

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: FEB. 22, 2008

AGENDA ITEM
E-3
FEB 27, 2008

AUTHORIZE QUARTERLY NEWSLETTER

ITEM

Authorize quarterly newsletter [RECOMMEND ADOPTION].

BACKGROUND

One of the "AGREEMENTS" that came out of the 2007 Strategic Plan Workshop was the development of a quarterly newsletter to inform the community regarding NCSD's efforts. Staff published an initial newsletter in January on a trial run (attached). This newsletter, called "District News", was four pages printed in color (11" x 17" stock printed on both sides and folded). Printing cost for 4,000 copies was \$1,188.07 and mailing to NCSD customers was \$1,258.03 (mailing list sorted to eliminate duplicative mailings). Staff did all of the writing and graphics. If this format was used for a full year of 4 newsletters (January, April, July and October), then the annual cost would be at least \$9,784 and with a 10% contingency could be as much as \$10,763. Attached is staff's cost projection and documentation on the costs for the January mailing.

The Board should note that staff is not proposing to mail the newsletter with the bills. Given the mailing pattern with six mailings per year in offsetting months, envelop size and the inclusion of conservation inserts into the invoice, staff believes that it not practical to add the newsletter.

RECOMMENDATION

Staff recommends that your Honorable Board first discuss the January District News and determine if a similar format should be used in the future. Once a format has been selected, staff recommends that the Board authorize staff to publish a quarterly newsletter and include funding in the FY2008-09 Budget to cover costs.

ATTACHMENTS

- January "District News"
- Cost Documentation

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Nipomo Community Services District DISTRICT NEWS



Issue 1, 2008

CONSERVE! CONSERVE! CONSERVE!

Nipomo is running out of water, and at an alarming rate.

Just because it's raining doesn't mean our water-shortage problem is over.

Last year San Luis Obispo County received approximately 40% of its average rainfall. In 2007 NCSD customers used an average of nearly 11% more water than they did in 2006.

That puts us at a significant deficit for 2007, so even a normal rainfall year would still not be expected to bring us back to where we were at the time of the last groundwater reading (April 2007).

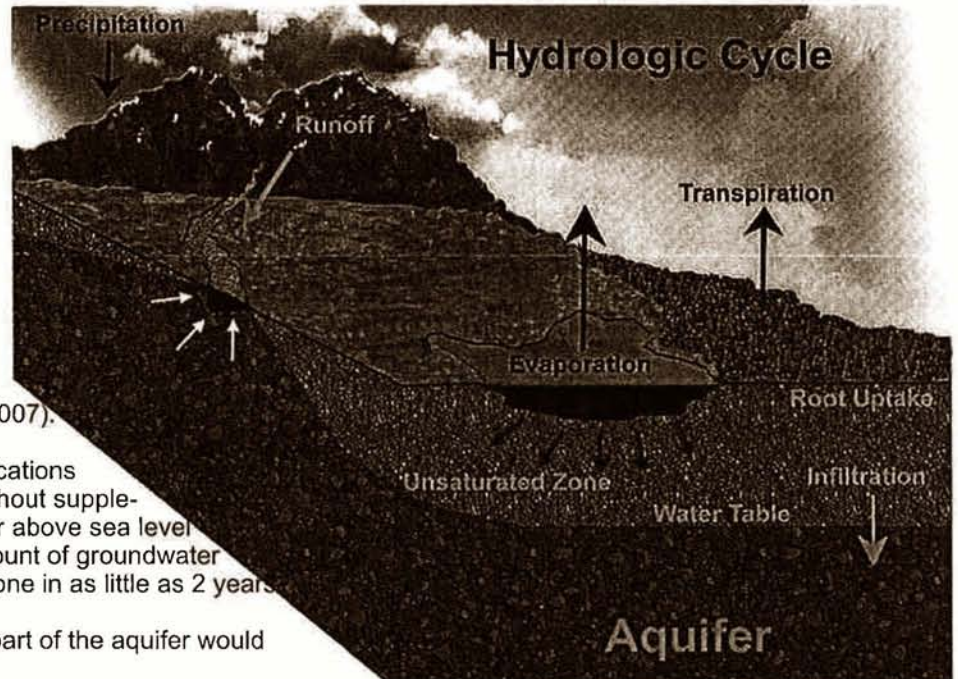
According to the latest studies by Science Applications International (SAIC), projected out 39 years, without supplemental water, 100% of the Nipomo Mesa aquifer above sea level could be used up in 11 to 12 years, and the amount of groundwater needed to prevent seawater intrusion may be gone in as little as 2 years.

