

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL  
DATE: AUGUST 21, 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 8/12/09 Regular Meeting
- D-3) AUTHORIZE EXECUTION OF RIGHT-OF-ENTRY AGREEMENT TO FACILITATE TESTING AT PASQUINI PROPERTY ON ORCHARD ROAD [EXECUTE AGREEMENT]
- D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH WILLDAN FOR EMERGENCY RESPONSE TRAINING [AUTHORIZE EXECUTION]
- D-5) APPROVE PURCHASE OF NEW PICK-UP [EXECUTE SALES AGREEMENT]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\CONSENT AGENDA\CONSENT 08-26-09.DOC

TO: BOARD OF DIRECTORS  
 FROM: BRUCE BUEL  
 DATE: AUGUST 21, 2009

**AGENDA ITEM  
 D-1  
 AUGUST 26, 2009**

**TOTAL COMPUTER  
 CHECKS  
 \$222,481.41**

**HAND WRITTEN CHECKS**

08-11-09	19964	LINC DELIVERY	248.00
08-12-09	19965	ST WATER RESOURCES CNTRL BD	145.00
08-12-09	19966	LUCIA MAR SCHOOL DIST	15.00
08-18-09	19967	TRI COUNTIES TRAINING SEM ASSOC	100.00

VOID - 19949

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
16909	08/21/09	EMP01	EMPLOYMENT DEVELOP DEPT	1042.41	.00	1042.41	A90817	STATE INCOME TAX
16910	08/21/09	MID01	RABOBANK-PAYROLL TAX DEPO	3245.58	.00	3245.58	A90817	FEDERAL INCOME TAX
				53.76	.00	53.76	1A90817	FICA
				952.72	.00	952.72	2A90817	MEDICARE (FICA)
			Check Total.....:	4252.06	.00	4252.06		
16911	08/21/09	MID02	RABOBANK-DIRECT DEPOSIT	28618.06	.00	28618.06	A90817	NET PAY
16912	08/21/09	PER01	PERS RETIREMENT	9046.70	.00	9046.70	A90817	PERS PAYROLL REMITTANCE
16913	08/21/09	STA01	ING-PERS 457 DEFERRED COM	1325.00	.00	1325.00	A90817	457 DEFERRED COMP
016914	08/26/09	ABA01	ABALONE COAST BACTERIOLOG	97.00	.00	97.00	09-1567	TOWN WWTF LAB
				175.00	.00	175.00	09-1604	WATER SAMPLES
				97.00	.00	97.00	09-1620	TOWN WWTF LAB
				20.00	.00	20.00	09-1659	BL WWTF LAB
				20.00	.00	20.00	09-1665	BL WWTF LAB
				175.00	.00	175.00	09-1666	WATER SAMPLES
				20.00	.00	20.00	09-1680	BL WWTF LAB
				176.00	.00	176.00	09-1681	TOWN WWTF LAB
				20.00	.00	20.00	09-1686	BL WWTF LAB
				20.00	.00	20.00	09-1697	BL WWTF LAB
				20.00	.00	20.00	09-1706	BL WWTF LAB
				20.00	.00	20.00	09-1715	BL WWTF LAB
				175.00	.00	175.00	09-1716	WATER SAMPLES
				20.00	.00	20.00	09-1727	BL WWTF LAB
				176.00	.00	176.00	09-1728	TOWN WWTF LAB
				20.00	.00	20.00	09-1736	BL WWTF LAB
				20.00	.00	20.00	09-1744	BL WWTF LAB
			Check Total.....:	1271.00	.00	1271.00		
016915	08/26/09	AME03	AMERI PRIDE	117.15	.00	117.15	F619095	UNIFORMS ETC
				128.51	.00	128.51	F838015	UNIFORMS ETC
				128.51	.00	128.51	F843477	UNIFORMS ETC
			Check Total.....:	374.17	.00	374.17		
016916	08/26/09	ATT01	AT&T/MCI	185.41	.00	185.41	784939	PHONE
016917	08/26/09	BEN02	BENTLEY SYSTEMS, INC.	1749.30	.00	1749.30	47259623	WATER/SEWER GEMS
016918	08/26/09	BRU01	BRUMIT DIESEL, INC.	97.88	.00	97.88	18174	SUPPLIES
016919	08/26/09	CAN02	CANNON ASSOCIATES	3185.00	.00	3185.00	46830	IPAAC DATA MAINT
				3847.50	.00	3847.50	46834	EUREKA WELL
			Check Total.....:	7032.50	.00	7032.50		
016920	08/26/09	CHI01	CHICAGO GRADE LANDFILL, I	30952.95	.00	30952.95	073109	BIOSOLIDS CONTRACT
016921	08/26/09	CIT01	CITY NATIONAL BANK	63287.25	.00	63287.25	#01-032	A/D 93-1 DEBT SERVICE PAY
016922	08/26/09	CSD02	CALIFORNIA SPECIALTY DIST	364.20	.00	364.20	157061	SUPPLIES
016923	08/26/09	DFK01	DFK SOLUTIONS GROUP, LLC	800.00	.00	800.00	1007	SAFETY SUBSCRIPTION
016924	08/26/09	EBY01	EBY, ED	100.00	.00	100.00	082609	REG BD MEETING 082609
016925	08/26/09	FGL01	FGL ENVIRONMENTAL	288.00	.00	288.00	907311A	TOWN WWTF LAB
				56.00	.00	56.00	907506A	BL WWTF LAB
				56.00	.00	56.00	907755A	BL WWTF LAB
			Check Total.....:	40000.00	.00	40000.00		

