

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL
DATE: JUNE 20, 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 6/11/08 Regular Meeting
- D-3) REQUEST CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL
GENERAL ELECTION [ADOPT RESOLUTION]
- D-4) CREATE ADDITIONAL MAINTENANCE/CUSTOMER SERVICE WORKER POSITION
AND AUTHORIZE GENERAL MANAGER TO HIRE [RECOMMEND APPROVAL]
- D-5) APPROVE HIGH EFFICIENCY CLOTHES WASHER WATER CONSERVATION
PROGRAM [RECOMMEND ADOPTION]
- D-6) ACCEPT VILLAGE AT NIPOMO WATER & SEWER IMPROVEMENTS [RECOMMEND
ADOPTION]
- D-7) RETAIN THE REED GROUP TO UPDATE THE BLACKLAKE SEWER FINANCIAL
PLAN [RECOMMEND APPROVAL]
- D-8) ACCEPT GEIHS TRACT 2732 HILL STREET RESIDENTIAL PROJECT WATER &
SEWER IMPROVEMENTS [RECOMMEND ADOPTION]

TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL
 DATE: JUNE 20, 2008

**AGENDA ITEM
 D-1
 JUNE 25, 2008**

**TOTAL COMPUTER
 CHECKS
 \$ 185,259.93**

HAND WRITTEN CHECKS

06-11-08	19766	HARRY BROWN TRAINING	350.00
06-11-08	19767	NIPOMO MARKETPLACE	2,235.55
06-11-08	19768	D JOHNSON	50.00
06-16-08	19769	TLC UNDERGROUND	11,537.38
06-16-08	19770	E EBY	100.00
06-16-08	19771	C TROTTER	100.00
06-19-08	19772	BL GOLF COURSE	531.48
06-25-08	19774	OAKGLEN ESTATES	155.05
06-25-08	19775	STORY ST ESTATES	616.14
06-25-08	19776	GREG NESTER CONSTRUCTION	1,813.10

VOID
 19773, 15148

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
15167	06/13/08	EMP01	EMPLOYMENT DEVELOP DEPT	19.76	.00	19.76	A80604	STATE INCOME TAX
				64.25	.00	64.25	A80605	STATE INCOME TAX
				801.94	.00	801.94	A80609	STATE INCOME TAX
				17.36	.00	17.36	1A80604	STATE INCOME TAX
				562.17	.00	562.17	1A80605	STATE INCOME TAX
				164.28	.00	164.28	2A80604	STATE INCOME TAX
			Check Total.....:	1629.76	.00	1629.76		
15168	06/13/08	MID01	MIDSTATE BANK-PR TAX DEP	87.15	.00	87.15	A80604	FEDERAL INCOME TAX
				276.44	.00	276.44	A80605	FEDERAL INCOME TAX
				2916.32	.00	2916.32	A80609	FEDERAL INCOME TAX
				66.68	.00	66.68	1A80604	MEDICARE (FICA)
				75.96	.00	75.96	1A80605	MEDICARE (FICA)
				47.78	.00	47.78	1A80609	FICA
				72.34	.00	72.34	2A80604	FEDERAL INCOME TAX
				2342.39	.00	2342.39	2A80605	FEDERAL INCOME TAX
				658.98	.00	658.98	2A80609	MEDICARE (FICA)
				8.40	.00	8.40	3A80604	MEDICARE (FICA)
				271.72	.00	271.72	3A80605	MEDICARE (FICA)
				684.50	.00	684.50	4A80604	FEDERAL INCOME TAX
				79.40	.00	79.40	5A80604	MEDICARE (FICA)
			Check Total.....:	7588.06	.00	7588.06		
15169	06/13/08	MID02	MIDSTATE BANK - DIRECT DE	21480.93	.00	21480.93	A80609	NET PAY
15170	06/13/08	PER01	PERS RETIREMENT	662.27	.00	662.27	A80604	PERS PAYROLL REMITTANCE
				754.20	.00	754.20	A80605	PERS PAYROLL REMITTANCE
				7223.21	.00	7223.21	A80609	PERS PAYROLL REMITTANCE
				.00	.00	.00	1A80604	PERS PAYROLL REMITTANCE
				.00	.00	.00	1A80605	PERS PAYROLL REMITTANCE
				.00	.00	.00	2A80604	PERS PAYROLL REMITTANCE
			Check Total.....:	8639.68	.00	8639.68		
15171	06/13/08	SAN17	SAN LUIS OBISPO SHERIFF'S	10.00	.00	10.00	2A0806	TOLBERT SIMMONS-PROC FEE
				1992.42	.00	1992.42	A80609	TOLBERT SIMMONS-WITHHELD
			Check Total.....:	2002.42	.00	2002.42		
15172	06/13/08	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A80605	WAGE ASSIGNMENT
15173	06/13/08	STA01	STATE STREET GLOBAL	1680.00	.00	1680.00	A80609	457 DEFERRED COMP