If saltwater intrusion occurs in our aquifer, that part of the aquifer would never again be able to store drinking water.

Making the problem worse is the length of time necessary to bring supplemental water to Nipomo (see page 3, *Supplemental Water - Where Are We Now?*). The costs of supplemental water can be expected to raise water bills up to 3 times the current amount.

The cheapest, quickest way to start addressing Nipomo's water problems is to CONSERVE WATER.

Conserved water is immediately available, and a pipeline does not have to be constructed to bring it to Nipomo. That means less cost to you. SAVE WATER -- SAVE MONEY!



Community Forum on Proposed Emergency Water Shortage Regulations and Fees.

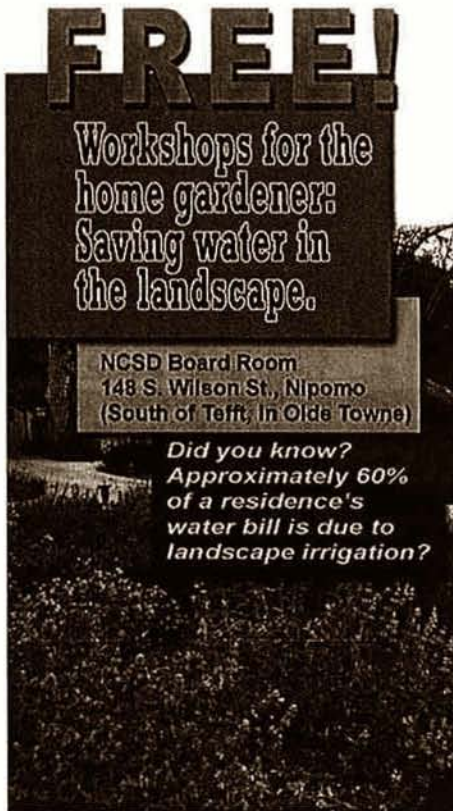
On Wednesday, January 30, 2008, 6:30 PM, a public meeting will be held at the Nipomo High School Forum on the proposed Emergency Water Shortage Regulations and fees. These regulations would be enacted in stages should the groundwater storage in the aquifer under the Nipomo Mesa fall to specific levels. See page 2, "Emergency Groundwater Shortage Regulations at a Glance" for more details.

Supplemental Water - Where Are We Now?

The NCSD Board of Directors continues to assess options for bringing supplemental water to Nipomo. See page 3, "Supplemental Water, Where Are We Now?" for more details.

TOP 5 WAYS TO SAVE WATER

1. Check home and landscape plumbing for leaks. Fix leaks.
2. Replace indoor plumbing fixtures with water-saving fixtures.
3. Replace lawns and other high-water-use plants with water-saving plants.
4. Never let the water run in a sink unless it is doing a job. Turn off the water while brushing your teeth, cleaning vegetables, etc.
5. Don't use your water hose as a broom. Hoses can deliver up to 10 gallons a minute, which quickly adds up to \$\$\$\$!



Learn How to Make Your Landscape Water-Efficient!

The District is presenting a series of free workshops designed to help residents make their landscapes more water-efficient. Space is limited, so make your reservations now! [Call 929-311-33](tel:92931133) or email cwhitlow@ncsd.ca.gov

Feb. 2, 2008 – 9 AM: Importance of Soil Building and Composting. Learn to help your soil use water and nutrients efficiently. Will include a demonstration of tumbler composting and starting a worm ranch. Presented by CalPoly lecturer Hunter Francis, who received his MS degree (from CalPoly in Agriculture (with a Soil Science specialization). Hunter is Co-founder and Program Associate for the Sustainable Agriculture Resource Consortium.

