

NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, June 3, 2009

9:00 A. M.

SPECIAL MEETING AGENDA AND NOTICE

BOARD of DIRECTORS

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

PRINCIPAL STAFF

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

MEETING LOCATION

District Board Room
148 S. Wilson Street
Nipomo, California

Public Comment will be received on Agenda Items

- A. CALL TO ORDER, ROLL CALL, AND FLAG SALUTE
- B. INTERVIEW PROSPECTIVE CANDIDATES TO FILL VACANT DIRECTOR SEAT
BOARD ACTION REQUESTED: Set Item re Selection to June 10, 2009 Agenda
- C. CONSIDER INITIAL BENEFIT ADJUSTMENT FOR INSPECTOR/PREVENTIVE MAINTENANCE SUPERVISOR
BOARD ACTION REQUESTED: Provide direction to Staff
- D. ADJOURNMENT

*** End Special Meeting Notice ***

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: MAY 29, 2009



INTERVIEW PROSPECTIVE CANDIDATES TO FILL VACANT DIRECTOR SEAT

ITEM

Interview prospective candidates to fill vacant director seat

BACKGROUND

Director Trotter resigned on April 25, 2009, due to health issues. The Board of Directors may appoint a director to complete Mr. Trotter's term of office which expires in December of 2010.

Interested candidates were asked to submit a letter of interest to the District by May 29, 2009. As of the time of publication of this item, the District received three letters of interest. The letters of interest are from Mr. Richard Mobraaten, Mr. W.J. (Bill) Nelson and Mr. Ernie Thompson.

The Board of Directors will interview the prospective candidates and the selection will be made on June 10, 2009.

FISCAL IMPACT

Estimated cost of the special meeting is \$600.

RECOMMENDATION

Staff recommends that the Board of Directors direct Staff to place the selection of the candidate to fill the vacant director set on the June 10, 2009, agenda.

ATTACHMENTS

- Letter of Interest from Candidate Mobraaten
- Letter of Interest from Candidate Nelson
- Letter of Interest from Candidate Thompson
- Excerpts from Government Code relating to Director Vacancies

t:\documents\board matters\board meetings\board letter 2009\interviews.doc

N.C.S.D. BOARD OF DIRECTORS

I, RICHARD MOBRAATEN, WISH TO BE APPOINTED TO FILL THE REMAINING TERM ON THE BOARD DUE TO MR. TROTTER'S RESIGNATION.

AS YOU KNOW I HAVE PREVIOUSLY SERVED 4 YEARS ON THE BOARD. I STILL HAVE NO COMMITMENTS TO ANY AGENCY, DEVELOPER, LAND OWNER, CONSTRUCTION COMPANY, OR SPECIAL INTERESTS GROUP.

MY VARIED ENGINEERING POSITIONS COVERED A MULTITUDE OF RESPONSIBILITIES: PRE DESIGN OF THE F 106 FIGHTER PROGRAM, MECHANICAL LIAISON ENGINEER ON ATLAS HORIZONTAL AND SILO MISSILE LAUNCH SITES, QUALITY TEST ENGINEER ON THE TITAN 2 MISSILE ENGINES, AND OTHER STATE OF THE ART ROCKET ENGINES. THEN A BIG SWITCH FROM SECRET CLEARANCE JOBS TO OUTSIDE PLANT ENGINEER FOR PACIFIC TELEPHONE COMPANY FROM WHICH I RETIRED FROM IN 1987. I DID CONTRACT ENGINEERING FOR A TELEPHONE ENGINEERING FIRM AFTERWARDS.

WITH MY PREVIOUS EXPERIENCE ON THE BOARD, INCLUDING ONE YEAR AS PRESIDENT, AND MY PERSONAL EXPERIENCES, I FEEL I WOULD BE AN ASSET TO THE N.C.S.D. ON HELPING MAKE FAIR AND INDEPENDENT DECISIONS ON DIFFICULT SITUATIONS ARRIVING FROM TIME TO TIME AND TO ACCOMPLISH THE FULFILLMENT OF YOUR MISSION STATEMENT.

I DO BELIEVE THAT EVERYBODY WITHIN THE N.C.S.D. IS ENTITLED TO BE SERVED WITH WATER AND IF IN THE SEWER AREA, SEWER. TO ME THAT IS THE PRIME EXISTENCE OF THE N.C.S.D.

I HAVE ATTENDED SEVERAL MEETINGS THESE PAST YEARS AND HAVE RECEIVED THE AGENDA NOTICES ON ALL YOUR REGULAR AND SPECIAL MEETINGS TO STAY ABREAST OF THE EVENTS GOING ON WITH IN THE N.C.S.D.


