

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL  
DATE: APRIL 4, 2008



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 3/26/08 Meeting and 3/31/08 Special Meeting
- D-3) ADOPT EXPOSURE & INFECTION CONTROL POLICY [ADOPT RESOLUTION]
- D-4) INITIATE PREPARATION OF ENGINEER'S REPORT FOR FY08-09 LANDSCAPE  
MAINTENANCE DISTRICT #1 ASSESSMENTS [ADOPT RESOLUTION]
- D-5) AUTHORIZE REQUEST TO SLO COUNTY TO ENFORCE PROHIBITION FOR NEW  
PRIVATE POTABLE WATER WELLS WITHIN DISTRICT PURSUANT TO COUNTY  
CODE SECTION 19.20.2366 [RECOMMEND APPROVAL]
- D-6) ACCEPT NEWDOLL CO 04-0432 WATER AND SEWER IMPROVEMENTS  
[RECOMMEND APPROVAL]

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TO: BOARD OF DIRECTORS  
 FROM: BRUCE BUEL  
 DATE: APRIL 4, 2008

**AGENDA ITEM**  
**D-1**  
**APRIL 9, 2008**

**HAND WRITTEN CHECKS**

03-26-08	19730	T GRIETENS	195.22
04-02-08	19731	R CAMACHO	870.05
04-04-08	19732	SAN LUIS MAILING	165.15

**TOTAL COMPUTER CHECKS**  
**\$ 207,251.16**

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
014836	03/26/08	SUN01	SUNBELT RENTALS	-4364.94	.00	-4364.94	138172263C	CREDIT MEMO
				3652.98	.00	3652.98	140907681	LOADER-SLUDGE REMOVAL
				3018.59	.00	3018.59	141163512	PUMP RENTAL-SLUDGE REMOVA
				-487.46	.00	-487.46	141163513C	CREDIT MEMO-PRICE ADJ
				-346.63	.00	-346.63	141163514C	CREDIT MEMO-PRIC ADJ
			Check Total.....:	1472.54	.00	1472.54		
014837	03/31/08	BUE01	BUEL, BRUCE	56.00	.00	56.00	032808	REIMBURSEMENT FOR RECORDI
014838	03/31/08	HAR02	HARRISON, JAMES	100.00	.00	100.00	033108	SPEC BD MEETING 033108
014839	03/31/08	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	033108	SPEC BD MEETING 033108
014840	03/31/08	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	033108	SPEC BD MEETING 033108
014841	03/31/08	WIN01	WINN, MICHAEL	100.00	.00	100.00	033108	SPEC BD MEETING 033108
14842	04/04/08	EMP01	EMPLOYMENT DEVELOP DEPT	918.66	.00	918.66	A80331	STATE INCOME TAX
14843	04/04/08	MID01	MIDSTATE BANK-PR TAX DEP	3358.06	.00	3358.06	A80331	FEDERAL INCOME TAX
				811.02	.00	811.02	1A80331	MEDICARE (FICA)
			Check Total.....:	4169.08	.00	4169.08		
14844	04/04/08	MID02	MIDSTATE BANK - DIRECT DP	25961.94	.00	25961.94	A80331	NET PAY
14845	04/04/08	PER01	PERS RETIREMENT	8691.65	.00	8691.65	A80331	PERS PAYROLL REMITTANCE
14846	04/04/08	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A80331	WAGE ASSIGNMENT
14847	04/04/08	STA01	STATE STREET GLOBAL	1680.00	.00	1680.00	A80331	457 DEFERRED COMP
014848	04/09/08	ABA01	ABALONE COAST BACTERIOLOG	20.00	.00	20.00	08-577	BL WWTF LAB
				120.00	.00	120.00	08-578	WATER SAMPLES
				20.00	.00	20.00	08-588	BL WWTF LAB
				176.00	.00	176.00	08-592	TOWN WWTF LAB
				20.00	.00	20.00	08-603	BL WWTF LAB
				20.00	.00	20.00	08-610	BL WWTF LAB
				20.00	.00	20.00	08-626	BL WWTF LAB
				120.00	.00	120.00	08-627	WATER SAMPLES
				176.00	.00	176.00	08-633	TOWN WWTF LAB
				20.00	.00	20.00	08-634	BL WWTF LAB
				20.00	.00	20.00	08-641	WATER SAMPLE CO 04-0345
				20.00	.00	20.00	08-642	BL WWTF LAB
				20.00	.00	20.00	08-651	BL WWTF LAB
			Check Total.....:	772.00	.00	772.00		
014849	04/09/08	ADV01	ADVANTAGE ANSWERING PLUS	137.89	.00	137.89	94614	ANSWERING SERVICE
014850	04/09/08	ALX01	ALEXANDER'S CONTRACT SERV	2210.50	.00	2210.50	032708	METER READING SERVICE
014851	04/09/08	AME03	AMERI PRIDE	106.50	.00	106.50	F438606	UNIFORMS ETC
				127.94	.00	127.94	F444324	UNIFORMS ETC
			Check Total.....:	234.44	.00	234.44		
014852	04/09/08	ATT01	AT&T/MCI	144.18	.00	144.18	121478	PHONES
				38.36	.00	38.36	121740	PHONES
				119.01	.00	119.01	121814	PHONES
			Check Total.....:	301.55	.00	301.55		
014853	04/09/08	BUE01	BUEL, BRUCE	19.41	.00	19.41	021808	LUNCH FOR MEETING
014854	04/09/08	CAN01	CA-NV SECTION AWWA	369.98	.00	369.98	731	SUPPLIES
014855	04/09/08	CLE06	CLEVER DUCKS	4881.25	.00	4881.25	5185	INFRASTRUCTURE UPGRADE
				2193.05	.00	2193.05	5221	COMPUTER SUPPORT
			Check Total.....:	7074.30	.00	7074.30		
014856	04/09/08	COR01	CORBIN WILLITS SYSTEMS	724.18	.00	724.18	A803151	COMPUTER SUPPORT



