

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: APRIL 17, 2009

**AGENDA ITEM
D
APRIL 22, 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 4/8/08 Regular Meeting
- D-3) AMEND INSPECTOR/PREVENTATIVE MAINTENANCE SUPERVISOR JOB
DESCRIPTION [ADOPT RESOLUTION]
- D-4) ADOPT IDENTITY THEFT PREVENTION PROGRAM [ADOPT RESOLUTION]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\CONSENT AGENDA\CONSENT 04-22-09.DOC

TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL *BBB*
 DATE: APRIL 17, 2009

**AGENDA ITEM
 D-1
 APRIL 22, 2009**

**TOTAL COMPUTER
 CHECKS
 \$ 297,431.10**

HAND WRITTEN CHECKS

04-06-09	19892	CHEVRON & TEXACO	1,610.86
04-07-09	19893	C TROTTER	100.00
04-07-09	19894	L VIERHEILIG	100.00
04-08-09	19895	POSTMASTER	294.00
04-08-09	19897	EMPLOYMENT DEV DEPT	4,176.99
04-13-09	19898	J HARRISON	100.00
04-13-09	19899	L VIERHEILIG	100.00
04-15-09	19900	AMERIPRIDE	181.59

VOID - 19896, 16347

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
16380	04/17/09	EMP01	EMPLOYMENT DEVELOP DEPT	897.38	.00	897.38	A90413	STATE INCOME TAX
16381	04/17/09	MID01	RABOBANK-PAYROLL TAX DEPO	2929.72	.00	2929.72	A90413	FEDERAL INCOME TAX
				813.72	.00	813.72	1A90413	MEDICARE (FICA)
			Check Total.....	3743.44	.00	3743.44		
16382	04/17/09	MID02	RABOBANK-DIRECT DEPOSIT	24663.30	.00	24663.30	A90413	NET PAY
16383	04/17/09	PER01	PERS RETIREMENT	7639.99	.00	7639.99	A90413	PERS PAYROLL REMITTANCE
16384	04/17/09	STA01	ING-PERS 457 DEFERRED COM	980.00	.00	980.00	A90413	457 DEFERRED COMP
016385	04/22/09	ABA01	ABALONE COAST BACTERIOLOG	20.00	.00	20.00	09-678	BL WWTF LAB
				20.00	.00	20.00	09-685	BL WWTF LAB
				20.00	.00	20.00	09-693	BL WWTF LAB
				176.00	.00	176.00	09-694	TOWN WWTF LAB
				175.00	.00	175.00	09-696	WATER SAMPLES
				20.00	.00	20.00	09-704	BL WWTF LAB
				20.00	.00	20.00	09-714	BL WWTF LAB
			Check Total.....	451.00	.00	451.00		
016386	04/22/09	AEC01	AECOM USA INC	81497.12	.00	81497.12	7051699	WIP DESIGN
				907.20	.00	907.20	7051708	WWTF UPGRADE SOLAR POWER
				1263.60	.00	1263.60	7052705	PCI TR 2642
				542.70	.00	542.70	7052767	WATER SYSTEM REGULATORY C
				5940.00	.00	5940.00	7052768	FRONTAGE RD SEWER MAIN RE
				2008.80	.00	2008.80	7052769	PCI 092-130-044
			Check Total.....	92159.42	.00	92159.42		
016387	04/22/09	AME03	AMERI PRIDE	113.37	.00	113.37	F740875	UNIFORMS ETC
				115.99	.00	115.99	F746396	UNIFORMS ETC
			Check Total.....	229.36	.00	229.36		
016388	04/22/09	AVC01	AVCO FIRE EXTINGUISHER C.	532.41	.00	532.41	040909	FIRE EXTING SERVICE
016389	04/22/09	BOG01	BOGNUDA, LISA	43.00	.00	43.00	040909	NOTARY FILING FEE
016390	04/22/09	BRE02	BRENTAG PACIFIC INC.	656.35	.00	656.35	BPI883482	CHLORINE
				343.17	.00	343.17	BPI883483	CHLORINE
			Check Total.....	999.52	.00	999.52		
016391	04/22/09	CAR04	CAR QUEST AUTO PARTS	273.58	.00	273.58	319993	BATTERIES
016392	04/22/09	CLA02	CLAY'S SEPTIC & JETTING	650.00	.00	650.00	38362	JETTING AMADO, OAKGLEN TE
016393	04/22/09	CLE06	CLEVER DUCKS	1431.25	.00	1431.25	7602	COMPUTER SUPPORT
				291.00	.00	291.00	7707	COMPUTER SUPPORT
			Check Total.....	1722.25	.00	1722.25		
016394	04/22/09	COR01	CORBIN WILLITS SYSTEMS	700.00	.00	700.00	A90331	COMPUTER SUPPORT
016395	04/22/09	DEP03	DEPT OF HEALTH SERVICES	700.00	.00	700.00	DAVISON 1	GRADE 1 DAVISON