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS JUNE 20, 2008**

**AGENDA ITEM
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
015174	06/18/08	EBY01	EBY, ED	100.00	.00	100.00	061808	SPECIAL MEETING 6/18/08
015175	06/18/08	HAR02	HARRISON, JAMES	100.00	.00	100.00	061808	SPECIAL MEETING 6/18/08
015176	06/18/08	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	061808	SPECIAL MEETING 6/18/08
015177	06/18/08	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	061808	SPECIAL MEETING 6/18/08
015178	06/18/08	WIN01	WINN, MICHAEL	100.00	.00	100.00	061808	SPECIAL MEETING 6/18/08
015179	06/25/08	ABA01	ABALONE COAST BACTERIOLOG	20.00	.00	20.00	08-1048	BL WWTF LAB
				20.00	.00	20.00	08-1073	BL WWTF LAB
				20.00	.00	20.00	08-1087	BL WWTF LAB
				120.00	.00	120.00	08-1088	WATER SAMPLES
				20.00	.00	20.00	08-1095	BL WWTF LAB
				176.00	.00	176.00	08-1096	TOWN WWTF LAB
				20.00	.00	20.00	08-1110	BL WWTF LAB
				20.00	.00	20.00	08-1117	BL WWTF LAB
				20.00	.00	20.00	08-1140	BL WWTF LAB
				120.00	.00	120.00	08-1141	WATER SAMPLES
				14.40	.00	14.40	08-1148	LAB TESTS
				20.00	.00	20.00	08-1150	BL WWTF LAB
				14.40	.00	14.40	08-1156	WATER LAB
				20.00	.00	20.00	08-1164	BL WWTF LAB
				20.00	.00	20.00	08-1173	BL WWTF LAB
			Check Total.....:	644.80	.00	644.80		
015180	06/25/08	AME03	AMERI PRIDE	93.68	.00	93.68	F501248	UNIFORMS, ETC
				93.68	.00	93.68	F506850	UNIFORMS, EC.
			Check Total.....:	187.36	.00	187.36		
015181	06/25/08	ATT01	AT&T/MCI	185.50	.00	185.50	166671	PHONE
				1.18	.00	1.18	T8100544	PHONE
			Check Total.....:	186.68	.00	186.68		
015182	06/25/08	AWW02	AMERICAN WATER WORKS ASSO	173.00	.00	173.00	200064447	DUES
015183	06/25/08	BRE02	BRENNTAG PACIFIC INC.	678.38	.00	678.38	BPI798023	CHLORINE
				542.28	.00	542.28	BPI798024	CHLORINE
			Check Total.....:	1220.66	.00	1220.66		
015184	06/25/08	CAL03	CALIFORNIA ELECTRIC SUPPL	119.30	.00	119.30	734484	SUPPLIES-EUREKA WELL
				87.15	.00	87.15	734827	SUPPLIES
			Check Total.....:	206.45	.00	206.45		
015185	06/25/08	CAL14	CALIFORNA WATER	56.00	.00	56.00	MOTLEY 08	CERTIFICATION COL SYS MAI
015186	06/25/08	CAL15	CALIFORNIA URBAN WATER CO	7500.00	.00	7500.00	34357	REBATE POOL FUNDS
015187	06/25/08	CAN02	CANNON ASSOCIATES	270.00	.00	270.00	43955	ON CALL ALERTS
				360.00	.00	360.00	43958	CHURCH WELL POWER FAIL AL
				160.00	.00	160.00	43990	WATERLINE RELOCATIONS
			Check Total.....:	790.00	.00	790.00		
015188	06/25/08	CLE06	CLEVER DUCKS	862.50	.00	862.50	5749	COMPUTER UPGRADE
				295.00	.00	295.00	5811	COMPUTER SUPPORT
				3763.75	.00	3763.75	5862	COMPUTER TECH SUPPORT
			Check Total.....:	4921.25	.00	4921.25		
015189	06/25/08	COR01	CORBIN WILLITS SYSTEMS	745.83	.00	745.83	A806151	COMPUTER SUPPORT
015190	06/25/08	EBY01	EBY, ED	100.00	.00	100.00	062508	REG BD MEETING 062508
015191	06/25/08	FGL01	FGL ENVIRONMENTAL	800.87	.00	800.87	805554	WELL MONITORING
				214.00	.00	214.00	804918A	LAB TESTS
				331.00	.00	331.00	805179A	WELL LAB
				168.00	.00	168.00	805487A	TOWN WWTF LAB
				57.00	.00	57.00	805488A	BL WWTF LAB
				371.25	.00	371.25	805495A	LAB TESTS
				82.00	.00	82.00	805553A	TOWN WWTF LAB
				56.00	.00	56.00	805787A	BL WWTF LAB
				212.00	.00	212.00	805788A	TOWN WWTF LAB
				187.00	.00	187.00	806086A	TOWN WWTF LAB
				81.00	.00	81.00	806087A	BL WWTF LAB
			Check Total.....:	2560.12	.00	2560.12		