**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS APRIL 4, 2008**



Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
014857	04/09/08	COU01	COURIER SYSTEMS	240.62	.00	240.62	040108	LAB DELIVERIES
014858	04/09/08	CUL02	CULLIGAN WATER CONDITION	10.64	.00	10.64	033108	DELIVERY
014859	04/09/08	DWI01	DWIGHT'S AUTOMOTIVE	10.00	.00	10.00	500984	TIRE REPAIR
014860	04/09/08	EBY01	EBY, ED	100.00	.00	100.00	040908	REG BD MEETING 040908
014861	04/09/08	EMP01	EMPLOYMENT DEVELOP DEPT	2491.63	.00	2491.63	3/31/08	1ST QTR SUI/ETT
014862	04/09/08	FAR01	FARM SUPPLY COMPANY	814.52	.00	814.52	638519+	SUPPLIES
014863	04/09/08	FAR02	FAR WEST EXPRESS	36.00	.00	36.00	E11692+	MAIL DELIVERY
014864	04/09/08	FER01	FERGUSON ENTERPRISES INC	1002.10	.00	1002.10	1461334	SUPPLIES
014865	04/09/08	FGL01	FGL ENVIRONMENTAL	86.00	.00	86.00	801637A	TOWN WWTF LAB
				86.00	.00	86.00	801887A	TOWN WWTF LAB
				86.00	.00	86.00	802144A	TOWN WWTF LAB
				56.00	.00	56.00	802423A	BL WWTF LAB
014865	04/09/08	FGL01	FGL ENVIRONMENTAL	86.00	.00	86.00	802425A	TOWN WWTF LAB
				212.00	.00	212.00	802426A	TOWN WWTF LAB
				86.00	.00	86.00	802697A	TOWN WWTF LAB
				56.00	.00	56.00	802698A	BL WWTF LAB
				212.00	.00	212.00	802699A	TOWN WWTF LAB
				70.00	.00	70.00	802845A	SOIL ANALYSIS
				1505.00	.00	1505.00	802859A	WELL SAMPLES
				56.00	.00	56.00	802959A	BL WWTF LAB
				130.00	.00	130.00	802964A	WELL SAMPLES
			Check Total.....:	2727.00	.00	2727.00		
014866	04/09/08	FIS01	FISHER PUMP SERVICE	230.00	.00	230.00	642	BEVINGTON WELL MAINT
014867	04/09/08	FRA02	FRANK'S LOCK AND KEY	3464.43	.00	3464.43	26987	SECURITY LOCKS
014868	04/09/08	GAS02	GAS COMPANY, THE	106.64	.00	106.64	032108	OFFICE HEAT 06235160949
				9.53	.00	9.53	032608	GAS ENGINE ON SOUTHLAND 1
			Check Total.....:	116.17	.00	116.17		
014869	04/09/08	GER01	GERMAN, SCOTT	20.00	.00	20.00	040108	PER DIEM
014870	04/09/08	GIL01	GLM, INC.	393.71	.00	393.71	032808A	LANDSCAPE OFFICE
				110.00	.00	110.00	032808BL	LANDSCAPE BL
			Check Total.....:	503.71	.00	503.71		
014871	04/09/08	GRA01	GRANDEFLOW, INC.	326.86	.00	326.86	96854	REMINDER NOTICES
014872	04/09/08	GRO01	GROENIGER & CO	146.14	.00	146.14	786091SM	SUPPLIES
				149.34	.00	149.34	786092SM1	BL IRR METER PARTS
				199.48	.00	199.48	786092SM2	SUPPLIES
			Check Total.....:	494.96	.00	494.96		
014873	04/09/08	GWA01	GWA INC	60.00	.00	60.00	62101	NEW SHOP ALARM-APRIL
				48.50	.00	48.50	62202	NEW SHOP ALARM-MARCH
				25.00	.00	25.00	400640201	ALARM SYSTEM OFFICE
				25.00	.00	25.00	402062201	ALARM SYSTEM SHOP
				28.00	.00	28.00	803006401	ALARM SYSTEM
			Check Total.....:	186.50	.00	186.50		
014874	04/09/08	HAR02	HARRISON, JAMES	100.00	.00	100.00	040908	REG BD MEETING 040908
014875	04/09/08	JAC01	JACK'S REPAIR & SALES	81.00	.00	81.00	555152	REPAIR T-27
				93.45	.00	93.45	555153	REPAIR ECHO 2400
			Check Total.....:	174.45	.00	174.45		
014876	04/09/08	LAN01	THE LAND CONSERVANCY	500.00	.00	500.00	033108	WATERFEST 08 SPONSORSHIP
014877	04/09/08	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	40839	TRACT 2409 LANDSCAPE MAIN
014878	04/09/08	NEX01	NEXTEL COMMUNICATIONS	414.43	.00	414.43	87314076	CELL PHONES
014879	04/09/08	NIP01	NIPOMO ACE HARDWARE INC	310.56	.00	310.56	681145+	SUPPLIES
014880	04/09/08	OFF01	OFFICE DEPOT	262.74	.00	262.74	42372969	SUPPLIES
				638.89	.00	638.89	423644109	SUPPLIES
			Check Total.....:	901.63	.00	901.63		
014881	04/09/08	ONE01	1-800-CONFERENCE	62.19	.00	62.19	565417	CONFERENCE CALL

