

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BAB*  
DATE: APRIL 3, 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 3/25/09 Regular Special Meeting
- D-3) ADOPT RESOLUTION INITIATING FY09-10 LANDSCAPE MAINTENANCE  
ZONE #1 ENGINEERS REPORT [ADOPT RESOLUTION]
- D-4) SET DISCUSSION RE REGULATION OF MUTUAL WATER COMPANIES [ADD  
ITEM TO MAY 13, 2009 AGENDA]
- D-5) AUTHORIZE PURCHASE OF CONSERVE TRACK SOFTWARE [ADOPT  
RESOLUTION]
- D-6) EDIT DISTRICT MISSION STATEMENT AND VISION STATEMENT [APPROVE  
RECOMMENDATION]
- D-7) AUTHORIZE EXECUTION OF MOU WITH SLO COUNTY RE GRANT  
FUNDING [RECOMMEND APPROVAL]
- D-8) AUTHORIZE THE OPENING OF A CERTIFICATE OF DEPOSIT ACCOUNT  
REGISTRY SERVICE ACCOUNT AT MISSION COMMUNITY BANK  
[RECOMMEND APPROVAL]

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TO: BOARD OF DIRECTORS  
 FROM: BRUCE BUEL  
 DATE: APRIL 3, 2009

**AGENDA ITEM  
 D-1  
 APRIL 8, 2009**

**TOTAL COMPUTER  
 CHECKS  
 \$ 126,985.11**

**HAND WRITTEN CHECKS**

03-23-09	19889	E EBY	100.00
03-23-09	19890	C TROTTER	100.00
03-31-09	19891	P G & E	2,168.12

VOID - NONE

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
16317	04/03/09	EMP01	EMPLOYMENT DEVELOP DEPT	30.00	.00	30.00	A90330	STATE INCOME TAX
				973.50	.00	973.50	1A90330	STATE INCOME TAX
			Check Total.....:	1003.50	.00	1003.50		
16318	04/03/09	MID01	RABOBANK-PAYROLL TAX DEPO	125.00	.00	125.00	A90330	FEDERAL INCOME TAX
				14.50	.00	14.50	1A90330	MEDICARE (FICA)
				3441.47	.00	3441.47	2A90330	FEDERAL INCOME TAX
				846.02	.00	846.02	3A90330	MEDICARE (FICA)
			Check Total.....:	4426.99	.00	4426.99		
16319	04/03/09	MID02	RABOBANK-DIRECT DEPOSIT	25372.41	.00	25372.41	A90330	NET PAY
16320	04/03/09	PER01	PERS RETIREMENT	.00	.00	.00	A90330	PERS PAYROLL REMITTANCE
				7594.99	.00	7594.99	1A90330	PERS PAYROLL REMITTANCE
			Check Total.....:	7594.99	.00	7594.99		
16321	04/03/09	STA01	ING-PERS 457 DEFERRED COM	780.00	.00	780.00	A90330	457 DEFERRED COMP
016322	04/08/09	ABA01	ABALONE COAST BACTERIOLOG	20.00	.00	20.00	09-517	BL WWTF LAB
				20.00	.00	20.00	09-525	BL WWTF LAB
				150.00	.00	150.00	09-526	WATER SAMPLES
				14.40	.00	14.40	09-533	SUNDALE WELL LAB
				176.00	.00	176.00	09-534	TOWN WWTF LAB
				20.00	.00	20.00	09-535	BL WWTF LAB
				20.00	.00	20.00	09-553	BL WWTF LAB
				20.00	.00	20.00	09-560	BL WWTF LAB
				20.00	.00	20.00	09-566	BL WWTF LAB
				175.00	.00	175.00	09-577	WATER SAMPLES
				20.00	.00	20.00	09-578	BL WWTF LAB
				20.00	.00	20.00	09-588	BL WWTF LAB
				176.00	.00	176.00	09-589	TOWN WWTF LAB
				20.00	.00	20.00	09-596	BL WWTF LAB
				20.00	.00	20.00	09-605	BL WWTF LAB
				20.00	.00	20.00	09-622	BL WWTF LAB
				175.00	.00	175.00	09-630	WATER SAMPLES
				20.00	.00	20.00	09-634	BL WWTF LAB
				20.00	.00	20.00	09-644	BL WWTF LAB
				176.00	.00	176.00	09-645	TOWN WWTF LAB
				20.00	.00	20.00	09-656	BL WWTF LAB
				20.00	.00	20.00	09-660	BL WWTF LAB
			Check Total.....:	1342.40	.00	1342.40		
016323	04/08/09	ADV01	ADVANTAGE ANSWERING PLUS	140.90	.00	140.90	102858	ANSWERING SERVICE
016324	04/08/09	AIR01	AIR POLLUTION CONTROL	1112.64	.00	1112.64	12126	PERMITS FOR STANDBY ENGIN
016325	04/08/09	ALX01	ALEXANDER'S CONTRACT SERV	2206.55	.00	2206.55	3300012	METER READS
016326	04/08/09	AME03	AMERI PRIDE	113.37	.00	113.37	F729906	UNIFORMS ETC
				113.37	.00	113.37	F735412	UNIFORMS ETC
			Check Total.....:	226.74	.00	226.74		
016327	04/08/09	ATT01	AT&T/MCI	149.63	.00	149.63	530323	PHONE
				31.36	.00	31.36	530575	PHONE
				149.31	.00	149.31	530645	PHONE
			Check Total.....:	330.30	.00	330.30		
016328	04/08/09	AWW01	AWWA BOOKSTORE	198.50	.00	198.50	4130	STANDARD LAB METHODS BOOK
016329	04/08/09	BHI01	BHI MANAGEMENT CONSULTING	4840.00	.00	4840.00	09-21	STRATEGIC PLAN