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS JUNE 20, 2008**

**AGENDA ITEM
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Payment Information	
							Invoice #	Description
015192	06/25/08	FUG01	FUGRO WEST, INC.	44353.28 2325.00	.00 .00	44353.28 2325.00	3596.002 3596.003	TOWN WWTF DISCHARGE STUDY TOWN WWTF DISCHARGE STUDY
			Check Total.....:	46678.28	.00	46678.28		
015193	06/25/08	GAR01	GARING TAYLOR & ASSOC	1252.50	.00	1252.50	8830	HONEY GROVE REIMB
015194	06/25/08	GRO01	GROENIGER & CO	4250.00 51.69 14.95	.00 .00 .00	4250.00 51.69 14.95	11001384 11001981 11001982	SUPPLIES SUPPLIES SUPPLIES
			Check Total.....:	4316.64	.00	4316.64		
015195	06/25/08	HAR02	HARRISON, JAMES	100.00	.00	100.00	062508	REG BD MEETING 062508
015196	06/25/08	MAR02	MARLOWE & COMPANY	4500.00	.00	4500.00	08-268-06	SERVICES FOR MAY
015197	06/25/08	MCD01	McDONOUGH HOLLAND & ALLEN	214.76	.00	214.76	201885	LEGAL SERVICES
015198	06/25/08	MID05	MID STATE BANK PETTY CASH	121.50 35.86 29.84	.00 .00 .00	121.50 35.86 29.84	062008 062008B 062008C	PETTY CASH MISC SUPPLIES SUPPLIES SUPPLIES
			Check Total.....:	187.20	.00	187.20		
015199	06/25/08	MOR02	MORE OFFICE SOLUTIONS	200.00 381.03	.00 .00	200.00 381.03	276836 424235	FAX MAINT COPIER MAINT
			Check Total.....:	581.03	.00	581.03		
015200	06/25/08	NUT01	NU TECH PEST MGMT	265.00 49.00	.00 .00	265.00 49.00	67778 67779	PEST CONTROL PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
015201	06/25/08	QUI01	QUILL CORPORATION	177.22	.00	177.22	7906891	SUPPLIES
015201	06/25/08	QUI01	QUILL CORPORATION	70.63	.00	70.63	8015714	SUPPLIES
			Check Total.....:	247.85	.00	247.85		
015202	06/25/08	REL01	RELIABLE	321.73	.00	321.73	BBQ12901	CHAIRS
015203	06/25/08	SAN04	SANTA MARIA TIMES	90.48	.00	90.48	458152	NOTICE OF PUBLIC HEARING
015204	06/25/08	SAN09	SAN LUIS MAILING SERVICE	198.66 50.27 191.50 174.52 625.28 108.93	.00 .00 .00 .00 .00 .00	198.66 50.27 191.50 174.52 625.28 108.93	31124A 33124B 33130A 33130B 33134A 33134B	POSTAGE FOR BILLS MAILING BILLS SPANISH BROCHURES MAILING FOR SPANISH BROCH POSTAGE FOR BILLS MAILING BILLS
			Check Total.....:	1349.16	.00	1349.16		
015205	06/25/08	SHI01	SHIPSEY & SEITZ, INC	13081.50 -625.00	.00 .00	13081.50 -625.00	051508 051508BC	LEGAL SERVICES BOS APPEAL FEE REFUND FRO
			Check Total.....:	12456.50	.00	12456.50		
015206	06/25/08	TLC02	TLC UNDERGROUND	19235.00 3509.00 2068.58	.00 .00 .00	19235.00 3509.00 2068.58	403 404 426	CAMINO CABALLO WATERLINE CAMINO CABALLO WATERLINE AVOCADO WATERLINE REPAIR
			Check Total.....:	24812.58	.00	24812.58		
015207	06/25/08	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	062508	REG BD MEETING 062508
015208	06/25/08	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	062508	REG BD MEETING 062508
015209	06/25/08	WAL01	WALLACE GROUP	189.00	.00	189.00	25481	WATER CONSERVATION
015210	06/25/08	WIN01	WINN, MICHAEL	100.00	.00	100.00	062508	REG BD MEETING 062508
015211	06/25/08	WIN02	WINN, MICHAEL	1420.27	.00	1420.27	061908	REIMB FOR TRAVEL
015212	06/25/08	WO001	DOUGLAS WOOD & ASSOCIATES	22964.95	.00	22964.95	061808-2	WATERLINE INTERTIE EIR

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 43 - Years of Service 1965 - 2008

MINUTES

JUNE 11, 2008 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

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.

A. CALL TO ORDER AND FLAG SALUTE

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

B. ROLL CALL

At Roll Call, all directors were present.

C. PRESENTATIONS AND PUBLIC COMMENT

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

Commander Brian Hascall gave an update of the Sheriff's activities on the Nipomo Mesa.

On Wednesday June 4, 2008, there was an attempted rape on Spruce Lane. Cmdr. Hascall warned not to allow stranger into house. The suspect was apprehended.

There was a second fire at the Nipomo Recreation Center.

