

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: SEPTEMBER 25, 2009



CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Approve Minutes of 9/09/09 Regular Meeting
- D-3) ADOPT RESOLUTION INITIATING FORMATION OF MILLER PARK
ASSESSMENT DISTRICT [ADOPT RESOLUTION]
- D-4) AUTHORIZE DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF PHASE
1 OF WILLOW ROAD WATER LINE EXTENSION [APPROVE
RECOMMENDATION]
- D-5) AWARD QUOTE FOR EXTENSION OF OFFICE ROOF [AUTHORIZE
EXECUTION OF CONTRACT]
- D-6) AUTHORIZE EXECUTION OF MOU WITH COUNTY OF SLO RE
COMMUNICATION PROTOCOLS [AUTHORIZE MOU EXECUTION]
- D-7) AMEND AGREEMENT WITH CHICAGO GRADE FOR DISPOSAL OF BIO-
SOLIDS [RECOMMEND APPROVAL]

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TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL
 DATE: SEPTEMBER 25, 2009

**AGENDA ITEM
 D-1
 SEPTEMBER 30, 2009**

**TOTAL COMPUTER
 CHECKS
 \$219,629.25**

HAND WRITTEN CHECKS

09-08-09	19970	C H P	10.00
09-09-09	19971	POSTMASTER	220.00
09-18-09	19972	L VIERHEILIG	100.00
09-18-09	19973	J HARRISON	100.00
09-30-09	19974	W BURROUGHS	75.00
09-30-09	19975	M DENTON	75.00
09-30-09	19976	R GRAY	75.00
09-30-09	19977	W MARSALEK	75.00
09-30-09	19978	L SPITLER	75.00
09-30-09	19979	J HUSTON	75.00
09-30-09	19980	D MINOR	75.00
09-30-09	19981	A MENDOZA	75.00
09-30-09	19982	H GOMEZ	75.00
09-30-09	19983	S LAZALDE	75.00
09-30-09	19984	B BERTRAND	75.00
09-30-09	19985	L COULTER	75.00
09-30-09	19986	M CARDOSA	75.00
09-30-09	19987	J DALCERRI	75.00
09-30-09	19988	R COBB	75.00
09-30-09	19989	D COEN	75.00
09-30-09	19990	G O'ROARK	75.00

VOID - NONE

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
17007	09/18/09	EMP01	EMPLOYMENT DEVELOP DEPT	1026.05	.00	1026.05	A90914	STATE INCOME TAX
17008	09/18/09	MID01	RABOBANK-PAYROLL TAX DEPO	3190.28	.00	3190.28	A90914	FEDERAL INCOME TAX
				48.38	.00	48.38	1A90914	FICA
				940.78	.00	940.78	2A90914	MEDICARE (FICA)
			Check Total.....:	4179.44	.00	4179.44		
17009	09/18/09	MID02	RABOBANK-DIRECT DEPOSIT	28286.34	.00	28286.34	A90914	NET PAY
17010	09/18/09	PER01	PERS RETIREMENT	9046.70	.00	9046.70	A90914	PERS PAYROLL REMITTANCE
17011	09/18/09	STA01	ING-PERS 457 DEFERRED COM	1325.00	.00	1325.00	A90914	457 DEFERRED COMP
017012	09/18/09	ABA01	ABALONE COAST BACTERIOLOG	176.00	.00	176.00	09-1829	LAB TEST-SOUTHLAND WWTF
				20.00	.00	20.00	09-1872	LAB TEST-BL WWTF
				20.00	.00	20.00	09-1883	LAB TEST-BL WWTF
				175.00	.00	175.00	09-1884	LAB TEST-WATER
				20.00	.00	20.00	09-1892	LAB TEST-BL WWTF
				176.00	.00	176.00	09-1893	LAB TEST-SOUTHLAND WWTF
				20.00	.00	20.00	09-1906	LAB TEST-BL WWTF
				20.00	.00	20.00	09-1915	LAB TEST-BL WWTF
				20.00	.00	20.00	09-1931	LAB TEST-BL WWTF
				175.00	.00	175.00	09-1932	LAB TEST-WATER
				176.00	.00	176.00	09-1942	LAB TEST-SOUTHLAND WWTF
				20.00	.00	20.00	09-1943	LAB TEST-BL WWTF
				20.00	.00	20.00	09-1948	LAB TEST-BL WWTF
				20.00	.00	20.00	09-1958	LAB TEST-BL WWTF
			Check Total.....:	1058.00	.00	1058.00		
017013	09/18/09	ALX01	ALEXANDER'S CONTRACT SERV	3247.12	.00	3247.12	SEPT	METER READING SERVICE
017014	09/18/09	AME02	AMERICAN INDUSTRIAL SUPPL	149.58	.00	149.58	200043	SUPPLIES
				8.61	.00	8.61	200990	GOGGLES
			Check Total.....:	158.19	.00	158.19		

