

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: OCTOBER 5, 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 September 26, 2007 Meeting
- D-3) REVISE GENERAL MANAGER'S EMPLOYMENT AGREEMENT TO INCREASE
COMPENSATION [NEGOTIATIONS COMMITTEE [RECOMMENDS APPROVAL]
- D-4) BOARD MEETING AND OFFICE SCHEDULE – NOVEMBER AND DECEMBER
[RECOMMEND ADOPTION]
- D-5) ACCEPT BLACKLAKE POND #3 LINER REPLACEMENT PROJECT AND ISSUE
NOTICE OF COMPLETION [RECOMMEND ADOPTION]

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TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL *BB*
 DATE: OCTOBER 5, 2007

**AGENDA ITEM
 D-1
 OCTOBER 10, 2007**

HAND WRITTEN CHECKS

9-26-07	19648	CLERK-RECORDER	7.00
9-24-07	19649	M WINN	50.00
9-24-07	19650	L VIERHEILIG	50.00
9-27-07	19651	M CASAS	13,622.00
9-24-07	19652	CA HIGHWAY PATROL	30.00
9-25-07	19653	BL GOLF COURSE	250.00
10-04-07	19654	STANDARD INSURANCE	1,398.56

**TOTAL COMPUTER
 CHECKS
 \$ 289,586.32**

VOIDED CHECKS

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
14071	10/05/07	EMP01	EMPLOYMENT DEVELOP DEPT	738.60	.00	738.60	A71001	STATE INCOME TAX
14072	10/05/07	MID01	MIDSTATE BANK-PR TAX DEP	3004.32	.00	3004.32	A71001	FEDERAL INCOME TAX
				358.12	.00	358.12	1A71001	FICA
				794.10	.00	794.10	2A71001	MEDICARE (FICA)
			Check Total.....:	4156.54	.00	4156.54		
14073	10/05/07	MID02	MIDSTATE BANK - DIRECT DP	23568.18	.00	23568.18	A71001	NET PAY
14074	10/05/07	PER01	PERS RETIREMENT	6969.22	.00	6969.22	A71001	PERS PAYROLL REMITTANCE
14075	10/05/07	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A71001	WAGE ASSIGNMENT
14076	10/05/07	STA01	STATE STREET GLOBAL	1105.00	.00	1105.00	A71001	457 DEFERRED COMP
014077	10/10/07	ABA01	ABALONE COAST BACTERIOLOG	176.00	.00	176.00	2011	TOWN WWTF LAB
				20.00	.00	20.00	2019	BL WWTF LAB
				20.00	.00	20.00	2046	BL WWTF LAB
				80.00	.00	80.00	2047	WATER SAMPLES
				176.00	.00	176.00	2057	TOWN WWTF LAB
				20.00	.00	20.00	2058	BL WWTF LAB
				20.00	.00	20.00	2064	BL WWTF LAB
				20.00	.00	20.00	2093	BL WWTF LAB
				80.00	.00	80.00	2094	WATER SAMPLES
				20.00	.00	20.00	2099	BL WWTF LAB
				176.00	.00	176.00	2100	TOWN WWTF LAB
				20.00	.00	20.00	2110	BL WWTF LAB
			Check Total.....:	828.00	.00	828.00		
014078	10/10/07	ADV01	ADVANTAGE ANSWERING PLUS	106.30	.00	106.30	90292	PAGING SYSTEM
014079	10/10/07	AME03	AMERI PRIDE	74.24	.00	74.24	F283644	UNIFORMS ETC
				79.01	.00	79.01	F289336	UNIFORMS ETC
				75.66	.00	75.66	F295095	UNIFORMS ETC
			Check Total.....:	228.91	.00	228.91		
014080	10/10/07	APO01	APOGEE PUBLICATIONS	375.00	.00	375.00	05-2731	JOB ADVERTISEMENT
014081	10/10/07	BOG01	BOGNUDA, LISA	29.10	.00	29.10	100107	REIMBURSE MILEAGE TO SLO
014082	10/10/07	BOY01	BOYLE ENGINEERING CORP	3888.00	.00	3888.00	48036	STANDARDS AND SPECS
				729.00	.00	729.00	48037	PLAN CHECK FOR WILLOW RD
				6504.30	.00	6504.30	48038	SOUTHLAND WWTF ENGINEERIN
				18681.81	.00	18681.81	48039	ALTERNATIVE WATER SUPPLY
				113.40	.00	113.40	48040	PCI TR 2523
				510.30	.00	510.30	48041	PCI TR APN 092-130-043/4
				656.10	.00	656.10	48042	PCI CO 06-0037
			Check Total.....:	31082.91	.00	31082.91		
014083	10/10/07	BRE02	BRENNTAG PACIFIC INC.	545.58	.00	545.58	479210	CHLORINE
				508.25	.00	508.25	479213	CHLORINE
			Check Total.....:	1053.83	.00	1053.83		
014084	10/10/07	BRI01	BRISCO'S	121.24	.00	121.24	134552+	SUPPLIES
014085	10/10/07	COR01	CORBIN WILLITS SYSTEMS	65.00	.00	65.00	A70915	COMPUTER SUPPORT
				724.18	.00	724.18	A709151	COMPUTER SUPPORT
			Check Total.....:	789.18	.00	789.18		