Feb. 9, 2008 – 9 AM: Native and Drought-Tolerant Plants. Learn how beautiful your yard can look with water-efficient plants. Will include demonstration plants which will be raffled off to workshop participants at the end of the workshop! Presented by Carol Bornstein, co-author (along with our local David Fross, owner of Native Sons Wholesale Nursery) of *California Native Plants for the Garden*. Carol is also Director of Nursery Operations and Horticultural Outreach at the Santa Barbara Botanical Garden. Three signed copies of Carol's book will be raffled off at the end of the workshop!

Feb. 16, 2008 – 9 AM: Landscape Design with Drought-Tolerant Plants. Learn the tricks of incorporating water-efficient plants into your landscape. Given by Celeste Whitlow, NCSD Conservation and Public Outreach Specialist, who received her BS degree in Environmental Horticulture from CalPoly SLO. Three signed copies of *California Native Plants for the Garden* will be raffled off to workshop participants at the end of the workshop!

Feb. 23, 2008 – 9 AM: Water-Efficient Landscape Irrigation. Drip irrigation, timers and more! Leak detection! Presented by Joe Decker, who has over 25 years of experience in irrigation. He currently works for Farm Supply in SLO, where he daily helps people problem-solve and better manage their irrigation systems. A free discount coupon for irrigation materials from Farm Supply will be given to each workshop participant!

Proposed Emergency Water Shortage Regulations at a Glance

The available groundwater under the Nipomo Mesa is shrinking and something needs to be done to prevent salt-water intrusion. The decline in water levels is particularly rapid in dry years such as 2007 when there is minimum percolation. In an effort to reduce demand in dry years, NCSD has prepared a set of proposed Emergency Water Shortage Regulations. **A public workshop at Nipomo High School Forum is set for 6:30pm on Wednesday, January 30, 2008,** to get feedback from the community. Residents can download a copy of the proposed Draft Regulations from the NCSD's website (www.ncsd.ca.gov), or pick up a copy at the NCSD Office, 148 South Wilson Street.

The proposed Draft Regulations would establish four levels of drought response – Water Watch, Water Warning, Water Emergency, and Extreme Water Emergency. NCSD would take water level readings from approximately 60 groundwater wells in April of each year and use the data to compute the volume in groundwater storage above sea level. If the readings indicate there is at least 100,000 acre-feet (AF) of groundwater in storage above sea level in a particular year, then the regulations would not call for use restrictions.

If the readings indicate the available storage ranges from 90,000 AF to 100,000 AF, then the Board would implement

the Water Watch program. In addition to providing information on the need to conserve, this level would include some restrictions on the timing of irrigation and decorative use of potable water.

If the readings indicate the available storage ranges from 80,000 AF to 90,000 AF, then the Board would implement the Water Warning program. The goal would be to reduce demand by at least 10%. In addition to the Water Watch Programs, maximum-use targets for all customers would be established, and issuing Intent-To-Serve Letters for new development would be prohibited. If a customer's consumptions exceeds their ration, they would pay a surcharge on their excess use.

If the readings indicate the available storage ranges from 70,000 AF to 80,000 AF, then the Board would implement the Water Emergency program. The goal would be to reduce demand by at least 35%. In addition to the Water Warning Program, the maximum use targets would be smaller and the setting of new water meters would be prohibited.

If the readings indicate the available storage is 60,000 AF or less, then the Board would implement the Extreme Water Emergency program. The goal would be to reduce demand by at least 50%. In addition to Water Emergency Program, the maximum use targets would be set at a minimum level necessary for health and sanitation.

Supplemental Water—Where Are We Now?

On average, the amount of groundwater used by residents from the Nipomo aquifer is two times the amount nature puts into the aquifer. In other words, for every gallon nature puts into the aquifer, two gallons are drawn out.

In 2007 the amount of groundwater stored above sea level shrank by over 15%. With the current rate of water consumption, the District's geohydrologist predicts we could exhaust the remaining water storage in 12 years if the historic rainfall pattern repeats itself. While no one knows how much water is actually needed to prevent saltwater intrusion, it is clear a combination of new supply and reduced demand is needed to ensure the long-term health of our water supply.

The NCSB Board of Directors is committed to developing cost-effective and sustainable supplemental water supplies to augment the District's existing groundwater wells. With this goal in mind, the Board, in 2004, executed an agreement with the City of Santa Maria to bring in up to 3,000 acre-feet of Santa Maria City water with the understanding that NCSB would construct the plumbing to connect the two systems.