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS APRIL 3, 2009**

**AGENDA ITEM  
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
016330	04/08/09	BRE03	BREWER, REED	10.00	.00	10.00	032609	PER DIEM CLASS IN THOUSAN
016331	04/08/09	BRI01	BRISCO'S	176.09	.00	176.09	140666+	SUPPLIES
016332	04/08/09	CAL15	CALIFORNIA URBAN WATER CO	2519.11	.00	2519.11	4224	MEMBERSHIP
016333	04/08/09	CLI01	CLINICAL LABORATORY OF SA	30.00	.00	30.00	030509	SAMPLING & TESTING CLASS
016334	04/08/09	COR01	CORBIN WILLITS SYSTEMS	745.83	.00	745.83	A903151	BILLING SUPPORT
016335	04/08/09	CWE01	CWEA	115.00	.00	115.00	GERMAN 09	ENV COMP INSPECTOR CERT
016336	04/08/09	EBY01	EBY, ED	100.00	.00	100.00	040809	REG BD MEETING 040809
016337	04/08/09	FAR01	FARM SUPPLY COMPANY	530.91	.00	530.91	963741+	SUPPLIES
016338	04/08/09	FAR02	FAR WEST EXPRESS	26.00	.00	26.00	15674+	DELIVERY
016339	04/08/09	FGL01	FGL ENVIRONMENTAL	56.00 212.00 165.00 212.00 81.00	.00 .00 .00 .00 .00	56.00 212.00 165.00 212.00 81.00	902431A 902432A 902477A 902680A 902681A	BL WWTF LAB TOWN WWTF LAB WELL TESTS TOWN WWTF LAB BL WWTF LAB
			Check Total.....:	726.00	.00	726.00		
016340	04/08/09	GAS02	GAS COMPANY, THE	62.20 9.21	.00 .00	62.20 9.21	032409 032709	OFFICE HEAT GAS ENGINE
			Check Total.....:	71.41	.00	71.41		
016341	04/08/09	GER01	GERMAN, SCOTT	25.00 96.96	.00 .00	25.00 96.96	032609 040109	PER DIEM TO CRWA CLASS SAFETY BOOT ALLOWANCE
			Check Total.....:	121.96	.00	121.96		
016342	04/08/09	GIL01	GLM, INC.	320.00	.00	320.00	33109	LANDSCAPE OFFICE
016343	04/08/09	GRO01	GROENIGER & CO	1566.83 665.13	.00 .00	1566.83 665.13	7697-00 11007697	STOCK HYDRANTS ETC SUPPLIES
			Check Total.....:	2231.96	.00	2231.96		
016344	04/08/09	GWA01	GWA INC	53.00 85.00 85.00	.00 .00 .00	53.00 85.00 85.00	09030064 09030206 90302107	ALARM MOITORING ALARM MONITORING ALARM MONITORING
			Check Total.....:	223.00	.00	223.00		
016345	04/08/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	040809	REG BD MEETING 040809
016346	04/08/09	JOH01	JOHNSON, DONNA	20.00 15.28 15.00	.00 .00 .00	20.00 15.28 15.00	031709 031809 031709B	NOTARY TEST FEE REIMBURSE FOR SUPPLIES TRAVEL
			Check Total.....:	50.28	.00	50.28		
016347	04/08/09	LAN02	LANDMARK LANDSCAPE CO INC	1070.00 214.00 53.61	.00 .00 .00	1070.00 214.00 53.61	12555 44393 44519	IRRIGATION CONTROLLER INS LANDSCAPE MAINT FOR TR 24 REPAIR IRRIGATION PARTS
			Check Total.....:	1337.61	.00	1337.61		
016348	04/08/09	MOT01	MOTLEY, RICK	22.95	.00	22.95	032309	REIMBURSE FOR SUPPLIES
016349	04/08/09	MUL01	MULLAHEY FORD	9.14	.00	9.14	FOR130761	SUPPLIES
016350	04/08/09	NEW01	R H NEWDOLL CONST INC	1389.30	.00	1389.30	040909	REIMBURSEMENT SOUTHLAND S
016351	04/08/09	NEX01	NEXTEL COMMUNICATIONS	316.41	.00	316.41	87314088	CELL PHONES
016352	04/08/09	NIP01	NIPOMO HARDWARE	101.13 139.36	.00 .00	101.13 139.36	022809 42196+	SUPPLIES SUPPLIES
			Check Total.....:	240.49	.00	240.49		
016353	04/08/09	OFF01	OFFICE DEPOT	51.01	.00	51.01	939326201	SUPPLIES
016354	04/08/09	PER05	PERFORMANCE METER, INC	7641.56	.00	7641.56	15935	METERS
016355	04/08/09	POO01	POOR RICHARD'S PRESS	517.38	.00	517.38	200463	NEWSLETTER