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS AUGUST 21, 2009**

**AGENDA ITEM  
D-1  
AUGUST 26, 2009  
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
016926	08/26/09	FUG01	FUGRO WEST, INC.	9435.00	.00	9435.00	3596.5.7	SOUTHLAND DISCHARGE STUDY
016927	08/26/09	GRI01	GRIETENS, TINA	25.00 9.00	.00 .00	25.00 9.00	082009A 082009B	TRAVEL TO SB SUPPLIES
			Check Total.....:	34.00	.00	34.00		
016928	08/26/09	GRO01	GROENIGER & CO	1852.53	.00	1852.53	11010085	AIR VAC SUPPLIES
016929	08/26/09	HAM02	HAMNER JEWELL & ASSOCIATE	2320.00	.00	2320.00	4581	WATERLINE PROJECT
016930	08/26/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	082609	REG BD MEETING 082609
016931	08/26/09	HAY01	HAYES ADVANCED DESIGN	750.00	.00	750.00	501913	REPAIR ASPHALT - JUNIPER
016932	08/26/09	JOH01	JOHNSON, DONNA	9.99 48.00	.00 .00	9.99 48.00	080109 081109	SUPPLIES REIMBURSE NOTARY FEE
			Check Total.....:	57.99	.00	57.99		
016933	08/26/09	KAR01	PAUL J. KARP, P.E.	6145.70	.00	6145.70	35	WIP PEER REVIEW
016934	08/26/09	LIN02	LINC DELIVERY	242.00	.00	242.00	48572+	DELIVERY TO LAB
016935	08/26/09	MCC01	MCCROMETER	139.03	.00	139.03	349230	SUPPLIES
016936	08/26/09	MOT01	MOTLEY, RICK	313.20	.00	313.20	081109	DISTRIBUTION CLASS III
016937	08/26/09	MSL01	M S LEBRUN ENVIRONMENTAL	1200.00*	.00	1200.00	09-006	WELL DRILL INFO
016938	08/26/09	MUL01	MULLAHEY FORD	572.98 35.94	.00 .00	572.98 35.94	199223 199236	07 FORD MAINT 07 FORD ESCAPE MAINT
			Check Total.....:	608.92	.00	608.92		
016939	08/26/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	082609	REG BD MEETING 082609
016940	08/26/09	NEX01	NEXTEL COMMUNICATIONS	410.56	.00	410.56	87314093	CELL PHONES
016941	08/26/09	NUT01	NU TECH PEST MGMT	265.00 49.00	.00 .00	265.00 49.00	74413 74414	PEST CONTROL PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
016942	08/26/09	QUI03	QUINN RENTAL SERVICES	51.75	.00	51.75	31350645	EQUIPMENT REPAIR
016943	08/26/09	RIC01	RICHARDS, WATSON, GERSHON	7148.17	.00	7148.17	166478	WATER RIGHTS ADJUDICATION
016944	08/26/09	SAN04	SANTA MARIA TIMES	578.72	.00	578.72	1049669	CONSERVATION ADS
016945	08/26/09	SAN09	SAN LUIS MAILING SERVICE	55.92 234.52 666.11 127.79	.00 .00 .00 .00	55.92 234.52 666.11 127.79	40384 A 40384 B 40390 A 40390 B	MAILING SECOND NOTICES POSTAGE FOR SECOND NOTICE POSTAGE FOR BILLS MAIL BILLS
			Check Total.....:	1084.34	.00	1084.34		
016946	08/26/09	SHI01	SHIPSEY & SEITZ, INC	4429.14	.00	4429.14	071509	LEGAL SERVICES
016947	08/26/09	SLO08	SAN LUIS OBISPO COUNTY	1040.00	.00	1040.00	5207	ENCROACHMENT PERMIT
016948	08/26/09	STA03	STATEWIDE SAFETY & SIGNS	30.85	.00	30.85	71932	SUPPLIES
016949	08/26/09	STA08	STAPLES	181.14	.00	181.14	9854406-1	SUPPLIES
016950	08/26/09	TGP01	TGP WEST, INC.	1100.73 339.85	.00 .00	1100.73 339.85	6838 6867	SUNDALE WELL MAINT SUNDALE WELL MAINT
			Check Total.....:	1440.58	.00	1440.58		
016951	08/26/09	USA01	USA BLUEBOOK	110.14	.00	110.14	869509	SUPPLIES
016952	08/26/09	VAN01	VAN SCOYOC ASSOCIATES	4500.00	.00	4500.00	31916	LOBBYING SERVICES FOR AUG
016953	08/26/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	082609	REG BD MEETING 082609
016954	08/26/09	WAL01	WALLACE GROUP	680.71 6580.41	.00 .00	680.71 6580.41	28378 28379	PARK FUNDING DISTRICT WIP ASSESSMENT DATA
			Check Total.....:	7261.12	.00	7261.12		
016955	08/26/09	WIL02	WILLDAN HOMELAND SOLUTION	4379.97	.00	4379.97	77-1513	EMER OPERATIONS PLAN
016956	08/26/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	082609	REG BD MEETING 082609
016957	08/26/09	WOO01	DOUGLAS WOOD & ASSOCIATES	14253.19	.00	14253.19	080109	SOUTHLAND WWTF UPGRADE PR
016958	08/26/09	\0005	ORTIZ, CATHIE	870.48	.00	870.48	000A90701	MQ CUSTOMER REFUND FOR OR