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS APRIL 17, 2009**

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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
016396	04/22/09	EBY01	EBY, ED	100.00	.00	100.00	042209	REG BD MEETING 042209
016397	04/22/09	ENV04	ENVIROSCAPING INC	1070.00	.00	1070.00	12555B	ET IRRIGATION CONTROLLER
016398	04/22/09	FER01	FERGUSON ENTERPRISES INC	158.61	.00	158.61	1626388	SUPPLIES
016399	04/22/09	FGL01	FGL ENVIRONMENTAL	35.47	.00	35.47	902682A	WELL SAMPLE
				187.00	.00	187.00	902921A	TOWN WWTF LAB
				81.00	.00	81.00	902922A	BL WWTF LAB
			Check Total.....:	303.47	.00	303.47		
016400	04/22/09	FLO02	FLO SYSTEMS, INC.	1052.89	.00	1052.89	F10555	TOWN WWTF SUPPLIES
016401	04/22/09	FUG01	FUGRO WEST, INC.	27650.21	.00	27650.21	3596-4-3	SOUTHLAND DISCHARGE STUDY
				2600.00	.00	2600.00	3596-5-3	SOUTHLAND DISCHARGE STUDY
			Check Total.....:	30250.21	.00	30250.21		
016402	04/22/09	GAR01	GARING TAYLOR & ASSOC	290.00	.00	290.00	9625	PEER REVIEW WILLOW RD
016403	04/22/09	GAS02	GAS COMPANY, THE	80.33	.00	80.33	040209	GAS ENGINE
016404	04/22/09	GRA01	GRANDFLOW, INC.	998.02	.00	998.02	102244	DOOR HANGERS
016405	04/22/09	GRO01	GROENIGER & CO	145.12	.00	145.12	11008236	SUPPLIES
016406	04/22/09	HAM02	HAMNER JEWELL & ASSOCIATE	1450.00	.00	1450.00	4424	WATERLINE INTERTIE
016407	04/22/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	042209	REG BD MEETING 042209
016408	04/22/09	KAM01	KAMAN INDUSTRIAL TECH	91.16	.00	91.16	W942173	SUPPLIES
016409	04/22/09	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	44393B	LANDSCAPE MAINT FOR TR 24
				53.61	.00	53.61	44519B	REPAIR IRRIGATION PARTS
			Check Total.....:	267.61	.00	267.61		
016410	04/22/09	LIN02	LINC DELIVERY	242.00	.00	242.00	48143+	DELIVERY
016411	04/22/09	MOR02	MORE OFFICE SOLUTIONS	592.66	.00	592.66	479861	COPIER MAINT
				347.50	.00	347.50	480727	COPIER MAINT
			Check Total.....:	940.16	.00	940.16		
016412	04/22/09	MUL01	MULLAHEY FORD	116.95	.00	116.95	196261	07 FORD MAINT
016413	04/22/09	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	72537	PEST CONTROL
				49.00	.00	49.00	72538	PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
016414	04/22/09	ONE01	1-800-CONFERENCE	5.78	.00	5.78	630776	CONFERENCE CALL
016415	04/22/09	PER08	PERIMETER SECURITY SYSTEM	2711.00	.00	2711.00	358953	GATE INSTALLATION AT YARD
016416	04/22/09	PGE01	P G & E	38774.17	.00	38774.17	033009	ELECTRICITY 4449664603-3
016417	04/22/09	PRO02	PRO CARE JANITORIAL SUPPL	91.28	.00	91.28	29993	SHOP SUPPLIES
016418	04/22/09	QUI04	QUINN POWER SYSTEMS	1075.36	.00	1075.36	330004112	GENERATOR, ETC
016419	04/22/09	SAI01	SAIC	17127.55	.00	17127.55	5935-16	NMMA TECH GROUP
				23894.23	.00	23894.23	6630-03	HYDROLOGIC MONITORING PRO
				1078.75	.00	1078.75	9100-31	GENERAL CONSULTATION
			Check Total.....:	42100.53	.00	42100.53		
016420	04/22/09	SAN04	SANTA MARIA TIMES	68.25	.00	68.25	563700	PUBLIC NOTICE EIR
016421	04/22/09	SAN07	SANTA MARIA SUN	50.00	.00	50.00	109256	EMPLOYMENT AD
016422	04/22/09	SAN09	SAN LUIS MAILING SERVICE	53.38	.00	53.38	40064A	MAILING SECOND NOTICES
				199.08	.00	199.08	40064B	POSTAGE FOR SECOND NOTICE
				127.04	.00	127.04	40077A	MAILING BILLS
				619.37	.00	619.37	40077B	POSTAGE FOR BILLS