Copy of document found at www.NoNewVipTax.com

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS OCTOBER 5, 2007**

**AGENDA ITEM
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
014086	10/10/07	COU01	COURIER SYSTEMS	179.27	.00	179.27	093007	DELIVERY TO LAB
014087	10/10/07	CSD02	CALIFORNIA SPECIALTY DIST	466.15	.00	466.15	147250	SUPPLIES
014088	10/10/07	CSU01	UNIVERSITY ENTERPRISES,	102.55	.00	102.55	100307	WATER TREATMENT CLASS
014089	10/10/07	CUE01	CUESTA EQUIPMENT	151.74	.00	151.74	338782+	SUPPLIES
014090	10/10/07	CUL02	CULLIGAN WATER CONDITION	18.13	.00	18.13	093007	DELIVERY
014091	10/10/07	EBY01	EBY, ED	100.00	.00	100.00	1010007	REG BD MEETING 101007
014092	10/10/07	EMP01	EMPLOYMENT DEVELOP DEPT	270.39	.00	270.39	9/30/07	SUI/ETT 9/30/07
014093	10/10/07	ENV01	ENVIRONMENTAL EQUIP ENG	20824.90	.00	20824.90	3636	2 FLOATING AERATORS FOR T
014094	10/10/07	FAM01	FAMCON PIPE AND SUPPLY	8901.75	.00	8901.75	104854	10 FIRE HYDRANTS
014095	10/10/07	FAR01	FARM SUPPLY COMPANY	185.50 140.06 355.55	.00 .00 .00	185.50 140.06 355.55	468608 468620 480847	SUPPLIES SUPPLIES SUPPLIES
			Check Total.....:	681.11	.00	681.11		
014096	10/10/07	FGL01	FGL ENVIRONMENTAL	97.00 81.00 36.00 187.00 61.00 212.00 56.00	.00 .00 .00 .00 .00 .00 .00	97.00 81.00 36.00 187.00 61.00 212.00 56.00	708863A 709960A 709961A 709967A 710108A 710110A 710111A	TOWN WWTF LAB BL WWTF LAB TOWN WWTF LAB TOWN WWTF LAB TOWN WWTF LAB TOWN WWTF LAB BL WWTF LAB
			Check Total.....:	730.00	.00	730.00		
014097	10/10/07	GAS02	GAS COMPANY, THE	16.14 15.78	.00 .00	16.14 15.78	091907 092407	OFFICE HEAT 06235160949 GAS ENGINE 1109988784
			Check Total.....:	31.92	.00	31.92		
014098	10/10/07	GER01	GERMAN, SCOTT	629.39	.00	629.39	093007	REIMBURSE/PER DIEM FOR WW
014099	10/10/07	GIL01	GLM, INC.	300.00 100.00	.00 .00	300.00 100.00	092807A 092807B	OFFICE LANDSCAPE BL LANDSCAPE
			Check Total.....:	400.00	.00	400.00		
014100	10/10/07	GRO01	GROENIGER & CO	692.28	.00	692.28	738616SM	SUPPLIES
014101	10/10/07	GWA01	GWA INC	28.00	.00	28.00	A71003	100107
014102	10/10/07	HAR02	HARRISON, JAMES	100.00	.00	100.00	101007	REG BD MEETING 101007
014103	10/10/07	HAY01	HAYES & SONS	1250.00	.00	1250.00	501310	PAVING DITCHES
014104	10/10/07	IMP02	IMPAC GOVERNMENT SERVICES	12.65 500.00	.00 .00	12.65 500.00	082307 082907	OFFICE SUPPLIES WASTEWATER REVIEW CLASS
			Check Total.....:	512.65	.00	512.65		
014105	10/10/07	JAC01	JACK'S REPAIR & SALES	44.45	.00	44.45	21305	SUPPLIES
014106	10/10/07	KOR01	KORNREICH ARCHITECTS	2226.00	.00	2226.00	091207	SHOP
014107	10/10/07	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	39245	TRACT 2409 LANDSCAPE MAIN
014108	10/10/07	LEX01	LEXIS NEXIS	495.00	.00	495.00	091007	WEBSITE CODE BOOK STORAGE
014109	10/10/07	NEX01	NEXTEL COMMUNICATIONS	372.23	.00	372.23	7314-070	CELL PHONES
014110	10/10/07	PGE01	P G & E	58857.83	.00	58857.83	092007	ELECTRICITY
014111	10/10/07	POS02	FRANCOTYP-POSTALIA, INC.	8.31	.00	8.31	S53341	POSTAGE RESET FEE
014112	10/10/07	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	166	JANITOR SERVICE FOR SEPT
014113	10/10/07	PRO01	PROTO DIE MANUFACTURING	465.00	.00	465.00	3647	REPAIRS TO COPPER SHUTOFF