A preliminary study regarding the Waterline Intertie was completed in 2005, and the District circulated a Draft Environmental Impact Report (EIR). However, when the estimated cost of the project jumped from \$9 million to \$24 million in November 2006, the Board put the Waterline Intertie Project on hold and ordered a comparison of all



likely alternatives. Of the nine projects presented to the Board in June 2007, the Board directed staff to bring back more information on the two most promising alternatives to the Waterline Intertie: desalination and State water.

In November 2007, the Board reviewed an evaluation of possible desalination projects. Although desalination is likely to be very expensive to build and operate, the Board determined it was the only option likely to meet the long-term needs of the Nipomo Mesa.

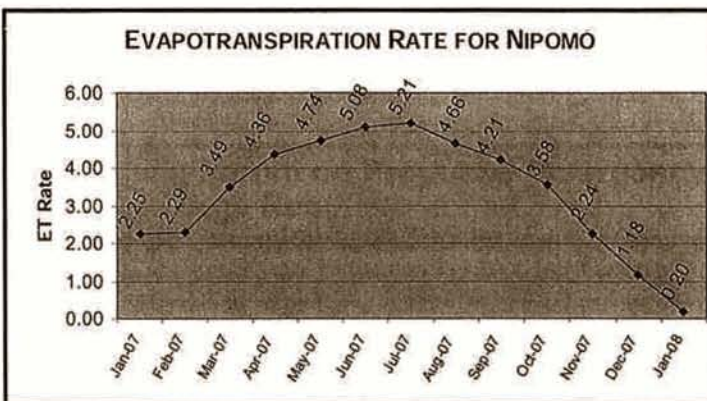
In December 2007, the Board reviewed an evaluation of connecting to the State Water Project pipeline running down Thompson Avenue. Because of the high costs and uncertainty of water delivery, the Board put aside further consideration of the State Water Project. Instead, the Board determined the District should fine tune the Santa Maria Waterline

Intertie Project to reduce its cost as the short-term supplemental water supply option, and proceed with the research to develop desalination as the long-term water supply.

Currently, the District is conducting design studies on the Waterline Intertie Project to see if costs can be reduced. These studies should be complete by Spring 2008, which would allow the District to re-circulate a new Draft EIR in Fall 2008, and to seek permits for construction in 2009. Additionally, the District is gearing up to start the research needed for designing a desalination facility.

Save Money—Don't Over-Water!

Landscape irrigation in San Luis Obispo County accounts for almost 80% of SLO County residential water use. It



makes sense to water less during the winter when it is cooler and sometimes even rains, but the question is always "How much do I decrease it?"

Starting this month, the NCSB will start publishing a monthly Watering Index, which is a scientifically based guide to help people adjust landscape watering schedules.

The Watering Index takes the amount of landscape irrigation water you used during the hottest, driest month of the year and then tells you how much water you should be applying to your landscape in the current month.

To find out the amount of water you need to apply in the current month: multiply the Watering Index by the amount of water used in July, then multiply that figure by 100.

January's Watering Index is 3.8%. If you watered your lawn 10 minutes a week in July, you should water it less than 4 minutes a week in January.

$(38\%) \times (10 \text{ minutes a week in July}) \times (100) = (3.8 \text{ minutes a week in January})$

You should apply no water to the landscape when it is raining and for a day or so after the rain stops.

For more information, visit the NCSB website (www.ncsd.ca.gov/Library/water_conservation/WateringIndex.pdf).

For More Information

Water-Efficient Home and Landscape

Be Water Wise: www.bewaterwise.com

Santa Barbara Water Page: www.sbwater.org

Water House: www.h2ouse.org

Water Family Game: www.thewaterfamily.co.uk

Water-Efficient Irrigation Systems

www.sbwater.org/WeatherTechnology.htm

Irrigation tutorials: www.irrigationtutorials.com

Drip Irrigation: www.dripirrigation.ca/

Info on the NCS D Website

(<http://www.ncsd.ca.gov/cm/Resources/Conservation.html>)

- "Reading Your Water Meter"
- "Detecting Leaks"
- "Drip Irrigation"
- "Septic Tank Maintenance"
- "Even You Can Fix a Leaky Faucet"
- "Why Use California Native Plants"
- "Selected Drought-Tolerant Plants for the Nipomo Area"
- "Frequently Asked Questions about Water Conservation"
- "Tired of Paying a High Price for Your Landscape?"
- "Timing is Everything! You and Your Irrigation Controller"
- "Septic Tank Maintenance"
- "Pharmaceuticals in the Water Supply"
- "Recycling and Re-Use Guide"
- "Household Hazardous Waste: Where Do I Put It?"