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS APRIL 17, 2009**

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
			Check Total.....:	998.87	.00	998.87		
016423	04/22/09	SOU03	SOUTH COUNTY SANITARY	863.11	.00	863.11	MARCH	SOLID WASTE LIENS
016424	04/22/09	STA03	STATEWIDE SAFETY & SIGNS	46.54	.00	46.54	69043	SUPPLIES
016425	04/22/09	TIT01	TITAN INDUSTRIAL & SAFETY	169.65	.00	169.65	1033857	SUPPLIES
016426	04/22/09	TOW01	TOWN & COUNTRY FENCING	1795.00	.00	1795.00	2493	FENCING-FOLKERT OAKS DRAI
016427	04/22/09	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	042209	REG BD MEETING 042209
016428	04/22/09	VAN01	VAN SCOYOC ASSOCIATES	4500.00	.00	4500.00	30584	LOBBYING SERVICES
016429	04/22/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	042209	REG BD MEETING 042209
016430	04/22/09	WAL01	WALLACE GROUP	2726.00	.00	2726.00	27567	GIS ATLAS
				1069.79	.00	1069.79	27568	GIS IMPLEMENTATION
				16344.25	.00	16344.25	27640	INTERTIE ASSESSMENT DATA
			Check Total.....:	20140.04	.00	20140.04		
016431	04/22/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	042209	REG BD MEETING 042209
016432	04/22/09	WOO01	DOUGLAS WOOD & ASSOCIATES	9471.36	.00	9471.36	12	WATERLINE INTERTIE EIR
016433	04/22/09	\G003	NIPOMO OAKS,	491.55	.00	491.55	000A90401	MQ CUSTOMER REFUND FOR GE
016434	04/22/09	\O003	JOANN OUTLAND REALITY,	53.43	.00	53.43	000A90401	MQ CUSTOMER REFUND FOR OU

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

DRAFT MINUTES APRIL 8, 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 its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00

A. CALL TO ORDER AND FLAG SALUTE

President Harrison 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.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PRESENTATIONS AND PUBLIC COMMENT

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

Commander Brian Hascall gave an update of the Sheriff's activities on the Nipomo Mesa. Within two days, there were two break-ins at the Smoker's Hut on West Tefft Street. The suspects were arrested with the stolen goods in their possession.

March 29th at 10:30 p.m. intoxicated young female found at the Oceano duck pond. One of the men from Nipomo with her was arrested. He allegedly kicked out the window of the squad car and is facing additional charges.

There was an armed robbery at the old Long's store. The owner suffered extensive injuries. A suspect has been arrested.

The driver of a white van had been reported as hanging around the Nipomo and Arroyo Grande schools and annoying children. A suspect has been arrested.

The Board thanked Commander Hascall for his report.

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE

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 March 2009, Nipomo Station #20 had a total of 121 calls: 11 fires, 31 vehicle accidents, 60 medical aids and 19 other calls.

Mesa Station #22 had a total of 65 calls: 5 fires, 4 vehicle accidents, 36 medical aids and 20 other calls.

The chipping program for the Nipomo area will be starting in April.

There were a couple of control burns that escaped. He reminded those who are allowed to do control burns to be especially careful on windy days. He also reminded the public that it is time for fuel clearance, 30-100 feet of clearance of all flammable vegetation around structures.

The Board thanked Chief Fisher for his presentation.

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

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 his activities for March 2009.

Mr. Sevcik answered questions from the Board concerning testing of the wells while pumping.

Mr. Sevcik stated that he attended a meeting of the California Water / Waste Water Network. He suggested the possibility of joining the organization.

The Board thanked Mr. Sevcik for his presentation

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Trotter

The Personnel Committee met Tuesday April 7, 2009. There will be an agenda item on the April 22 meeting concerning the item discussed.

Director Vierheilig

Saturday, April 11, 2009 – Workday at Nipomo Native Garden from 9-12. Bring gloves.

April 19, 2009 – Walking tour of the Nipomo Native Garden 1:00 p.m.