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS SEPTEMBER 25, 2009**

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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
017015	09/18/09	AME03	AMERI PRIDE	120.49	.00	120.49	F860958	UNIFORMS
				199.71	.00	199.71	F857287	UNIFORMS
			Check Total.....	320.20	.00	320.20		
017016	09/18/09	ATT01	AT&T/MCI	185.41	.00	185.41	844569	PHONE
017017	09/18/09	BRE02	BRENNTAG PACIFIC INC.	601.12	.00	601.12	BPI926588	SODIUM HYPOCHLORITE
				710.36	.00	710.36	BPI928558	SODIUM HOPYCHLORITE
			Check Total.....	1311.48	.00	1311.48		
017018	09/18/09	CAR04	CAR QUEST AUTO PARTS	204.45	.00	204.45	A90916	SUPPLIES
017019	09/18/09	CLE06	CLEVER DUCKS	562.50	.00	562.50	8558	COMPUTER SUPPORT
				291.00	.00	291.00	8630	COMPUTER SUPPORT
			Check Total.....	853.50	.00	853.50		
017020	09/18/09	DIS01	DISPENSING TECHNOLOGY COR	820.66	.00	820.66	3587	TRAFFIC CONES
017021	09/18/09	ENV01	ENVIRONMENTAL EQUIP ENG	764.40	.00	764.40	3795	PROPELLER FOR AERATOR
017022	09/18/09	FER01	FERGUSON ENTERPRISES INC	4719.70	.00	4719.70	1676942	CLA-VAL-MISTY GLEN
017023	09/18/09	FGL01	FGL ENVIRONMENTAL	331.00	.00	331.00	908301A	LAB TEST-SOUTHLAND WWTF
				56.00	.00	56.00	908302A	LAB TEST-BL WWTF
				81.00	.00	81.00	908571A	LAB TEST-BL WWTF
				306.00	.00	306.00	908572A	LAB TEST-SOUTHLAND WWTF
				81.00	.00	81.00	908816A	LAB TEST-BL WWTF
			Check Total.....	855.00	.00	855.00		
017024	09/18/09	FUG01	FUGRO WEST, INC.	3125.99	.00	3125.99	3596.5-8	SOUTHLAND EXPANSION-PASQU
017025	09/18/09	GAS02	GAS COMPANY, THE	4791.17	.00	4791.17	A90916	NATURAL GAS-SUNDALE
017026	09/18/09	GRO01	GROENIGER & CO	1110.85	.00	1110.85	11010929	WATER SERVICE SUPPLIES
017027	09/18/09	HAY01	HAYES ADVANCED DESIGN	2376.00	.00	2376.00	501925	ASPHALT REPAIR-DANA
017028	09/18/09	LIN02	LINC DELIVERY	231.00	.00	231.00	AUGUST	DELIVERY
017029	09/18/09	MOR02	MORE OFFICE SOLUTIONS	462.53	.00	462.53	508377	COPIER MAINTENANCE
017030	09/18/09	NIP08	NIPOMO CSD	271.86	.00	271.86	AUG 2009	WATER-LANDSCAPE MAINT DIS
017031	09/18/09	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	74891	PEST CONTROL
				49.00	.00	49.00	74892	PEST CONTROL
			Check Total.....	314.00	.00	314.00		
017032	09/18/09	OFF01	OFFICE DEPOT	123.42	.00	123.42	52001	OFFICE SUPPLIES
				89.98	.00	89.98	76001	OFFICE SUPPLIES
			Check Total.....	213.40	.00	213.40		
017033	09/18/09	QUI01	QUILL CORPORATION	25.40	.00	25.40	8954072	OFFICE SUPPLIES
017034	09/18/09	SAF01	SAFETY GEAR CORPORATION	273.12	.00	273.12	26533	INCIDENT COMMAND VESTS
017035	09/18/09	SAN04	SANTA MARIA TIMES	357.00	.00	357.00	613156	MISTY GLEN BID ADVERTISEM
				779.24	.00	779.24	1050637	CONSERVATION ADVERTISING
			Check Total.....	1136.24	.00	1136.24		
017036	09/18/09	SAN09	SAN LUIS MAILING SERVICE	43.93	.00	43.93	40477A	MAIL LATE NOTICES
				111.76	.00	111.76	40477B	POSTAGE FOR LATE NOTICES
				272.32	.00	272.32	40485A	MAIL SERVICE
				1371.76	.00	1371.76	40485B	POSTAGE FOR BILLS
			Check Total.....	1799.77	.00	1799.77		
017037	09/18/09	SLO02	DIV OF ENVIRON HEALTH	812.86	.00	812.86	64263	CROSS CONNECTION PROGRAM
017038	09/18/09	SLO08	SAN LUIS OBISPO COUNTY	393.80	.00	393.80	5221	ENCORACHMENT PERMIT-DANA
017039	09/18/09	TEC01	TECHNOFLO SYSTEMS	3721.34	.00	3721.34	2938	6" FLOW METER MISTY GLEN
017040	09/18/09	TER01	TERMINIX	150.00	.00	150.00	A90917	ANNUAL PEST CONTROL SERVI
017041	09/18/09	USA01	USA BLUEBOOK	230.73	.00	230.73	878422	GAUGES
				-188.25	.00	-188.25	887282C	CREDIT FOR RETURN
			Check Total.....	42.48	.00	42.48		