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS APRIL 4, 2008**

**AGENDA ITEM  
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APRIL 9, 2008  
PAGE THREE**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
014882	04/09/08	PAR01	PARK & CO	2500.00	.00	2500.00	8463	LOGO USAGE
014883	04/09/08	PGE01	P G & E	28062.94	.00	28062.94	031908	ELECTRICITY 4449664603-3
014884	04/09/08	PRE01	PRECISION JANITORIAL	562.50	.00	562.50	173	JANITORIAL SERVICE
014885	04/09/08	PRO01	PROTO DIE MANUFACTURING	425.00	.00	425.00	3189	WOODGREEN LS PUMP MAINT
014886	04/09/08	PWM01	PW MANN ELECTRIC INC	947.99	.00	947.99	8012	SHOP ELECTRICAL
				487.00	.00	487.00	8013	TRAFFIC LIDS
			Check Total.....:	1434.99	.00	1434.99		
014887	04/09/08	ROD01	RODRIGUEZ, RIGOBERTO	40.00	.00	40.00	040208	PER DIEM FOR TRAINING CLA
014888	04/09/08	SAI01	SAIC	7196.73	.00	7196.73	593503	NMMA TECHNICAL GROUP MEET
				12346.84	.00	12346.84	910016	CONSULTING
				15686.02	.00	15686.02	910018	CONSULTING
				12311.68	.00	12311.68	922822	HYDROLOGIC MONITORING PRO
			Check Total.....:	47541.27	.00	47541.27		
014889	04/09/08	SAN04	SANTA MARIA TIMES	531.75	.00	531.75	42553	EMPLOYMENT AD
				86.08	.00	86.08	259731	CONSERVATION ADVERTISING
			Check Total.....:	617.83	.00	617.83		
014890	04/09/08	SOU01	SOUTH COUNTY SANITARY	169.12	.00	169.12	2139333	OLDE TOWNE TRASH COLLECTI
				34.92	.00	34.92	2143186	TRASH COLLECTION
			Check Total.....:	204.04	.00	204.04		
014891	04/09/08	SOU06	SOUTH BAY FOUNDRY, INC	4483.06	.00	4483.06	92186	TREE GRATES
014892	04/09/08	SPA01	SPANGO VOICE COMM	1451.19	.00	1451.19	040908	TELEPHONE SYSTEM
014893	04/09/08	SPM01	SP MAINTENANCE SERVICES	1832.00	.00	1832.00	22529	STREET SWEEPING SERVICE
014894	04/09/08	STA04	STATE DEPT OF HEALTH SERV	2065.72	.00	2065.72	850557	WATER SYSTEM FEES
014895	04/09/08	STA07	SRF ACCOUNTING OFFICE	34868.35	.00	34868.35	8808089	STAE REVOLVING FUND LOAN
014896	04/09/08	STA08	STAPLES	1788.39	.00	1788.39	030708	SUPPLIES
014897	04/09/08	STA09	STANDARD INSURANCE	1546.20	.00	1546.20	040108	INSURANCE 001369140001
014898	04/09/08	TGP01	TGP WEST, INC.	501.08	.00	501.08	4588	SUNDALE WELL MAINT
014899	04/09/08	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	040908	REG BD MEETING 040908
014900	04/09/08	TRO02	CLIFF TROTTER	15.00	.00	15.00	032508	REIMB FOR CHAMBER BREAKF
014901	04/09/08	UND01	UNDERGROUND SERVICE ALERT	145.50	.00	145.50	80030044	NOTIFICATION
014902	04/09/08	USA01	USA BLUEBOOK	224.00	.00	224.00	564419	SUPPLIES
014903	04/09/08	USB01	US BANK TRUST	354.85	.00	354.85	32408 BB1	CONSERVATION SUPPLIES
				550.00	.00	550.00	32408 BB2	SEMINARS BREWER, GERMAN,
				234.88	.00	234.88	32408 BB3	SHOP UPGRADE
				944.12	.00	944.12	32408 BB4	COMPUTER SUPPLIES
				145.97	.00	145.97	32408 BB5	TRAVEL
				83.63	.00	83.63	32408 BB6	BOOKS
014903	04/09/08	USB01	US BANK TRUST	184.38	.00	184.38	32408 GB2	SUPPLIES
				250.00	.00	250.00	32408 GB3	SEMINAR - RICK
				113.63	.00	113.63	32408 LB1	BOARD MEETING SUPPLIES
				541.91	.00	541.91	32408 TG1	SUPPLIES
			Check Total.....:	3403.37	.00	3403.37		
014904	04/09/08	VAL01	VALLEY SEPTIC SERVICE	379.00	.00	379.00	5065	BL JETTING SEWER LINES
				1100.00	.00	1100.00	5122	PUMPED LIFT STATIONS
			Check Total.....:	1479.00	.00	1479.00		
014905	04/09/08	VER01	VERIZON	34.56	.00	34.56	031908A	BL PHONE
				34.81	.00	34.81	031908B	BL PHONE
			Check Total.....:	69.37	.00	69.37		
014906	04/09/08	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	040908	REG BD MEETING 040908
014907	04/09/08	WIN01	WINN, MICHAEL	100.00	.00	100.00	040908	REG BD MEETING 040908
014908	04/09/08	XER01	XEROX CORPORATION	90.20	.00	90.20	31849127	COPIER MAINT
014909	04/09/08	\S007	SCHAEFER, WR	364.47	.00	364.47	000A80401	MQ CUSTOMER REFUND FOR SC
014910	04/09/08	\S008	SOUZA CONSTRUCTION INC	439.17	.00	439.17	000A80401	MQ CUSTOMER REFUND FOR SO



# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 43 - Years of Service 1965 - 2008*

## MINUTES

**MARCH 26, 2008 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

**BOARD of DIRECTORS**

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

**PRINCIPAL STAFF**

BRUCE BUEL, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**

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.

00:00:29

**B. ROLL CALL**

At Roll Call, all Board members were present.

00:00:52

**C. PRESENTATIONS AND PUBLIC COMMENT**

**C-1) BRAD NEWTON OF SAIC**

Presentations re: Fall Groundwater Storage Volumes and Inter-Basin Transfers

Dr. Brad Newton of SAIC (Science Applications International Corporation) presented information concerning the Fall Groundwater Storage Volumes and Inter-Basin Transfers.

The slides presented:

- Groundwater in Storage and the Sub-surface Flow
- The Scope of Work planned for Nipomo Community Services District.
  - Groundwater in Storage (1975 – 2007)
    - Spring and Fall GWS
    - Groundwater Surface Elevation Measurements
  - Subsurface Flow Estimate (2007)
    - Based on GSE measurements from Spring 2007
    - Methodology the same as previous analysis
- Questions
  1. Will Nipomo Mesa be out of water in 2 years?
  2. How does the current Spring GWS compared to historical values?
  3. Is there any indication of sea water intrusion to the principal production aquifer?
- Rainfall statistics
- Groundwater in Storage and Sub-surface Flow for 1975 through 2007.
- Graph showing Spring and Fall Groundwater in Storage above Mean Sea Level for Phase II Boundary
- Groundwater Surface Elevations for 1975, 1980, 1985 and 1990
- Groundwater Surface Elevations for 1995, 2000, 2006 and 2007
- Flow Zones Used in Subsurface Row Estimate
- Table 1 - Subsurface flow across the boundary (presented as an annual total)



**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

## C-1) BRAD NEWTON OF SAIC (Continued)

- Questions?
  1. Spring and Fall Groundwater in Storage. Is the difference better represented with a "non-linear" trend line?
  2. Why are some years (e.g. 1983) not included in the estimate of GWS?
  3. Does the current consumption exceed long-term recharge from rainfall?
- Consumptive Use - Average Recharge from Rainfall
- Groundwater Elevations at Coastal Monitoring Location
- Water Quality at Coastal Monitoring Location
- Figure 3 - NMMA Service Areas

The Board discussed the information with Dr. Newton.

Dr. Newton stated that SAIC sent information to the Technical Group.

The following members of the public spoke:

Kevin Beauchamp, Nipomo resident – stated that in 1992, there seemed to be little correlation between the rainfall and the groundwater storage. He asked if we had salt water intrusion when the water level was at its lowest. Is there flow from somewhere other than rainfall? Why is there a doomsday scenario now when in 1992 the groundwater measurement was at its lowest? Do you measure the flow west to east as well as east to west? If current consumption exceeds rainfall, how long before we have salt water intrusion?

John Brantingham, Nipomo resident – stated that the report was nicely done and mostly easy to understand. He asked if he could get a copy of Table 1 of the report. He stated he is discouraged with the boundaries drawn by DWR. He urged the Board to look at the watershed numbers and see if there is a correlation between the increase in the available water on the Mesa and the large amounts that fall on the hills and head down to this area. He commended the Board for better management of the pumping.

