Director Vierheilg and seconded by Director Eby, the Board directed staff to submit a letter to WRAC stating that a resolution is forthcoming.

The following member of the public spoke:

Jesse Hill, NCSO resident – stated that he thinks certification of a LOS III is dangerous; from the farmers' perspective, it says that there is an overdraft and he feels the farmers will litigate.

Vote 5-0.

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

03:27:37

E-4) CONSIDER ADOPTING REVISIONS TO BOARD BYLAWS

The Board discussed the proposed changes in the Board By-Laws.

A motion was made by Director Eby and seconded by Director Trotter to adopt the Board By-Laws as presented in the Board letter. There was no public comment. Vote 2-3 with Directors Harrison, Vierheilg and Winn voting no.

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

A motion was made by Director Harrison and seconded by Director Vierheilg to eliminate sections 5.7 and 5.8. There was no public comment.

Vote 2-3 with Directors Eby, Trotter and Winn voting no.

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

Upon motion of Director Winn and seconded by Director Eby, the Board adopted Resolution 2007-1006 with the following changes: Add suggested wording to last sentence in 5.5 ("Once the Board of Directors takes action, dissenting directors should not create barriers to the implementation of said action.") and eliminate 5.7 and change the number of 5.8 to 5.7. There was no public comment.

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

**RESOLUTION NO. 2007-1006  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2007 UPDATE)**

**MINUTES SUBJECT TO BOARD APPROVAL**



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

E-5) CONSIDER EXECUTION OF SIX MONTH EMPLOYMENT AGREEMENT WITH BUTCH SIMMONS STARTING MAY 11, 2007

Bruce Buel, General Manager, reviewed the employment agreement with Butch Simmons. The Board discussed the proposed agreement. Upon motion of Director Trotter and seconded by Director Vierheilig, the Board unanimously approved the agreement, as amended. There was no public comment. Vote 5-0

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

04:04:28 F. MANAGER'S REPORT

Bruce Buel, General Manager, reviewed the items in the Board letter and added the following information:

- Hetrick waterline replacement is wrapping up.
- Willow Road funding discussion with the County. Possible "Community Facilities District" project. Board may want to consider sewer upgrades.
- Ms. Watkins followed SP Maintenance on February 27, 2007, to observe the street sweeping company's procedures. A report will be made at a future meeting.
- Coastal Monitoring Well – Geohydrologist, Steve Buckman, reported that the well was artesian and he was unable to test at this time. He will return to the test site next week.
- An application for an Outside User Agreement was received last week for the Craig property. The matter will be brought to the Board in March.

There was no public comment.

04:09:14 G. COMMITTEE REPORTS

Director Vierheilig reported that the Finance, Audit and Personnel Committee met January 31, 2007. The Minutes given in Item E-5 accurately presented what was discussed. There will be another committee meeting March 7, 2007.

04:10:50 H. DIRECTORS' REQUESTS TO STAFF

Director Winn

February 20, 2007, attended the second of two visioning meetings for SLO County Board of Supervisors. He will distribute the interesting and informative model used in that process. There was goal setting, naming strengths and weaknesses. A questionnaire was sent out to key staff members to get feedback.

He will meet with Mr. Buel, Supervisor Achadjian and possibly Mr. Harrison to talk about parks. He would like to urge the County to put in more monitoring wells and possibly use NCSD's SCADA system to obtain more accurate information.

At the BOS meeting, one supervisor stated that the budget numbers were set last fall and it is too late to change anything.

I. CLOSED SESSION ANNOUNCEMENTS

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

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

**MINUTES SUBJECT TO BOARD APPROVAL**



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

I. CLOSED SESSION ANNOUNCEMENT (continued)

2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877, MARIA VISTA VS. NCSO CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSO ET AL CASE NO. CV 040150;
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCSO (CASE NO. CV060349)
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSO VS. SLO COUNTY (CASE NO. CV 070066)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment on the Closed Session items.

K. ADJOURN TO CLOSED SESSION

The Board went into Closed Session at 1:32 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 2:10 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard updates on all the items listed above. The Board took no reportable action.

ADJOURN

President Winn adjourned the meeting at 2:12 p.m.

➤ **THE FOLLOWING SPECIAL BOARD MEETING IS MARCH 14, 2007.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Accept Hetrick Project
- Award Design of Shop Upgrade
- Award Parks Survey

➤ **THE NEXT SPECIAL BOARD MEETING IS MARCH 21, 2007.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Southland WWTF Master Plan