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS APRIL 3, 2009**

**AGENDA ITEM  
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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
016356	04/08/09	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	186	MARCH JANITORIAL SERVICE
016357	04/08/09	QUI01	QUILL CORPORATION	207.26	.00	207.26	5587845	SUPPLIES
				82.09	.00	82.09	5633081	SUPPLIES
			Check Total.....:	289.35	.00	289.35		
016358	04/08/09	QUI04	QUINN POWER SYSTEMS	1298.07	.00	1298.07	4087	ENG MAINT
				1151.20	.00	1151.20	4088	LIFT STN GEN MAINT
				1158.97	.00	1158.97	4097	LIFT STN ENG MAINT
				1158.97	.00	1158.97	4098	BL WATER ENG MAINT
				1005.40	.00	1005.40	4099	ENG MAINT
			Check Total.....:	5772.61	.00	5772.61		
016359	04/08/09	RIC01	RICHARDS, WATSON, GERSHON	1480.00	.00	1480.00	163854	WATER RIGHTS ADJUDICATION
016360	04/08/09	ROD01	RODRIGUEZ, RIGOBERTO	10.00	.00	10.00	031909	PER DIEM THOUSAND OAKS CL
016361	04/08/09	SLO02	DIV OF ENVIRON HEALTH	623.58	.00	623.58	63232	CROSS CONNECTION
016362	04/08/09	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	2508946	TRASH COLLECTION OFFICE
				169.12	.00	169.12	2510445	TRASH COLLECTION - OLDE T
			Check Total.....:	204.04	.00	204.04		
016363	04/08/09	SPE01	SPECIAL DISTRICT RISK	503.66	.00	503.66	28636	INSURANCE
016364	04/08/09	STA07	SRF ACCOUNTING OFFICE	34868.35	.00	34868.35	040809	STATE REVOLVING FUND LOAN
016365	04/08/09	STA08	STAPLES	156.19	.00	156.19	927265600	OFFICE SUPPLIES
016366	04/08/09	TAF01	TAFT ELECTRIC	30.00	.00	30.00	30497A2	LFT STN MAINT
016367	04/08/09	TIT01	TITAN INDUSTRIAL & SAFETY	629.87	.00	629.87	1033707	SUPPLIES
016368	04/08/09	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	040809	REG BD MEETING 040809
016369	04/08/09	TWI01	TWITCHELL AND RICE LLP	673.00	.00	673.00	033009	PROPERTY ACQUISITION
016370	04/08/09	UNI05	UNIVERSITY ENTERPRISES	262.35	.00	262.35	551912	SEMINAR & MATERIALS
016371	04/08/09	USB01	US BANK TRUST	470.02	.00	470.02	032309A	TRAVEL EXPENSES
				274.08	.00	274.08	032309B	OFFICE SUPPLIES
				195.00	.00	195.00	032309C	SEMINAR
				380.71	.00	380.71	032309D	COMPUTER SUPPLIES
				290.00	.00	290.00	032309E	TOYOTA MAINT
				-195.64	.00	-195.64	032309FC	CREDIT ISSUED
				77.15	.00	77.15	032309G	CONSERVATION SUPPLIES
				244.69	.00	244.69	032309H	BD MEETING SUPPLIES
				817.49	.00	817.49	032309I	OPERATING SUPPLIES
			Check Total.....:	2553.50	.00	2553.50		
016372	04/08/09	VER01	VERIZON	35.92	.00	35.92	031909	BL PHONE
016373	04/08/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	040809	REG BD MEETING 040809
016374	04/08/09	WIL02	WILLDAN HOMELAND SOLUTION	8000.00	.00	8000.00	77-1454	MEMS-SEMS TRAINING
016375	04/08/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	040809	REG BD MEETING 040809
016376	04/08/09	\G002	GONZALEZ REAL ESTATE	40.26	.00	40.26	000A90401	MQ CUSTOMER REFUND FOR GO
016377	04/08/09	\H004	HALSELL BUILDERS,	448.54	.00	448.54	000A90401	MQ CUSTOMER REFUND FOR HA
016378	04/08/09	\M003	MORRIS, MICHELE	206.29	.00	206.29	000A90401	MQ CUSTOMER REFUND FOR MO
016379	04/08/09	\O001	JOANN OUTLAND REALTY,	48.28	.00	48.28	000A90401	MQ CUSTOMER REFUND FOR OU

