

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL
DATE: MARCH 20, 2009

**AGENDA ITEM
D
MARCH 25, 2009**

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 3/11/08 Regular Meeting
- D-3) AUTHORIZE EXECUTION OF CONTRACT FOR REPLACEMENT OF PUMP AND DISCHARGE PIPE FOR KNOLLWOOD WELL [RECOMMEND APPROVAL]
- D-4) APPROVE FY2009-10 COST OF LIVING ADJUSTMENT EFFECTIVE JULY 1, 2009 [RECOMMEND APPROVAL]
- D-5) ADOPT RESOLUTION AMENDING BOARD BYLAWS [ADOPT RESOLUTION]
- D-6) AUTHORIZE EXECUTION OF AGREEMENT WITH AECOM FOR FINAL DESIGN OF SOUTHLAND WWTF UPGRADES [RECOMMEND APPROVAL]
- D-7) CONFIRM THAT RABOBANK 100% TREASURY COLLATERALIZATION SATISFIES BOARD DIRECTIVE RE CD INVESTMENT SECURITY [CONFIRM DETERMINATION]

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TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL
 DATE: MARCH 20, 2009

**AGENDA ITEM
 D-1
 MARCH 25, 2009**

**TOTAL COMPUTER
 CHECKS
 \$ 246,972.05**

HAND WRITTEN CHECKS

03-12-09	19885	VILLAGE AT NIPOMO LLC	71,402.00
03-13-09	19886	SLO CSDA	40.00
03-16-09	19887	J HARRISON	100.00
03-16-09	19888	L VIERHEILIG	100.00

VOID - 16216E

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
16248	03/20/09	EMP01	EMPLOYMENT DEVELOP DEPT	904.96	.00	904.96	A90316	STATE INCOME TAX
16249	03/20/09	MID01	RABOBANK-PAYROLL TAX DEPO	3220.45 803.16	.00 .00	3220.45 803.16	A90316 1A90316	FEDERAL INCOME TAX MEDICARE (FICA)
			Check Total.....	4023.61	.00	4023.61		
16250	03/20/09	MID02	RABOBANK-DIRECT DEPOSIT	24205.32	.00	24205.32	A90316	NET PAY
16251	03/20/09	PER01	PERS RETIREMENT	7594.99	.00	7594.99	A90316	PERS PAYROLL REMITTANCE
16252	03/20/09	STA01	ING-PERS 457 DEFERRED COM	780.00	.00	780.00	A90316	457 DEFERRED COMP
016253	03/25/09	ABA01	ABALONE COAST BACTERIOLOG	20.00 20.00 150.00 20.00 20.00 176.00 20.00 14.40 20.00 14.00 20.00 150.00 20.00 176.00 20.00 20.00	.00 .00 .00 .00 .00 .00 .00 .00 .00 .00 .00 .00 .00 .00 .00 .00	20.00 20.00 150.00 20.00 20.00 176.00 20.00 14.40 20.00 14.00 20.00 150.00 20.00 176.00 20.00 20.00	09-400 09-407 09-408 09-421 09-430 09-431 09-441 09-456 09-457 09-464 09-465 09-466 09-480 09-481 09-499 09-505	BL WWTF LAB BL WWTF LAB WATER SAMPLES BL WWTF LAB BL WWTF LAB TOWN WWTF LAB BL WWTF LAB WATER SAMPLE BL WWTF LAB WATER SAMPLES BL WWTF LAB WATER SAMPLES BL WWTF LAB TOWN WWTF LAB BL WWTF LAB BL WWTF LAB
			Check Total.....	880.40	.00	880.40		
016254	03/25/09	AME03	AMERI PRIDE	113.17 113.37	.00 .00	113.17 113.37	F718886 F724417	UNIFORMS ETC UNIFORMS ETC
			Check Total.....	226.54	.00	226.54		
016255	03/25/09	ATT01	AT&T/MCI	185.41	.00	185.41	501325	PHONE
016256	03/25/09	BHI01	BHI MANAGEMENT CONSULTING	10958.00	.00	10958.00	022509	STATEGIC PLAN
016257	03/25/09	BRE02	BRENNTAG PACIFIC INC.	446.39 526.18	.00 .00	446.39 526.18	BPI878610 BPI878611	CHLORINE CHLORINE
			Check Total.....	972.57	.00	972.57		
016258	03/25/09	BUE01	BUEL, BRUCE	208.00	.00	208.00	030609	REIMBURSE TRAVEL TO WASH
016259	03/25/09	CAN02	CANNON ASSOCIATES	2432.89 80.00 16.35 6745.66	.00 .00 .00 .00	2432.89 80.00 16.35 6745.66	45790 45861 45862 45891	STANDPIPE MODIFICATIONS IPAC MAINT ELEC OF SUNDALE WELL WILLOW ROAD WATERLINE EXT
			Check Total.....	9274.90	.00	9274.90		
016260	03/25/09	CHE01	CHEVRON & TEXACO BUSINESS	1352.07	.00	1352.07	16708107	FUEL
016261	03/25/09	CHR01	CHRISTIANSO CHEVROLET	383.17	.00	383.17	RO67724	00 CHEVY MAINT