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS OCTOBER 5, 2007**

**AGENDA ITEM
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
014114	10/10/07	QUI01	QUILL CORPORATION	59.67	.00	59.67	26495	OFFICE SUPPLIES
				28.10	.00	28.10	27549	OFFICE SUPPLIES
			Check Total.....:	87.77	.00	87.77		
014115	10/10/07	RAM01	RAMINHA CONSTRUCTION INC	49004.28	.00	49004.28	4433	BL LINER
014116	10/10/07	REE02	THE REED GROUP INC	9905.56	.00	9905.56	981	RATE STUDY
014117	10/10/07	RIC01	RICHARDS, WATSON, GERSHON	15185.27	.00	15185.27	154600	WATER RIGHT ADJUDICATION
014118	10/10/07	SAI01	SAIC	13854.43	.00	13854.43	910011+	HYDROLOGIC STUDY & 922815
014119	10/10/07	SAN01	SANTA MARIA TIRE INC	383.51	.00	383.51	444882	MAINT 04 CHEVY
				228.85	.00	228.85	444892	MAINT 06-F250
				1198.54	.00	1198.54	444843+	MAINT FOR 99-CHEVY,03-FOR
			Check Total.....:	1810.90	.00	1810.90		
014120	10/10/07	SHI01	SHIPSEY & SEITZ, INC	10075.75	.00	10075.75	091507	LEGAL SERVICES
014121	10/10/07	SLO02	DIV OF ENVIRON HEALTH	283.36	.00	283.36	52203	CROSS CONNECTION INSP
014122	10/10/07	SOU01	SOUTH COUNTY SANITARY	34.24	.00	34.24	1951144	TRASH COLLECTION
				168.80	.00	168.80	1958207	OLDE TOWNE TRASH COLLECTI
			Check Total.....:	203.04	.00	203.04		
014123	10/10/07	STA04	STATE DEPT OF HEALTH SERV	7977.95	.00	7977.95	720558	WATER SYSTEM FEES 401002
014124	10/10/07	STA08	STAPLES	70.30	.00	70.30	1F5703501	OFFICE SUPPLIES
014125	10/10/07	STA10	STATE DEPT OF HEALTH SERV	60.00	.00	60.00	27752-07	WATER DISTRIBUTION CERT-
014126	10/10/07	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	101007	REG BD MEETING 101007
014127	10/10/07	UND01	UNDERGROUND SERVICE ALERT	159.00	.00	159.00	90048	UNDERGROUND NOTIFICATION
014128	10/10/07	UNI03	UNITED RENTALS	74.54	.00	74.54	68495480	SUPPLIES
014129	10/10/07	USB02	U S BANCORP SERVICE CENTE	557.28	.00	557.28	092407A	TRAVEL TO WWT CLASS
				15.98	.00	15.98	092407B	OFFICE SUPPLIES
				350.00	.00	350.00	092407C	WASTEWATER CLASS
				350.00	.00	350.00	092407D	CA-NV CONFERENCE
				100.00	.00	100.00	092407E	CONSERVATION CLASS
				41.07	.00	41.07	092407F	GASOLINE
				23.71	.00	23.71	092407G	OFFICE SUPPLIES
				105.00	.00	105.00	092407H	CHAMBER LUNCHEON
				65.03	.00	65.03	092407I	TRAVEL
				35.98	.00	35.98	092407J	COMPUTER SUPPLIES
				153.77	.00	153.77	092407K	SUPPLIES FOR MEETING
			Check Total.....:	1797.82	.00	1797.82		
014130	10/10/07	VAL01	VALLEY SEPTIC SERVICE	1470.30	.00	1470.30	4479	JETTING SEWER LINES
				550.00	.00	550.00	4526	PUMP LIFT STNS
				550.00	.00	550.00	4527	PUMP LIFT STNS