Copy of document found at www.NoNewWipTax.com

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS SEPTEMBER 25, 2009**

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Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
017042	09/30/09	ABA01	ABALONE COAST BACTERIOLOG	97.00	.00	97.00	09-1772	TOWN WWTF LAB
				97.00	.00	97.00	09-1827	TOWN WWTF LAB
				97.00	.00	97.00	09-1894	TOWN WWTF LAB
				20.00	.00	20.00	09-1972	BL WWTF LAB
				20.00	.00	20.00	09-1979	BL WWTF LAB
				175.00	.00	175.00	09-1980	WATER SAMPLES
				20.00	.00	20.00	09-1993	BL WWTF LAB
				176.00	.00	176.00	09-1994	TOWN WWTF LAB
				20.00	.00	20.00	09-2001	BL WWTF LAB
				20.00	.00	20.00	09-2011	BL WWTF LAB
			Check Total.....	742.00	.00	742.00		
017043	09/30/09	AIR01	AIR POLLUTION CONTROL	741.76	.00	741.76	12546	PERMIT-SOUTHLAND STANDYBY
017044	09/30/09	AME03	AMERI PRIDE	123.63	.00	123.63	F873567	UNIFORMS ETC
017045	09/30/09	ASC01	ASCE MEMBERSHIP	250.00	.00	250.00	092509	MEMBERSHIP RENEWAL
017046	09/30/09	AWW01	AWWA BOOKSTORE	172.50	.00	172.50	78327	STUDY GUIDES
017047	09/30/09	BUE01	BUEL, BRUCE	548.29	.00	548.29	A90925	TRAVEL CSDA CONFERENCE
017048	09/30/09	CAL03	CALIFORNIA ELECTRIC SUPPL	185.32	.00	185.32	786987	ELECTRICAL-LIFT STATION
017049	09/30/09	CAN02	CANNON ASSOCIATES	1932.52	.00	1932.52	47006	MAINT WATER & SEWER
				1686.25	.00	1686.25	47011	EUREKA ANTENNA
				7515.00	.00	7515.00	47013	SUNDALE ELECTRIFICATION
				13759.38	.00	13759.38	47030	WILLOW RD WATERLINE
			Check Total.....	24893.15	.00	24893.15		
017050	09/30/09	CHI01	CHICAGO GRADE LANDFILL, I	36307.62	.00	36307.62	11067	BIOSOLIDS CONTRACT
017051	09/30/09	CLA02	CLAY'S SEPTIC & JETTING	300.00	.00	300.00	39043	PUMP LIFT STN
				1950.00	.00	1950.00	39074	JETTING SEWER LINES & LPT
			Check Total.....	2250.00	.00	2250.00		
017052	09/30/09	COA01	COASTLINE EQUIPMENT	184.12	.00	184.12	3965832	SUPPLIES
017053	09/30/09	COR01	CORBIN WILLITS SYSTEMS	1560.00	.00	1560.00	A90915	CONSERVATION TRACK SOFTWA
				750.83	.00	750.83	A909151	BILLING SOFTWARE SUPPORT
			Check Total.....	2310.83	.00	2310.83		
017054	09/30/09	DAV02	DAVE'S TREE SERVICE	300.00	.00	300.00	2700	ALDER CLEARANCE
017055	09/30/09	DEW01	J B DEWAR INC	259.99	.00	259.99	373809	WELL OIL
017056	09/30/09	DIS01	DISPENSING TECHNOLOGY COR	192.49	.00	192.49	3632	SUPPLIES
017057	09/30/09	DKF01	DKF SOLUTIONS GROUP, LLC	350.00	.00	350.00	1014	SAFETY OFFICER MONTHLY SU
017058	09/30/09	DWI01	DWIGHT'S AUTOMOTIVE	5.65	.00	5.65	83039	PROPANE FOR BLUE DOTS
				15.00	.00	15.00	83050	TIRE REPAIR
			Check Total.....	20.65	.00	20.65		
017059	09/30/09	EBY01	EBY, ED	100.00	.00	100.00	093009	REG BD MEETING 093009
017060	09/30/09	FER01	FERGUSON ENTERPRISES INC	229.79	.00	229.79	1683146	SUPPLIES
017061	09/30/09	FGL01	FGL ENVIRONMENTAL	306.00	.00	306.00	908817A	TOWN WWTF LAB
				81.00	.00	81.00	909307A	BL WWTF LAB
			Check Total.....	387.00	.00	387.00		
017062	09/30/09	GAR01	GARING TAYLOR & ASSOC	362.50	.00	362.50	9993	PEER REVIEW-WILLOW RD
017063	09/30/09	GAS02	GAS COMPANY, THE	96.45	.00	96.45	090909	SUNDALE WELL
				14.46	.00	14.46	092109	OFFICE HEAT 06235160949
			Check Total.....	110.91	.00	110.91		
017064	09/30/09	GRO01	GROENIGER & CO	1016.41	.00	1016.41	11010831	SUPPLIES
017065	09/30/09	GWA01	GWA INC	53.00	.00	53.00	900640101	ALARM MONITORING