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS MARCH 20, 2009**

**AGENDA ITEM
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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
016262	03/25/09	CLA02	CLAY'S SEPTIC & JETTING	1777.00	.00	1777.00	38243	CLEANING LIFT STATIONS
				1017.50	.00	1017.50	38269	CLEAN SEWER LINES
			Check Total.....:	2794.50	.00	2794.50		
016263	03/25/09	CLE06	CLEVER DUCKS	615.00	.00	615.00	7395	COMPUTER SUPPORT
				279.00	.00	279.00	7521	COMPUTER SUPPORT
			Check Total.....:	894.00	.00	894.00		
016264	03/25/09	CWE01	CWEA	132.00	.00	132.00	GER 09	MEMBERSHIP RENEWAL - GERM
016265	03/25/09	DEL03	DENNIS DELZEIT	945.00	.00	945.00	030909	PREVENTIVE MAINT PROGRAM
016266	03/25/09	DES01	DESIGN PROS	785.50	.00	785.50	99	BROCHURE PRINTING
016267	03/25/09	DWI01	DWIGHT'S AUTOMOTIVE	252.20	.00	252.20	40406	04 CHEV MAINT
016268	03/25/09	EBY01	EBY, ED	100.00	.00	100.00	032509	REG BD MEETING 032509
016269	03/25/09	FGL01	FGL ENVIRONMENTAL	81.00	.00	81.00	901884	BL WWTF LAB
				190.00	.00	190.00	901888A	WATER SAMPLES
				212.00	.00	212.00	901946A	TOWN WWTF LAB
				212.00	.00	212.00	902155A	TOWN WWTF LAB
				56.00	.00	56.00	902156A	BL WWTF LAB
			Check Total.....:	751.00	.00	751.00		
016270	03/25/09	FIS02	FISHER SCIENTIFIC	265.62	.00	265.62	1946579	SUPPLIES
016271	03/25/09	FUG01	FUGRO WEST, INC.	3860.00	.00	3860.00	3596-4-2	SOUTHLAND DISCHARGE STUDY
				1750.00	.00	1750.00	3596-5-2	SOUTHLAND DISCHARGE STUDY
			Check Total.....:	5610.00	.00	5610.00		
016272	03/25/09	GAR01	GARING TAYLOR & ASSOC	249.55	.00	249.55	9548	MISC ENG
				36.25	.00	36.25	9549	WILLOW RD INTERTIE
			Check Total.....:	285.80	.00	285.80		
016273	03/25/09	GAS02	GAS COMPANY, THE	53.84	.00	53.84	030509	GAS ENGINE 08619205712
016274	03/25/09	GLO03	GLOBAL WATER INSTRUMENTAT	68.34	.00	68.34	61461	SUPPLIES
016275	03/25/09	GRI01	GRIETENS, TINA	5.20	.00	5.20	031109	REIMBURSE SUPPLIES
016276	03/25/09	HAM02	HAMNER JEWELL & ASSOCIATE	425.00	.00	425.00	4384	TANK SITE
				750.00	.00	750.00	4385	WATERLINE INTERTIE
			Check Total.....:	1175.00	.00	1175.00		
016277	03/25/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	032509	REG BD MEETING 032509
016278	03/25/09	HAY01	HAYES ADVANCED DESIGN	2889.00	.00	2889.00	501784	PAVING
016279	03/25/09	LAH01	LAHR ELECTRIC MOTORS, INC	2898.74	.00	2898.74	4827	REPAIR EUREKA WELL MOTOR
016280	03/25/09	LIN02	LINC DELIVERY	209.00	.00	209.00	030709	DELIVERY TO LAB
016281	03/25/09	MAC01	MACH SECURITY SOLUTIONS	102.84	.00	102.84	5195	SECURITY UPDATE
016282	03/25/09	MCD01	McDONOUGH HOLLAND & ALLEN	1550.12	.00	1550.12	210282	LEGAL SERVICES
				5969.08	.00	5969.08	209775+	LEGAL SERVICES 209037
			Check Total.....:	7519.20	.00	7519.20		
016283	03/25/09	MOR02	MORE OFFICE SOLUTIONS	419.12	.00	419.12	474585	COPIER MAINT
016284	03/25/09	NIP08	NIPOMO CSD	411.94	.00	411.94	031009	LANDSCAPE WATER TRACT 240
016285	03/25/09	NIP10	NIPOMO PLUMBING	100.00	.00	100.00	3337	SEWER LINE REPAIR
016286	03/25/09	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	72113	PEST CONTROL
				49.00	.00	49.00	72114	PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
016287	03/25/09	ONE01	1-800-CONFERENCE	56.02	.00	56.02	626312	PHONE CONFERENCES

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS MARCH 20, 2009**

**AGENDA ITEM
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
016288	03/25/09	ONE02	101 BLUEPRINT & COPY	8.41	.00	8.41	689	CHIPPING EVENT MAP CD
016289	03/25/09	PER05	PERFORMANCE METER, INC	7384.16	.00	7384.16	15863	60 1" METERS
016290	03/25/09	POL01	POLLARD WATER.COM	1306.69	.00	1306.69	245078	SUPPLIES
016291	03/25/09	QUI03	QUINN RENTAL SERVICES	278.15	.00	278.15	1204458	CONCRETE ETC
016292	03/25/09	RAB01	RABOBANK	75.00	.00	75.00	100160-09	SAFE DEPOSIT BOX
016293	03/25/09	RBA01	R BAKER, INC	3433.01	.00	3433.01	09023502	WATER LINE REPAIR DIVISIO
				4786.82	.00	4786.82	09023503	WATER LINE REPAIR MALLAGH
			Check Total.....:	8219.83	.00	8219.83		
016294	03/25/09	RIC01	RICHARDS, WATSON, GERSHON	1162.50	.00	1162.50	163410	WATER RIGHTS ADJUDICATION
016295	03/25/09	SAI01	SAIC	29321.25	.00	29321.25	593515	NMMA TECH GRP MEETINGS
				343.75	.00	343.75	910030	GENERAL CONSULTATION
				7297.50	.00	7297.50	6630-02	2008 ANNUAL REPORT
			Check Total.....:	36962.50	.00	36962.50		
016296	03/25/09	SAN09	SAN LUIS MAILING SERVICE	44.57	.00	44.57	33993	MAIL SECOND NOTICES
				200.31	.00	200.31	34002	MAIL BILLS
				112.98	.00	112.98	33993B	POSTAGE FOR SECOND NOTICE
				998.40	.00	998.40	34002B	POSTAGE FOR BILLS
			Check Total.....:	1356.26	.00	1356.26		
016297	03/25/09	SHI01	SHIPSEY & SEITZ, INC	13143.50	.00	13143.50	021509	LEGAL SERVICES
016298	03/25/09	SLO02	DIV OF ENVIRON HEALTH	850.52	.00	850.52	59142	CROSS CONNECTION
016299	03/25/09	SOP01	SOFTWARE SOLUTIONS TEAM	62.50	.00	62.50	09-5562	DATABASE SUPPORT
016300	03/25/09	SPE01	SPECIAL DISTRICT RISK	5758.00	.00	5758.00	28438	WORKERS COMP INS
016301	03/25/09	STA03	STATEWIDE SAFETY & SIGNS	4.08	.00	4.08	68345	SUPPLIES
016302	03/25/09	STA07	SRF ACCOUNTING OFFICE	34868.35	.00	34868.35	031209	STATE REVOLVING FUND LOAN
016303	03/25/09	TAF01	TAFT ELECTRIC	454.30	.00	454.30	30497A	LIFT STN MAINT
				1832.00	.00	1832.00	30497B	ELEC WORK AT SHOP
				532.73	.00	532.73	30497D	EUREKA & KNOLLWOOD WELL M
			Check Total.....:	2819.03	.00	2819.03		
016304	03/25/09	TGP01	TGP WEST, INC.	270.00	.00	270.00	6403	SUNDALE WELL MAINT
016305	03/25/09	TIT01	TITAN INDUSTRIAL & SAFETY	42.89	.00	42.89	1033217	SUPPLIES
016306	03/25/09	TRI03	THE TRIBUNE	1822.80	.00	1822.80	6798522	PUBLISH ORDINANCE
016307	03/25/09	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	032509	REG BD MEETING 032509
016308	03/25/09	UNI05	UNIVERSITY ENTERPRISES	102.55	.00	102.55	551538	WWT MANUAL
016309	03/25/09	UTI01	UTILITY TRAINING ACADEMY	500.00	.00	500.00	032009	SEMINAR GERMAN, BREWER
016310	03/25/09	VAN01	VAN SCOYOC ASSOCIATES	4500.00	.00	4500.00	30200	LOBBYING SERVICES FEE MAR
016311	03/25/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	032509	REG BD MEETING 032509
016312	03/25/09	WAL01	WALLACE GROUP	28057.55	.00	28057.55	27429	ASSESSMENT DISTRICT
016313	03/25/09	WHI02	CELESTE WHITLOW	414.88	.00	414.88	031709	REIMBURSE WORKSHOP SUPPLI
				1092.15	.00	1092.15	031709B	TRAVEL REIMBURSEMENT
			Check Total.....:	1507.03	.00	1507.03		
016314	03/25/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	032509	REG BD MEETING 032509
016315	03/25/09	WIN02	WINN, MICHAEL	497.25	.00	497.25	031709	REIMBURSE TRAVEL
				468.50	.00	468.50	031709B	REIMBURSE TRAVEL
			Check Total.....:	965.75	.00	965.75		
016316	03/25/09	WOO01	DOUGLAS WOOD & ASSOCIATES	3556.20	.00	3556.20	11	WATERLINE INTERTIE