				1780.20	.00	1780.20	4547	JETTING SEWER LINES
				1105.50	.00	1105.50	4571	JETTING SEWER LINES
				1918.20	.00	1918.20	4572	JETTING SEWER LINES
			Check Total.....:	7374.20	.00	7374.20		
014131	10/10/07	VER01	VERIZON	33.57	.00	33.57	091907A	BL PHONE
014131	10/10/07	VER01	VERIZON	33.73	.00	33.73	091907B	BL PHONE
			Check Total.....:	67.30	.00	67.30		
014132	10/10/07	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	101007	REG BD MEETING 101007
014133	10/10/07	WHI02	CELESTE WHITLOW	268.13	.00	268.13	100207	REIMBURSEMENT FOR EXPENSE
014134	10/10/07	WIN01	WINN, MICHAEL	100.00	.00	100.00	101007	REG BD MEETING 101007
014135	10/10/07	XER01	XEROX CORPORATION	90.20	.00	90.20	27993733	COPIER MAINT
014136	10/10/07	\P001	PEOPLE SELF-HELP HOUSING,	265.81	.00	265.81	000A71001	MQ CUSTOMER REFUND FOR PS
014137	10/10/07	\R002	RAMINHA CONSTRUCTION,	340.65	.00	340.65	000A71001	MQ CUSTOMER REFUND FOR RA

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

SEPTEMBER 26, 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. GENERAL MANAGER**
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.

00:00:40

B. ROLL CALL

At Roll Call, all Board members were present.

00:00:53

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) COMMANDER HASCALL FROM SLO COUNTY SHERIFF'S OFFICE

Chief Deputy Martin Basti stated that he was planning to introduce the new Commander but he had not arrived yet. He thanked the Board for allowing him to report the Sheriff's activities on the Nipomo Mesa. The Board thanked Chief Deputy Basti for his contributions to the community.

Chief Deputy Basti returned after Mr. Migliazzo's presentation. Commander Hascall arrived and was introduced.

Commander Brian Hascall stated that he is looking forward to working with the District. The Board welcomed him to the area and the District.

C-2) UTILITY SUPERVISOR DAN MIGLIAZZO

Dan Migliazzo presented an update on utility field efforts.

- Three of the maintenance crew passed the collections test.
- An incentive check in the amount of \$4,001.06 will be mailed to the District through the Agricultural Pumping Efficiency Program for improving the efficiency of the pump for the Blacklake Well #4.
- Three hydrants were knocked over by vehicles and were replaced with new hydrants. Ballards are being installed around hydrants to prevent future problems.
- Souza Construction is working on the culverts on Mallagh and Chestnut. The District crew is inspecting and assisting when needed.
- Sundale Well is not operational at this time but is having more maintenance.