Ingmar Laurensen, Nipomo resident – asked where the closest adjacent study comes from. Are there the same numbers from Santa Maria or Arroyo Grande?

Bill Petrick, NCSD resident – stated that the analysis used in the report should be performed by the three Technical Groups assigned to monitor the health of the Santa Maria basin. He stated that the second report has serious modeling deficiencies and is useless without validation. He stated that Darcy's Law is an experimentally derived equation based on small-scale measurements. The calculations can be 40% less to 320 times greater than those stated in the report. He stated that programs are available from USGS and DWR to do the calculations. The Technical Group should take over the report.

Bruce Buel, General Manager, and Dr. Newton answered some of the *questions* from the public.

*Sea-water intrusion* – We have not experienced sea water intrusion yet. During that low year (1992) there is no data that tells where the sea water gradient was. In the whole basin view, the judge determined there is the possibility to mine water in dry years and replenish in wet years.

*Little correlation between rainfall and groundwater storage* – Dr. Newton stated that he would repeat what he provided earlier.

*Flow measurements from the ocean to the land* – That is not being monitored.



## C-1) BRAD NEWTON OF SAIC (Continued)

*When will we be out of water?* – It is impossible to predict what will happen. There is no way to know if there will be wet years or dry years ahead.

*Copy of Table 1 of the report* – There were some copies on the back table. It is available on the web site and in the District office.

*Boundaries and why the District is using the Nipomo Mesa Management area and not the entire basin* - The boundary lines are largely political and not physical watersheds or groundwater basins. It will be a challenge for the Technical Group to be consistent.

Dr. Newton suggested bringing Mr. Bachman from Oxnard to the District to discuss the very expensive challenges faced by sea water intrusion experienced in Oxnard.

*Tim Cleath concept of drawing down the basin and allowing inflow from our adjoining areas – Would that solve our problem?* - Absolutely not.

*Request that the District seek feedback from the Santa Maria Basin Technical Group and Northern Cities Technical Group* - There has been some discussion with the Northern Cities technical representatives and at least one joint meeting is expected. The Santa Maria Basin Technical Group meeting is still pending. Boundary issues must be resolved within the prescribed time frame for the monitoring program. The Technical Group could establish the protocols by which the boundary conditions are rectified between the different management areas.

*Criticized use of Darcy's Law in the subsurface flow memorandum* – Results needed to be compatible with previous studies by other agencies (DWR, County, etc.) so the number developed has meaning in context with the historical work. Darcy's Law is the standard practice used in these conditions. Alternatively, a finite element difference model like Op Flow could be developed in place of Darcy's Law and equations to solve flow in and out of those little boxes could be highly complicated, complex and non-linear, calibrated with back data and is much higher cost. SAIC does not have that model.

*Why are we doing this at all?* - The District is concerned with the health of the Nipomo Mesa Groundwater Basin. This data will be shared with the Technical Group. These studies could further the understanding of the Basin. Looking at the Fall readings as well as the Spring, the Board can get a better view of the annual cycles. The Emergency Water Regulations may consider both the Spring and the Fall readings.

*Will the Technical Group evaluate this information?* – The Technical Group is focused on a well-monitoring program to take to the court for approval. We are ahead of schedule for the court deadline. The Technical Group for the NMMA will use some of the analysis in the monitoring program. Once the monitoring program is approved by the court, the Technical Group will use the monitoring program to develop some analysis that it will report back to the court.

*Managing the pumping* – It seems to be a matter of rainfall.

Director Eby read a section from a booklet, dated 1931 written by the US Department of the Interior, that stated that the use of Darcy's Law for measurement was appropriate then; and it still is today.

*The Board took a break at 11:01 a.m. and reconvened at 11:15 a.m.*



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## C-2) MIKE DIMILO OF SCIENCE DISCOVERY

Presentation re: Water Conservation Education Outreach Proposal

Mike DiMilo of Science Discovery gave an overview of what his company presents to schools in terms of Water Conservation Education. He presented some slides showing the different types of services his company offers.

Director Vierheilg stated that the Conservation Committee should look into this.

Jon Seitz, District Legal Counsel, stated that the cost of such programs could possibly be shared among the other water purveyors.

Director Winn asked about integrating with the programs at the schools. Mr. DiMilo explained that his company has worked with other school districts.

There was no public comment.

The Board thanked him for his presentation.

## C-3) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: NCSD Conservation Activities

Celeste Whitlow, Water Conservation Specialist, reviewed the update presented in the Board packet.

- Grant funding update
  - Continue to learn the Department of Water Resources' grant process and its online grant filing program.
- California Urban Water Conservation Council Update
  - A plenary meeting was held on March 12, 2008 in San Diego at which time final application approval voting occurred, and the District became a full-fledged member of the CUWCC. Information has been received from the CUWCC.
- Learning printing/publishing software to facilitate and speed up the information distribution process.
- Updating NCSD Conservation website.
- Information on choosing a landscape maintenance company.
- Preparing for the May water conservation and septic system workshops.
- Received tree grates from foundry.
- General correspondence (complaint letter, letters to new customers).
- High-efficiency clothes washer program.
- Planning for formal launch of water conservation program.
- Execution of tree removal work order.
- Analysis of District water consumption for billing months January, February.