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 44 - Years of Service 1965 - 2009*

D2

## DRAFT MINUTES

**AUGUST 12, 2009 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
ED EBY, **DIRECTOR**  
BILL NELSON, **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 August 12, 2009 Regular Meeting of the Board of Directors 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.

00:01:06

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) COMMANDER BRIAN HASCALL OF SLO COUNTY SHERIFF'S OFFICE Update re: South County Activities in July 2009

Commander Brian Hascall of the San Luis Obispo Sheriff's Office gave an update on the Sheriff's activities in July.

There have been quite a few vehicle burglaries occurring. Cmdr. Hascall suggested to lock vehicles and to remove valuables.

Clyde Yarborough fired a hand gun at the 200 block of Country Hill Road. After he was released from jail, he violated the restraining order, returned to his home and made threats to himself and his wife.

To protect your home and valuables, a Neighborhood Watch Program is very helpful.

The Board thanked Commander Hascall for his presentation.

##### C-2) BATTALION CHIEF BILL FISHER OF CALFIRE Update re: South County Activities in July 2009

Captain Michael Deleo reported in place of Chief Fisher.

He gave an update of the CalFire activities on the Nipomo Mesa and reviewed the activity report given to the Board and public.

In July 2009, Nipomo Station #20 had a total of 118 calls: 25 fire calls, 10 vehicle accidents, 57 medical aids and 26 other calls.

Mesa Station #22 had a total of 44 calls: 0 fire calls, 3 vehicle accidents, 26 medical aids and 15 other calls.

The Board thanked Captain Deleo for his presentation.

##### C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest

President Harrison asked the Board to add an item to the agenda regarding transfer of County property.

Jon Seitz, District Legal Counsel, stated that information came to the Board subsequent to posting of the agenda and immediate action is required. Government Code § allows such additions.



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

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT)

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to place Item E-6 to the agenda. Vote 5-0.

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

Director Eby

August 12, 2009, Chamber of Commerce Mixer at the Dana Adobe from 5:30 - 7:30 p.m.  
 Sept 27, 2009 – Concert at the Dana Adobe – Cuesta Night Band A limited number of tickets at \$20.00 are available. Reception 3:00 and concert at 4:00 p.m.

Director Winn

08/06/09 – Supervisor Achadjian concluded a series of meetings which included discussions of tiered rate structures among the purveyors on the Mesa. Gere Sibbach was in attendance and explained debt advisory committee.  
 08/11/09 – Board of Supervisors met. Brush Poppers organization was discussed, as well as C2(c) amending the Housing Element of the General Plan. The impacts on water are significant. The Board of Supervisors tentatively approved a Negative Declaration.  
 08/13/09 – SLO County Planning Commission will discuss Conservation Open Space Element.  
 08/20/09 – LAFCo will discuss park powers for the NCSD.  
 08/20/09 – A sub-committee of the Water Resources Advisory Committee (WRAC) will discuss impacts on water that would be of interest to NCSD.  
 08/24/09 – NCSD Infrastructure Committee meeting in the District Board room.  
 08/24/09 – South County Advisory Committee will meet at 6:30 p.m. in the District Board room.  
 08/27/09 – SLO County Planning Commission Study Session concerning San Miguel GPA  
 WRAC meeting will be the first Wednesday in September at 1:30 p.m.

Director Harrison

Brush Poppers was discussed at the Board of Supervisors meeting Aug. 11.  
 08/20/09 - LAFCo meeting will discuss parks.  
 Fire Safe Council meeting  
 08/27/09 – Board of Supervisors will discuss easements for Parks and Recreation for equestrian trails.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:22:29

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES  
Approve Minutes of 7/22/09 Regular Meeting
- D-4) SUBMIT BALLOT TO CSDA RE "SEAT A" ELECTION

Items D-3 and D-5 were pulled for separate consideration.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved Items D-1, D-2 and D-4. Vote 5-0.

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

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

**D-3) AUTHORIZE SUBMISSION OF SAVINGS BY DESIGN APPLICATION TO PG&E**

Bruce Buel, General Manager, explained that AECOM has informed the District about PG&E's rebate program to reward non-residential new construction. The District can benefit from the rebate program by designing energy-saving features to be used in the waterline project.

The Board discussed how the rebate should more than pay for the cost of processing the application.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to authorize the General Manager to execute and submit the application to PG&E. There was no public comment. Vote 5-0.