Printed copies of these documents
(and more!) are available in the
lobby at the NCS D Office.

NCS D Staff

- Bruce S. Buel, General Manager
- Lisa S. Borgnuda, Administrator
- Peter Sevcik, District Engineer
- Tina Grietens, Utilities Superintendent
- Celeste Whitlow, Water Conservation Specialist



Up-Coming Board Meetings

- 1/30/2008, 6:30 PM, Nipomo HS
- 2/13/2008, 9:00 AM, Board Meeting
- 2/27/2008, 9:00 AM, Board Meeting
- 3/12/2008, 9:00 AM, Board Meeting
- 3/26/2008, 9:00 AM, Board Meeting



Board Meetings, unless otherwise indicated, are held in the Board Room at the NCS D Office.

Board Packets can be downloaded from the NCS D website (www.ncsd.ca.gov)



**Nipomo Community
Services District**

148 S. Wilson Street
Nipomo, CA 93444-0326
Phone: (805) 929-1133
Fax: (805) 929-1932
www.ncsd.ca.gov

COST ESTIMATES FOR DISTRICT NEWSLETER (4 PER YEAR)

Quantity	Description	Total	RateEach	x 4/year	10% Buffer*	TOTAL 4/Year
3810	Addressing, sorting, folding, tab closure	\$1,258.03	\$0.33	\$5,032.12	\$503.21	\$5,535.33
4000	Printing	\$1,188.07	\$0.30	\$4,752.28	\$475.23	\$5,227.51
TOTAL:		\$2,446.10	\$0.63	\$9,784.40	\$978.44	\$10,762.84

*Buffer for increase in # of customers, increase in costs.

SAN LUIS MAILING SERVICE

281 PACIFIC ST
 SAN LUIS OBISPO CA 93401-4201
 [805] 543-8880
 RICK GRISWOLD - OWNER



INVOICE

DATE	INVOICE #
1/17/2008	32626

Mailing Services Provided For:
 C662 n 929-1133 f 1932
 CITY OF NIPOMO CSD
 ATTN: LISA SOUZA BOGNUDA
 PO BOX 326
 NIPOMO CA 93444-0326

PO # / CHECK#	TERMS	DUE DATE	DATE PAID
	Due on receipt	1/17/2008	

QUANTITY	DESCRIPTION OF WORK PERFORMED	RATE/PIECE	AMOUNT
	DISTRICT NEWS		
3,810	AFFIX SEALING TABS	0.015	57.15
	TABBER SET-UP	10.00	10.00
3,810	INK JET PERMIT (Non-Porous)	0.04	152.40
3,810	INK JET ADDRESS (Non-Porous)	0.044	167.64
1.5	INK JET SET-UP	15.00	22.50
3,810	SORTING	0.012	45.72
	COMPUTER SET-UP	48.00	48.00
	U.S.P.S. PERMIT FORM	3.00	3.00
	GOLETA DROP (Saves \$152 in Postage)(1/18/08)	60.00	60.00
	LABOR TOTAL		566.41
198	POSTAGE	0.252	49.90
3,290	POSTAGE	0.176	579.04
241	POSTAGE	0.191	46.03
10	POSTAGE	0.196	1.96
4	POSTAGE	0.255	1.02
67	POSTAGE	0.204	13.67
	POSTAGE TOTAL		691.62
	INVOICE TOTAL		1,258.03

All work is complete. Your extra mailing pieces are ready to be picked up at your convenience.

TOTAL \$1,258.03

Accounts over 30 days past due will incur a 1.5% monthly finance charge. Also, PLEASE include the above invoice number on your check. Thank You!