There was no public comment.

The Board thanked Mrs. Whitlow for her presentation.

## C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT &amp; COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Vierheilg

Saturday, April 5, 2008, Central Coast Greenhouse Growers Association (CCGGA) Open House, 9:00 a.m. - 3:00 p.m.

Friday, April 11, 2008, 9:00 a.m. at Native Sons Nursery – US Fish & Wildlife Service is hosting a workshop with a group of botanists on rare and endangered species.

Director Eby

The NOAA predicted rainfall for April has a 33% chance of being below normal – the effects of La Niña.

April 5, 2008, Save the Mesa Supervisor's Debate with Hill and Lenthall. Harry Ovitt may attend. It will be filmed by AGP Video.

SCAC met Monday, March 24, 2008. The new Chair is Dick Wright and the new Vice



**Nipomo Community Services District  
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Chair is Dan Gaddis.

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (continued)

Director Harrison

The Rotary Club will be barbequing at the Hesse Nursery during the CCGGA Open House April 5, 2008.

April 5, 2008, 5:00 p.m. – Cal Trans Forum for Willow Road in the District Boardroom.

Director Winn

He encouraged people to attend the CCGGA event to get an education on the efficient use of water by modern agriculture.

Friday, March 28, 2008 – deadline for comment on the EIR for the Santa Margarita Ranch Development.

Saturday, March 29, 2008 - CalFire will be having a CPR program at the Nipomo Library 1:00-6:00 p.m. The class is not for certification. CalFire would like to receive an RSVP at 929-3911 if anyone is planning to attend.

Wednesday, April 2, 2008 at 1:30 in the SLO Library, the Water Resources Advisory Committee will meet.

Friday, April 4, 2008 – A number of motions will be heard in court in Santa Clara. He and Director Vierheilg will be attending.

Monday, April 7, 2008, a meeting is planned with NCSO, SCAC and County staff to discuss the Oakglen Specific Plan if all parties are able to attend.

C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Al Barrow, Los Osos resident, wished to speak at this time because he is unable to remain for that portion of the meeting concerning E-2 to review draft amendments to RWQCB Basin Plan relative to on-site waste management systems. He stated that the deadline to make comment is April 7, 2008. He reviewed some of the proposed requirements for on-site septic systems.

The Board decided to consider Item E-1 next.

The Consent Agenda will be considered after the lunch break.

E. ADMINISTRATIVE ITEMS

02:45:28

E-1) CONSIDER REVISED WATER AND SEWER INTENT-TO-SERVE APPLICATIONS FOR HILL STREET HOTEL AND NIPOMO COMMONS COMMERCIAL PROJECTS

Bruce Buel, General Manager, explained that at the March 12, 2008 Board meeting, the Board adopted Resolution 2008-1070 temporarily suspending processing of applications for Intent-to-Serve letters. On March 17, 2008, the District received a letter from EDA, the representative for the proposed 71-room hotel, requesting reconsideration of an Intent-to-Serve letter for the project. The developers of the adjacent project, Tract 2611, proposed to reduce its water demand in order to allocate its water to the hotel project.

The Board discussed the proposed revision of the water demand in the original application for service. Jon Seitz, District Legal Counsel, noted that one way to limit waste in perpetuity would be a tiered rate structure. The Draft Emergency Water Conservation Plan could limit the water use also.



Nipomo Community Services District  
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E-1) CONSIDER REVISED WATER AND SEWER INTENT-TO-SERVE APPLICATIONS FOR HILL STREET HOTEL AND NIPOMO COMMONS COMMERCIAL PROJECTS (continued)

Robert Winslow of EDA and representative for the hotel project stated that the property has an existing water meter. It is possible to convert the existing building to a gym with showers. The proposed project would be using less water than originally planned.

Rob Marinai, part owner and applicant stated that with the current economic conditions, the project needs to move forward now.

Director Eby made a motion to continue the Intent-to-Serve letter without prejudice until the District finds supplemental water. Director Trotter seconded the motion.

Vote 2-3 with Directors Vierheilg, Harrison and Winn voting no.

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

Upon motion by Director Harrison and seconded by Director Vierheilg, the Board agreed to issue an Intent-to-Serve letter for the hotel with the conditions listed in the Board letter and to re-issue an Intent-to-Serve letter for Tract 2611 with a condition to limit services to the project. Also all irrigation will be drip. The hotel letter will be issued after all owners counter-sign the Tract 2611 Intent-to-Serve letter. Vote 4-1 with Director Eby voting no.

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

The Board decided to go to Closed Session next.  
The Consent Agenda and the remaining items will be considered after the Closed Session.