There has been an increase in the theft of gasoline from vehicles. Cmdr. Hascall suggested using a locking gas cap.

The Board thanked Cmdr. Hascall for his report.

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE

Battalion Chief Bill Fisher of Cal Fire gave and update on the Cal Fire activities on the Nipomo Mesa. A copy of the outline is available for viewing in the District office.

Station 20 had a total of 89 calls: 6 fires, 13 vehicle accidents, 62 medical calls and 8 other calls. Mesa Station 22 had a total of 71 calls: 4 fires, 11 vehicle accidents, 42 medical and 14 other calls.

There are four large fires in California taking place at this time. Fifty homes have been lost to date. Light grass around the houses attributed to the loss of many of the homes and could possibly have been prevented by clearing 100 feet of space around the house. (Mr. Buel interjected that there are very informative "Defensible Space" CDs available on the back table.)

There have been educational events at the Nipomo schools (Fire Safe House).

The chipping program has been successful to date. Battalion Chief Fisher commended Skip Cleverly and Celeste Whitlow for jobs well done.

When asked about a weed abatement program, Battalion Chief Fisher stated that County Fire is in the process of drafting an ordinance.

The Board thanked Battalion Chief Fisher for his report.

Nipomo Community Services District
REGULAR MEETING
MINUTES

C-3) BRAD NEWTON OF SAIC
PRESENTATION OF SPRING 2008 GROUNDWATER STORAGE VOLUME AND
PRESENTATION RE: AB303 GRANT COMPETITION

Brad Newton of Science Applications International Corporation (SAIC) gave a slide presentation on the Spring groundwater measurements.

The Board asked questions. Dr. Newton answered:

2007-2008 Rainfall in this area – 10.6 " but the average is 16"

Consumptive use is less than pumpage because some of the water goes back into the groundwater.

The recharge lag time is unknown.

Dr. Newton presented information about the grant application. (Copies of the slides are available for viewing in the District office.) The District received 64 out of 100 points. Dr. Newton explained the evaluation of the District's application. The Board suggested that before the next time an application for a grant is made, staff needs to find out what the successful applicants did to earn a grant.

The Board thanked Dr. Newton for his presentation.

C-4) NCSD DISTRICT ENGINEER PETER SEVCIK

Peter Sevcik, District Engineer, presented information about engineer activities during May 2008. He reviewed the following:

- Southland Wastewater Treatment Facility
- Water and Sewer Master Plan Implementation
- Santa Maria water line Intertie Project
- Waterline relocation for County Drainage Project
- Safety Program
- Other
 - Preparing monthly report
 - Development review
 - Assisting Assistant GM & Utility Superintendent
 - Workshop on septic maintenance

The Board thanked Mr. Sevcik for his report.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Eby

LAFCo notice: June 19, 2008 Protest Hearing for annexation of acres around the airport. The next meeting, July 31st, was changed from July 17, 2008.

Director Winn

Two new County Supervisors were elected to Districts 1 & 3 on the June 2008 ballot. Final EIR for the Santa Margarita Ranch could set precedence. The County needs to know the Ranch development has a 20-year supply. The response deadline is June 22, 2008.

Draft final EIR for the Affordable Housing Ordinance Section called Inclusionary Housing. Is coming before the Board of Supervisors, July 7, 2008. It offers more density, with significant increases in water demand.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

- C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn (continued)

The EIR for water has changed to a Class 1 impact, which is the most severe. Members of the Board of Supervisors think that NCSD's two-tiered rate structure gives the impression that the District doesn't care about water conservation. The SLO County Planning Department would like periodic updates on the water project.

- C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

The following member of the public spoke:

Pat Eby, NCSD resident, asked if similar studies have been done. How would they correlate with the Nipomo area? Concerning the grant, Ms. Eby suggested grant writing may be more successful for joint projects. She also suggested looking at other projects that were successfully funded to see what was done.

Dr. Newton responded to Ms. Eby's question. He stated that studies done within the Santa Maria sub-basin and "Northern Cities" sub-basin of the Santa Maria groundwater basin were not performed to the extent that SAIC has been doing for the last few years. The Northern Cities approach to a monitoring program and the Mesa approach to the monitoring, through the capacity of the Technical Group of the Nipomo Mesa Management Area as part of the Stipulation, has been in process.

Jon Seitz, District Legal Counsel, stated that the last comprehensive report was completed by the DWR. San Luis Obispo County does its Resource Capacity Management Study review annually.

Mr. Buel stated that the City of Santa Maria is a participant in the Central Coast Water Authority, contracting with the Water Authority for State Water, and has a prescribed flow of water. The City uses this State Water allocation as drinking water.

Mr. Buel stated that the District was the only public agency on the Mesa (except for the County) to apply for the grant. The application was structured to be clear that the other purveyors were an integral part of the proposal. Letters of support from the other purveyors were included with the application. If the District had had a groundwater management program in place, the score would have been higher.

The Board took a break at 10:28 a.m. and returned at 10:42 a.m.