April 26, 2009 – Nipomo Wine, Flowers and Arts at Old Town Nursery. Contact the Nipomo Chamber of Commerce for information.

Director Eby

The NOAA report shows a higher than normal rainfall for early April.

The cost of silicon is dropping. The cost of solar panels is also expected drop.

SLO Land Conservancy Art Show will be held in the Octagon Barn for a \$20.00 donation.

Director Winn

Water Resources Advisor Committee (WRAC) and South County Advisory Committee (SCAC) will be looking at a General Plan Amendment to incorporate "smart growth" principles into the Framework for Planning. They have both formed sub-committees and will be preparing reports on those.

WRAC sub-committee met at NCSD on Monday, April 6th.

SLO County Board of Supervisors will be discussing Item C-3, concerning Framework for Planning and "Smart Growth" in their April 14 meeting.

WRAC Sub-Committee will be discussing Los Osos, which is important in principle to other places in the county.

Saturday, April 18, 2009 – Friends of Nipomo Library will be holding a book sale. It starts at 8:00 a.m. for members and 10:00 a.m. for the public and goes on until 3:00 p.m.

SCAC Land Use Committee will be holding an open meeting Monday, April 20, 2009, at 9:00am in the NCSD Boardroom. The public is welcome to attend.

April 21, 2009 - SLO Board of Supervisors will be looking for suggestions to revise their format for their Resource Management Survey.

Director Harrison

Nipomo Chamber of Commerce will be having Casino Night, April 18, 2009.

N.I.C.E. had a meeting with 104 people in attendance. The next meeting will be April 23rd.

The next Chamber of Commerce meeting will be April 30, 2009, with Supervisor Achadjian as the speaker.

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

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Tom Martin, Controller for the South County Sanitary Services, stated that Clean Up Week will be April 20-24. For large items, call the office. He invited members of the Board to take a tour of the recycling facilities.

D. CONSENT AGENDA

Bruce Buel, General Manager, informed the Board of two corrections needed. 1) Two minor edits in the resolution for in Item D-3. 2) In Item D-7, the Section 2.10 was added by District Counsel. Director Winn asked to have Item D-5 pulled for separate consideration. Director Harrison asked to have Item D-8 pulled for separate consideration.

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of 3/25/09 Regular Special Meeting

D-3) ADOPT RESOLUTION INITIATING FY09-10 LANDSCAPE MAINTENANCE ZONE #1 ENGINEERS REPORT

RESOLUTION NO. 2009-1132
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

D-4) SET DISCUSSION RE REGULATION OF MUTUAL WATER COMPANIES

D-6) EDIT DISTRICT MISSION STATEMENT AND VISION STATEMENT

D-7) AUTHORIZE EXECUTION OF MOU WITH SLO COUNTY RE GRANT FUNDING

Upon motion by Director Winn, and seconded by Director Eby, the Board unanimously approved Items D1, D2, D3, D4, D6, and D7 of the Consent Agenda, as revised. There was no public comment. Vote 5-0.

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

D-5) AUTHORIZE PURCHASE OF CONSERVE TRACK SOFTWARE

The Board listed some things about the proposed purchase of the software that were not answered in the Board letter. Further instructions were given to obtain more information about the purchase.

Celeste Whitlow, Water Conservation Coordinator, explained the proposed quote. She answered the Board's questions.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed to have this proposal brought back to a subsequent meeting with more specific information. There was no public comment. Vote 5-0

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

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

D-8) AUTHORIZE THE OPENING OF A CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SERVICE ACCOUNT AT MISSION COMMUNITY BANK

Lisa Bognuda, District Finance Director, explained the workings of the CDARS process. She answered questions from the Board.

Upon motion by Director Eby and seconded by Director Trotter, the Board adopted Resolution 2009-1133. Vote 3-2, with Directors Winn and Harrison voting no.

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

RESOLUTION NO. 2009-1133
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE OPENING OF A CERTIFICATE OF DEPOSIT ACCOUNT REGISTRY SERVICE (CDARS) ACCOUNT AT MISSION COMMUNITY BANK

The Board took a break at 10:26 a.m. and returned at 10:35 a.m.

01:26:59

E. ADMINISTRATIVE ITEMS

E-1) RECEIVE WATERLINE INTERTIE PROJECT CONCEPT DESIGN AND SCHEDULE ADOPTION

Bruce Buel, General Manager, explained that the report from AECOM is to give the Board the opportunity to ask questions concerning the Waterline Intertie Project design and possibly set a date for adoption.