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 44 - Years of Service 1965 - 2009*

## DRAFT MINUTES

**MARCH 25, 2009 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

### **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

President Harrison called the March 25, 2009 Regular Board Meeting of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

00:00:40

#### B. ROLL CALL

At Roll Call, all directors were present.

00:00:49

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) MIKE NUNLEY OF AECOM ENGINEERING

Update re: Waterline Intertie Project & Southland WWTF Design

Mike Nunley, Project Director at AECOM Engineering, gave an update on the progress of the Waterline Intertie Project. He reviewed the Status Report provided in the Board letter. Mr. Nunley answered questions from the directors.

Mr. Nunley provided a review of the activities concerning the Southland Wastewater Treatment Facility preliminary design. The completion of the draft concept design is planned to coincide with the EIR. The final design is expected by April 2010. There was no public comment.

The Board thanked Mr. Nunley for his update.

##### C-2) NCSD SUPERINTENDENT TINA GRIETENS

Update re: Utilities Division Activities in February 2009

Tina Grietens, Utility Superintendent, reviewed the activities of the Utilities Division for the month of February 2009, as presented in the report in the Board packet. Ms. Grietens answered questions from the directors.

There was no public comment.

The Board thanked Ms. Grietens for her report.

MINUTES SUBJECT TO BOARD APPROVAL

C-3) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: Water Conservation Program and Annual Chipping Event

Celeste Whitlow, Water Conservation Coordinator, reviewed the report presented in the Board packet.

There will be a workshop Saturday, April 18, 2009, called "Sages, Grasses and Ceanothus: Drought-Tolerant Favorites for the Garden".

The Chipping Event will take place April 12<sup>th</sup> through May 8, 2009.

Ms. Whitlow answered questions from the Board.

There was no public comment.

The Board thanked Ms. Whitlow for her report.

C-4) JOE MILLER OF CONSERVE TRACK SOFTWARE

Overview of Software and Compatibility of Software with Billing System

Bruce Buel, General Manager explained that the Board had asked for some information about tracking water use related to conservation and if there is software that is compatible with the District's existing billing software.

Joe Miller, President of ConserveTrack, presented the Board with information about the software developed that integrates well with many software programs. He answered questions from the Board. The Board asked for a listing of the following:

- o Last five agencies who purchased this software in 2008
- o Cost of all the modules available.
- o The type of operating system needed (Mr. Miller answered that it is web-based.)
- o Training costs and the time involved in training.

There was no public comment.

The Board thanked Mr. Miller for the report.

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

Receive Announcements from Directors Items of District & Community Interest

Director Trotter

He is concerned about the money spent on desalination and would like the manager to comment. Mr. Buel stated that the Supplemental Water Committee is planning to talk about that in April and will forward recommendations at that time.