01:27:15

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 5/21/08 Special & 5/28/08 Regular Meetings

D-3) ADOPT CELL PHONE USE POLICY

**RESOLUTION NO. 2008-1086
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A CELL PHONE USE POLICY**

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

D. CONSENT AGENDA (CONTINUED)

- D-5) RATIFY TRANSMITTAL OF LETTER OF SUPPORT FOR SLO COUNTY FEDERAL GANG PREVENTION GRANT APPLICATION
- D-6) OPPOSE ADOPTION OF AB983 AND AUTHORIZE COMMUNICATIONS REGARDING OPPOSITION
- D-7) AWARD QUOTE FOR SOUTHLAND POND 3 SLUDGE REMOVAL

Director Winn asked to have Item D-4 pulled for separate consideration.

Bruce Buel, General Manager, reviewed the remaining items on the Consent Agenda. Director Harrison corrected the statement in Item E-1 of the May 28, 2008 Minutes, as follows: "With a long, dead-end line, a fire engine can pull a draft and collapse the tank of a water heater in a house."

Upon motion by Director Eby and seconded by Director Harrison, the Board unanimously approved Items D-1, D-2, D-3, D-5, D-6, and D-7 of the Consent Agenda, as amended. Vote 5-0.

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

Item D-4

D-4) ADOPT FIRE SAFETY POLICY

Director Winn had asked to have this item pulled for separate consideration. He asked about Section IX of the Fire Prevention Policy.

Bruce Buel, General Manager, described the edit suggested by legal counsel to Section IV B. There was a small edit Section X c.

The Board discussed the possibility of the employee trying to fight a fire rather than allowing a structure to burn while waiting for the Fire Department to arrive. Some fire extinguisher companies provide training in the use of extinguishers. Other edits were suggested by the Board.

Jon Seitz, District Legal Counsel, stated that within the context of the legal system there are no criteria for good or bad judgment.

Bruce Buel, General Manager, explained that SDRMA has a fire prevention course on line. The employees will be taking the course before the next safety meeting.

There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Harrison, the Board adopted Resolution 2008-1087, approving the Fire Prevention Policy, as amended. Vote 4-1 with Director Winn voting no.

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

**RESOLUTION NO. 2008-1087
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A FIRE PREVENTION POLICY**

E. ADMINISTRATIVE ITEMS

01:44:13

E-1) CONSIDER STATUS OF INTENT-TO-SERVE LETTER PROCESSING SUSPENSION AND EMERGENCY WATER SHORTAGE REGULATIONS IN LIGHT OF SPRING 2008 STORAGE CALCULATIONS

Bruce Buel, General Manager, reviewed the Board letter in the packet.

The Board discussed the expected timeline of the Supplemental Water Project, including the EIR and the rights-of-way. A formal agreement with Santa Maria is anticipated in August 2009.

The following members of the public spoke:

Bill Kengel, builder/developer of Teddy Bear Homes, stated that he has an affordable-housing, apartment complex proposed for West Tefft Street. He asked the Board to consider allowing his project to go forward.

Terry Orton, Westland Engineering, requested that the Board allow the resolution to sunset and once again allow Intent-to-Serve letters to be issued. He stated that the information obtained today in Dr. Newton's presentation was not as severe as some had thought it would be.

Greg Nester, Nipomo resident/builder, stated that the regulation in the distributions of water should be at the end of a project and not the beginning. Entitlement processes may be stopped. He requested that there not be any more gaps in land development.

Randy Ray, architect and representative for Mr. Kengel's project, stated that water should be set aside for affordable housing. He asked that the Board consider this project.

Staff responded to public comment.

Bruce Buel, General Manager, stated that the matter is a policy issue and not judged on whether the project is low-income housing or not.

Mr. Seitz agreed with Mr. Buel. An Intent-to-Serve letter has conditions that must be met by the developer and not NCSD. The District has an existing Intent-to-Serve letter allocation policy and issues allocation pursuant to a stringent policy.

When Director Eby asked if NCSD could put a condition of delivery of supplemental water, Mr. Seitz answered that the County may not acknowledge a conditioned Intent-to-Serve letter.

When asked if Santa Maria has the ability to reduce the supply to NCSD if drought conditions continue, Mr. Buel stated that Santa Maria can only reduce it the same ratio that it reduced to its own customers.

Director Eby suggested extending the resolution to March 2009, when the EIR has been completed and some of the challenges are out of the way. He also asked if anyone is going to join the District in development of the Emergency Water Shortage Regulations. The District, as 30% users of water on the Mesa, is not going to significantly affect the Mesa and should delay passing regulations until others in the Technical Group join in creating them.

Director Trotter asked to consider the amount of water Santa Maria and Woodlands pump. He also stated that the District should postpone giving out new water.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-1) CONSIDER STATUS OF INTENT-TO-SERVE LETTER PROCESSING SUSPENSION AND EMERGENCY WATER SHORTAGE REGULATIONS IN LIGHT OF SPRING 2008 STORAGE CALCULATIONS (CONTINUED)

Director Harrison stated that the water table is cycling in 10-12 year cycles and suggested allowing the Intent-to-Serve letter suspension resolution to expire.