NIPOMO COMMUNITY SERVICES DISTRICT*Celebrating 44 - Years of Service 1965 - 2009***DRAFT MINUTES****MARCH 11, 2009 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

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

PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**
 LISA BOGNUDA, **ASST. 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

Vice President Vierheilig called the March 11, 2009 Regular Board Meeting of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

00:00:57

B. ROLL CALL

At Roll Call, the following members were present: Directors Eby, Winn, Trotter, and Vierheilig. President Harrison was absent

00:01:26

C. PRESENTATIONS AND PUBLIC COMMENT**C-1) COMMANDER BRIAN HASCALL OF SLO COUNTY SHERIFF'S OFFICE**

Commander Brian Hascall from the SLO County Sheriff Office South County Sub-Station presented an update concerning the Sheriff's activities on the Nipomo Mesa.

February 25th there was a pursuit of a Chevy from El Campo Road to Grand Ave and U.S. 101. The suspects were seen throwing "meth" out the window of their car and were arrested for felony evasion of a police officer and being under the influence of narcotics.

March 9th there was a shooting at a residence in the one-thousand block of Royal Oak Canyon Rd. He is asking for information about a large SUV in the area about 11:45 p.m. During the month of March, the Sheriff Department will be conducting compliance check on sexual offenders.

There was graffiti on a school wall in Oceano. The suspect is a student at Lopez Continuation School who had the same graffiti on his notebook.

March 8th, there was a pursuit east on Southland at approx 11:00 p.m. The 29-year-old suspect allegedly had narcotics in the vehicle.

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE
Update re: Cal Fire Activities on the Nipomo Mesa

Battalion Chief Bill Fisher of Cal Fire gave an update of the Cal Fire activities on the Nipomo Mesa.

He reviewed the activity report given to the Board and public.

In February 2009, Nipomo Station 20 had a total of 105 calls: 5 fires, 11 vehicle accidents, 62 medical aids and 27 other calls.

MINUTES SUBJECT TO BOARD APPROVALCopy of document found at www.NoNewWipFax.com

**Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES**

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE (CONTINUED)

Mesa Station 22 had a total of 51 calls: 4 fires, 5 vehicle accidents, 25 medical aids and 17 other calls.

The chipping program for the Suey Creek area was completed the last week of February. July 8th, there will be a dedication of the newly rebuilt fire station on Pioneer Street. The Board thanked Chief Fisher for his presentation.

C-3) DISTRICT ENGINEER PETER SEVCIK

Update re: District Engineer Activities

Peter Sevcik, District Engineer, reviewed the information presented in the Board report outline of District Engineer activities for February 2009.

Mr. Sevcik answered questions from the Board concerning the geotechnical tests for the Kaminaka and Pasquini properties.

Bruce Buel, General Manager, added that Fugro is looking to see if the Pasquini property is feasible.

The Board thanked Mr. Sevcik for his presentation.

C-4) DISTRICT GENERAL MANAGER BRUCE BUEL

Report on Trip to Washington, D.C., to seek Federal Funding

Bruce Buel, General Manager, described the trip to Washington, DC, with Director Winn. Director Winn added information about the trip. He stated that Congresswoman Capps seemed more responsive this year than she could be last year.

Director Eby stated that he and Director Vierheilg attended a meeting for the Dana Adobe and learned that our District needs to be lobbying with the State as well as Federal government.

Mr. Buel added that he will report on the status of stimulus funding at the April 8th meeting.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Eby

South County Advisory Committee had a Town Hall meeting Monday, March 9th, and will be holding the elections Monday, March 16, 2009.

LAFCo meeting March 19th was canceled. The next meeting will be April 16, 2009.

Water Resources Advisory Council meeting was March 4. There will be a special meeting about the Los Osos sewer on April 4th at the Vets Building in SLO.

Director Winn

At the Board of Supervisors meeting, March 10th, the TDC ordinance was pushed along. The Inclusionary Housing Ordinance was continued to April 7th.

March 11, 2009, Director Winn will be speaking on KVEC Radio's Dave Congleton Show from 5:10 – 6:00 p.m. He will be speaking as a Nipomo resident on funding for the Willow Road Project.

Friday, March 20th, CSDA meeting at the Wallace Group in San Luis Obispo.

Monday, March 23rd - SCAC installation of new officers

Thursday, March 26th is the SLO Planning Commission meeting

Saturday, March 28th from 9-12 a.m., there will be the Nipomo Incorporation public meeting in the Monarch Room at Woodlands.

April 1, 2009, Water Resources Advisory Council. There will be a workshop the Saturday after that.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

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

Director Vierheilig

Nipomo Olde Towne Market Place will be March 22 from 1-4 p.m.

The Central Coast Greenhouse Growers Association will have its open house April 4th.

April 26th is the ninth annual Wine & arts Festival

March 20-22 is the Santa Barbara International Orchid Show at the Earl Warren Showground.

April 3-5 is the Central Coast Orchid Show. Tickets for the Friday preview are available.

Director Eby asked about the March 3rd Board of Supervisors meeting considering granting the parks property to the District. Director Winn stated that the BoS considered it in Closed Session. Mr. Buel stated that he understood it would be on the Consent Agenda for March 24th.

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

James L. Statler, Supervisor of the Lifebound Leadership Program, stated that he is involved with the youth of Nipomo. He is working with the youth on the Cesar Chavez Garden. He wanted the public to know about some of the projects on which the group is working.

Ian Wallace, NCS D resident, commented about the Sundale Well electrification process. He asked about the plans for disposal of the gas engine. He thought there may be some salvage value.

Peter Sevcik, District Engineer, responded that the contract includes disposing of the engine with a credit for the salvage.

Director Trotter asked if staff could get an estimate of salvage value of the engine from the industry. Director Winn suggested there may be a conflict of interest in those who get the bid also establishing the value of the engine.

D. CONSENT AGENDA

Staff asked that Item D-3 of the Consent Agenda be pulled for separate consideration. Director Eby requested to pull Item D-5 pulled for separate consideration.

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of 2/25/09 Regular & 2/27/09 Special Meeting
- D-4) ADOPT RESOLUTION AMENDING TRAVEL PER DIEM PROVISIONS IN PERSONNEL POLICY

RESOLUTION NO. 2009-1125
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY, SECTION 6000, TO
AMEND BUSINESS TRAVEL AND REIMBURSEMENT

**Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES**

D. CONSENT AGENDA (CONTINUED)

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously approved Items D-1, D-2, and D-4 of the Consent Agenda.

The following members of the public spoke:

Bill Petrick, NCSD resident – stated that some hotels provide free breakfast. What happens with the breakfast portion of the per diem allotment – are you double-dipping?