Mike Nunley, AECOM Engineering Project Manager, introduced Eileen Shields, Josh Reynolds and Cesar Romero, who have been working on the waterline intertie project. Eileen Shields reviewed the some of the slides presented at the meeting. Copies were provided to members of the public and a copy is on file in the District office. She answered the Board's questions.

Josh Reynolds reviewed some remaining slides. He answered the Board's questions.

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously agreed to set May 13, 2009, to consider adoption of the final design of the intertie project with the edits, as suggested. There was no public comment. Vote 5-0.

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

The Board went into Closed Session next.

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

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

ESTATES VS. NCSD 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; NCSD VS. COUNTY OF SAN LUIS OBISPO, ET AL (CASE NO. CV090010)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:00 noon.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:15 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 taken.

02:52:41

E-2) RECEIVE WATERLINE INTERTIE PROJECT FINAL EIR AND DRAFT FINDINGS AND SCHEDULE CERTIFICATION [ORDER EDITS AND SET HEARING]

Bruce Buel, General Manager. Explained that comments have been received from the previously distributed copies of the Waterline Intertie Project Final EIR. A set of rough draft findings were included in the Board packet and posted on the website, as well. Further requests were made by Harold Snyder and Bill Petrick.

Doug Wood, principal of Douglas Wood and Associates, summarized the Final EIR and discussed the process for certification, according to CEQA guidelines.

Director Eby asked if AECOM's naming of the construction phases might change the face of the EIR.

Mr. Wood explained that as long as the over-all impacts of the project have not changed, the EIR is valid as written.

The Board discussed what could be included in the report.

Director Winn suggested that the word "over-draft" be replaced with the word "over-pumped" where appropriate, since the court ruled there is no basin-wide overdraft.

The following members of the public spoke:

Bill Petrick, NCSD resident – stated that he felt the responses to his comments were unresponsive and dismissive. The EIR needs to look at realistic data of water delivery and what is the impact on reliability and quality.

John Snyder, Nipomo resident – If NCSD won the lawsuit, where are NCSD's water rights?

Mr. Wood responded to the public comments.

The data in the EIR relate to water supply and quality

Director Eby stated that an EIR is not required or expected to justify a project.

Upon motion by Director Vierheilig and seconded by Director Winn, the Board agreed to set April 22, 2009, to consider certification of the FEIR. Vote 5-0.

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

MINUTES SUBJECT TO BOARD APPROVAL

The Board considered E-4 next.

03:37:11

E-4) REVIEW STATE AND NIPOMO DROUGHT STATUS AND DISCUSS RESPONSE PLAN

Bruce Buel, General Manager, explained that the California Department of Water Resources has not yet released its findings to evaluate the statewide drought status. Thus far in Water Year 2008-09, the Nipomo Mesa has received approximately 8.4 inches of rain compared to the mean annual precipitation of 16.7 inches.

Director Trotter asked what other cities and communities are doing.

Mr. Buel stated that San Luis Obispo has an odd/even watering scheme. Other entities in the county have started restricting water use.

Director Winn suggested reconvening the water conservation sub-committee

The Board discussed:

- o What can the District do that can alleviate the problem?
- o Keep supplying at a lesser level.
- o What are others on the Mesa doing to conserve water?
- o Implement a three-tiered commodityrate system.
- o District conservation will only affect 30% of the people.

There was no public comment.

The Board considered E-8 next.

03:54:00

E-8) AUTHORIZE SUBMITTAL OF COMMENTS TO SLO COUNTY RE: STRATEGIC GROWTH AMENDMENTS

Bruce Buel, General Manager, distributed copies of notes titled "Some Concerns about the GPA amending the Framework for Planning to Incorporated Smart Growth Principles (Comments keyed to agenda item C-3 on the Board of Supervisors meeting of March 24, 2009)" Director Winn explained some of the changes proposed by the SLO County Board of Supervisors.

The Board discussed the proposed amendments and agreed with Director Winn's comments.

Director Trotter left the meeting at 2:26 p.m.

Upon motion by Director Vierheilig and seconded by Director Winn, the Board directed Director Winn to present his comments to the SLO Board of Supervisors at its next meeting. There was no public comment. Vote 4-0, with Director Trotter being absent.

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

The Board considered E-3 next.