Director Vierheilig

Nipomo Incorporation Committee for Education (N.I.C.E.) meeting will be held April 20, 2009, at 9:00 a.m. in the Avila Room at Woodland's Trilogy.

April 4 and 5, 2009 Orchid Show in Arroyo Grande. The benefit show for the Alzheimer's Association will be April 3<sup>rd</sup>. Tickets are available for \$40.00.

Director Harrison

At the NICE meeting, County staff will talk about roads, planning, etc. Supervisor Achadjian will be the moderator.

Rotary Club will be barbecuing at Hess Nursery during the Central Coast Greenhouse Growers Association event April 4<sup>th</sup>.

Rotary Club will have its golf tournament on May 9<sup>th</sup> at Monarch Dunes.

Chamber luncheon - Thursday, March 26, 2009

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

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

Director Eby

South County Advisory Committee held elections March 16, 2009. The results are as follows:

Howard Hess for geographical Area 3

Patricia Duron for Agriculture.

The only incumbent opposed was Dan Gaddis, who was re-elected.

Dan Gaddis was elected to the chair.

There are still three seats open.

The weather prediction shows an even chance of the average rainfall for April.

Director Winn

Monday's Supplemental Water sub-committee was excellent.

Assessment work by Wallace does not look at impacts by TDC's.

He distributed EIR CD's at the SCAC meeting.

Park Master Plan on the Consent Agenda. Morro Group is asking for \$200,000 more to complete the EIR.

The April 24<sup>th</sup> SLO Board of Supervisors meeting Consent Agenda will include:

- Accepting the MOU for the proposed Miller Park.
- The SLO Board of Supervisors approved a mini-storage unit on Willow near Sheridan Rd. to be served by the Woodland Park Mutual Water Company. The applicants plan to add a car wash. SLO Board of Supervisors conditions their approval by requiring an annual report to Health Department on wells and having the carwash well metered.. This is the fourth expansion by Woodland Park and it is down to one working well.
- Incorporation of Smart Growth philosophy Tuesday, April 14<sup>th</sup> and April 28<sup>th</sup> - NCSD needs to get information to SLO by April 10<sup>th</sup>.

Ad hoc committee Land Use Framework for Planning – Directors Winn and Harrison appointed. It will be discussed at the NCSD April 8<sup>th</sup> meeting.

Wednesday April 1, 2009, WRAC will meet in the SLO Library at 1:30 p.m.

- Two sub-committees will be formed, for the Framework and for the RMS.
- Saturday, April 4<sup>th</sup>, at 8:30 a.m. will be a continued meeting in the Supervisors' chambers – WRAC workshop on the Los Osos wastewater treatment.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Bill Nelson, NCSD resident, updated the Board on what the BLMA is doing on conservation tests on one of the water meters they use to irrigate the park. In November 2008, the BLMA installed a "smart" controller that monitors ET for the water service. If this works, they will install more at the other meters.

01:37:50

D. CONSENT AGENDA

Staff asked to pull Item D-7 for separate consideration.

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 3/11/08 Regular Meeting

D. CONSENT AGENDA (CONTINUED)

D-3) AUTHORIZE EXECUTION OF CONTRACT FOR REPLACEMENT OF PUMP AND DISCHARGE PIPE FOR KNOLLWOOD WELL

RESOLUTION NO. 2009-1129  
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

D-4) APPROVE FY2009-10 COST OF LIVING ADJUSTMENT EFFECTIVE JULY 1, 2009

D-5) ADOPT RESOLUTION AMENDING BOARD BYLAWS

RESOLUTION NO. 2009-1130  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AMENDED BY-LAWS (2009 UPDATE)

D-6) AUTHORIZE EXECUTION OF AGREEMENT WITH AECOM FOR FINAL DESIGN OF SOUTHLAND WWTF UPGRADES

The Board made two corrections in the Minutes for the March 11<sup>th</sup> meeting. Mr. Buel answered questions from the Board. Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved Item D-1 through D-6 on the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

D-7) CONFIRM THAT RABOBANK 100% TREASURY COLLATERALIZATION SATISFIES BOARD DIRECTIVE RE CD INVESTMENT SECURITY

Bruce Buel, General Manager, explained that at the meeting with representatives of Rabobank it was understood that a letter would be sent confirming their agreement. The letter that arrived did not contain the information expected. Mr. Buel spoke with Jerry Legg after receiving the letter. After some Board discussion, the Board directed staff to withdraw the money from Rabobank and deposit it at Mission Community into the CDARS programs, as discussed at the last Board meeting. There was no public comment.