Bruce Buel, General Manager and Director Winn stated that when a meal is provided, the staff member does not request payment for that meal.

Vote 4-0 with Director Harrison absent.

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

D-3) ADOPT RESOLUTION UPDATING 2006 WATERLINE INTERTIE PROJECT REIMBURSEMENT RESOLUTION

Bruce Buel, General Manager, explained the proposed changes to the resolution which was presented in the Board packet. The minor edits will be incorporated in the final resolution.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved the resolution, as amended. There was no public comment. Vote 4-0, with Director Harrison being absent.

**RESOLUTION NO. 2009-1126
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING AND RESTATING RESOLUTION 2006-968 DECLARING THE DISTRICT'S
INTENT TO BE REIMBURSED FOR DISTRICT EXPENDITURES
FROM PROCEEDS OF TAX EXEMPT OBLIGATIONS ISSUED BY DISTRICT
FOR THE DESIGN AND CONSTRUCTION
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
WATERLINE INTERTIE PROJECT WITH THE CITY OF SANTA MARIA**

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

D-5) ADOPT RESOLUTION APPROVING AMENDMENT TO HOLLOWAY OUTSIDE USER AGREEMENT

Director Eby explained that he could not support this resolution for several reasons, one being that the District has not yet obtained a supplemental water supply. Another reason is that extending this Intent-to-Serve letter to four years is setting a precedent.

The Board discussed that the concept was approved by a 4-1 vote at the February 25, 2009 meeting and clarified the distinction between an outside user agreement and an Intent-to-Serve letter.

The following member of the public spoke:

Carl Holloway, owner of the Tract 2642 project, stated that he thought this extension was okayed at the last meeting. He stated that if there is a problem, he would need to bring a representative to a future meeting to help him.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board adopted the resolution amending the Outside User Agreement. Vote 3-1, with Director Eby voting no and Director Harrison absent.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

D. CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 2009-1127
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AMENDMENT NO. 1 TO OUTSIDE USER AGREEMENT
FOR WATER AND SEWER SERVICES TO TRACT 2642

YES VOTES	NO VOTES	ABSENT
Directors Winn, Vierheilig and Trotter	Director Eby	Director Harrison

E. ADMINISTRATIVE ITEMS

01:22:49

E-1) DISCUSS DRAFT BLACKLAKE AREA OVERSIGHT COMMITTEE BYLAWS, REVIEW DISTRICT RESOLUTION 96-592 AND CONSIDER OPTIONS TO FACILITATE COMMUNICATION WITH CONSTITUENTS

Bruce Buel, General Manager, reviewed that the Board had received a copy of the draft bylaws submitted by the Blacklake Management Association Board. The bylaws have several issues that could cause conflict with any individual who would serve on the proposed committee. The situation has changed considerably since the 1997 adoption of the resolution.

The Board discussed the issues. Director Trotter stated that he supports the General Manager's recommendation.

The following member of the public spoke:

Bill Petrick, NCS D resident, read a portion of the resolution and stated that the Board should get rid of the resolution entirely:

2. *"The purpose of the Committee is to allow the District to obtain input from representatives of the residents and property owners of the Black lake development before action by the District on matters of concern to that area. The Committee shall be responsible for reviewing proposed additions to, changes in, extensions or deletion of services; changes in rate or charges; and other matters of concern to Black lake residents and property owners; and conveying opinions and recommendations to the District's Board and staff."*

The Board discussed that the NCS D Board fulfilled its end of the resolution, but the Blacklake committee did not. An ad hoc committee could be formed to meet with the BLMA. Jon Seitz, District Legal Counsel, explained the differences between an ad hoc, a standing, and an advisory committee. The ad hoc committee does not require Brown Act public notification and the others do.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to direct staff to prepare a new resolution rescinding 96-592. Vote 4-0, with Director Harrison being absent.

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

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed that when staff brings the item rescinding of Resolution 96-592 that an item be put on the agenda to explore alternatives.

The following member of the public spoke:

Bill Petrick, NCS D resident, stated that the Board should have a companion resolution to say what the Board will do in place of the resolution being rescinded that may do what he read in item 2 of the existing resolution.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

- E-1) DISCUSS DRAFT BLACKLAKE AREA OVERSIGHT COMMITTEE BYLAWS, REVIEW DISTRICT RESOLUTION 96-592 AND CONSIDER OPTIONS TO FACILITATE COMMUNICATION WITH CONSTITUENTS (CONTINUED)

Vote 4-0, with Director Harrison being absent.

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

01:55:19

- E-2) CONSIDER LATHROP INTENT-TO-SERVE LETTER APPLICATION FOR SEWER SERVICE TO MIXED-USE PROJECT AT DIVISION AND HAZEL

Peter Sevcik, District Engineer, explained the request for sewer service to Tract 2797, APN 092-451-048, located at the corner of Hazel Lane and Division Street.

The Board discussed the proposed Intent-to-Serve letter and made several suggestions for additions to the letter. There was no public comment. Upon motion by Director Winn and seconded by Director Trotter, the Board unanimously agreed to direct staff to issue an Intent-to-Serve letter for the project with the conditions, as outlined in the draft letter and as amended by the Board. Vote 4-0, with Director Harrison being absent.

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

02:09:39

- E-3) REVIEW PROPOSED EDITS TO BOARD BY-LAWS, DEVELOP PROPOSAL AND SET HEARING FOR ADOPTION

Bruce Buel, General Manager, proposed the edits as presented in the Board packet. The Board discussed the By-Laws. There was no public comment.

Upon motion by Director Winn and seconded by Director Trotter, the Board unanimously agreed to set the public hearing for adoption on March 25, 2009. Vote 4-0, with Director Harrison being absent.

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

The Board took a break at 11:23 a.m. and returned at 11:35 a.m.

The Board considered Item E-5 next.

02:17:35

- E-5) CONSIDER STRUCTURAL REPAIR AND SOLAR RETROFIT CONCEPTS FOR DISTRICT OFFICE

Peter Sevcik, District Engineer, explained that the Board had budgeted monies for structural repairs to the District office building. He also described the possibility of fitting the building with a grid-connected solar panel system to generate electricity to partially power the building. Mr. Sevcik answered questions from the Board about the solar power issues, life of the solar power system, and the payback.

The following member of the public spoke:

Bruce Holladay, NCS D resident, stated that the payback for the solar panels seems low. The Board might reconsider the project.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-5) CONSIDER STRUCTURAL REPAIR AND SOLAR RETROFIT CONCEPTS FOR DISTRICT OFFICE (CONTINUED)

The Board discussed the structural repairs. Upon motion by Director Winn and seconded by Director Trotter, the Board unanimously agreed to option 2 in the Board letter.

"The existing metal roofing could be extended to cover the existing rafters completely at the north and west patios and the rafter tails could be repainted on a more frequent basis to reduce the need for more extensive repairs in the future. The estimated cost of this approach is approximately \$30,000 to extend the roof and then \$5,000 every five years to repaint the rafter tails as well as all other exterior wood members."

Vote 4-0.