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS SEPTEMBER 25, 2009**

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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
017065	09/30/09	GWA01	GWA INC	85.00	.00	85.00	902062100	ALARM MONITORING
				85.00	.00	85.00	902107101	ALARM MONITORING
			Check Total.....:	223.00	.00	223.00		
017066	09/30/09	HAM02	HAMNER JEWELL & ASSOCIATE	1852.50	.00	1852.50	4617	WATERLINE INTERTIE
017067	09/30/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	093009	REG BD MEETING 093009
017068	09/30/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	093009	REG BD MEETING 093009
017069	09/30/09	NEX01	NEXTEL COMMUNICATIONS	411.17	.00	411.17	87314094	CELL PHONES
017070	09/30/09	PAS01	PASQUINI, CHARLES	3262.50	.00	3262.50	9-11-09	REIMBURSEMENTFOR LEGAL FE
017071	09/30/09	PER04	PERRY'S ELECTRIC MOTORS	815.39	.00	815.39	10129	REPAIR MOTOR
017072	09/30/09	PUR01	PURE SAFE	149.14	.00	149.14	02-50	REPLACED FILTERS
017073	09/30/09	QUI01	QUILL CORPORATION	499.71	.00	499.71	9415814	OFFICE SUPPLIES
017074	09/30/09	REE01	REEDER, GILMAN & MILLION	2000.00	.00	2000.00	7578	APPRAISAL
017075	09/30/09	SAI01	SAIC	12564.92	.00	12564.92	448592	NMMA TG
				876.75	.00	876.75	457947	CONSULT
			Check Total.....:	13441.67	.00	13441.67		
017076	09/30/09	SCI01	SCIENCE DISCOVERY	1934.50	.00	1934.50	PO 1418	WATER CONSERVATION EDUCAT
017077	09/30/09	SHI01	SHIPSEY & SEITZ, INC	10168.92	.00	10168.92	A90917	LEGAL SERVICES THRU 8/15/
017078	09/30/09	SPE01	SPECIAL DISTRICT RISK	4962.00	.00	4962.00	30608	WORKERS COMP 2ND QTR
017079	09/30/09	STA08	STAPLES	366.45	.00	366.45	952955-1_	OFFICE SUPPLIES
017080	09/30/09	TME01	TM ENVIRONMENTAL SERVICES	90.00	.00	90.00	13821	PEST CONTROL
017081	09/30/09	UND01	UNDERGROUND SERVICE ALERT	145.50	.00	145.50	90090034	UNDERGROUND NOTIFICATION
017082	09/30/09	VAN01	VAN SCOYOC ASSOCIATES	4500.00	.00	4500.00	32223	LOBBYING SERVICES FOR SEP
017083	09/30/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	093009	REG BD MEETING 093009
017084	09/30/09	WAL01	WALLACE GROUP	2958.00	.00	2958.00	28474	GIS UPDATES
				294.00	.00	294.00	28490	SURVEY APN 090-142-007
				4838.12	.00	4838.12	28495	MILLER PARK
				5598.78	.00	5598.78	28496	WATERLINE INTERTIE ASSESS
				2894.00	.00	2894.00	28504	AB 1600 ANALYSIS
			Check Total.....:	16582.90	.00	16582.90		
017085	09/30/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	093009	REG BD MEETING 093009
017086	09/30/09	WOO01	DOUGLAS WOOD & ASSOCIATES	4886.49	.00	4886.49	083109	SOUTHLAND WWTF UPGRADE
				1285.00	.00	1285.00	A90916	MILLER PARK

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

DRAFT MINUTES

SEPTEMBER 9, 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 September 9, 2009 Regular Board Meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all directors were present.

00:00:00

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) NCS D STAFF MEMBERS TINA GRIETENS AND PETER SEVCIK
Update re: Fire at Sundale Well, Production Limits & Need for Customer Help

Tina Grietens, Utility Superintendent, and Peter Sevcik, District Engineer, reviewed the events of the fire at the Sundale Well and how it will affect the water production for the District.

Ms. Grietens and Mr. Sevcik answered questions from the Board.

The following members of the public spoke:

Ian Wallace, NCS D resident – asked why the District could not install a chloramine system rather than replace the chlorine system since it will be needed when the Waterline Intertie Project is built. He understood that a well at Blacklake had been converted already. He also asked if there was a fire detection system in the building that burned.

Mr. Sevcik answered that the chloramine system must be installed at the Sundale Well during construction of the WIP at the same time as the other well locations. The chlorine system will be installed at the Sundale Well now. No well in the District has been converted yet. Mr. Sevcik explained that chloramines are not compatible with the chlorine system we presently use. Mr. Sevcik indicated that there was not a fire system in the building that burned.

C-2) NCS D DISTRICT ENGINEER PETER SEVCIK

Update re: August 2009 Activities

Peter Sevcik, District Engineer, reviewed the memorandum presented in the Board packet. He answered questions from the Board.

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

Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig

Nipomo Native Garden will have a workday Saturday, Sept. 12th, from 9 to 12 a.m.

MINUTES SUBJECT TO BOARD APPROVAL

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

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

Nipomo Native Garden will have its annual plant sale Sunday, Oct. 4th, in the Nipomo Native Garden parking lot from 9 a.m. to 3 p.m.

Opening of a natural gas fuel station by South County Sanitary Service will be Wednesday, Sept. 30th, at 3:30 p.m. There will be cocktails from 5-7 p.m. at the Sea Venture Resort. RSVP is required.

Director Eby

Tickets are still available for the Sept. 27, 2009 concert to benefit the Dana Adobe. Tickets are \$20.00. Reception will be at 3:00 p.m. and concert at 4:00 p.m.

Director Winn

- Aug. 28, 2009 – Information tour for the Paso Robles Wine Country Alliance. The group is developing a method for confidential reporting of water pumping by farmers.
- Sept. 3, 2009 – Mr. Winn met with Supervisor Achadjian and discussed the Joint Powers Agreement. It will be on the Board of Supervisors agenda in a few weeks.
- Sept. 8, 2009 – The SLO Board of Supervisors met with the Planning Commission. Copies of the report were provided. The Board of Supervisors agenda and the Planning Commission's plan for the coming year can be downloaded on the County's website.
- Sept 21, 2009 – The SCAC Land Use Sub-Committee will meet in NCSD'S Board Room.
- Sept 29, 2009 – Proposed Miller Park forum regarding design and funding will be held in NCSD Board room at 6:30 p.m.
- Sept. 30, 2009 – A community forum will be held concerning Willow Road extension and funding for same.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Ian Wallace, NCSD resident – asked what one can do with pharmaceuticals which are no longer needed.