03:27:11

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the items to be considered in Closed Session pursuant to Government Code Section 54956.9, which allows the Board to go into Closed Session.

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMWCD VS NCSD (SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD (CASE NO. CV 040877), MARIA VISTA VS. NCSD (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD 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. NCSD 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; NCSD VS. SLO COUNTY (CASE NO. CV 070066)
5. CONFERENCE WITH LEGAL COUNSEL RE: INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9c (2 POTENTIAL CASES)



Nipomo Community Services District  
REGULAR MEETING  
MINUTES

I. CLOSED SESSION ANNOUNCEMENTS

- 6. CONFERENCE WITH LEGAL COUNSEL RE: SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9b (1 POTENTIAL CASE) – PAT EBY THREAT OF LEGAL ACTION TENDERED TO BOARD AT MARCH 12, 2008 BOARD MEETING

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

03:28:56

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:44 p.m.

03:29:10

L. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board reconvened at 2:02 p.m.

Jon Seitz, District Legal Counsel, reported out of Closed Session.

The Board heard an update on the items listed above.

Item 1-4 had no reportable action.

Item 5 – With a 5-0 vote, the Board authorized legal counsel to seek right of entry for testing of the Pasquini property.

Item 6 – The Board discussed the matter but there was no reportable action.

03:30:50

F. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 3/12/08 Meeting

D-3) AUTHORIZE NEGOTIATIONS WITH SOUTH COUNTY SANITARY SERVICE FOR EXTENDING SOLID WASTE FRANCHISE AGREEMENT TERM

D-4) APPROVE 3.22% COLA FOR DISTRICT EMPLOYEES EFFECTIVE JULY 1, 2008

D-5) REVISE FY07-08 BUDGET

RESOLUTION 2008-1071  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE 2007-2008 FISCAL YEAR BUDGET

D-6) REVISE STANDARD SPECIFICATIONS

RESOLUTION NO. 2008-1072  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REVISING NCSD'S STANDARD SPECIFICATIONS  
FOR WATER AND SEWER SYSTEM IMPROVEMENTS

Bruce Buel, General Manager, introduced the Consent Agenda. The Board agreed to pull Item D-7 for separate consideration.

Director Vierheilg stated the need to replace Appendix A of Section 7.20.60 of the District Code book to reflect the latest rates and charges.

Upon motion by Director Vierheilg and seconded by Director Eby, the Board approve Items D-1 through D-6 of the March 26, 2008 Consent Agenda. Vote 5-0.

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

Nipomo Community Services District  
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D-7) ACCEPT NESTER TRACT 2499 WATER IMPROVEMENTS AND EASEMENT

Director Winn asked for clarification about the easements that were granted. Mr. Buel explained. Director Trotter asked about some ponding along Pomeroy Road.

Dana Touey, representative for Tract 2499, stated that there have been modifications that should eliminate the ponding.

Upon motion by Director Vierheilig and seconded by Director Harrison, the Board adopted Resolution 2008-1073 accepting the water system improvement for Tract 2499.

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

**RESOLUTION NO. 2008-1073  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING EASEMENTS, DECLARATION AND RESTRICTIVE COVENANTS  
AND THE WATER IMPROVEMENTS FOR TRACT 2499 (NESTER)**

03:43:10

E-2) REVIEW DRAFT AMENDMENTS TO RWQCB BASIN PLAN RELATIVE TO ON-SITE WASTE MANAGEMENT SYSTEMS AND AUTHORIZE COMMENTS, IF ANY

Bruce Buel, General Manager, reviewed the draft amendment to the OWTS (on-site waste treatment systems) regulations. Mr. Buel asked the Board for comments to send to the Regional Water Quality Control Board (RWQCB) by April 9, 2008. The Board offered comments to be included in the letter to go to the Regional Board.

- The District would like to be notified and would like to participate in development of any management plan for Nipomo
- Evaluate economic impacts
- Definition and consistency
- Special District funding or expertise
- Who will be inspecting septic systems?

There was no public comment other than the one from Mr. Barrow earlier in the day.

04:14:05

E-3) DISCUSS OPTIONS TO MINIMIZE WASTEFUL USE OF WATER

Bruce Buel, General Manager, introduced the item.

Celeste Whitlow, Water Conservation Specialist, explained that the Board had previously asked for some criteria for landscape maintenance companies to follow to help prevent the wasteful use of water.

The Board discussed the flyer in the packet and how it could be used.

04:26:52

F. MANAGER'S REPORT

Bruce Buel, General Manager presented the report as submitted. There was no public comment.



## G. COMMITTEE REPORT

There have been no committee meetings since the last Board meeting. The Southland Wastewater Treatment Facility Committee meeting originally planned for April 7, 2008, is deferred until later.

04:30:24

## H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

He asked that the letter sent by Ms. Barbara Ojena become a part of the minutes. It is attached hereto. The letter protests construction costs of the proposed Miller Park in Nipomo being paid by NCSD.

Conservation news flyer received in the March billing with the statement that we may run out of sea-level groundwater in two years reflects badly on NCSD.