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

**D-5) RATIFY EXECUTION OF REVISED LEASE AGREEMENT FOR PURCHASE OF BACKHOE**

Bruce Buel, General Manager, explained that the Board approved the purchase of a backhoe at the July 22, 2009 meeting. The salesman informed the District that the amount presented for that approval did not include interest in the monthly payments schedule. The Board reviewed the information. Upon motion by Director Winn and seconded by Director Eby, the Board agreed to continue this item to the next meeting. There was no public comment. Vote 5-0.

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

**E. ADMINISTRATIVE ITEMS**

00:43:50

**E-1) DISCUSS DEVELOPMENT OF GUIDELINES FOR FUTURE RATE ADJUSTMENT PROTEST PROCEEDINGS**

Bruce Buel, General Manager, explained that the draft set of guidelines presented to the Board is a concept of guidelines for rate adjustment protest proceedings.

Jon Seitz, District Legal Counsel, explained that there has been some vagueness in the rate adjustment protest proceedings. The draft presented helps identify the responsible party of the bill, when bill will be mailed out. The Board questioned Mr. Seitz. Mr. Seitz said that either the property owner or the tenant (if the customer of record) may protest a rate adjustment ordinance.

There are three kinds of Proposition 318 proceedings:

Special Tax Vote; Assessment Vote; and User Fee Protest Proceeding.

The Board asked questions and made suggestions to the draft document.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to set a public hearing to September 9, 2009, for the reading and adoption of the revised "Guidelines for the Submission and Tabulation of Protests". Vote 5-0.

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

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

01:11:07

E-2) CONDUCT SEMI-ANNUAL REVIEW OF WATER ALLOCATION AND DISCUSS TRANSFER OF WATER BETWEEN USE GROUPS

Upon motion of Director Vierheilg and seconded by Director Winn, the Board unanimously agreed to staff's recommendation to develop revisions to Sections 3.05.030 and 3.05.060 for future Board consideration based on the assessment feasibility research from The Wallace Group. Vote 5-0.

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

The following members of the public spoke:

John Belsher, attorney representing Bill Kengel -- stated that, though the agendized item was not about his client's project, it would be affected. He urged the Board to reallocate water to the MF and LOW categories.

Greg Nester, local developer -- stated that the Board should be straight up. If 34 AFY of water is available, that is what the Board should allow. A developer needs to rely on what the Board has declared available.

Upon motion of Director Vierheilg and seconded by Director Winn, the Board agreed to make the changes to the categories as follows:

CATEGORY	FROM	TO
SFR/DUP	21.9	7.1
SEC	3.4	0
MF	6.9	25.0
LOW I	2.1	2.1

Vote 4-1, with Director Eby dissenting.

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

*The Board took a break at 11:17 a.m. and returned at 11:30 a.m.*

02:16:48

E-3) DISCUSS REVISIONS TO DISTRICT CODE REGARDING EXTENSION OF INTENT-TO-SERVE LETTER EXPIRATION DEADLINES

Bruce Buel, General Manager, reviewed the existing Intent-to-Serve letter issuance policy, in regard to expiration deadlines. The present policy allows two years for processing the project. A one-year extension is possible upon request. The Board discussed the time it takes for a project to get through all SLO County Building Department permit requirements.

The following member of the public spoke:

Greg Nester, local developer -- thanked the Board for considering extending the present time limits. He explained about the County's added "sunset clause". He asked if the Board could also look at extending the 240-day window for the County to deem the project application to be complete.

The Board discussed possible staff time required for studying the time it takes for the County to process an application through to the completion of the project.

Upon motion by Director Harrison and seconded by Director Winn, the Board agreed to direct staff to bring back an ordinance to extend the Intent-to-Serve letter expiration date to three years with the possibility of a one-year extension upon request from the

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

developer. Vote 4-1, with Director Eby dissenting.

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

02:49:44

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC SECTION 54956.9; MARIA VISTA ESTATES VS. NCSD ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)
3. ANNUAL PERFORMANCE REVIEW OF GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54597

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:04 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:43 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above but took no reportable action.

02:52:50

E-4) DISCUSS CHAMBER REQUEST TO SPONSOR AUGUST 22, 2009 CHILI COOK-OFF

Bruce Buel, General Manager, explained that the Nipomo Chamber of Commerce requested the District take part in the September 19, 2009 (date was changed) Chili Cook-Off. The Board discussed the prospect. There was no public comment. Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to decline the request but thank the Chamber for the invitation. Vote 5-0.

05:56:31

E-5) AUTHORIZE REQUESTING SUPERVISOR ACHADJIAN TO PLACE AN ITEM ON A BOARD OF SUPERVISORS AGENDA REGARDING ADOPTION OF A JOINT POWERS AGREEMENT BETWEEN NCSD AND THE COUNTY FOR FUNDING THE WATERLINE INTERTIE PROJECT

Bruce Buel, General Manager – reviewed the suggestion from Supervisor Achadjian for the District to request an item be placed on a Board of Supervisor's Meeting Agenda regarding adoption of a JPA for funding the Waterline Intertie Project.

The following member of the public spoke:

John Snyder, Nipomo resident – stated that the map submitted in the staff letter is inaccurate and should be corrected.

Board discussion ensued.