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

The Board discussed that the price of materials for solar power is expected to go down significantly in a year. Stimulus money may be available by next year. The Board agreed to consider solar energy next year.

The Board considered Closed Session next.

02:46:07

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES VS. NCSO ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSO VS. COUNTY OF SAN LUIS OBISPO, ET AL (CASE NO. CV090010)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:03 p.m.

02:47:03

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

The Board came back into Open Session at 1:04 p.m.
Jon Seitz, District Legal Counsel, reported the following:
The Board heard an update on the items listed above. There was no reportable action.

02:47:57

E-4) PROVIDE DIRECTION REGARDING RE-INVESTMENT OF SUPPLEMENTAL WATER PROJECT RESIDUAL COP PROCEEDS

Bruce Buel, General Manager, explained that the District has a balance of the COP proceeds in a six-month Certificate of Deposit at Rabobank. The Board had previously asked for more research that would provide FDIC insurance protection for one-hundred percent of the deposit.

Lisa Bognuda, District Finance Director, researched possibilities. Nipomo Rabobank President, Angelica Gutierrez, stated that the bank could pay 1.36% interest for six months. Another representative will be arriving in the next week to discuss more options.

There was no public present to comment. Director Trotter left the meeting at 1:22 p.m.

The Board discussed that the lowest risk available is most desirable.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to authorize staff to deposit money in a CDARS program, for such length of time as they calculate as prudent, and negotiate with Rabobank to see what part they have to play in it, if any; and authorize the appropriate District representative(s) to sign. Vote 3-0 with Director Trotter and Harrison being absent.

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

03:21:33

E-6) CONSIDER ADOPTION OF "LOCK OUT" SAFETY POLICY

Bruce Buel, General Manager, explained that the State requires a "Lock-Out" policy. Peter Sevcik, District Engineer, answered questions from the Board. The staff has been using the safety methods outlined in the resolution, but the State requires a written policy.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously adopted Resolution 2009-1128. There was no public present to comment. Vote 3-0, with Directors Harrison and Trotter being absent.

RESOLUTION NO. 2009-1128
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A CONTROL OF HAZARDOUS ENERGY POLICY

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

03:34:51

E-7) CONSIDER DIRECTOR WINN'S REQUEST TO REVIEW DEVELOPER REIMBURSEMENT POLICY

Director Winn asked staff why the District does not include administrative costs in reimbursable moneys. Staff explained that the 5% administration costs referenced in Section 5.01.060 of NCSD Ordinance 2008-107 is deducted from the reimbursement amounts only from properties connecting to District facilities within the ten-year time-limit. There was no public present to comment.

The Board discussed some minor errors in the existing ordinance. Section 5.01.030(H) and Section 5.01.040 reference 5.01.030 (F) where it should reference (G). Two other minor typos needed to be corrected.

**Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES**

E-7) CONSIDER DIRECTOR WINN'S REQUEST TO REVIEW DEVELOPER REIMBURSEMENT POLICY (CONTINUED)

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to make minor edits in the existing ordinance before it is sent to the District Code Book editors for codifying. Vote 3-0, with Directors Harrison and Trotter being absent.

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

03:51:12

E-8) CONSIDER DIRECTOR WINN'S REQUEST TO DISCUSS GOVERNOR'S WATER SHORTAGE PROCLAMATION

Director Winn requested that this item be presented to the Board to discuss the February 27, 2009 State of Emergency Water Shortage Proclamation. The Proclamation requires any recipient of drought financial assistance to implement a water shortage contingency analysis. The portion of the proclamation that may affect NCSD is Section 18(a) "institution of mandatory water rationing and mandatory reductions in water;"...by March 30, 2009, and Section 21 which imparts "...local agencies also implement water use reduction plans for facilities within their control, including immediate water conservation efforts."

There was no public present to comment.

Director Winn pointed that along with the very interesting Whereas points, Section 7 state agencies ... "shall prioritize and streamline permitting and regulatory compliance actions for desalination, water conservation and recycling projects that provide drought relief."

Director Eby suggested that this proclamation was dictated in February before several days of rain in Northern California.

The Board agreed that the General Manager could continue tracing subsequent analysis of mitigations to determine if statewide rationing will be required.

04:01:56

F. MANAGER'S REPORT

Bruce Buel, General Manager, added to the Manager's Report as published:
 The Draft FEIR for the Waterline Intertie Project cannot be published today, as expected. Hopefully, it will be distributed Monday, March 16, 2009.
 RFP for preparation of the Southland WWTF Upgrade Project EIR was sent to eight consultants on February 9, 2009.
 LAFCo circulated a notice of nominations for the open seat. The ballot should be provided at the April meeting for the Board to vote for a nominee.
 Pre-application for stimulus package funding was submitted. Eligibility rankings should be posted on the DWR's website on April 6th.
 CSDA Chapter will hold a new director orientation seminar in Templeton Saturday, March 21, 2009, from 1:00 to 4:00 p.m.
 There was no public present to comment.

04:07:02

G. COMMITTEE REPORT

1. 2/23/09 Water Conservation Committee Meeting
2. 3/2/09 Finance and Audit Committee Meeting

The reports as submitted. There were no questions from the Board. There was no public present to comment.

04:09:38

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

He asked if the three-tiered water rate adjustment consideration could be held off until after the assessment vote. Mr. Buel stated that the March 25th item will be to request to send out Requests for Proposals for a rate study.

He also asked for staff to look into securing LAIF funds.

Director Vierheilig

In Item E-4 of the February 11th meeting, a Wikipedia document retrieval tells all the allowable LAIF investments.

Director Winn

Clean Up Week notice gives the wrong message. He suggested that the notice to be changed to Clean Up Day from April 20-24. Many people seem to think they have all week to get out the trash.

ADJOURN

President Harrison adjourned the meeting at 2:37 p.m.

- **THE NEXT REGULAR BOARD MEETING IS MARCH 25, 2009**
TENTATIVELY SCHEDULED ITEMS INCLUDE:
 - Conversion of Sundale Well from Gas to Electric
 - Standpipe Storage Reservoir Mixing Design

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: MARCH 25, 2009

AGENDA ITEM
D-3
MARCH 25, 2009

REPLACEMENT OF PUMP AND DISCHARGE PIPE FOR KNOLLWOOD WELL

ITEM

AUTHORIZE REPLACEMENT OF PUMP AND DISCHARGE PIPE FOR KNOLLWOOD WELL AND AMEND FY 08-09 BUDGET [ADOPT RESOLUTION].

BACKGROUND

The Knollwood well developed a vibration and since it is a submersible pump, the entire pump and motor assembly had to be removed from the well in February to determine the cause of the problem. The thrust bearing requires replacement, and since it is a submersible pump, complete replacement of the motor and pump as a unit is more cost effective and less likely to fail than just replacing the thrust bearing. In addition, the discharge pipe is severely corroded, and has been in the ground for approximately 10 years. Coated pipe would withstand corrosion much longer than uncoated pipe.

Two well companies were contacted to provide estimates for a replacement submersible pump and motor as well as both coated and uncoated discharge pipe. Copies of the estimates are attached. The lowest, most responsive quote for the work was submitted by Fisher Pump in the amount of \$29,426.25.