Mr. Buel explained that there is a nationwide program. The information will be in the District's next newsletter, and he will send the information to Mr. Wallace.

00:52:25

D. CONSENT AGENDA

Items D3, D5, and D7 were pulled from the Consent Agenda for separate consideration.

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of 8/26/09 Regular Meeting

D-4) APPROVE TRANSFER OF FUNDS FOR BACKHOE PURCHASE

**RESOLUTION NO. 2009-1158
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT BUDGET TO PROVIDE FOR THE PURCHASE OF A BACKHOE**

D-6) RETAIN THE WALLACE GROUP TO PREPARE FINAL ASSESSMENT REPORT FOR MILLER PARK ASSESSMENT DISTRICT

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

D. CONSENT AGENDA (CONT)

There was some Board discussion on the warrants. Director Winn would like a notation on the next gas bill that is received that notes the gas consumed during the fire.

The following member of the public spoke:

John Snyder, Nipomo resident – stated that if the District should build additional storage and pump water at night when the rates are lower, it might save money on the electrical expenses.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously approved Items D1, D2, D4 and D6 of the Consent Agenda. Vote 5-0.

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

Items D3, D5, and D7 pulled for separate consideration.

D-3) EXTEND SCIENCE DISCOVERY EDUCATION OUTREACH AGREEMENT

Bruce Buel, General Manager, reviewed the changes in the agreement with Mike deMilo of Science Discovery.

Kari Wagner, from the Wallace Group and author of the agreement, explained the minor changes in the agreement and answered questions from the Board.

Celeste Whitlow, Water Conservation Coordinator, told the Board that last year the cost was around \$200 for the Science Discovery outreach program.

Director Winn stated that presentation to the School Board is most important. He would like to be notified of the date of the presentation in order that those Board members who can attend may.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed to authorize the General Manager to execute a *Cooperative Agreement* with the four other water purveyors and Science discovery for classroom presentations for Fiscal Year 2009-2010, with the addition of \$220.00 for the preparation of a presentation to be given to the Lucia Mar School Board. Vote 5-0.

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

D-5) AMEND UTILITY WORKER JOB DESCRIPTION TO REQUIRE D-1 CERTIFICATION

Bruce Buel, General Manager, explained that the current job description for the Utility Worker needs to be amended to state the following:

- Grade 1 Water Distribution Certification is required.
- Grade 1 Wastewater Collection System Maintenance Certification must be obtained within twelve months of hire.

The Board discussed the requirements needed for the planned position.

Tina Grietens, Utility Superintendent, explained why the OIT requirement is being requested to be dropped.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

D-5) AMEND UTILITY WORKER JOB DESCRIPTION TO REQUIRE D-1 CERTIFICATION (CONT)

Upon motion of Director Vierheilig and seconded by Director Nelson, the Board unanimously approved Resolution 2009-1159. Vote 5-0.

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

RESOLUTION NO. 2009-1159
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY TO
REVISE UTILITY WORKER JOB DESCRIPTION

D-7) AUTHORIZE PAYMENT OF YR 2000 INVOICE FOR ARCHEOLOGICAL SERVICES

Bruce Buel, General Manager, reviewed the correspondence from C.A. Singer regarding services rendered to NCSD in 2000. Mr. Buel answered questions from the Board. Jon Seitz, District Legal Counsel, stated that there is no legal obligation to pay the bill but a policy change is possible.

Director Winn related what happed at that time. After Board discussion, the following member of the public spoke:

John Snyder, Nipomo resident – stated that Mr. Seitz should have the paperwork relating to the matter.

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously agreed to postpone payment of the bill until further information can be provided by Mr. Singer. Vote 5-0

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

The Board took a break at 10:34 a.m. and resumed the meeting at 10: 46 a.m.

E. ADMINISTRATIVE ITEMS

01:33:15

E-1) PUBLIC HEARING – CONSIDER KENDEL INTENT-TO-SERVE APPLICATION FOR WATER AND SEWER SERVICE FOR MULTI-FAMILY APARTMENT COMPLEX ON BLUME STREET SOUTH OF WEST TEFFT STREET

Peter Sevcik, District Engineer, reviewed how changes in the allocation policy apply to the application from Bill Kengel for water and sewer service for project CO 06-0225 on Blume Street.

Mr. Sevcik and Mr. Buel answered questions from the Board.

Director Winn mentioned that the well on the property should be taken out of service. Mr. Buel stated that after the lot-split is complete, the well will not be a part of the subdivision.

The following members of the public spoke:

Vince McCarthy, NCSD resident – stated that there was a loss of a major well. He asked if there was sufficient water to supply the project.

Answer: The well that was lost will be in operation again by the time Mr. Kengel's project requires water service.

MINUTES SUBJECT TO BOARD APPROVAL

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

E-1) PUBLIC HEARING – CONSIDER KENGEL INTENT-TO-SERVE APPLICATION FOR WATER AND SEWER SERVICE FOR MULTI-FAMILY APARTMENT COMPLEX ON BLUME STREET SOUTH OF WEST TEFFT STREET (CONT)

John Belsher, representative for the project, asked about the available allocations. Director Winn asked if any of the units are proposed to be low-income. Mr. Belsher stated that there was no project description yet. Upon motion by Director Winn and seconded by Director Vierheilg, the Board approved the issuance of an Intent-to-Serve letter with the additional language of the conditions stated in the Board letter. Vote 4-1, with Director Eby dissenting.