The Board asked questions and Mr. Migliazzo answered.

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Trotter

Bruce Buel and Bob Reed did an excellent job presenting the proposed merger and rate structure at the meeting Tuesday, September 25, 2007, at Blacklake.

Director Harrison

October 20, 2007, 9:00 a.m. -12:00 p.m. – General membership meeting of the Nipomo Incorporation Committee for Education (NICE) at the Blacklake Community Room.

SCAC meeting Monday, September 24, 2007, addressed mitigation fees for ConocoPhillips

The District needs to do something about the wasteful use of water, such as construction water.

Director Eby

He attended a meeting for the Community Park Master Plan. There will be public notice of a Notice of Intent to Adopt a Negative Declaration available for public review on website starting September 27, 2007.

LAFCo

- Proposing to shrink the Sphere of Influence in Morro Bay
- Considering a proposal to annex a housing development into Pismo Beach and the well on the property is proposed to be used for the City.

Director Vierheilig

Nipomo Native Gardens will be having its annual plant sale October 7, 2007, 9:00 a.m. – 3:00 p.m. in the Rabobank (formerly Mid State Bank) parking lot. There will be approx. 1500 plants for sale.

Director Winn

Clean Up Week in progress this week. There seems to be less being picked up because of the aggressive past collections.

We need to continue advertising the availability of the Hazardous Waste Site on Saturdays from 11:00 a.m. to 3:00 p.m. at South Frontage and Southland.

Saturday, September 29, 2007, Creek Day – all are welcome to participate.

Thursday, September 20, 2007, Mr. Buel and Mr. Winn met with the Economic Advisory Committee in San Luis Obispo. Bruce Buel gave a report on monitoring methods.

October 3, 2007, 1:30 p.m. WRAC meeting in San Luis Obispo -

Draft EIR to be crafted for Santa Margarita Ranch will set a pattern for the County.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:26:16

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of September 12, 2007 Meeting
- D-3) AUTHORIZE EXECUTION OF AMERICORPS AGREEMENT FOR USE OF PART-TIME AMERICORPS WORKER IN 2008
- D-4) NOT USED
- D-5) NOT USED
- D-6) ACCEPT TOWN SEWER FUND FINANCIAL PLAN; PROPOSE USER FEES AND CAPACITY CHARGES AND AUTHORIZE 45 DAY NOTICE FOR PUBLIC HEARINGS PURSUANT TO CA CONSTITUTION ARTICLE XIIIID
- D-7) ACCEPT BLACKLAKE SEWER FUND FINANCIAL PLAN; PROPOSE USER FEES AND AUTHORIZE 45 DAY NOTICE FOR PUBLIC HEARING PURSUANT TO CA CONSTITUTION ARTICLE XIIIID

Bruce Buel, General Manager, requested that Item D-7 be pulled for separate consideration.

The Board asked for some minor changes in the Minutes of the September 12, 2007 meeting. Upon motion by Director Eby and seconded by Director Trotter, the Board unanimously approved Items D-1 through D-6 of the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

Bruce Buel, General Manager, explained Item D-7 and introduced Bob Reed. Bob Reed, The Reed Group – reviewed the report. The Board discussed sewer rates based on water use and other items in the report.

The following member of the public spoke:
Bill Nelson, Nipomo resident – stated that the condos in the Blacklake development being discussed do not use landscaping water. It is proposed that private contractor check the water use in the common areas for efficiency.

Upon motion by Director Eby and seconded by Director Trotter, the Board agreed to accept the Draft Plan as revised; to propose the User Fees and Surcharges set forth in the Plan, as revised; and to authorize publication of the 45-day notice for an approval hearing to be held on January 23, 2008. Vote 5-0

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

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

E. ADMINISTRATIVE ITEMS

00:48:28

E-1) ACCEPT COMBINED WATER FUND (TOWN AND BLACKLAKE) FINANCIAL PLAN AND DETERMINE NEED FOR RATE INCREASE

Bruce Buel, General Manager, introduced Bob Reed to present the recommended combined Town and Blacklake water rates.