Regarding compliance with the California Environmental Quality Act (CEQA), the project consists of the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity and is therefore exempt from CEQA pursuant to CEQA Guideline 15302(c).

FISCAL IMPACT

The adopted FY08-09 Budget includes \$45,000 for well refurbishment (Town Water Replacement Fund 800). To date, the District has spent approximately \$10,000 on the Sundale Well electrical design performed by Cannon and the balance of the funding is allocated to the Sundale Well Electrification project. Replacement of the Knollwood Well submersible pump, motor and discharge piping requires a budget amendment to add an extra \$29,500 to cover the anticipated cost of the work.

RECOMMENDATION

Staff recommends that your Honorable Board adopt Resolution 2009-XXXX Knollwood Well, authorizing replacement of the submersible pump, motor and discharge piping, authorizing staff to file a notice of exemption, and amending the FY 08-09 Budget.

Furthermore, staff recommends that your Honorable Board award the quote for the replacement of the pump and motor with coated pipe to Fisher Pump and Well Service, Inc. in the amount of \$29,426.25.

ATTACHMENTS

- Resolution 2009-XXXX Knollwood Well
- Fisher Pump Quote, coated pipe
- Fisher Pump Quote, uncoated pipe
- Layne Christianson Quote

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-XXXX**

**A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF
DIRECTORS APPROVING THE KNOLLWOOD WELL REPLACEMENT PROJECT AND
AMENDING THE DISTRICT BUDGET TO PROVIDE FOR THE REPLACEMENT OF
SUBMERSIBLE PUMP AT KNOLLWOOD WELL.**

WHEREAS, on March 25, 2009, the Nipomo Community Services District ("District") Board of Directors considered District Staff's recommendation and public comment for the replacement of the submersible pump, motor and discharge piping at the Knollwood Well (herein, the "Project"); and

WHEREAS, on June 25, 2008 the District adopted its FY 08-09 Budget; and

WHEREAS, the District desires to amend the FY 08-09 Budget to allocate funds for the Project's completion.

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

- 1) The District Board of Directors does hereby approve the Project.
- 2) The District Board of Directors does hereby authorize the appropriation of \$29,500 from Town Water Fund Reserves to Town Water Replacement Budget Account #800 to fund the Project.
- 3) The Project consists of the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity and is therefore exempt from the California Environmental Quality Act pursuant to CEQA Guideline 15302(c).

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

AYES:
NOES:
ABSENT:
CONFLICT:

the foregoing resolution is hereby adopted this 25th day of March, 2009.

James Harrison, President
Nipomo Community Services District

ATTEST:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz, Esq.
General Counsel



Fisher Pump & Well Service Inc.
2285 A Street
Santa Maria, Ca. 93455

March 13, 2009

Nipomo Community Services Dist.

License # 856336 C57/C61-D21

Attention: Tina G.

Description:
Submersible Pump And Pipe For Knollwood Well

Anticipated Materials And Labor ...

	<i>Unit Price</i>	Total
1 Ea 250L50 Goulds Stainless Submersible Pump With 50HP Motor	\$ 11,017.00	\$ 11,017.00
1 Ea 5" Flo80 Ductile Iron Check Valve Down Hole	657.00	657.00
19 Ea 6" x 21' Pipe Tpr T&C Scotchkote 206N	673.05	12,787.95
1 Set Misc Items To Complete	585.00	585.00
1 Ea 5" x 3" Swage	219.00	219.00
405 Ft 1/4" Poly Airline Tubing	0.28	113.40

Material	<u>\$ 25,379.35</u>
Sales Tax	1,966.90

Install / Start	<u>2,080.00</u>
Project Estimate	\$ 29,426.25

Pricing In Effect For 30 Days.
Thank You For Using **Fisher Pump & Well Service Inc.**

David S Fisher
President

Accepted By _____



Fisher Pump & Well Service Inc.
2285 A Street
Santa Maria, Ca. 93455

March 13, 2009

Nipomo Community Services Dist.

License # 856336 C57/C61-D21

Attention: Tina G.

Description:
Submersible Pump And Pipe For Knollwood Well

Anticipated Materials And Labor ...

			<i>Unit Price</i>	Total
1	Ea	250L50 Goulds Stainless Submersible Pump With 50HP Motor	\$ 11,017.00	\$ 11,017.00
1	Ea	5" Flo80 Ductile Iron Check Valve Down Hole	657.00	657.00
20	Ea	5" x 20' Pipe Tpr Blk T&C	379.60	7,592.00
1	Set	Misc Items To Complete	585.00	585.00
1	Ea	5" x 3" Swage	219.00	219.00
405	Ft	1/4" Poly Airline Tubing	0.28	113.40

Material	<u>\$ 20,183.40</u>
Sales Tax	1,564.21

Install / Start	<u>2,080.00</u>
Project Estimate	\$ 23,827.61

Pricing In Effect For 30 Days.
Thank You For Using **Fisher Pump & Well Service Inc.**

David S Fisher
President

Accepted By _____

Layne Christensen Company

2360 THOMPSON WAY, SUITE D, SANTA MARIA, CA 93455
CONTRACTOR LICENSE NO. 510011

PHONE 805 925 9931
FAX 805 925 9642



Nipomo Community Service District

Tina Grietens
P.O. Box 326
Nipomo, CA 93444

March 13, 2009

Estimate For Submersible Pump Components, Knollwood Pump Station

Equipment Outline By Customer Per *e-mail* March 10, 2009
Pump Model Number Not Designated

Description	Unit	Total
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Anticipated Materials

1	Ea	Goulds 304SS Constructed Sub Pump Model 200L-13 Stage with 50HP, 460V CentriPro Motor		
1	Ea	5x3 Swedge Nipple		
400	Ft	Column Pipe, 5"x 20 Ft Black, ASTM53/B, 3/4 Taper T&C		
1	Ea	Downhole Check Valve, 5", DI		
405	Ft	Poly Airline, 1/4"		
1	Set	Hardware Items To Reset Pump		
			Materials	\$ 21,212.00
			Sales Tax 8.5%	1,803.02
			Total	\$ 23,015.02

Labor

1	Ea	Transport, Set New Materials In Place To Install		
1	Ea	Install Pump, Start, Check Operation, Move Off		
			Labor Total	\$ 3,468.00
			For Project	\$ 26,483.02

Pricing Valid For 14 Days.

Layne Standard Conditions Of Sale Apply.

New SLO County Sales Tax Rate Included.

For Epoxy Lined And Coated Pipe, Scotchkote, Add \$12.10 Per Foot = 4,800.00

+ 4800.00
31,283.02

We Look Forward To Assisting You.

Please Contact Me With Any Questions.

Rob Thompson

Accepted By _____

Date _____

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: MARCH 20, 2009

AGENDA ITEM
D-4
MARCH 25, 2009

**APPROVE FY 2009-10 COST OF LIVING ADJUSTMENT EFFECTIVE
JULY 1, 2009**

ITEM

Approve FY 2009-10 Cost of Living Adjustment effective July 1, 2009
[RECOMMEND APPROVAL].