04:10:32

E-3) REVIEW ACTION BY SLO COUNTY BOARD OF SUPERVISORS TO APPROVE MILLER PARK MOU AND DISCUSS NEXT STEPS

Bruce Buel, General Manager, explained that on March 24, 2009, the SLO County Board of Supervisors adopted the Memorandum of Understanding between the County of San Luis Obispo and the Nipomo Community Services District regarding the transfer of ownership in County-owned real property. NCSD will be responsible for dissolving the old water well easement and for recording a new easement for the Tefft Street Lift Station, for preparing a design for the park, for arranging for long-term funding for park operations and securing LAFCO activation of NCSD's latent parks power.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-3) REVIEW ACTION BY SLO COUNTY BOARD OF SUPERVISORS TO APPROVE MILLER PARK MOU AND DISCUSS NEXT STEPS (CONTINUED)

The following member of the public spoke:

Ed Kister, NCSD resident, asked what could cost almost a million dollars.

Mr. Buel stated that the preliminary design has been posted in the Board packet. A copy of the item is available on the back table.

The Board discussed that the work must be completed with prevailing wages, which drives the cost upward.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board directed staff to continue with the process and set May 27, 2009, as the date to discuss the Draft Financial Plan, initiation of the formation of a zone of benefit, application to LAFCO for activation of parks authority.

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

The Board took a break at 2:49 p.m. and returned at 2:58 p.m.

04:

E-5) REVIEW RESPONSES TO REQUEST FOR PROPOSALS FOR PREPARATION OF SOUTHLAND WWTF UPGRADE EIR AND AUTHORIZE EXECUTION OF AGREEMENT

Bruce Buel, General Manager, reported that staff mailed out an RFP to different constituents. Three firms submitted proposals for preparation of an environmental impact report for the Southland Wastewater Treatment Facility Upgrade project. Staff ranked Doug Wood's proposal the highest of the three.

When asked why CEQA required an EIR for replacing an existing sewer line, Jon Seitz, District Legal Counsel, stated it is because of the dramatic increase in the capacity of the line.

Director Winn urged staff to include in future RFP performance criteria to eliminate companies with a record of poor quality work.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to select Douglas Wood and Associates, Inc., to perform the requested services and authorized the General Manager to execute a services agreement on a time-and-materials basis with a not-to-exceed expenditure limit of \$85,560. There was no public comment. Vote 4-0, with Director Trotter being absent for the vote.

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

Mr. Wood thanked the Board.

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

04:43:42

E-6) INTRODUCE, EDIT & READ BY TITLE ORDINANCE PROVIDING FOR PHASING OF CAPACITY CHARGE PAYMENTS FOR LARGE COMMERCIAL PROJECTS

Peter Sevcik, District Engineer, explained that staff presented possible code changes for an ordinance to allow phasing payment of fees for large commercial projects.

The Board had some minor edits. There was no public comment.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to introduce the proposed ordinance and have the ordinance read by title only. Vote 4-0, with Director Trotter being absent for the vote.

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

Jon Seitz, District Legal Counsel, read the proposed ordinance by title only.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to set the second reading for April 22, 2009. Vote 4-0, with Director Trotter being absent for the vote.

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

04:55:52

E-7) AMEND AND RESTATE RESOLUTION 96-592 TO FACILITATE COMMUNICATIONS WITH CONSTITUENTS [ADOPT RESOLUTION]

Bruce Buel, General Manager, explained that the Board directed staff to propose one or more mechanisms for improved communications with the Blacklake area. A resolution was crafted, forming a Blacklake Communications Committee. The Board discussed minor edits to the proposed resolution.

The following member of the public spoke:

Bill Petrick, BLMA President – stated that no one at Blacklake was called to inform them of this meeting. He asked to be given a heads up on item of concern to the Blacklake residents.

General Manager Buel stated that notice had been e-mailed.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2009-1134, as amended. Vote 4-0, with Director Trotter being absent for the vote.

**RESOLUTION NO. 2009-1134
RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT PROVIDING FOR
COMMUNICATIONS BETWEEN THE DISTRICT AND BLACKLAKE CONSTITUENTS**

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

05:17:15

F. MANAGER'S REPORT

Bruce Buel, General Manager, stated that the Manager's Report is as submitted with a few additions.

Congresswoman Lois Capps has honored the District's two million dollar request and has ranked us first in her appropriations requests.

District lobbyist Greg Burns will visit NCSD at the next meeting.

Economic stimulus money requests have been overwhelming. The rankings were supposed to be released but have been postponed until April 20th.

05:21:57

G. COMMITTEE REPORT**1. 3/23/09 SWP Committee Meeting**

The Committee Report is as submitted.

There was no public comment.

05:22:17

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTSDirector Vierheilig

Would like to get an update of the Investment Policy delivered.