RICHARD MOBRAATEN

RECEIVED
MAY 29 2009
NIPOMO COMMUNITY
SERVICES DISTRICT

To: Nipomo Community Service District
148 South Wilson Street
Nipomo, Ca 93444

4 May 2009

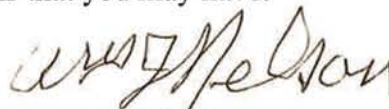
I would like to be considered to fill out the balance of the current term for the seat on the Nipomo Community Service District caused by the resignation of Cliff Trotter. I believe that I am well acquainted with the problems and policies of the District since I have attended nearly all of the NCS D Board meetings and a number of their committee meetings during the past three years. I was actively engaged in the process to combine the Blacklake Village Water Plant with the Nipomo Water Plant

Before moving to Nipomo I served for nearly thirteen years on a Brown Act Advisory Committee to a Sanitation District where the Board of Directors was the Nevada County Board of Supervisors. This Sanitation District operated nine different Waste Water Treatment Plants throughout Nevada County.

I was an Army Ordnance Officer for twenty eight years involved in the development, production, and field support of army weapons and vehicles from WWII to Vietnam. Following my time in the Army I was employed for nearly fifteen years by Hughes Aircraft Company in Los Angeles as a Project Engineer and a Business Manager. I have a Masters Degree and a Bachelor Degree in Electrical Engineering along with two years of Chemical Engineering.

I was born and raised in the small farming community of Waupaca in one of the sand counties of central Wisconsin. After attending the University of Wisconsin for two years I entered the US Military Academy at West Point and was commissioned as a Second Lieutenant June 6, 1944. I am married with four adult children and have lived in the Blacklake Village in Nipomo for the past four years. I am a registered voter in the County of San Luis Obispo

I am available to answer any additional questions that you may have.



W.J.(Bill) Nelson
640 Shelter Ridge Pl
Nipomo, CA 93444
(805) 931-0594

RECEIVED

MAY 04 2009

NIPOMO COMMUNITY
SERVICES DISTRICT

May 15, 2009

BOARD OF DIRECTORS: I request to be considered for the vacancy on the board. I feel I would be an asset to the community in helping to deliver safe drinking water to all in the N C S D area. As a retired empolee; I feel I could better serve the people of this community. Thanking you for your consideration:ERNIE THOMPSON; 734 citrus ln. Nipomo.ca. 93444 {1-805-929-6438}

Ernie Thompson

RECEIVED
MAY 15 2009
**NIPOMO COMMUNITY
SERVICES DISTRICT**

**NCSD LEGAL RESEARCH:
DIRECTOR VACANCIES**

GOVERNMENT CODE

Division 3. Community Services Districts

Chapter 1. Introductory Provisions

§ 61008. Elections; law governing

(a) Except as otherwise provided in this division, districts are subject to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.

(b) A board of directors may require that the election of members to the board of directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.

(c) A district may conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000) of the Elections Code.

(d) A district may hold advisory elections pursuant to Section 9603 of the Elections Code.

Chapter 3. Board Of Directors

§ 61040. Members; duties; eligibility; representation of interests; dual officeholding

(a) A legislative body of five members known as the board of directors shall govern each district. The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall not be considered an incompatible office with service as a member of a board of directors.

(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.

§ 61042. Terms; vacancies

(a) The term of office of each member of a board of directors is four years or until his or her successor qualifies and takes office. Directors shall take office at noon on the first Friday in December following their election.

(b) For districts formed before January 1, 2006, where the members of the board of directors are not serving staggered terms, at the first meeting after January 1, 2006, the members shall classify themselves by lot into two classes. One class shall have three members and the other class shall have two members. For the class that has three members, the terms of the offices that begin

after the next general district election shall be four years. For the class that has two members, the initial terms of the offices that begin after the next general district election shall be two years.

Thereafter, the terms of all members shall be four years.

(c) Any vacancy in the office of a member elected to a board of directors shall be filled pursuant to Section 1780.

Division 4. Public Officers and Employees

Chapter 4. Resignations and Vacancies

Article 1 Resignations

§ 1750. Manner of making

§ 1750.5. Informing Governor of certain resignations and appointments

Article 1 Resignations

§ 1750. Manner of making

Resignations shall be in writing, and made as follows:

(a) By the Governor and Lieutenant Governor, to the Legislature, if it is in session; and if not, then to the Secretary of State.

(b) By all officers commissioned by the Governor, to the Governor.

(c) By Senators and Members of the Assembly, to the presiding officers of their respective houses, who shall immediately transmit the resignation to the Governor.

(d) By all officers of a county or judicial district or **special district** other than an air pollution control district which includes territory in more than one county or a school district, not commissioned by the Governor, to the clerk of the board of supervisors of their respective counties, unless by the terms of the act under which a district is formed appointment to vacancies is made by other than

the board of supervisors, **in which case the resignation shall be submitted to the appointing body.**

(e) By officers of a municipal corporation, to the clerk of the legislative body of their corporation.

(f) By all other appointed officers, to the body or officer that appointed them.

§ 1752. Eligibility for appointment to vacancy

(a) Except as provided in subdivision (b), no person elected or appointed to the governing body of any city, county, or district having an elected governing body, shall be appointed to fill any vacancy on such governing body during the term for which he or she was elected or appointed.

(b) With respect to a general law city, if a vacancy in the elected office of mayor occurs, the council may fill that vacancy by appointing a member of the council to the office of mayor. Any person appointed to fill the vacancy shall hold the office of mayor for the unexpired term of the former mayor. Any vacancy created in the membership of a city council as the result of an appointment of a member to the office of mayor shall be filled in accordance with Section 36512, 36512.1, or 36512.2.