Director Vierheilg stated that the Technical Group needs to define trigger points.

Upon motion by Director Harrison and seconded by Director Vierheilg, the Board agreed to request the NMMA Technical Group to expedite development of its trigger proposal to the Court, to allow Resolution 2008-1070 to expire, and continue to hold on the Emergency Water Shortage Regulations. Vote 3-2, with Directors Trotter and Eby voting no.

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

02:23:51

E-2) DESCRIBE OPTIONS IF BLACKLAKE/TOWN MERGER FAILS AND DISCUSS PENDING PROPOSITION 218 PROTEST PROCEEDING

Bruce Buel, General Manager, reviewed the information provided in the Board letter. The District received correspondence June 9, 2008, from Mr. Ernest Conant, Special Counsel for Black Lake Management Association, questioning the District's procedure in presenting the proposed rate increase and the Buy-In Charge. Mr. Conant requested that the Board cancel the July 23, 2008 hearing and majority protest process.

Director Trotter stated that \$250,000 will not build an adequate stand-alone water system and the residents most likely do not want a stand-alone system.

Jon Seitz, District Legal Counsel, stated that though he is an expert in Proposition 218, he consulted McDonough, Holland and Allen for a second opinion. It is agreed that the District is proceeding properly.

Director Eby asked if the choice listed in the Board letter requires a 218 protest proceeding:

Design full upgrades to the Blacklake Water System to achieve State Water Code compliance and present a rate adjustment to Blacklake customers and property owners pursuant to the provisions of Section 6 of Article XIII D of the California Constitution."

Mr. Seitz replied yes.

Director Eby asked when the District installed the second inter-tie. {Answer: Summer 2006, and the first inter-tie was installed in various stages between 1998 and 2000.}

The following members of the public spoke:

Pat Eby, NCSD resident, stated that four members of the Board attended the meeting at the clubhouse. The majority of the attendees made it known that they did not want an independent system. There are other options. She reported that she has about 100 protests to date. There are about 30 volunteers to canvass the neighborhood. She will get further information about how the Association accounts will be counted. She also stated that the District should follow the policies within Resolution 96-592, which include bringing information to the BLMA to allow the Association to make alternate proposals.

Director Eby stated that he did not attend because he was not invited and didn't know about the meeting until after it was over.

Nipomo Community Services District
REGULAR MEETING
MINUTES

E-2) DESCRIBE OPTIONS IF BLACKLAKE/TOWN MERGER FAILS AND DISCUSS
PENDING PROPOSITION 218 PROTEST PROCEEDING (continued)

Nancy Fleming, BLMA President, requested that the Board withdraw the Proposition 218 protest proceeding and to acknowledge Resolution 96-592. She stated she would like a chance to negotiate. Then we can concentrate on water conservation.

Bill Nelson, NCSD resident, stated that merging the two systems is the only logical solution. It is a win-win situation for Town and Blacklake. The amount of money for the "Buy-In Charge" seems to be the argument. The NCSD and the Blacklake community need to work together for a common goal.

Jim Pelkey, NCSD Blacklake resident and Town customer, stated that there seems to be a problem with the Blacklake being able to meet Cal Fire standards. He would like to see NCSD and Blacklake work together for an acceptable solution.

Dan Hall, stated that there are multiple sub-associations and multiple meters. He asked about how the sub-association meters would be counted. {Answer: one vote per parcel.}

The Board discussed the options for regarding the pending protest hearing. Jon Seitz, District Legal Counsel stated that Resolution 96-592 seemed to go by the wayside with the passing of Jack Stoddard. Regarding the protest hearing, the Board is looking at the best deal for both systems. The District hired The Reed Group to have an independent consultant to obtain an equitable solution. Mr. Buel stated that the Blacklake community has been well represented. Director Winn stated that several items in the resolution have not been followed. Written notices have been sent to Blacklake residents. The group must meet to make the resolution work. During the discussion Mr. Buel state that he had no alternative but to rebuild the Blacklake pumping plant with the limited resources in Blacklake reserves. Director Trotter stated that Blacklake homeowners do not want that and Mr. Buel should not do anything concerning the matter and wait for further Board action.

There was no action taken.

The Board went into Closed Session after this item.

03:08:52

I. CLOSED SESSION ANNOUNCEMENTS

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

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:24 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

03:28:10

E-6) PUBLIC HEARING – REVIEW FY2008-09 BUDGET

Bruce Buel reviewed the process to adopt the District's 2008-2009 Fiscal Year budget. He described a few edits and recommended \$15,000 for development of a strategic plan rather than \$5,000.00 listed on page 70.

Lisa Bognuda, Assistant General Manager, explained a change in the number of employees noted on page 1. Some Board discussion ensued. The Board agreed that staff could bring a resolution to the Consent Agenda concerning adding the title of Finance Officer to the Assistant General Manager's title.