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

01:52:30

E-2) REVIEW PRELIMINARY ASSESSMENT RESEARCH FOR PARTNER PURVEYORS FOR WIP CONSTRUCTION FUNDING

Bruce Buel, General Manager, explained that the Wallace Group was hired to evaluate the potential assessment roll for the properties inside NCSD, Woodlands Mutual Water Company, Golden State Water Company and Rural Water Company to partner in funding the Santa Maria Waterline Intertie Project.

Kari Wagner from the Wallace Group and Jon Seitz, District Legal Counsel, answered questions from the Board. Director Winn asked that the boundaries be more clearly defined.

The following members of the public spoke:

John Snyder, Nipomo resident, stated that he was confused about Nipomo buying water from Santa Maria and if Santa Maria had clear title to the water.

Bill Petrick, NCSD resident, asked questions about capital costs noted on the tables on page 2.

Bruce Buel, General Manager, explained that \$17 million is the NCSD share and \$6 million has been committed from reserves. Equity between entities is the goal. President Harrison would like to make it clear to the public that information will be made available and exemptions are possible for those properties that qualify.

There was no action taken.

02:32:28

E-3) DISCUSS ORDINANCE ESTABLISHING VOLUNTARY EMERGENCY WATER SHORTAGE REGULATIONS AND SET HEARING FOR INTRODUCTION

Jon Seitz, District Legal Counsel, reviewed the proposed ordinance and answered questions from the Board. The Board discussed the proposed ordinance and offered minor changes.

The following member of the public spoke:

Bill Petrick, NCSD resident asked, if the ordinance is voluntary, who will regulate?

President Harrison answered that these regulations are meant to enlighten the community and are recommendations for conservation.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-3) DISCUSS ORDINANCE ESTABLISHING VOLUNTARY EMERGENCY WATER SHORTAGE REGULATIONS AND SET HEARING FOR INTRODUCTION (CONT)

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to the "Voluntary Conservation Measures" in concept with minor edits and moving B1 to A and to set a hearing for September 30, 2009, for Introduction of the Ordinance. Vote 5-0.

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

The Board considered Closed Session next.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items for Closed Session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSO (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; NCSO VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. ANNUAL PERFORMANCE REVIEW OF GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54597

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:02 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:28 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on Items 1 & 2 above and took no reportable action.

Item 3 – The Board concluded the review. President Harrison will meet with the General Manager to report the results of the review.

E-4) REVIEW AND EDIT DRAFT AMENDMENTS TO ALLOCATION PROGRAM AND DRAFT EDITS TO INTENT-TO-SERVE PROCESS GUIDELINES AND SET DATE FOR INTRODUCTION

Jon Seitz, District Legal Counsel, explained that the Board authorized staff to present potential revisions to the allocation ordinance. He reviewed the major revisions. Mr. Seitz answered questions from the Board.

02:50:34

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-4) REVIEW AND EDIT DRAFT AMENDMENTS TO ALLOCATION PROGRAM AND DRAFT EDITS TO INTENT-TO-SERVE PROCESS GUIDELINES AND SET DATE FOR INTRODUCTION (CONT)

The following members of the public spoke:

Vince McCarthy, NCSD resident – stated that the engineer can certify but cannot guarantee 15% reduction of an unknown amount of water. The District needs redirection protection if supplemental water doesn't come through.

John Belsher, representative for Mr. Kengel, stated that multi-family should be 0.30 afy and gave the Board some information.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed to bring the ordinance to the September 30, 2009 Board meeting for a first reading. Vote 5-0.

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

The Board took a break at 2:43 p.m. and returned at 2:53 p.m.

04:07:37

E-5) REVIEW DRAFT WATER FUND FINANCIAL ANALYSIS/RATE STUDY AND PROPOSE FUTURE RATE INCREASE

Bruce Buel, General Manager, explained that the Board hired Clayton Tuckfield to develop a water fund financial analysis and rate study. The draft presented illustrates the impact to NCSD's existing customers.

Clayton Tuckfield reviewed the presentation, which included some of the following slides: Objectives, Study Assumptions, Customer Growth, Expense Inflation Factors, Interest Earning Rate, Capital Financial Plan, Water Fund Financial Plan (Options), Water Fund Option Matrix, Current Rate Structure, Billing Information Analysis Findings, Propose Fixed Charges, Proposed Residential Variable Rate Structures, Proposed Non-Residential Variable Rate Structures, Rate Survey, Comparison of Single-Family Residents bi-Monthly Water Bills, etc. Mr. Tuckfield answered questions from the Board.

The following members of the public spoke:

Bill Petrick, NCSD resident – asked for clarification on future debt service and O & M expenses referenced in the report. He also stated that the COP interest rate is cheaper than an assessment.

The Board discussed the report, including tiered rates. Director Eby provided graphs showing different tiered rates and the effect on the water bills.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed to finance the capital portion of the Waterline Intertie Project through an assessment district. Vote 5-0. Mr. Buel will work with Mr. Tuckfield to break out the costs of the project versus the O & M.

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

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-5) REVIEW DRAFT WATER FUND FINANCIAL ANALYSIS/RATE STUDY AND PROPOSE FUTURE RATE INCREASE (CONT)

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to propose a 19.5% increase in the cost of water per year for five years assuming assessment funding and the full repayment method for replacement. Vote 5-0.

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

Director Winn made a motion to adopt a three-tiered rate structure. The motion failed due to the lack of a second.

Upon motion by Director Vierheilig and seconded by Director Nelson, the Board agreed to propose a four-tiered water rate structure for future consideration. Vote 3-2, with Directors Eby and Winn dissenting.