*The Board considered Item E-4 next.*

E. ADMINISTRATIVE ITEMS

02:01:40

E-4) REVIEW DRAFT PHASING AMENDMENTS TO INTENT-TO-SERVE POLICY, EDIT DRAFT ORDINANCE TEXT AND SET HEARING FOR INTRODUCTION

Bruce Buel, General Manager, explained that the Board directed staff to present possible code changes for the Board's consideration in response to the request from George Newman, representative for Nipomo Business Park, LP, developer of Tract 2652, for phasing payment of fees for the project.

Peter Sevcik, District Engineer, described the proposed language that would delay 50% of the supplemental water capacity charges.



E-4) REVIEW DRAFT PHASING AMENDMENTS TO INTENT-TO-SERVE POLICY, EDIT DRAFT ORDINANCE TEXT AND SET HEARING FOR INTRODUCTION (CONTINUED)

The Board asked questions concerning proposed changes in the ordinance.

The following members of the public spoke:

George Newman, developer of Tract 2652, told the Board that he was concerned about the timing for the payment of the fees. He stated that he would like to have the payment closer to the completion of the project because it is difficult to obtain funding.

Jon Seitz, District Legal Counsel, explained the use of capacity fees and why they are collected before the project is complete.

The Board questioned if Will-Serve letters can be issued in sections or if the project can be changed to phased sections.

Mr. Newman stated that it is possible but difficult to change the project with different drawings, construction phases, etc. The engineering costs would seem to be about the same as NCS D's fees.

The Board continued to discuss several possibilities - Intent-to-Serve letter extension, assessment district, Will-Serve letter issued, then collect fees before meter set, changing percentage of fees collected, etc.

Upon motion by Director Winn and seconded by Director Trotter, the Board unanimously agreed to send the ordinance back to staff to change the percentage in Section 3.04.052 Item B(1) to 90% and change Item B(2) to "the remaining charges..." There was no public comment on the motion. Vote 5-0.

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

The Board considered Closed Section next.

03:06:40

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. NCS D (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. NCS D 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; NCS D 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 12:19 p.m.

03:07:30

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

The Board came back into Open Session at 1:46 p.m.  
Director Trotter left the meeting at 1:30 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.

03:08:22

E-1) CONSIDER STAFF PROPOSAL TO CONVERT SUNDALE WELL FROM GAS TO ELECTRICITY WITH A STANDBY DIESEL GENERATOR

Peter Sevcik, District Engineer, reviewed the proposal to convert the Sundale Well to operate with an electric motor. The conversion process also requires the existing building to be removed and replaced with a steel building to facilitate future maintenance of the well.

Mr. Sevcik answered questions from the Board.  
There was no public comment.

Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously approved the resolution approving the Sundale Well project and amending the budget. Vote 4-0 with Director Trotter being absent.

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

RESOLUTION NO. 2009-1131  
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS APPROVING THE SUNDALE WELL REPLACEMENT PROJECT AND AMENDING THE DISTRICT BUDGET TO PROVIDE FOR THE REPLACEMENT OF NATURAL GAS ENGINE AT SUNDALE WELL WITH AN ELECTRIC MOTOR

03:24:40

E-2) CONSIDER STAFF CONCEPT PROPOSAL TO INTEGRATE BLACKLAKE WELLS INTO DISTRICT WATER SYSTEM

Peter Sevcik, District Engineer, reviewed the history of Blacklake Wells 3 and 4 and the ground-level storage tank. He explained the proposal to replumb the wells into the District water system until Blacklake Well #3 is repaired and permanently take the Blacklake tank out of service.

Mr. Sevcik answered question from the Board. Director Eby proposed that the District go ahead with the proposed improvements, take a second look at refurbishing Blacklake Well #3, in light of the fact it may be abandoned in two years, and come back with further recommendation. There was no public comment.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to accept staff's recommendation for everything except rehabilitation of Blacklake Well #3, and directed staff to come back at a future date with a recommendation on whether it is an economical solution to rehabilitate Blacklake Well #3 in light of the fact that it may be partially abandoned in the future. There was no public comment on the motion. Vote 4-0 with Director Trotter being absent.