President Winn stated that the newsletter was discussed last month but that the newsletter had already been printed to be sent with the second phase of billing. It was agreed at that meeting that all future newsletters would be reviewed by the Board before releasing to the public.

Director Vierheilig stated that the Blacklake sewer rates should be resolved first and the Blacklake water system merger can be dealt with afterward.

Director Winn

He stated that Steve Bachman should be invited to the NCSD Board meeting when the supplemental water is also being discussed.

## ADJOURN

President Winn adjourned the meeting at 3:08 p.m.

## ➤ THE NEXT REGULAR BOARD MEETING IS APRIL 9, 2008.

## TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Sanitary Sewer Overflow Submittals
- Initiation of Landscape Maintenance District #1 Engineer's Report
- Merger of Town and Blacklake Water Systems

TO: Board of Directors, NCSD

I'm writing as a concerned citizen regarding the construction costs of the proposed Miller Park in Nipomo.

According to the assessment report, , there is a recommendation that the NCSD board pledge a portion of the existing property tax reserve (\$1,754,553) to development of the portions of Miller Park that cannot be developed through grants and/or donations.

I'm assuming that if the board is willing to spend any, or all of these tax reserves, on a park for one of our citizens' memorial for her husband, (Peg Miller). . . that we have all the supplemental water that we need for our present and future needs. If that's not the case, I find it unconscionable that you would think it's OK with the tax-paying public, to use our 'water' money in this manner.

I'm sure Jim Miller was an upstanding member of society in Nipomo, and if Ms Miller wants a park to memorialize her husband, I suggest she pay for it. It's unscrupulous to ask the tax-payers to use 'water' money to pay for her husband's memorial park.

According to the assessment report, there will be grants and donations to help pay for the construction of the park, but how do you know how much that will be? Exactly how much WILL come out of the tax reserve? You don't know the answer to that yet. . .and my feeling is that ANY amount is too much. Then, of course, the taxpayers will be forced, through taxes to maintain the park, and NCSD will be required to pay a portion of that as well.

I honestly believe that your focus and our monies need to be used for our water crisis. The poor argument that only a small amount might be spent is not important. Any amount is too much.

Maybe a public meeting might be in order to assess the public opinion on this.

Barbara Ojena

614 Sandydale Dr.  
Nipomo, CA. 93444



# NIPOMO COMMUNITY SERVICES DISTRICT

Monday March 31, 2008

10:00 A. M.

## SPECIAL MEETING MINUTES

DRAFT

DRAFT

### BOARD of DIRECTORS

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

### PRINCIPAL STAFF

BRUCE BUEL, GENERAL MANAGER  
LISA BOGNUDA, ASSIST. GENERAL MANAGER  
DONNA JOHNSON, BOARD SECRETARY  
JON SEITZ, GENERAL COUNSEL  
PETER SEVCIK, DISTRICT ENGINEER

### MEETING LOCATION

District Board Room  
148 S. Wilson Street  
Nipomo, California

### Public Comment will be received on each agenda items B and D

00:00:00

#### A. CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

President Winn called the meeting to order at 10:01 a.m. and led the flag salute. At Roll Call, the following members were present. Directors Vierheilig, Trotter, Harrison and Winn. Director Eby was absent.

00:00:48

#### B. APPOINT TWO MEMBERS TO MEET WITH SOUTH COUNTY ADVISORY COUNCIL REGARDING OAKGLEN SPECIFIC PLAN OR TAKE ALTERNATE ACTION REGARDING SPECIAL MEETING CURRENTLY SCHEDULED FOR APRIL 7, 2008

There was no public present to comment.

Bruce Buel, General Manager, discussed with the Board, the possibilities for the proposed meeting with NCSO, the South County Advisory Council and SLO County regarding the Oakglen Specific Plan. The April 7<sup>th</sup> date did not work out for some of the Board members. Several dates were discussed as possibilities. Mr. Buel will check with the other agencies to confirm a date.

00:06:57

#### C. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following item to be considered in Closed Session.

1. Conference with District Legal Counsel and Special Counsel (by phone) regarding pending litigation pursuant to California Government Code Section 54956.9, SMVWCD v. NCSO (Santa Clara County Case # CV 770214 and all consolidated cases)

#### D. PUBLIC COMMENT ON CLOSED SESSION ITEM

There was no public present to comment.

The Board went into Closed Session at 10:09 a.m.

00:07:55

F. OPEN SESSION & ANNOUNCEMENT OF CLOSED SESSION ACTIONS  
TAKEN, IF ANY

The Board came back into Open Session at 10:40 a.m. There was no audience in attendance.

Jon Seitz, District Legal Counsel, announced out of Closed Session:

The Board heard an update from Special Counsel James Markman regarding the groundwater adjudication and the pending notice of appeal by the LOG (Land Owner Group) and the Wineman Group. The Board voted 4-0, with Director Eby absent, to direct legal counsel not to file a notice of cross-appeal and instructed Mr. Markman to defend the decision of the court.

00:08:39

G. ADJOURN

President Winn adjourned the meeting at 10:41 a.m.