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

E-5) AUTHORIZE REQUESTING SUPERVISOR ACHADJIAN TO PLACE AN ITEM ON A BOARD OF SUPERVISORS AGENDA REGARDING ADOPTION OF A JOINT POWERS AGREEMENT BETWEEN NCSD AND THE COUNTY FOR FUNDING THE WATERLINE INTERTIE PROJECT (CONT)

Upon motion by Director Eby and seconded by Director Winn, the Board authorized the General Manager to draft a letter to Supervisor Achadjian, as outlined in the staff report and incorporate the suggested changes to the draft. Vote 5-0.

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

03:08:30

E-6 REVIEW SLO COUNTY PROPOSAL TO TRANSFER OWNERSHIP OF 10 PROPERTIES TO SANTA BARBARA COUNTY

Bruce Buel, General Manager, explained this item will be before the Planning Commission August 13, 2009.

Upon motion by Director Eby and seconded by Director Winn, the Board agreed to authorize the General Manager to rescind the objections to the proposed transfers except that mineral rights should be reserved. Vote 4-1, with Director Harrison dissenting.

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

03:16:00

F. MANAGER'S REPORT

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

The meeting with the Blacklake representatives went well.

He added that the Waterline Intertie Project Narrative Report for August 2009 has been prepared and will be put on the website. There are some corrections needed on the last two pages. Instead of "per capita", the report should state "per connection".

There was no public comment.

03:24:04

G. COMMITTEE REPORT

Bruce Buel, General Manager reviewed the Committee Report. There was no public comment.

03:26:50

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- o Can a ratepayer provide water to another customer or business off of their parcel?  
Mr. Buel answered no. Mr. Winn stated that it is being done and needs to be stopped.
- o Asked Mr. Seitz what circumstance a board member is required to report ex parte conversations.
- o Agendize for Closed Session – action NCSD is taking on the EIR for the Inclusionary Housing Ordinance.
- o Reserve spot on Closed Session for potential litigation on Housing Element.
- o Agendize kinds of appeals District should be making toward stipulating settlement.
- o Emergency Water Regulations
- o District list of concerns with the Technical Group

Director Vierheilig

Urban Water Management Plan – Why not have Urban Wastewater Management Plan planning document for wastewater?

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

I. CLOSED SESSION ANNOUNCEMENTS

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

- 1. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

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 2:13 p.m.

03:42:53

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 3:01 p.m.


Jon Seitz, District Legal Counsel, announced that the Board heard an update on Item 1 listed above but took no reportable action.

ADJOURN

President Harrison adjourned the meeting at 3:02 p.m.

➤ **THE FOLLOWING REGULAR BOARD MEETING IS AUGUST 26, 2009  
TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Emergency Water Shortage Regulations
- Miller Park Environmental Determination

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL   
DATE: AUGUST 19, 2009

**AGENDA ITEM**  
**D-3**  
**AUGUST 26, 2009**

**PASQUINI PROPERTY RIGHT-OF-ENTRY AGREEMENT**

**ITEM**

Authorize execution of Right-of-Entry Agreement to facilitate testing at Pasquini Property on the West Side of Orchard Road South of Southland Street (APN 090-311-001) [EXECUTE AGREEMENT].

**BACKGROUND**

Attached is an agreement acceptable to Charles Pasquini that will allow Fugro West to perform the hydro-geologic work authorized at the January 14, 2009 NCSD Board Meeting and that will allow Douglas Wood and Associates to perform the environmental review work authorized at the April 8, 2009 NCSD Board meeting. This work is required for the District's on-going research to develop an alternate disposal solution for the Southland Wastewater Treatment Facility.

**FISCAL IMPACT**

Execution of the agreement will result in estimated costs to the District of less than \$5000. Funding for these costs is available in the FY 09-10 Budget in Sewer Capital Projects.

**RECOMMENDATION**

Staff recommends that your Honorable Board authorize the General Manager to execute the agreement.

**ATTACHMENTS**

- Right of Entry Agreement with Exhibit A

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\PASQUINI RIGHT OF ENTRY.DOC

## **RIGHT OF ENTRY AGREEMENT**

### **Exhibit "A" – Hydrogeologic Investigation Work Plan Dated June 24, 2009 (Work Plan).**

This Right of Entry Agreement ("Agreement") is entered into effective this \_\_\_\_\_ day of August 2009 by and between the Nipomo Community Services District ("District") and the Charles A. Pasquini, Jr. Separate Property Trust under Agreement dated May 26, 2005 ("Pasquini") with regard to that certain Property located on Orchard Road, APN 090-311-001 ("Property").

### **RECITALS**

Whereas, Pasquini is the owner of the Property; and

Whereas, the District desires to enter the Property for the purpose of conducting certain tests to determine the suitability of the Property for District's future purposes including those tests and investigations referenced in Exhibit "A" – The Hydrogeologic Investigation Work Plan (Work Plan); and

Whereas, Pasquini is willing to allow the District to enter upon the Property without waiving any of his rights to oppose condemnation of the Property.