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

03:54:25

E-3) DISCUSS OPTIONS TO IMPROVE MIXING AT STANDPIPE WATER RESERVOIR

Peter Sevcik, District Engineer, explained that the District's 2007 Water and Sewer Master Plan Update recommended that the inlet/outlet piping of the existing standpipe water storage reservoir be modified to increase mixing and reduce other potential problems.

Mr. Sevcik answered questions from the Board. There was no public comment.

Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously agreed to accept staff's recommendation and that the project move forward at the right time. Vote 4-0 with Director Trotter being absent.

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

04:01:00

E-5) REVIEW DRAFT RFP TO PREPARE 2010-2015 WATER RATE STUDY, EDIT DRAFT AND AUTHORIZE CIRCULATION TO PROSPECTIVE CONSULTANTS

Bruce Buel, General Manager, provided the Board and the public with a copy of a document from Director Eby titled "Alternative Rate Structures Considerations". He explained the proposed RFP provided in the Board packet. The RFP provides for a number of considerations for possible rates for 2010 – 2012.

Director Eby suggested that the District should wait for the rate study until after the assessment district election is complete. It could jeopardize the assessment vote. Also, he suggested that objectives be included in the rate study.

The Board discussed the concepts in the document from Director Eby.

Director Vierheilg suggested separating the first paragraph in the proposed RFP by bullets for ease of reading.

Upon motion by Director Vierheilg and seconded by Director Winn, the Board agreed to authorize circulation of the proposed RFP, as edited, to prospective consultants. Vote 4-0 with Director Trotter being absent.

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

04:35:36

E-6) REVIEW PROPOSED AMENDMENTS TO DISTRICT MISSION STATEMENT AND VISION STATEMENT AND SET HEARING FOR ADOPTION

Bruce Buel, General Manager, presented the proposed amendments to the District's Mission Statement and Vision Statement.

The Board made one small edit.

**Vision Statement**

The District:

- has sufficient water supplies to meet current needs and is 'actively planning for and funding future needs
- has investments in our infrastructure to maintain reliable and efficient services,
- is practicing environmental stewardship to protect our resources,'
- has substantially upgraded and continues to upgrade water and wastewater systems to accommodate new water supplies and meet growth and regulatory requirements
- is sustaining a qualified, long-term and productive workforce to assure an effective organization
- continues conservative, well managed finances reaching incremental targeted reserve goals

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

E-6) REVIEW PROPOSED AMENDMENTS TO DISTRICT MISSION STATEMENT AND VISION STATEMENT AND SET HEARING FOR ADOPTION (CONTINUED)

**Vision Statement**

The District:

- customer service, public outreach and information methods have resulted in a high level of public support
- is utilizing proven technologies to enhance the performance of our Mission
- has improved relationships with local agencies, regulators and providers
- has constructed and is operating at least one neighborhood park

**Mission Statement**

The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed to the statements as edited and set April 8, 2009, to consider adoption. There was no public comment. Vote 4-0 with Director Trotter being absent.

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

04:39:57

F. MANAGER'S REPORT

Bruce Buel, General Manager, added to the Manager's Report as presented in the Board letter: The Board of Supervisors' action at the March 24, 2009, concerning Miller Park, will be an item on the April 8<sup>th</sup> meeting.  
Mr. Buel answered questions from the Board.

04:48:08

G. COMMITTEE REPORT

1. March 16, 2009 Finance and Audit Committee Meeting

The Committee Report is as submitted.  
Director Eby reported that at the Supplemental Water Committee held Monday, March 23, 2009, new concerns were discussed:

- Real estate acquisition cost - not in the report
- Mitigation costs
- Crossing of levee could be a coordination problem as the new levee design and construction could conflict with the pipeline project.

Peter Sevcik, District Engineer, stated that the Santa Barbara Flood Control District is coordinating with our District.

04:53:41

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- He suggested that in the future evaluation of conservation program surveys should be followed up by telephone calls.
- Now that the MOU is approved for the proposed park, what are the next steps the District should be taking?
- Look into LAIF funds
- NMMA Technical Group – there have been some unauthorized disclosures of the minutes of the meeting. Mr. Seitz stated that it is okay to post the agenda but not the minutes.

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- What is the water counsel schedule to discuss water problems? Mr. Buel stated that it is tentatively scheduled for April 29<sup>th</sup> when it is planned to have other items discussed, as well.
- Clean-Up Day was supposed to be two times per year but earlier in this meeting it was mentioned that it would only be once due to lack of response. Please follow up on contract.