President Winn opened the Public Hearing.

There was no public present.

The Public Hearing was closed.

Upon motion by Director Trotter and seconded by Director Harrison, the Board unanimously agreed to change the funding for the Strategic Plan on page 70 to \$15,000. Vote 5-0.

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

Upon motion by Director Harrison and seconded by Director Vierheilig, the Board unanimously agreed to hold a public hearing June 25, 2008, to adopt the budget. Vote 5-0.

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

03:43:41

F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the Manager's Report, as written.

Director Harrison asked about money collected and spent for Blacklake maintenance. Ms. Bognuda will send the information to Mr. Harrison. Ms. Bognuda was also asked about the salary range change for the promotions in Maintenance.

03:52:20

G. COMMITTEE REPORT

There will be a Supplemental Water Project Design and Construction Committee meeting at 1:00 p.m. Monday, June 16, 2008.

Nipomo Community Services District
REGULAR MEETING
MINUTES

03:53:16

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig asked about water rates.

Mr. Buel answered that he met with Mr. Reed about water rates in light of the supplemental water project.

Director Harrison asked about the forum at Blacklake. Mr. Buel said it would be at 2:00 p.m. June 18, 2008, in the clubhouse at Blacklake.

Director Winn presented information on the following:

The Board of Supervisors discussed water conservation measures and Title 8 (at point of sale) and Title 19 (new construction and remodels). Celeste Whitlow, Water Conservation Specialist, did an excellent job speaking to the Board of Supervisors.

The original recommendation was a \$13,000 in-lieu fee. In addition, they plan to charge \$750 per toilet to be paid to NCSD; in turn, NCSD is to spend it on conservation efforts on the Mesa-- fees within the District to be spent in the District and fees from outside to be spent outside.

Supervisor Achadjian liked the idea of retrofitting schools and the parks but possibly crediting them for their in-lieu fee. The Board will bring the subject back in September 2008.

Director Harrison stated that he attended the septic workshop. He said it was well-attended and well-presented.

ADJOURN

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

➤ THE NEXT REGULAR BOARD MEETING IS JUNE 25, 2008.

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Select Waterline Intertie Project Design Team
- Review FY08-09 Budget
- Project Development Guidelines

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BSB*
DATE: JUNE 20, 2008



REQUEST CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL GENERAL
ELECTION [ADOPT RESOLUTION]

ITEM

Request Consolidation of District Board Election with Fall General Election [Adopt Resolution]

BACKGROUND

The Office of the County Clerk-Recorder has requested that the District adopt a resolution requesting consolidation with the November 4, 2008, General Election. This provides for the election of the District's Board of Directors to be included on the ballot with the General Election.

RECOMMENDATION

Adopt attached Resolution.

ATTACHMENTS

Resolution
Special District Calendar of Events for the November 4, 2008 Consolidated General Election

SPECIAL DISTRICT CALENDAR OF EVENTS
NOVEMBER 4, 2008 CONSOLIDATED GENERAL ELECTION

DATE/DEADLINE	EVENT
JULY 2, 2008 125 days EC §10509, 10522	District Secretary completes and delivers to the County Elections Official, the Notice of Elective Offices to be filled, along with the map of the district's boundaries.
JULY 7- AUG 6, 2008 120-90 Days EC Code §12112 EC §12113	County Elections Official shall publish the Notice of Election for each district containing: <ol style="list-style-type: none"> 1. The date of the election 2. The office for which candidates may file 3. The qualifications for office 4. Location where candidates may file for office and the deadlines 5. Statement regarding appointments EC §10515 In addition, County Elections official, shall, by a general press release, set forth the offices to be filled and a telephone number to call for information. County Elections Official shall deliver a copy of all published notices to the District Secretary for posting in the district office.
JULY 14- AUG 8, 2008 113-88 Days EC §10510, 10603b EC §10515	Nomination period** - Candidates file declaration of candidacy forms and other related nomination documents with the County Elections Official. No person may file papers for more than one district office at the same election. Candidates for Harbor Commissioner must file nomination papers signed by 25 to 50 registered voters within the District. Insufficient Nominees - if by the close of nominations for a given office, there are insufficient or no nominees, and a petition requesting an election has not been filed, the district will not hold an election. Those candidates who filed Declarations of Candidacy will be appointed in-lieu of election by the Board of Supervisors. Upon recommendation of the District, the Board of Supervisors will make appointments where no candidates filed the requisite papers.
AUG 8, 2008 88 Days EC §10403, 10603b	Last day for districts to file their resolutions requesting consolidation of their election with the November 4, 2008 General Election with the County Elections Official Last day for a candidate to withdraw their Declaration of Candidacy.
AUG 9- AUG 13, 2008 87-83 Days EC §10604	Extended Filing Period - If an incumbent officer does not file a declaration of candidacy by August 8, 2008, any person other than the incumbent , may file between these dates. The extension is not applicable if there is no incumbent to be elected.
AUG 11, 2008 85 Days EC §13307	Last Day for a candidate to withdraw their Statement of Qualifications. Once filed, the statement cannot be changed, only withdrawn. If the office has a filing extension, the last day to withdraw the statement of qualifications is August 14, 2008.
DEC 5, 2008 EC §10554	Term of Office begins. Prior to taking office, each elective officer shall take the official Oath of Office.
JAN 5, 2009 HNC §6050, 6055, 6056	Term of Office for Harbor Commissioners begins at noon. Prior to taking office, each commissioner shall take the official oath and execute any bond required by the principal act.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-ELECTION**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE
A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 4, 2008,
WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE
SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE**