Bob Reed, The Reed Group – discussed the report in the Board packet and presented slides (available for viewing in the District office) showing the financial plan for the combined water rates for the Town and Blacklake water systems. He started with the proposed merger of the Town and the Blacklake water systems beginning with the equity surcharge of \$1,672 per residence.

The Board asked questions concerning the report and the slide presentation. President Winn asked for public comment on the merger and to have the presentation on the rate structure after that.

The following member of the public spoke:

Bill Nelson, NCSD resident – stated that Mr. Reed is doing a great job with the rate structuring.

Bob Reed continued with the rate structure portion of the report. The Board discussed the rates including sewer rates based on water use.

The following member of the public spoke:

Bill Nelson, NCSD resident – stated that at Blacklake there are landscaping meters that could be downsized to one inch.

- 1. Upon motion by Director Trotter and seconded by Director Eby, the Board unanimously agreed to ask the Blacklake Association Council to advise on behalf of all Blacklake customers no later than October 10, 2007, so the Board can act at the October 24, 2007 meeting. Vote 5-0.

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

- 2. Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously agreed that if there is a merger, the Board shall process the equity surcharge as set forth in the draft Reed report and staff shall process a 45-day notice for an adoption hearing to be held on January 23, 2008.

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

- 3. Director Eby made a motion to keep the 2008-2009 rates in effect at least until we know what the supplemental water costs will be. Director Eby withdrew the motion.

MINUTES SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-1) ACCEPT COMBINED WATER FUND (TOWN AND BLACKLAKE) FINANCIAL PLAN AND DETERMINE NEED FOR RATE INCREASE (continued)

4. Upon motion by Director Eby and seconded by Director Trotter, the Board agreed to direct staff to work with Mr. Reed to come back with an analysis of the rate structure for multi-family which includes keeping the other rates at 2008-2009 level or until we get a better handle on the costs of the supplemental water project. Vote 4-1 with Director Harrison voting no.

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

5. No motion on this item.

The Board took a break at 11:38 p.m.

02:39:49

E-2) AWARD BID FOR CONSTRUCTION OF SOUTHLAND SHOP OFFICE MODULAR AND AUTHORIZE EXECUTION OF AGREEMENT [ADOPT RECOMMENDATION]

Bruce Buel, General Manager, reviewed the bid process for the Southland Shop modular.

There was no public comment.

Upon motion by Director Trotter and seconded by Director Harrison, the Board unanimously agreed to award the bid to MSI for \$265,390.00; authorize the General Manager to execute change orders of up to \$20,000.00; direct the General Manager to file the Notice of Determination in compliance with CEQA; and authorize the General Manager to execute the agreement with MSI for \$265,390.00. Vote 5-0.

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

02:42:57

E-3) CONSIDER GOULARTE INTENT-TO-SERVE LETTER APPLICATION FOR WATER AND SEWER SERVICE TO FIVE-LOT SINGLE-FAMILY SUBDIVISION OFF OF BLUME STREET

Bruce Buel, General Manager, explained the request from Goularte Construction Company for water and sewer service for a five-lot subdivision at 350 Blume Street. The Board discussed the project and the water allocation available.

There was no public comment.

Upon motion by Director Harrison and seconded by Director Trotter, the Board approved allocation of water and the issuance of an Intent-to-Serve letter for Tract 2643. Vote 4-1 with Director Vierheilg voting no.

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

MINUTES SUBJECT TO BOARD APPROVAL

02:52:20

F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the report as delivered in the Board packet. He added Maria Vista Estates has requested 2 more meters, which brings their total to ten. The landscaping meters to be set do not count against 27 permitted. He also noted that the desalination feasibility report is expected to be delivered Friday to the Board. The committee has received an administrative draft. The report will be on the agenda for October 10, 2007.

A draft water conservation plan will be presented Friday.