### **AGREEMENT**

Now therefore, in consideration of the mutual promises contained herein, the parties agree as follows:

1. Pasquini grants to District the right to enter the Property for the following purposes (herein Authorized Activities):
  - A. To conduct the tests and investigations referenced in the Work Plan, except that the site of the percolation pond referenced in Task 3 will be approved by Pasquini's tenant, Gresser, Inc. ("Gresser"), and the total area to construct the percolation pond will not exceed 3, 600 square feet (herein Task 3 Site).
  - B. To conduct environmental investigations of the Property including but not limited to:
    - archeological surveys
    - biological surveys



Such environmental investigations shall be conducted by observation, and disturbance to the Property is limited to the use of minor implements such as hand trowels.

2. In granting the District this Right of Entry, Pasquini does not waive the right to oppose condemnation of the Property, the right to just compensation for the Property (or any part thereof), or of any remedy authorized by law to secure payment thereof.

3. The District agrees to indemnify and hold harmless Pasquini and Gresser, and, subject to Paragraph 6, to repair and pay for any damages, including environmental damages, to the Property or to the crops or equipment on the Property caused by the District or its agents during the conduct of the Authorized Activities except those damages arising out of the sole negligence of Pasquini or Gresser.

4. The District acknowledges that the Property is currently leased to Gresser, for farming strawberries and is currently fenced and gated. District agrees to coordinate with Gresser's representative, Bryan Gresser, for the following:

- A. Entry onto the Property.
- B. The connection of the Property's irrigation system to provide water to conduct Task 3 Testing as referenced in the Work Plan (Task 3 Testing).
- C. Reimbursement of the cost of Task 3 water use as provided in Paragraph 6 below.
- D. To determine whether or not the rent provisions of Paragraph 8 are activated.
- E. The timing and quantity for delivery of irrigation water to facilitate Task 3 Testing.

5. The right of entry granted by this Agreement is irrevocable during the term provided herein.

6. The District agrees pay to Pasquini and/or Gresser, as follows:

- A. The cost of Task 3 water at the rate of \$150.00 per acre foot plus Gresser's extraordinary costs for hiring irrigation workers to facilitate the District's irrigation water delivery requirements.
- B. Pasquini's reasonable attorney fees in negotiating this agreement. Those Fees through 18 August 2009 are estimated at \$3000.00.

C. \$500.00 as rent for an eight (8) month period for the Task 3 Site in the event the District's testing at the site interferes with Gresser's existing right to farm strawberries.

D. Any damages, including environmental damages, to the Property or to the crops or equipment on the Property caused by the District or its agents during the conduct of the Authorized Activities except those damages arising out of the sole negligence of Pasquini or Gresser.

7. The term of the right of entry shall commence on the date the last party signs this agreement (Commencement Date) and shall terminate as provided in Paragraph 8 below.

8. The District agrees to complete the Authorized Activities referenced in Paragraph 1A, with the exception of Task 3 Testing, on or before the 14<sup>th</sup> day from the Commencement Date. The District will complete the Authorized Activities referenced in Paragraph 1B no later than December 31, 2009. In the event the Task 3 Testing cannot be completed prior to Gresser's schedule to prepare the ground to plant strawberries, as determined by Gresser, then the right of entry for the Task 3 Site shall be extended for an additional eight (8) months from the Commencement Date. In any event, the right of entry for purposes of Task 3 shall terminate on the sooner of the date that Task 3 Testing is completed or eight (8) months from the Commencement Date.

9. The District additionally agrees as follows:

A. To use reasonable efforts to minimize interference with the use of the Property by Gresser.

B. To use reasonable efforts to keep gates closed during the time that the District or its agents and contractors are on the Property.

C. At its sole cost to connect and disconnect to the existing irrigation system to provide Task 3 water.

D. To meter irrigation water for reimbursement pursuant to Paragraph 6A.

E. To segregate soils related to the excavation of the Task 3 percolation pond so that the top 12 to 18 inches of soil is kept separate from the balance of the soil and to refill the excavation on a first out last in basis.

F. To provide water storage capabilities, on an as-needed basis, at the Task 3 Site if Gresser reasonably determines that the demand for water requires the use of a storage tank.

G. To stop any use of water during periods of time that would interfere with the reasonable conduct of the farming operation on the Property.

10 The District agrees to provide to Pasquini, without cost, copies of all photographs, studies, surveys, and reports relating to examinations, tests, soundings, borings, or samplings which are made or taken by District and/or its consultants in connection with the entry onto the Property.

11. Where the terms of this Agreement provide for action to be based upon opinion, judgment, approval, review or determination of either party hereto, such terms are not intended to and shall never be construed to permit such opinion, judgment, approval, review or determination to be arbitrary, capricious or unreasonable. The District and Pasquini shall each act in good faith in performing their respective obligations as set forth in this Agreement.

12. Any notice to be given (other than the notice of entry onto the Property as provided for in Paragraph 4 of this Agreement), shall be given in writing at the address specified below and shall be deemed given upon personal delivery, or three days after it has been sent by prepaid certified mail, return receipt requested:

If to District:  
Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

If to Pasquini:  
Charles A. Pasquini, Jr.  
2381 Brant Street  
Arroyo Grande CA 93420

With copy to:

With copy to

Shipsey & Seitz  
Attn: Jon S. Seitz  
P. O. Box 953  
San Luis Obispo CA 93406

Andre, Morris & Buttery  
Attn: Michael J. Morris  
P.O. Box 730  
San Luis Obispo, CA 93406

13. This Agreement contains all the understandings and agreements of whatsoever kind and nature existing between the parties hereto with respect to the Property. This Agreement may not be amended, altered or modified except by a written instrument signed by each of the parties.