Design for the Willow Road extension interchange design must be completed by September.

Peter Sevcik, District Engineer, stated that the District is working with Cannon on design. The Willow Road funds must be committed by September 2010.

Director Eby

Graffiti powers – how can NCSD adopt such powers and be self-funded in concurrence with park powers?

Director Winn

Well-testing protocols

Tour of Solid Waste Facility

Volume 2 Pipeline – would like a CD of SAIC Technical memos & AECOM Technical Memos

Circulate the "Short List" of sources and standards for government – laws, SBs and ABs.

Were water and sewer connections made when the culvert was built across Thompson Avenue? Staff responded that they were not.

Director Harrison

Would like to plan a tour of the solid waste facility, as suggested by Mr. Tom Martin.

ADJOURN

President Harrison adjourned the meeting at 4:11 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS APRIL 22, 2009**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Discuss Basis of Assessment for WIP Funding
- Certify WIP FEIR

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: APRIL 17, 2009



AMEND INSPECTOR/PREVENTIVE MAINTENANCE SUPERVISOR JOB DESCRIPTION

ITEM

Amend Inspector/Preventive Maintenance Supervisor job description [ADOPT RESOLUTION]

BACKGROUND

The Personnel Committee met on April 7, 2009, to review the Inspector/Preventive Maintenance Supervisor job description.

NCSD has advertised twice in the past six months for an Inspector/Preventive Maintenance Supervisor. The latest application deadline closed on March 31, 2009. NCSD received six applications, however, none of the six met the certification requirements. It appears that the required certifications of the position may be the limiting factor in attracting applicants.

The majority of the applicants possessed the Grade I Water Operator Certification but lacked the Grade I Wastewater Treatment Certification.

Staff recommended the Committee consider amending the certification requirement to require the Grade I Water Distribution Certification from the State of California and state that the Grade I Wastewater Plant Operator Certificate as issued by the California State Water Resources Control Board is highly desirable rather than required.

The Personnel Committee unanimously approved recommending to the Board of Directors that the job description be amended.

FISCAL IMPACT - NONE

RECOMMENDATION

Staff recommends that the Board adopt the attached Resolution.

ATTACHMENTS

- Resolution

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-1085**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY TO
REVISE INSPECTOR/PREVENTIVE MAINTENANCE SUPERVISOR JOB DESCRIPTION**

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, pursuant to District Resolution 2007-1018, the District Board of Directors adopted the NCS District Personnel Policies and Procedures; and

WHEREAS, the District Board of Directors desires to revise the Inspector/Preventive Maintenance Supervisor job description licensing requirement; and

WHEREAS, the job description for the Inspector/Preventive Maintenance Supervisor currently states the following license is required:

Grade I Wastewater Treatment Plant Operator Certificate as issued by the California State Department of Health Services and/or California State Water Resources Control Board

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

Grade I Wastewater Treatment Plant Operator Certificate issued by the California State Water Resources Control Board is highly desirable.

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

AYES:
NOES:
ABSENT:
CONFLICTS:

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 22nd day of April, 2009.

James Harrison, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

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TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BSB*
DATE: APRIL 17, 2009



ADOPT IDENTITY THEFT PREVENTION PROGRAM

ITEM

Adopt Identity Theft Prevention Program [ADOPT RESOLUTION]

BACKGROUND

The Federal Trade Commission adopted the Red Flag Rules that require certain financial institutions and creditors with "covered accounts" to prepare, adopt and implement an identity theft prevention program to identify, detect, respond to and mitigate patterns, practices and specific activities which could indicate identity theft.

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

A covered account means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that the financial institution or creditor offers or maintains for which there is reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A red flag means a pattern, practice or specific activity that indicates the possible existence of identity theft.

The rule defined credit as deferring payment for goods and services. "Utilities" were given as a specific example of one type of "creditor".

The only information NCSD requires to open a new account is the Property Owner Name or Authorized Agent, Billing Address, Mailing Address and Telephone Number. If the customer requests Auto Pay, they must provide NCSD with their checking/savings account number.

NCSD Ordinances require the following:

1. Application for service shall be made by the property owner or a bona fide nonresident property manager (authorized agent). A tenant is not allowed to apply for service.
2. The owner of the property which is furnished the service is the customer and shall be responsible for the payment of all rates, charges and fees, including penalties, thereon regarding such furnished services.

Since NCSD Ordinances provide Staff with an effective means of collection without having to use a collection agency or other collection methods, sensitive customer information such as driver's license number and social security numbers are not necessary.