QUOTATION
Page 1 of 1

1040 E. Grand Ave | Arroyo Grande, CA 93420 | (805)489-6844 | Fax: (805)489-9008

www.poorrichards.com

Quotation Number:	56746	Sales Rep:	Jacoby Kingston
Job Number:	139352	CSR:	Jon McCoid
Quotation Date:	1/8/2008	Terms:	Net 30 - Open Account

Customer Account:	065871		
Name:	Nipomo Community Services District		
Address:	PO Box 326		
	Nipomo	Ca	93444
Contact:	Celeste (929-1133)		
Phone:	805-929-1133	Fax:	805-929-1932

Job Description **January Newsletter**

A quotation not accepted within 30 days is subject to change. Quotation subject to review if the job specifications do not conform to the information upon which the original quotation was based. Orders are subject to 10% over or underrun unless otherwise specified.

4000 Pieces (last ordered in December 2006-5000 pieces)
Full color printing on both sides w/no bleeds, plus gloss aqueous coating
80# Gloss Text Stock
11x17 flat sheets w/half fold & letter fold to 8.5" x 3.66
Customer supplied print ready file created by industry supported software
Deliver, when completed, to San Luis MailWorks

Component:	January Newsletter		
Size:	8 1/2 X 3 21/32	Stock Description:	Jefferson Gloss Text
Front Colors	4	Color:	White
Back Colors	4	BWT:	80
Bleed:	Yes	Thickness:	.0039

<u>Quantity</u>	<u>Price</u>	<u>Sales Tax</u>	<u>Total W /Tax</u>	<u>Per Each</u>
4,000	\$1,107.76	\$80.31	\$1,188.07	\$0.28

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: FEBRUARY 22, 2008



ADOPT REVISED BOARD BY-LAWS [ADOPT RESOLUTION]

ITEM

Adopt revised Board By-Laws [ADOPT RESOLUTION]

BACKGROUND

Pursuant to Section 16 of the Board By-Laws, the Board By-Laws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

On February 13, 2008, the Board of Directors reviewed the previously adopted Board By-Laws and instructed Staff to return with an edited version for Board adoption.

Attached is the edited version of the Board By-Laws

RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached Resolution

ATTACHMENTS

- Resolution
- Redlined version of Board By-Laws

T:\doc\board matters\board meetings\board letter 2008\bylaw adoption.doc

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-_____**
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BY-LAWS (2008 UPDATE)**

WHEREAS, the Board of Directors of Nipomo Community Services District (District) is committed to providing excellence in legislative leadership; and

WHEREAS, the District is a member of the Special District Risk Management Authority (SDRMA); and

WHEREAS, SDRMA has adopted a Credit Incentive Program whereby the District can receive a one point credit for the adoption of Board Policies and Procedures (Director By-Laws); and

WHEREAS, the District can receive an annual one point credit for the annual review and re-adoption of the Director By-Laws; and

WHEREAS, Government Code §61054 provides that the Board of Directors shall adopt rules or bylaws for its proceedings; and

WHEREAS, on February 13, 2008, the District Board of Directors did review the District's previously adopted Board By-Laws and instructed Staff to return with an edited version for Board adoption; and

WHEREAS, on February 27, 2008, the District conducted a public hearing and considered public comment regarding the adoption of the revised Board By-laws (2008 update).

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The Nipomo Community Services District Board of Directors By-Laws (2008 update) attached hereto as Exhibit "A" are hereby approved and adopted.
2. All prior Director By-Laws, Resolutions and Policies of the District that are inconsistent with the Board of Director By-Laws (2008 update) attached hereto as Exhibit "A" are hereby repealed.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this ____ day of February, 2008.

MICHAEL WINN,
President of the Board of Directors

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2007-2008 UPDATE
BY-LAWS
(ATTACHMENT "A" TO RESOLUTION ~~2007-1006~~2008-by laws)

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are the President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors or his/her designee shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.
- 1.6 The President, and in his/her absence the Vice President, are authorized to attend meetings of the San Luis Obispo County Planning Commission meetings and meetings of the San Luis Obispo County Board of Supervisors without compensation except reimbursement for use of his/hertheir private vehicle to attend such meetings pursuant to District Policy 10.01(b).