14. The parties hereby represent that the person(s) executing this Agreement are expressly authorized to do so for and on behalf of the parties.

In witness whereof the parties have executed this Agreement effective on the date set forth above.

Nipomo Community Services District

By: \_\_\_\_\_

\_\_\_\_\_  
Name and Title

Charles A. Pasquini, Jr. Separate Property Trust  
under Agreement dated May 26, 2005

By: \_\_\_\_\_  
Charles A. Pasquini, Jr., Trustee





June 24, 2009  
Project No. 3596.005

**PROJECT MEMORANDUM**

**To: Peter Sevcik**  
**From: Timothy Nicely and Paul Sorensen**  
**Subject: Detailed Work Plan for Hydrogeologic Investigation of the Pasquini Property,**

---

This work plan summarizes the work to be performed at the Pasquini Property, relative to a hydrogeologic investigation to be performed by Fugro for the Nipomo Community Services District. All field work will be performed in successive tasks over a period of approximately two months.

**TASK 1: PROJECT PREPARATION, SITE WORK AND PERMITTING**

This task will involve marking the site for locations and clearance of underground utilities in accordance with Dig Alert standards. The approximate locations of the proposed percolation tests and the prototype percolation pond are shown on the attached aerial photo (Plate 1); the locations are approximate and can be moved if conflicts arise.

**TASK 2: PERCOLATION TESTS**

This task will involve performance of a series of approximately eight (8) conventional percolation tests throughout the property, as presented on Plate 1. Each test will consist of a one-foot diameter percolation test hole at a depth of approximately five feet below grade. Using a District backhoe, we will initially dig a 2- to 3-foot deep pit at a sufficient size to maintain safety standards. We will then dig the percolation test holes by hand 2 or 3 feet deep to conduct the tests. Each hole or test pit will be located adjacent to the access roads. No plants will be impacted, and we believe that each test can be conducted without interrupting traffic along the access roads. No test pit and hole will be left open overnight; each pit will be tested and backfilled in one day.

*Proposed schedule:*

- Early to mid-July: perform 5 to 6 tests along the site perimeter and within the interior access roads. Three days.
- Mid-August, when the harvest is complete and the plants can be disrupted: perform 2 to 3 tests in within the interior areas between the access roads. Two days.

A member of the Fugro group of companies with offices throughout the world



*Equipment:* A Nipomo CSD backhoe will dig each pit. A Fugro pickup truck and Fugro personnel will be on-site at all times while the tests are being conducted.

*Water Requirements:* Each percolation hole or pit will require the use of on-site water from one of the two on-site wells. We will provide the necessary tanks and hoses if access to a spigot or turnout from one of the wells is granted.

*Access Routes:* Access to each of the initial 5 or 6 percolation test sites will be solely via the access roadways. It is our understanding that once the harvest season is complete in mid-August, access across the planted fields will be acceptable for purposes of conducting the remaining 2 or 3 tests.

### **TASK 3: PERCOLATION POND PROTOTYPE TESTING**

This task will involve the installation of a single prototype percolation pond of approximately 20 feet square located near the center of the site at the intersection of two access roadways (Plate 1). Installation and testing of the percolation pond will interfere with agricultural practices in the immediate area of the percolation pond, and will likely require the District to develop an arrangement with the leaseholder for either site rental or payment for crop loss.

*Schedule:* This task will be performed between mid-August and October 1. We currently anticipate that approximately one week will be required for test setup, with approximately one month test duration.

*Equipment:* Installation of the test pits will involve the use of the District's backhoe and two Fugro staff to build a plywood-braced square pond with the pond bottom approximately 5 feet below grade. The pond will be filled with water continuously and the level controlled with float-type valves for approximately one month. A pickup truck will be on-site at all times during installation and intermittently throughout the testing. Temporary fencing will be installed around the test pond.

*Water Requirements:* The percolation pond will require the continuous use of on-site water from one of the two on-site wells. The intent is to use the on-site piping and distribution system, and then we will tie into the line at a location near the test pond.





### **TASK 4: WATER QUALITY TESTING**

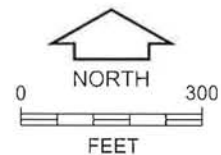
This task will involve the sampling of one of the on-site water wells for the purpose of obtaining a water quality analysis of the underlying deep aquifer. An analysis of the deep aquifer is necessary. Our original work plan included the drilling of at least one deep monitoring well on the property, which would potentially create a significant site disturbance. If one of the on-site wells can be sampled, the need for drilling a new well on the site will be eliminated. The results of the water quality analysis will be provided to the property owner.



BASE MAP SOURCE: Aerial photograph from Google Earth Pro (July 2007).