The District tried to get into the grant from Integrated Regional Water Management Plan for the County. The rankings have been proposed to be submitted to the State. County staff is recommending one million dollars for NCSD for the Southland Wastewater Treatment Facility. WRAC – County staff has proposed a temporary water transfer agreement with CCWA. Mr. Buel participated in the first subcommittee meeting. The next subcommittee meeting will be October 3, prior to the WRAC meeting to finish the agreement.

Director Eby asked about construction water being taken outside the District. Mr. Buel stated that it will be addressed in the emergency water supply ordinance to be introduced at the October 10, 2007 meeting. Director Trotter asked about how to notify customers that they are wasting water. Director Winn answered that the new conservation plan includes ways of notifying customers via a doorhanger that says "OOPS".

02:59:00

G. COMMITTEE REPORTS

1. 9/19/07 Parks Citizens Advisory Sub-Committee Meeting

There was a change in the Minutes. Item 3, change Julie Steiner to Donna Mills. The Board accepted the report., as amended

03:00:00

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig asked about the Blacklake Wastewater Treatment Facility and planning for upgrading to meet State Regional Water Quality Control permit requirements. Also, the Southland WWTF needs an action plan to meet requirements.

Director Trotter asked about the desalination draft action plan.

Director Winn suggested that whoever designs it should not be the ones who construct it.

Draft Environmental Review for the Nipomo Park comes out Thursday, September 27, 2007, and will be on line. The District needs to look at the water use there. The Board needs to look at the Santa Margarita Ranch DEIR and what effect it may have on this District.

He went to Troesch plant on Monday, September 24, 2007. The DEIR is coming out for the plant to be expanded greatly. There is storage of asphalt near the Santa Maria River. He asked if staff could ask County Planning to keep the District informed.

There is about \$7 million in the Guadalupe Dunes mitigation fees. He would like to see how the money could be used.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

03:09:32

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session. There was no public present.

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMWCD 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; MARIA VISTA ESTATES V. NCSA ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSA VS. SLO COUNTY (CASE NO. CV 070066)
5. CONFERENCE WITH LABOR NEGOTIATORS – PROVIDE INSTRUCTIONS TO JON SEITZ AND MIKE WINN REGARDING NEGOTIATIONS WITH UNREPRESENTED EMPLOYEE (GENERAL MANAGER) PURSUANT TO GOVERNMENT CODE SECTION 54957.6

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:21 p.m.
Director Trotter left the meeting at 12:30 p.m.

03:10:55

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:40 p.m.
There was no public present in the audience. Jon Seitz, District Legal Counsel, announced that the Board heard reports from legal counsel on the items listed above. The Board took no reportable action.

ADJOURN

President Winn adjourned the meeting at 1:42 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS OCTOBER 10, 2007.

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Review SWP Technical Memorandum re Desalination
- Select Consultant to Develop Office Landscape and Irrigation Re-Design
- Review Draft Water Supply Emergency Ordinance
- Review Draft Water Conservation Program

MINUTES SUBJECT TO BOARD APPROVAL

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District Legal Counsel
Nipomo Community Services District

JOHN L. SEITZ
(1924-1986)

GERALD W. SHIPSEY
(RETIRED)

STAFF REPORT

TO: BOARD OF DIRECTORS
NIPOMO COMMUNITY SERVICES DISTRICT

RE: AMENDMENT TO GENERAL MANAGER'S CONTRACT

FROM: JON S. SEITZ, DISTRICT LEGAL COUNSEL

DATE: OCTOBER 1, 2007

The negotiations with Bruce Buel, District General Manager, have reached conclusion as follows:

1. Commencing December 1, 2007, the General Manager's annual salary will be increased from one hundred ten thousand dollars (\$110,000) per year to one hundred fifteen thousand dollars (\$115,000) per year.
2. Subject to receiving a performance review of "meets or exceeds expectations" pursuant to paragraph 5(B) of the existing contract, one hundred twenty-five thousand dollars (\$125,000) per year commencing September 1, 2008 and through the remainder of the Contract which by its terms will expire on September 5, 2009.

Additionally, the District has agreed to meet and confer with the General Manager during the months of November, 2008, through March, 31, 2009, to discuss possible extension of his contract.