BACKGROUND

The NCSD Personnel Policies & Procedures Manual, Section 3030(4) states the following:

Cost of Living Adjustments – Annually, the Board may consider a Cost of Living Adjustment (COLA). If the COLA is approved, the step plan will be adjusted accordingly, thus keeping the plan current. Therefore, an employee may receive both a Cost of Living Adjustment and an increase in compensation pursuant to Section 3030(2) in any given year until the employee reaches Step 5. Upon reaching Step 5, the only salary adjustments an employee will receive will be Board-approved Cost of Living Adjustments.

On December 13, 2006, the Board of Directors approved Resolution 2006-1000 which included:

Approve the use of the Consumer Price Index-Urban Wage Earners and Clerical Workers (Average of annual increase for the Los Angeles-Riverside-Orange County and San Francisco-Oakland-San Jose) for all future Cost of Living Adjustments (COLA).

Staff had computed the average of annual increase for the Consumer Price Index of Los Angeles-Riverside-Orange County and San Francisco-Oakland-San Jose to be 3.610%.

Pursuant to the Personnel Policies and Procedures Manual, the Board of Directors may consider a Cost of Living Adjustment. The approval of Resolution 2006-1000 provides for consistency in computing the COLA from year to year. The Board of Directors may consider a COLA for the employees up to a maximum of 3.610% for 2009-2010 fiscal year.

On March 2, 2009, the Finance and Audit Committee reviewed the proposed Cost of Living Adjustment for District employees effective July 1, 2009.

RECOMMENDATION

The Finance and Audit Committee recommends the Board of Directors approve the 3.61% Cost of Living Adjustment for District Employees effective July 1, 2009.

ATTACHMENTS

- Section 3030(4) from NCSD Personnel Policies and Procedures
- Resolution 2006-1000
- Excerpt from Bureau of Labor Statistics on how to compute the CPI
- Consumer Price Index information and computation

4. Cost of Living Adjustments – Annually, the Board may consider a Cost of Living Adjustment (COLA). If the COLA is approved, the step plan will be adjusted accordingly, thus keeping the plan current. Therefore, an employee may receive both a Cost of Living Adjustment and an increase in compensation pursuant to Section 3030(2) in any given year until the employee reaches Step 5. Upon reaching Step 5, the only salary adjustments an employee will receive will be Board-approved Cost of Living Adjustments.
5. Promotion - Employees promoted to a position with a higher salary range shall be placed on the step of the range allocated to the new classification which would grant such employee an increase in pay, provided, however, the increase may exceed five percent at the discretion of the General Manager, and that such increase shall not exceed the top step of the range allocated to the new classification. Such action shall require the General Manager to establish a new anniversary date in accordance with the following criteria:
 - A. For employees who are promoted to a permanent position and placed at the first step of the salary range, the anniversary date shall be the date following the completion of 12 months of service at such step.
 - B. For employees who are promoted to a permanent position and placed at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
6. Incentive Pay - For Utility Operators who successfully achieve Water or Wastewater Grade certificates over and above those required for the position while employed with the District will be entitled to receive a one time incentive pay of \$500.00 for each certificate obtained.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2006-1000

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE MONTHLY SALARY SCHEDULE, PROPOSED SALARY
RANGE PLACEMENT, AND CPI INDEX

WHEREAS, the Nipomo Community Services District (herein "District") Board of Directors (herein "Board") is a local governmental agency formed and authorized to provide services within its jurisdiction, pursuant to Section 61000 et seq. of the California Government Code; and

WHEREAS, the Nipomo Community Services District contracted with a Koff & Associates, Inc. to perform a professional Salary and Benefits Survey; and

WHEREAS, the Board of Directors accepted and filed the final report titled "Total Compensation Study for the Nipomo Community Services District" on December 13, 2006; and

WHEREAS, Koff & Associates, Inc. recommended a new Monthly Salary Schedule and proposed Salary Range Placement in the report; and

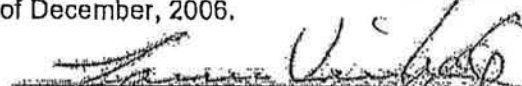
NOW, THEREFORE, the Board of Directors of the Nipomo Community Services District does hereby resolve, declare, determine and order as follows:

1. Adopt the Monthly Salary Schedule (Exhibit "A")
2. Adopt the Proposed Salary Range Placement (Exhibit "B")
3. Approve the use of the Consumer Price Index-Urban Wage Earners and Clerical Workers (Average of annual increase for the Los Angeles-Riverside-Orange County and San Francisco-Oakland-San Jose) for all future Cost of Living Adjustments (COLA).
4. Authorize Staff to advertise for the positions of District Engineer, Utility Foreman and Water Conservation Specialist at the newly approved monthly salary schedule

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

AYES: Director Trotter, Harrison, Eby, Winn and Vierhellg
NOES: None
ABSENT: None

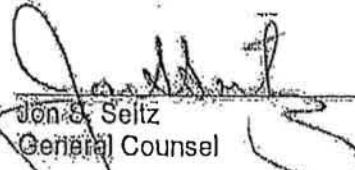
The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 13th day of December, 2006.


Lawrence Vierhellg, President
Nipomo Community Services District

ATTEST:


Donna K. Johnson
Secretary to the Board

APPROVED AS TO FORM:


Jon S. Seitz
General Counsel

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The CPI and escalation: Some points to consider

The CPI is calculated for two population groups: All Urban Consumers (CPI-U) and Urban Wage Earners and Clerical Workers (CPI-W). The CPI-U represents about 87 percent of the total U.S. population and is based on the expenditures of *all* families living in urban areas. The CPI-W is a subset of the CPI-U and is based on the expenditures of families living in urban areas who meet additional requirements related to employment: more than one-half of the family's income has to be earned from clerical or hourly-wage occupations. The CPI-W represents about 32 percent of the total U.S. population.

There can be small differences in movement of the two indexes over short periods of time because differences in the spending habits of the two population groups result in slightly different weighting. The long-term movements in the indexes are similar. CPI-U and CPI-W indexes are calculated using measurement of price changes for goods and services with the same specifications and from the same retail outlets. The CPI-W is used for escalation primarily in blue-collar cost-of-living adjustments (COLA's). Because the CPI-U population coverage is more comprehensive, it is used in most other escalation agreements.

The 26 metropolitan areas for which BLS publishes separate index series are by-products of the U.S. City Average Index. Metropolitan area indexes have a relatively small sample size and, therefore, are subject to substantially larger sampling errors. Metropolitan area and other sub-components of the national indexes (regions, size-classes) often exhibit greater volatility than the national index. BLS strongly recommends that users adopt the U.S. City Average CPI for use in escalator clauses.

The U.S. City Average CPI's are published on a seasonally adjusted basis as well as on an unadjusted basis. The purpose of seasonal adjustment is to remove the estimated effect of price changes that normally occur at the same time and in about the same magnitude every year (e.g., price movements due to the change in weather patterns, model change-overs, holidays, end-of-season sales, etc.). The primary use of seasonally adjusted data is for current economic analysis. In addition, the factors that are used to seasonally adjust the data are updated annually. Also, seasonally adjusted data that have been published earlier are subject to revision for up to 5 years after their original release. For these reasons, the use of seasonally adjusted data in escalation agreements is inappropriate.