**LEGEND**

-  Percolation Test Location
-  Prototype Percolation Pond (dimensions of approximately 20 feet by 20 feet).
-  Access Roads
-  Area of Investigation



**SITE MAP**  
Pasquini Property Investigation  
Nipomo, California

TO: BOARD OF DIRECTORS  
FROM: BRUCE BUEL *BBB*  
DATE: AUGUST 21, 2009

**AGENDA ITEM  
D-4  
AUGUST 26, 2009**

EMERGENCY RESPONSE TRAINING

**ITEM**

Authorize execution of agreement with Willdan for emergency response training [AUTHORIZE EXECUTION OF AGREEMENT]

**BACKGROUND**

Both the Strategic Plan and the FY09-10 Budget provide for staff training and preparation for responding to emergencies. Over the past two years, the Board has taken the Administrative Overview and Staff has taken the one day Introduction. This year, staff is proposing a two day functional exercise on Tuesday October 20<sup>th</sup> and Wednesday October 21<sup>st</sup>. The six command position staff from "A" shift (Incident Commander, Ops Chief, Planning Chief, Logistics Chief, Finance Chief and PIO) and the six command position staff from "B" shift would take the course, leaving three crew members to man the office and the necessary field work. Bill Fisher from Cal Fire has confirmed that a member of his crew will also participate.

Attached is a quote from Willdan (the same firm used previously) in regards to their cost of setting up and providing the training. Their quote is \$12,325.

**FISCAL IMPACT**

The \$12,135 for Willdan is covered in the FY09-10 Budget. The exercise will also consume approximately 100 hours of previously budgeted staff time.

**RECOMMENDATION**

Staff believes that Emergency Response Training is vital in regards to being prepared for future disasters and recommends that the Board authorize execution of an agreement with Willdan for this training on a time and materials basis with a not to exceed expenditure limit of \$12,325.

**ATTACHMENTS**

- Willdan Quote

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\EMERGENCY RESPONSE TRAINING.DOC



## Bruce Buel

---

**From:** WolfCMS@aol.com  
**Sent:** Monday, August 10, 2009 9:24 AM  
**To:** Bruce Buel  
**Subject:** EOC Training

Bruce,

I apologize. Apparently my email didn't get out and I didn't realize it. Regarding the EOC training, I proposed a 2-day course at \$12,325. The dates of Oct 20/21 is available and I would be the lead instructor. We normally do a 3-day course on general EOC info followed by a 3-day jurisdiction/section specific course. However, because of the size of your EOC staff, we can get it all accomplished in two days. If this works, let me know and I will have Patty draw up a formal contract.

Looking forward to working with you!  
Bill

Bill Wolf, Director  
Program Development & Delivery  
Willdan Homeland Solutions  
2401 E. Katella Avenue, Suite 220  
Anaheim, CA 92806  
(714) 940-6375



**CONFIDENTIALITY NOTICE:** This communication and any documents, files or previous e-mail messages attached to it, constitute an electronic communication within the scope of the Electronic Communication Privacy Act, 18 USCA 2510. This communication may contain non-public, confidential, or legally privileged information intended for the sole use of the designated recipient(s). The unlawful interception, use or disclosure of such information is strictly prohibited under 18 USCA 2511 and any applicable laws. If you are not the intended recipient, or have received this communication in error, please notify the sender immediately by reply email or by telephone at (714) 940-6370 and delete all copies of this communication, including attachments, without reading them or saving them to disk. Thank you.

---

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

**AGENDA ITEM**  
**D-5**  
**AUGUST 20, 2009**

**APPROVE PURCHASE OF NEW PICK UP**

**ITEM**

Approve purchase of 2010 Ford Ranger  
[EXECUTE SALES AGREEMENT].

**BACKGROUND**

The purchase of a Ford Ranger was budgeted in the 2009-2010 Fiscal Budget for the District Engineer to drive during the course of his duties within the District.

Four automobile dealers were contacted for quotes for the 2009 Ford Ranger. The dealers contacted were Mullahey Ford, Paso Robles Ford, Santa Maria Ford, and Theodore Robbins Ford. The District received quotes from Santa Maria Ford and Mullahey Ford for the 2009 model but due to the "Cash for Clunkers" program, the 2009 models are now out of stock.

Staff then requested quotes for the 2010 model Ford Ranger and three dealers responded. The quotes were received from Mullahey Ford, Santa Maria Ford and Mullahey Ford. Mullahey Ford honored the quote given for the 2009 model as their quote for the 2010 model. Theodore Robbins Ford will deliver the vehicle from Costa Mesa at no extra charge. The dealers and the quotes including sales tax are listed below for the 2010 model.

DEALER	AMOUNT
Mullahey Ford	\$16,680.00
Santa Maria Ford	\$19,480.00
Theodore Robbins Ford	\$16,619.00

**FISCAL IMPACT**

The purchase of the Ford Ranger was budgeted as a fixed asset purchase in the FY 2009-2010 budget. Since \$14,000.00 was budgeted for the vehicle, staff requests amending the budget to offset the additional cost of the vehicle by transferring funds from the EOC Set Up line item in the amount of \$2619.00. This transfer from the EOC fund will reduce this line item from \$10,000.00 to \$7,381.00.

**RECOMMENDATIONS**

Staff recommends that your Honorable Board approve purchase of the 2010 Ford Ranger from Theodore Robbins Ford. We further recommend that the line item transfer described above be approved.

**ATTACHMENTS: NONE**