WHEREAS, the Board of Directors of the Nipomo Community Services District has called a District Election to be held on November 4, 2008, for the purpose of the election of three members of the Board of Directors for full terms of four years, and

WHEREAS, pursuant to Section 10555 of the Elections Code, said election may be consolidated with other elections to be held on the same day pursuant to Chapter 3, Part 3, Division 10 of the Elections Code (commencing with Section 10400); and

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of the local agency adopt regulations pertaining to the materials prepared by any candidate for election, including the costs of the candidate's statement; and

WHEREAS, the Board of Directors of the Nipomo Community Services District desires to request the San Luis Obispo County Board of Supervisors to consolidate the District's General Election with the Statewide General Election to be held on the same date.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of Section 10403 of the Election Code, the Board of Supervisors of the County of San Luis Obispo is hereby requested to consent and agree to consolidate the District's General Election with the Statewide General Election to be held on Tuesday, November 4, 2008, for the purpose of the election of three members to the Nipomo Community Services District Board of Directors.

- A. This request is made pursuant to Section 10555 and 10400, et seq of the Election Code.
- B. That the County Election Department is authorized to canvas the returns of the District election.
- C. That the District recognizes that additional costs will be incurred by the County by reasons of this consolidation and agrees to reimburse the County for the additional costs.
- D. The Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election.

Section 2. The Notice to County Election Official attached hereto as Exhibit "A" provides that the candidate will pay for the printing and handling of the Statement of Qualifications is hereby approved and adopted.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-election

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE
A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 4, 2008,
WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE
SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

Section 3. The Secretary to the Board is hereby directed to file a certified copy of this Resolution, with attachments, with the Board of Supervisors and the County Elections Department of the County of San Luis Obispo.

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

AYES: NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 25th day of June, 2008.

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

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NOTICE TO COUNTY ELECTIONS OFFICIAL - ELECTIVE OFFICES TO BE FILLED
MAP OF DISTRICT BOUNDARIES
PAYMENT OF CANDIDATE STATEMENT OF QUALIFICATIONS
(Elections Code Sections 10509 & 10522)
EXHIBIT "A"

NIPOMO COMMUNITY SERVICES DISTRICT

To the County Elections Official of SAN LUIS OBISPO COUNTY:

1. Notice is hereby given that the elective offices of the district to be filled at the Consolidated General Election on November 4, 2008, are as follows:

NUMBER OF DIRECTORS TO BE ELECTED

TERM OF OFFICE

2

FOUR YEAR TERM(s)

0

TWO YEAR TERM(s)

2. The qualifications of a nominee and of an elective officer of the district are as follows:

SHALL BE A REGISTERED ELECTOR RESIDING WITHIN
THE DISTRICT

3. Pursuant to Elections Code Section 10522, a map showing the boundaries of the district is attached.

Have the boundaries changed since 2006?

YES X

NO

Date map was last updated

4. Please indicate whether the DISTRICT or the CANDIDATE will pay for the printing and handling of the Statement of Qualifications, per Elections Code Section 13307:

DISTRICT NO

CANDIDATE YES

Dated: _____

District Secretary's Signature

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: JUNE 20, 2008

AGENDA ITEM
D-4
JUNE 25, 2008

CREATE ADDITIONAL MAINTENANCE/CUSTOMER SERVICE WORKER POSITION
AND AUTHORIZE GENERAL MANAGER TO HIRE [RECOMMEND APPROVAL]

ITEM

Create additional Maintenance/Customer Service Worker Position and authorize General Manager to hire [Recommend Approval]

BACKGROUND

The District created and filled the position of Maintenance/Customer Service Worker in 2006. In addition, the Organizational Chart was modified to create an Inspector/Preventive Maintenance Supervisor to implement a preventive maintenance program for the District.

In 2007, the Employee Classification Study and the Water and Sewer Master Plan recommended that additional utility workers be hired to address the overall workload of the Utility Department and to implement a preventative maintenance program. In response to these two reports, the Finance, Audit and Personnel Committee recommended to the Board of Directors that an additional Maintenance/Customer Service Worker position be placed in the 2008-2009 Budget to assist in performing preventive maintenance work. This would provide for two Maintenance/Customer Service Workers.

The 2008-2009 Budget includes funding for two Maintenance/Customer Service Workers.

RECOMMENDATION

Direct General Manager to create one additional Maintenance/Customer Service Worker Position and authorize General Manager to hire.

ATTACHMENTS

None

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