Escalation agreements using the CPI usually involve changing the base payment by the percent change in the level of the CPI between the reference period and a subsequent time period. This is calculated by first determining the index point change between the two periods and then the percent change. The following example illustrates the computation of percent change:

CPI for current period	136.0
Less CPI for previous period	129.9
Equals Index point change	6.1
Divided by previous period CPI	129.9
Equals	0.047
Result multiplied by 100	0.047 x 100
Equals percent change	4.7

The Bureau of Labor Statistics neither encourages nor discourages the use of price adjustment measures in contractual agreements. Also, while BLS can provide technical and statistical assistance to parties developing escalation agreements, we can neither develop specific wording for contracts nor mediate legal or interpretive disputes which might arise between the parties to the agreement.

<http://www.bls.gov/cpi/cpi1998d.htm>



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Data extracted on: February 20, 2009 (5:06:49 PM)

Consumer Price Index - Urban Wage Earners and Clerical Workers

Series Id: CWURA421SA0															
Not Seasonally Adjusted															
Area: Los Angeles-Riverside-Orange County, CA															
Item: All items															
Base Period: 1982-84=100															
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1999	157.8	158.1	158.3	160.1	159.7	158.9	159.2	159.8	160.7	160.7	160.6	160.9	159.6	158.8	160.3
2000	161.3	162.4	163.9	164.0	164.4	164.3	165.0	165.3	166.3	166.9	166.6	166.7	164.8	163.4	166.1
2001	167.3	168.3	169.1	169.6	170.5	171.9	171.3	171.1	171.5	171.0	170.7	169.7	170.2	169.5	170.9
2002	171.5	172.8	173.8	174.8	175.4	174.7	175.0	175.6	176.3	176.5	177.0	176.7	175.0	173.8	176.2
2003	177.8	179.6	181.6	180.9	179.9	179.6	179.6	180.5	181.9	181.2	180.5	180.2	180.3	179.9	180.7
2004	181.7	183.4	184.9	185.2	186.8	187.4	186.8	186.5	187.8	189.8	190.3	188.5	186.6	184.9	188.3
2005	188.5	190.3	192.1	194.2	194.6	193.7	194.6	196.4	199.0	200.0	198.4	196.5	194.9	192.2	197.5
2006	198.3	199.9	200.8	202.9	205.0	204.2	204.5	205.0	205.3	203.5	203.3	202.9	203.0	201.9	204.1
2007	204.498	206.632	208.929	210.195	211.145	209.614	209.444	209.240	209.849	211.259	212.844	212.282	209.661	208.502	210.820
2008	213.825	214.231	216.493	217.914	219.702	222.435	223.245	221.230	220.285	218.726	214.083	211.007	217.765	217.433	218.096
2009	212.454														

Series Id: CWURA422SA0															
Not Seasonally Adjusted															
Area: San Francisco-Oakland-San Jose, CA															
Item: All items															
Base Period: 1982-84=100															
Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
1999		165.7		168.8		168.3		170.0		171.2		170.9	168.8	167.2	170.5
2000		172.6		174.9		175.2		177.8		179.3		180.2	176.3	173.9	178.7
2001		183.5		184.9		186.9		186.7		187.5		186.5	185.7	184.5	186.9
2002		186.8		188.8		189.1		189.3		190.0		189.6	188.8	188.0	189.6
2003		193.7		193.6		192.2		192.3		191.9		191.1	192.4	192.9	191.9
2004		194.1		194.7		195.4		195.0		196.4		195.9	195.0	194.4	195.7
2005		197.3		199.3		197.5		199.5		202.6		199.3	199.1	197.9	200.3
2006		202.5		204.9		205.2		206.7		206.2		205.6	204.9	203.7	206.1
2007		208.803		211.189		211.422		211.620		213.133		214.204	211.370	209.986	212.754
2008		214.913		217.913		221.454		221.385		221.192		213.685	218.441	217.487	219.396

NIPOMO COMMUNITY SERVICES DISTRICT
CONSUMER PRICE INDEX ADJUSTMENT
PROPOSED FOR JULY 1, 2009

	<u>SF</u>	<u>LA</u>	<u>AVERAGE</u>
CPI for current period	218.441	217.765	
Less CPI for previous period	(211.370)	(209.661)	
Equals index point change	7.071	8.104	
Divide by previous period CPI	211.370	209.661	
Equals	0.0335	0.0387	
Result multiplied by 100	.0335 x 100	.0387 x 100	
	<u>3.350</u>	<u>3.870</u>	<u>3.610</u>

Copy of document found at www.NoNewWipT.com

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BEB*
DATE: MARCH 20, 2009



ADOPT RESOLUTION AMENDING BOARD BY-LAWS

ITEM

Adopt Resolution amending Board By-Laws [RECOMMEND APPROVAL]

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.

The Board of Directors reviewed the By-Laws on February 11, 2009 and March 11, 2009, and directed Staff to prepare the proposed edits.

RECOMMENDATION

Staff recommends that your Honorable Board adopt the Resolution.

ATTACHMENT

- RESOLUTION AND EXHIBIT "A" -2009 BOARD BY-LAWS

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-BY LAWS
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BY-LAWS (2009 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;

WHEREAS, on February 11, 2009, and March 11, 2009, the District Board of Directors did review the District's previously adopted Board By-Laws and instructed Staff to return with a revised version for Board adoption; and

WHEREAS, on March 25, 2009, 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 (2009 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 (2009 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 _____, 2009.

JAMES HARRISON,
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
2009 UPDATE
BY-LAWS
(ATTACHMENT "A" TO RESOLUTION 2009 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 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 or their designee, are authorized to attend meetings of the San Luis Obispo County Planning Commission and meetings of the San Luis Obispo County Board of Supervisors without compensation except reimbursement for use of his/her 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 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.

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DIRECTOR BY-LAWS
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- 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)** The Board may take action to direct 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, 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.

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- 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. 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 The following applies to reconsideration of prior Board actions.
- (a) After the passage of 9 months from the effective date of the motion, resolution, or ordinance, the matter may be placed on the agenda pursuant to Section 3.1, above, or other provisions of the Brown Act.
 - (b) Prior to the passage of 9 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.
 - (c) The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.
- 3.3 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.
- 3.4 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

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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 RECORDINGS

- 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 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board during general public comment.
- 4.5 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 the names of speakers who provided public comment on each agenda item and a summary of the Directors' reports.

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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.

- 4.6 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. Directors are encouraged to seek clarification prior to the meeting, if possible.
- 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 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 are 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.

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- 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.

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- 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 committee is authorized to receive one hundred dollars (\$100) as compensation for each public meeting of a standing committee or ad hoc committee attended by him/her.
- 9.3 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each non-public ad hoc committee meeting of the District attended by him/her.
- 9.4 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.
- 9.5 In no event shall Director compensation exceed \$100 per day.
- 9.6 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.

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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, \$15.00 for lunch and \$30.00 for dinner, for a daily total of \$55.00.
- (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.

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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 NCSB 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.

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13.2 Interest in Contracts, Government Code 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, Government Code Section 1099

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. .

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 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.

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.