Article 2 Vacancies

§ 1770. Events causing vacancy in office

An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the

duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.

(c) His or her resignation.

(d) His or her removal from office.

(e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged. However, the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, the incumbent ceases to be an inhabitant of the district for which he or she was elected or appointed to serve.

(f) His or her absence from the state without the permission required by law beyond the period allowed by law.

(g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.

(h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For the purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.

(i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his or her election or appointment.

(k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

(l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

§ 1780. Special districts; vacancies in elective offices of governing board; election dates; term

(a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.

(b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

(c) The remaining members of the district board may fill the vacancy either by appointment pursuant to **subdivision (d)** or by calling an election pursuant to subdivision (e).

(d)(1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at

least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

(2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(e)(1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(f)(1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is

later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g)(1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h)(1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *cb*
DATE: MAY 29, 2009



CONSIDER INITIAL BENEFIT ADJUSTMENT FOR INSPECTOR/PREVENTIVE
MAINTENANCE SUPERVISOR

ITEM

Consider initial benefit adjustment for Inspector/Preventive Maintenance Supervisor

BACKGROUND

The District has made a job offer to a successful applicant contingent upon the following:

1. Successfully passing a physician's examination and drug test, at District's expense
2. Evidence of legal authority to work in the United States
3. Completion of Background Check

The applicant has responded stating he would accept the offer contingent upon the District agreeing to the following items:

1. *NCSD will pay for 1/2 of the COBRA cost for Dental and Vision (if applicable) for me and my family until the time that I become eligible for this benefit.*

- District's current dental and vision insurance becomes available one month after employment while the District's Personnel Policies and Procedures states the coverage become available after six months of employment. Staff believes the District's current vision and dental policies of coverage in one month would be acceptable to the applicant.

2. *At the end of one year of employment, NCSD will grant me the vacation benefit schedule equivalent to 10 years of employment (15 days per year). I currently receive the maximum allowable vacation accrual of 20 days per year with my current employer.*

- Legal Counsel has reviewed the applicant's second request. The Personnel Policies and Procedures Manual do not provide for authority for the Board of Directors to grant this request. Legal Counsel recommends that the Personnel Policies and Procedures Manual be amended through the standard amendment procedures, if the Board of Directors wishes to consider this request.

FISCAL IMPACT

Fiscal impact will be computed based on Board direction.

RECOMMENDATION

Staff recommends that the Board of Directors provide direction to Staff:

- Amend Personnel Policies and Procedures through the standard amendment procedures
- Do not authorize request

ATTACHMENTS

District Vacation Policy – Chapter 4, Section 4000

CHAPTER FOUR - BENEFITS

4000 - VACATION

1. This policy shall apply to regular full-time and introductory employees in all classifications. District policy shall discourage employees from working during vacations.
2. Paid vacations shall be accrued according to the following schedule on an annual basis:
 - A. From the date of employment through the fourth anniversary date of hire, at the rate of five-sixths of a working day per month of paid employment (10 working days);
 - B. After the fourth anniversary date of hire through the ninth anniversary date of hire, at the rate of one and one-fourth working days per month of paid employment (15 working days);
 - C. After the ninth anniversary date of hire, vacation time shall be accrued at the rate of one and two-thirds working days per month of paid employment (20 working days).
3. Limitations on accumulated vacation time. Once the maximum vacation accrual is reached, vacation time will no longer be accumulated. Once the vacation accrual is below the maximum, vacation accrual will again start to accumulate. An employee shall be able to accrue no more than the number of vacation days they are entitled to earn in two years of employment.
4. At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.
5. Exempt employees shall earn an additional five (5) days per year of administrative leave, to be used subject to General Manager approval, in a similar manner as vacation time. Administrative leave shall not be accumulated and carried over from one calendar year to the next.
6. The District will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used.
7. No vacation accrues during a layoff or other leave of absence. An employee is not permitted to borrow on future accrual of vacation benefits.
8. If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

9. Vacations may be scheduled at any time during the year upon approval of the employee's immediate supervisor. Vacation requests must be submitted in writing, and may not be approved if not submitted at least three weeks in advance, or if the request conflicts with other vacation requests. Leave Request Form is located at Appendix "G".
- A. Vacations shall be scheduled on a first-come-first-serve basis by the employee's Supervisor, based on operational needs of the District
- B. Overlapping vacations within a department may be permissible with the approval of the Supervisor and the Manager. Vacation preference shall be by seniority where conflicts exist.
10. Introductory employees shall not accrue vacation time during the introductory period. However, if an introductory employee becomes a regular employee of the District, after twelve (12) months of employment with the District, the period that the employee occupied introductory status shall be included in calculating his/ her entitlement to vacation with pay.
11. Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted.
12. Employees are eligible for vacation and sick leave based on the following formulas:

Hours Worked Per Week	Proportion of Vacation and Sick Benefits
0-17	0.0%
18-20	50.0%
21-23	57.5%
24-26	65.0%
27-29	72.5%
30-32	80.0%
33-35	87.5%
36-38	95.0%
39-40	100.0%