The attached Amendment memorializes these negotiations and is submitted to the Board for its approval.

The District's negotiating team, President Michael Winn and myself, recommend approval.

**Nipomo Community Services District
P.O. Box 326
Nipomo, California 93444**

**FIRST AMENDMENT TO EMPLOYMENT CONTRACT
GENERAL MANAGER**

THIS AMENDMENT TO CONTRACT (herein "Amendment") is made this 10th day of October, 2007, in San Luis Obispo County, California, by and between Nipomo Community Services District (hereinafter "**DISTRICT**") and Bruce Buel ("**GENERAL MANAGER**") with reference to the following recitals:

RECITALS

A. The **DISTRICT** and **GENERAL MANAGER** have entered into an contract titled General Manager Employment Contract dated September 5, 2006 (herein, the "Contract").

B. Section 14(G) of the Contract states in relevant part:

". . . any amendments to this Contract must be in writing and executed by both parties".

NOW, THEREFORE in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

Section 1

Except as amended by Section 2 below, the Terms and Conditions of the Contract are incorporated herein by reference.

Section 2

A. Section 2(D) of the Contract is amended to read as follows:

During the five (5) month period of November, 2008 through March 31, 2009, the parties agree to meet and confer to discuss an extension of this Contract.

B. Section 4(A) of the Contract is amended to read as follows:

DISTRICT agrees to pay **GENERAL MANAGER** for his services as follows:

1. One hundred fifteen thousand dollars (\$115,000) per year, commencing on December 1, 2007, payable in equal installments at the same time as other employees of the **DISTRICT** are paid,
2. Subject to receiving a performance review (pursuant to paragraph 5(B) of the Contract) of "meets or exceeds expectations" one hundred twenty-five thousand dollars (\$125,000) per year commencing September 1, 2008, payable in equal installments at the same time as other employees of the **DISTRICT** are paid.

Recitals A and B to this Amendment are incorporated herein by reference.

IN WITNESS WHEREOF, the parties have executed this Amendment Contract to be effective on the date first mentioned above.

GENERAL MANAGER

Bruce Buel

NIPOMO COMMUNITY SERVICES DISTRICT

By: _____
Michael Winn, President
Board of Directors,
Nipomo Community Services District

Date: _____

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: OCTOBER 5, 2007

**AGENDA ITEM
D-4
OCTOBER 10, 2007**

BOARD MEETING AND OFFICE SCHEDULE – NOVEMBER AND DECEMBER

ITEM

Review Board Meeting and Office Schedule for the months of November and December

BACKGROUND

November Schedule (No changes Proposed to the normal calendar):

November 12, 2007	Veteran's Day – Office Closed
November 14, 2007	Regular Board Meeting
November 22-23, 2007	Thanksgiving Holidays – Office Closed
November 28, 2007	Regular Board Meeting

Proposed December Schedule

December 12, 2007	Regular Board Meeting
December 26, 2007	Cancellation of Regular Board Meeting
December 24, 2007 to January 1, 2008	Office Closed (Minimal Field Crew will be working)

Special Meetings can be noticed and held if urgent matters arise that need the Board of Directors' immediate attention.

RECOMMENDATION

Approve the proposed Board Meeting and Office Schedule for the months of November and December.

ATTACHMENT

None

t:\board matters\board meetings 2006\board letters 2007\holiday meeting schedule.doc

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: OCTOBER 5, 2007



ACCEPT BLACKLAKE POND #3 LINER

ITEM

Accept Blacklake Pond Liner #3 Replacement and Issue Notice of Completion [RECOMMEND ADOPTION].

BACKGROUND

Raminha Construction has completed the installation of the liner project on time and on budget with no change orders. Staff is preparing to fill the pond and bring it back into service. The sludge removed from the pond is now drying at Southland and will be spread this next spring once we secure our permit from the RWQCB.

RECOMMENDATION

Staff recommends that your Honorable Board accept the project, authorize release of the retention and authorize recordation of the Notice of Completion.

ATTACHMENT

- None

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2007\Blacklake Pond Liner Acceptance.DOC