Director Eby

Would like to discuss security of LAIF funds and alternate placement of investments at a future meeting.

ADJOURN

President Harrison adjourned the meeting at 2:41 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS APRIL 8, 2009**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Waterline Intertie Project (WIP) Concept Design Review
- Hearing on WIP FEIR Findings
- WIP Assessment Engineering Research

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BAB*  
DATE: APRIL 3, 2009

**AGENDA ITEM**  
**D-3**  
**APRIL 8, 2009**

**INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS  
FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1**

**ITEM**

Resolution initiating proceedings for annual levy of Street Landscape Maintenance District No. 1

**BACKGROUND**

In 2003, the Board of Directors formed Street Landscape Maintenance District No. 1 to provide the street landscape maintenance for Tract 2409 (Sculpture Homes located on Vista Verde and Ida Street). The Street Landscape Maintenance District was formed under Government Code Section 61601.20 and the Landscaping and Lighting Act of 1972.

Annually, NCSD must follow the procedures outlined in the Government Code and Prop. 218 to levy the assessment on each of the 28 property owners. In order to proceed, the attached Resolution should be adopted to initiate the proceedings and appoint Peter Sevcik, District Engineer, as the assessment engineer.

**RECOMMENDATION**

Staff recommends adoption of Resolution 2009-lmd initiation

**ATTACHMENT**

Resolution 2009-LMD Initiation

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2009-lmd initiation**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL  
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR  
FISCAL YEAR 2009-2010 PURSUANT TO THE PROVISIONS OF PART 2 OF  
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

**WHEREAS**, the Nipomo Community Services District Board of Directors ("NCSD") has, by previous Petition and Resolution, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") pursuant to the provisions of Government Code §61601.20 and the Landscaping and Lighting Act of 1772 (hereinafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the installation, planting and maintenance of landscaping within public streets, right of ways or easements within the Nipomo Community Services District; and

**WHEREAS**, Street Landscape Maintenance District No. 1 and the associated assessments are in compliance with the provisions of California Constitution Article XIIIID; and

**WHEREAS**, the NCSD has appointed Peter Sevcik, a registered engineer, as assessment engineer for the purpose of assisting with the Annual Levy of the Street Landscape Maintenance District No. 1 and to prepare and file a report in accordance with the Act.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of the Nipomo Community Services District for the Nipomo Street Landscape Maintenance District No. 1, as follows:

**SECTION 1:** The NCSD hereby initiates proceedings for annual levy of assessments for Street Landscape Maintenance District No. 1 for Fiscal Year 2009-2010 pursuant to the provisions of the Act.

**SECTION 2:** The improvements within Street Landscape Maintenance District No. 1 include: trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities and including irrigation system within the Street Landscape Maintenance District No. 1. The Board of Directors does not anticipate new improvements or substantial changes in existing improvements.

**SECTION 3: Engineer's Annual Levy Report:** The NCSD Board of Directors hereby orders that Peter Sevcik, District Engineer prepare the Engineer's Annual Levy Report concerning the levy of assessments for Street Landscape Maintenance District No. 1 in accordance with *Chapter 3, Section 22622* of the Act.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 8<sup>th</sup> day of April, 2009, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Harrison, President  
Board of Directors  
Nipomo Community Services District

ATTEST:

APPROVED:

\_\_\_\_\_  
Donna K. Johnson, Board Secretary  
Nipomo Community Services District

\_\_\_\_\_  
Jon S. Seitz, District Legal Counsel  
Nipomo Community Services District

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BB*  
DATE: APRIL 3, 2009

**AGENDA ITEM  
D-4  
APRIL 8, 2009**

SET DISCUSSION RE REGULATION OF MUTUAL WATER COMPANIES

**ITEM**

Set discussion re regulation of mutual water companies [ADD ITEM TO MAY 13, 2009 AGENDA]

**BACKGROUND**

Jim Markman is available to participate in the May 13<sup>th</sup> Board Meeting to discuss options for regulation of Mutual Water Companies.

**FISCAL IMPACT**

Staff estimates the cost of the two day consultation at \$2,000. Funds are available in this year's water fund consulting services line item.

**RECOMMENDATION**

Staff recommends that the Board add this item to the May 13, 2009 Meeting Agenda.

**ATTACHMENTS - NONE**

t:\documents\board matters\board meetings\board letter 2009\Mutual Water Company.doc