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

05:26:35

E-6) CONSIDER ADOPTION OF PROTEST PROCEEDING GUIDELINES

Bruce Buel, General Manager, explained that a set of protest proceeding guidelines was drafted for the Board's consideration.

Jon Seitz, District Legal Counsel, responded to a letter received from the Blacklake NCSD Liaison Committee delivered to NCSD by Bill Petrick via e-mail.

The following members of the public spoke:

Bill Petrick, NCSD resident – asked for clarification on no votes for each parcel versus each meter.

Mr. Seitz answered that there is only one vote counted per parcel.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved Resolution 2009-1160, as edited. Vote 5-0.

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

RESOLUTION 2009-1160
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING GUIDELINES FOR THE SUBMISSION AND
TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS
CONDUCTED PURSUANT TO ARTICLE XIID, SECTION 6,
OF THE CALIFORNIA CONSTITUTION, AND RELATED NOTICING

05:48:15

E-7) DISCUSS REQUEST TO RECONSIDER POSITION ON SPHERE OF INFLUENCE DEFINITION FOR LAFCO MUNICIPAL SERVICE REVIEW AND CONSIDER PLACING ITEM ON SUBSEQUENT AGENDA

Director Eby suggested that NCSD recommend to LAFCo shrink the Sphere of Influence in order that NCSD can accommodate existing water users with the existing water, even when supplemental water arrives.

MINUTES SUBJECT TO BOARD APPROVAL

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

E-7) DISCUSS REQUEST TO RECONSIDER POSITION ON SPHERE OF INFLUENCE DEFINITION FOR LAFCO MUNICIPAL SERVICE REVIEW AND CONSIDER PLACING ITEM ON SUBSEQUENT AGENDA (CONT)

There was Board discussion. The Sphere of Influence is not about having water just now but having a 20-year plan. NCSD would like to maintain first right-of-refusal. Mutual water companies might be formed inside the current SOI if not within NCSD's sphere. There is no need to give up the existing sphere.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board agreed to reaffirm the commitment to retain its Sphere of Influence as previously approved by LAFCo. Vote 4-1, with Director Eby dissenting.

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

05:59:00

F. MANAGER'S REPORT

Bruce Buel, General Manager, updated the Board with information about the Planning Commission and water theft at the Maria Vista development. He reminded the Board of the NMMA Technical Committee meeting, Friday, October 16, 2009.

Jon Seitz, District Legal Counsel, noted the bankruptcy pleadings for Maria Vista.

06:04:11

G. COMMITTEE REPORT

The Committee Report is as submitted in the Board packet.

06:04:20

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

Would like information on AB2882 – water rate structure.

Director Vierheilig

Would like to see the impact of CAL PERS modified rate-setting formula on retirement benefits.

Director Harrison

Would like to know how much money NCSD lost to the State.

Director Winn

- Would like to agendaize report on negotiations with John Scardino at Woodlands for the Waterline Intertie Project.
- Would like more information on the Regional Water Quality Control Board two-acre parcels or larger issue.
- Would like information on Rural Water Company mapping (meter on every water line that leaves the Mesa for the "Northern Cities"))
- Would like to agendaize discussion of the origin of the Sundale fire
- Confirm with Bill Worrel of the Integrated Waste Management how old medicines can be disposed. Suggested to call a hospital.
- Look into John Snyder's suggestion of creating more storage to capture lower energy rates.

ADJOURN

President Harrison adjourned the meeting at 5:00 p.m.

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BSB*
DATE: SEPT. 25, 2009

**AGENDA ITEM
D-3
SEPT. 30, 2009**

INITIATE FORMATION OF MILLER PARK ASSESSMENT DISTRICT

ITEM

Adopt resolution initiating formation of Miller Park Assessment District [ADOPT RESOLUTION]

BACKGROUND

The Landscaping and Lighting Act of 1972 sets forth the procedural steps necessary to form an assessment district for operation of a park (See attached excerpts). The Act requires four resolutions starting with a Resolution Initiating Proceedings pursuant to Government Code Section 22585. Attached is a draft resolution prepared by District Legal Counsel to comply with the requirements of Section 22585.

Subsequently, staff expects to present Resolution 2 regarding filing of the report pursuant to Section 22586 at your October 14th Meeting; Resolution 3 regarding the Intention to Form pursuant to Section 22587 at your October 28th Meeting; and Resolution 4 regarding creation of the assessment district pursuant to Section 22594 at a special meeting to be set about December 16, 2009. Attached is a memo projecting the schedule of events,

FISCAL IMPACT

Development of this draft did use previously budgeted staff time and legal consulting cost.

RECOMMENDATION

Staff recommends that the Board adopt the attached resolution.

ATTACHMENTS

- Excerpts from Landscaping and Lighting Act of 1972
- Draft Resolution
- Memo projecting timeline for formation of Assessment District

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\MILLER PARK INITIATION AD.DOC

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**DIVISION 15. TREE PLANTING,
LANDSCAPING, AND LIGHTING**

Part 2. Landscaping And Lighting Act Of 1972

Article 3. Notice

§ 22550. Definition

"Notice" means any resolution, order, notice, or other instrument authorized or required by this part to be published, posted, or mailed.

§ 22551. Clerk; duty; exception

The clerk shall give notice or cause the same to be given in accordance with this article, unless the legislative body delegates the duty of giving the notice to some other officer or board.

§ 22552. Publication; law governing

Published notice shall be made pursuant to Section 6061 of the Government Code.