2. MEETINGS

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.
- 2.2 Special Meetings.
- Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant General Manager in consultation with the President or in his or her absence, the Vice ~~p~~President or those Directors calling the meeting;
- 2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTOR BY-LAWS
2007-2008 UPDATE
PAGE 2

- 2.4** No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
- (a) Directors may briefly respond to statements or questions from the public;
 - (b) Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
 - (c) A Director individually, or the Board by motion, may take action to direct staff the General Manager to place a matter on a future agenda;
 - (d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.
- 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 votes 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** Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 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 the 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~~twelve calendar days 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 developer improvements, minor budgetary items, status reports, and routine District operations.
- (a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board chooses an earlier or later time.
- (b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the

questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

- (c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, an abstention or conflict of interest, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote, an abstention or conflict of interest, on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, an abstention or conflict of interest, in the minutes on the item identified by the Director.

4. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

- 4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;
- 4.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions or motions. (61045(d))
- 4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person;
- 4.4 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include brief summaries of public comment, the General Manager's report, matters of concern to District legal counsel, District committee reports, and Directors' reports. Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.
- 4.5 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.
- 4.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

5. DIRECTORS

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.

- 5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole (61042(c)).
- 5.3 Information may be requested from staff or exchanged between Directors before meetings, within such limitations as required by the Brown Act. Information that is requested or exchanged shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, dissenting Directors should not to create barriers to the implementation of said action.
- 5.6 Except during open and public meetings the use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.
- 5.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on the issue.

6. **AUTHORITY OF DIRECTORS**

- 6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
- 6.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body which represents and acts for the community as a whole.
- 6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. **AUTHORITY OF THE GENERAL MANAGER**

The General Manager shall be responsible for all of the following:

- 7.1. The implementation of the policies established by the Board of Directors for the operation of the District.

- 7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
- 7.3 The supervision of the District's facilities and services.
- 7.4 The supervision of the District's finances.

8. DIRECTOR GUIDELINES

- 8.1 Directors, by making a request to the General Manager or Assistant General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Assistant General Manager shall inform the individual Director why the information is not or cannot be made available.
- 8.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 8.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Assistant General Manager. The chain of command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.
- 8.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 8.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant General Manager.
- 8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

9. DIRECTOR COMPENSATION

- 9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board of Directors attended by him/her.
- 9.2 Each Director appointed to a standing committee is authorized to receive one hundred dollars (\$100) as compensation for each standing committee meeting attended by him/her.
- 9.3 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each ~~standing committee or~~ ad hoc committee meeting of the District attended by him/her.
- 9.34 Each Directors is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or participation in a training program on a topic that is directly related to the District, provided that the Board of Directors has previously approved the member's participation at a Board of Director's meeting and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.
- 9.45 In no event shall Director compensation exceed \$100 per day.
- 9.56 Director compensation shall not exceed six full days in any one calendar month.

10. DIRECTOR REIMBURSEMENT

- 10.1 Each Director is entitled to reimbursement for their actual and necessary expenses, including the cost of programs and seminars, incurred in the performance of the duties required or authorized by the Board.
- (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.
- If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available (53232.2(e)). Directors using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
 - (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include \$10.00 for breakfast, \$10.00 for lunch, and \$20.00 for dinner, for a daily total of \$40.00.
 - (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.
- 10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred (53232.3(c)).
- 10.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense except for per diem allowances (53232.3(d)).
- 10.4 Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors.

11. COMMITTEES

11.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

11.2 Standing Committees

- (a) The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.

- (b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

12. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

- 12.1** All letters approved by the Board of Directors and/or signed by the President on behalf of the District; and
- 12.2** All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

13. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item.

13.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision.

13.2 Interest in Contracts, Government Codes Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Director has a financial interest.

13.3 Incompatible Office

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second office, he/she is simultaneously terminated from holding the first office.

14. EVALUATION OF CONSULTANTS

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year. ~~The District's consulting engineer shall be evaluated by the General Manager during the months of May and June of each year and reported to the Board of Directors during the month of July of each year.~~

15. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

16. BOARD BY-LAWS REVIEW POLICY

Subject to 3.1 ~~t~~he Board By-Laws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

17. RESTRICTIONS ON RULES

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.