ADOPT IDENTITY THEFT PREVENTION PROGRAM

PAGE 2

APRIL 22, 2009

Staff has prepared an Identity Theft Prevention Program (ITTP) based on a model provided to us by the National Rural Water Associates. The ITTP has been tailored to NCSD based on our Ordinances. The ITTP requires an annual report be submitted to the Board of Directors and recommendations for changes to the program, if any, be submitted at that time.

FISCAL IMPACT - NONE

RECOMMENDATION

Staff recommends that the Board of Directors adopt Resolution

ATTACHMENTS

- Resolution and Exhibit "A"

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-red flag rules**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AND ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM (ITPP)**

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 Fair and Accurate Credit Transactions Act of 2003, Pub. L. 108-159, ("Red Flags Rule") requires certain financial institutions and creditors with "covered accounts" to prepare, adopt, and implement an identity theft prevention program to identify, detect, respond to and mitigate patterns, practices or specific activities which could indicate identity theft; and

WHEREAS, the District maintains certain continuing accounts with utility service customers and for other purposes which involve multiple payments or transactions, and such accounts are "covered accounts" within the meaning of the Red Flags Rules; and

WHEREAS, to comply with the Red Flags Rule, District Staff has prepared an Identity Theft Prevention Program attached hereto as Exhibit "A".

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

1. The Identity Theft Prevention Program attached as Exhibit "A" is hereby approved and adopted.
2. District Staff are hereby authorized and directed to implement the ITPP in accordance with its terms.

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

AYES:
NOES:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this 22nd day of April, 2009.

JAMES HARRISON
President of the Board

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

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EXHIBIT "A"

NIPOMO COMMUNITY SERVICES DISTRICT

IDENTITY THEFT PREVENTION PROGRAM (ITPP)

This Program is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, methods to ensure existing accounts were not opened using false information, and measures to respond to such events.

Risk Assessment

The Nipomo Community Services District (NCSD) has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information NCSD was able to identify red flags that were appropriate to prevent identity theft.

- New accounts opened In Person
 - New accounts opened via Fax
 - Account information accessed In Person
 - Account information accessed via Telephone (Person)
 - Identity theft occurred in the past from someone falsely opening a utility account
-

Detection (Red Flags):

The NCSD adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary.

- Information is inconsistent with information provided by applicant.
 - Information provided by applicant is inconsistent with information on file.
 - Application appears altered or destroyed and reassembled.
 - Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application).
 - Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager).
 - Address, or telephone # is the same as that of other customer at utility
 - Customer fails to provide all information requested
 - Change of address for an account followed by a request to change the account holder's name.
 - Payments stop on an otherwise consistently up-to-date account.
 - Mail sent to the account holder is repeatedly returned as undeliverable.
 - Identity theft is reported or discovered.
-

EXHIBIT "A"

NIPOMO COMMUNITY SERVICES DISTRICT IDENTITY THEFT PREVENTION PROGRAM (ITPP)

Response

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the General Manager.

- Ask applicant for additional documentation.
- Notify General Manager. Any NCSD employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the General Manager.
- Notify law enforcement: NCSD will notify SLO County Sheriff at 805-781-4450 of any attempted or actual identity theft.
- Do not open the account.
- Close the account.

Personal Information Security Procedures:

The NCSD adopts the following security procedures

1. Ensure complete and secure destruction of paper documents and computer files containing customer information.
2. Ensure that office computers are password protected and that computer screens lock after a set period of time.
3. Keep offices clear of papers containing customer information.
4. Ensure computer virus protection is up to date.
5. Require and keep only the kinds of customer information that are necessary for utility purposes.
6. Check references or do background checks before hiring employees who will have access to sensitive data.
7. New employees sign an agreement to follow NCSD's confidentiality and security standards for handling sensitive data.
8. Employees who violate security policy are subjected to discipline, up to, and including dismissal.
9. Paper records will be placed in the confidential shredding canister for professional destruction.

EXHIBIT "A"

NIPOMO COMMUNITY SERVICES DISTRICT IDENTITY THEFT PREVENTION PROGRAM (ITPP)

Staff Training and Reports

NCSD is responsible for implementing the Program and shall train its staff in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

Identity Theft Prevention Program Review and Approval

This plan has been reviewed and adopted by the NCSD Board of Directors. Appropriate employees have been trained on the contents and procedures of this Identity Theft Prevention Program.

A report will be prepared annually and submitted to the governing body to include matter related to the program, the effectiveness of the policies and procedures, a summary of any identify theft incidents and the response to the incident, and recommendations for substantial changes to the program, if any.