§ 22553. Completion of publication; time

Publication of notice of hearing shall be completed at least 10 days prior to the date of hearing specified therein.

§ 22554. Posted notices; bulletin boards

Posted notices, other than of hearings for the formation of an assessment district or for the annexation of territory to an existing

district, shall be made by posting upon any official bulletin board customarily used by the local agency or legislative body for the posting of notices.

§ 22556. Levy of new assessment; notice of public hearing
Prior to levying a new assessment pursuant to Chapter 2 (commencing with Section 22585), the legislative body shall cause notice of the public hearing to be given pursuant to Section 53753 of the Government Code.

Chapter 2. Organization Of The Assessment District; Levy Of First Assessment

(1) § 22585. Resolution initiating proceedings; contents
Proceedings for the formation of an assessment district shall be initiated by resolution. The resolution shall:

- (a) Propose the formation of an assessment district pursuant to this part.
- (b) Describe the improvements.
- (c) Describe the proposed assessment district and specify a distinctive designation for the district.
- (d) Order the engineer to prepare and file a report in accordance with Article 4 (commencing with Section 22565) of Chapter 1. The descriptions need not be detailed but shall be sufficient if they enable the engineer to generally identify the nature, location, and extent of the improvements and the location and extent of the assessment district.

(2) § 22586. Filing of report; submission to legislative body; modification; approval
Upon completion, the engineer shall file the report with the clerk for submission to the legislative body. The legislative body may approve the report, as filed, or it may modify the report in any particular and approve it as modified.

(3) § 22587. Resolution of intention; contents

After approval of the report, either as filed or as modified, the legislative body shall adopt a resolution of intention. The resolution shall do all of the following:

- (a) Declare the intention of the legislative body to order the formation of an assessment district, to levy and collect assessments, and, if desired, to issue bonds or notes pursuant to this part.
- (b) Generally describe the improvements.
- (c) Refer to the proposed assessment district by its distinctive designation and indicate the general location of the district.
- (d) Refer to the report of the engineer, on file with the clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, any bonds or notes to be issued, and the proposed assessments upon assessable lots and parcels of land within the district.
- (e) Give notice of, and fix a time and place for, a hearing by the legislative body on the question of the formation of the assessment district and the levy of the proposed assessment.

§ 22588. Notice, protest, and hearing procedures

The legislative body shall comply with the notice, protest, and hearing procedures in Section 53753 of the Government Code.

§ 22591. Changes by legislative body; exclusions and inclusions of territory

During the course or upon the conclusion of the hearing, the legislative body may order changes in any of the matters provided in the report, including changes in the improvements, the boundaries of the proposed assessment district and any zones therein, and the proposed diagram or the proposed assessment. The legislative body may, without further notice, order the exclusion of territory from the proposed district, but shall not order the inclusion of additional territory within the district except upon

written request by a property owner for the inclusion of his property or upon the giving of mailed notice of hearing to property owners upon the question of the inclusion of their property in the district.

§ 22592. Existence of majority protest; adjustment of territory

Upon the conclusion of the hearing, the legislative body shall determine whether a majority protest exists. For that purpose, the extent of the territory of the proposed assessment district shall be adjusted in accordance with any orders excluding territory from or including additional territory within the district.

§ 22593. Abandonment of proceedings; majority protest

Proceedings for the formation of the assessment district shall be abandoned if there is a majority protest , as defined in Section 53753 of the Government Code.

(4) § 22594. Resolution; adoption; order for improvements and formation of district; levy of assessment

(a) If a majority protest has not been filed, the legislative body may adopt a resolution ordering the improvements and the formation of the assessment district and confirming the diagram and assessment, either as originally proposed by the legislative body or as changed by it. Except as provided in subdivision (b), the adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment.

(b) If bonds or notes are to be issued pursuant to Section 22662.5, the adoption of the resolution shall constitute the levy of an assessment for a principal amount which may be collected in annual installments. The clerk shall record a notice and map describing the assessment pursuant to Division 4.5 (commencing with Section 3100).

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
INITIATING PROCEEDINGS
NIPOMO COMMUNITY SERVICES DISTRICT
PARK MAINTENANCE DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)**

WHEREAS, on July 8, 2009, the Nipomo Community Services District (District) adopted Resolution 2009-1152 forming the Nipomo Community Services District Park Zone of Benefit No.1.

WHEREAS, the Local Agency Formation Commission (LAFCO) on August 20, 2009 approved the Nipomo Community Services District (District) request to activate Park Powers (as referenced in Government Code Section 61100(e)) with the following conditions:

- A. Prior to the Executive Officer filing the Certificate of Compliance, the Nipomo CSD shall conduct a successful proposition 218 vote. Documentation confirming the successful vote approving the formation of a Maintenance District shall be submitted to LAFCO.
- B. Prior to the Executive Officer filing the Certificate of Compliance, the NCSO shall adopt appropriate CEQA documentation, including the Notice of Determination, and submit such documentation to SLO LAFCO.
- C. NCSO shall comply with the provisions set forth in the Memorandum of Understanding between San Luis Obispo County and NCSO relative to development and operation of Miller Park.
- D. The Nipomo CSD and San Luis Obispo County shall enter into an agreement prior to the District providing Park services other than Miller Park within the District's Service Area; and

WHEREAS, the proposed Park (commonly referred to as Miller Park) will be constructed on approximately 1.4 acres located at the northeast corner of the intersection of Carrillo and West Tefft Streets within the District's boundary. The facilities to be constructed at the Park include a gazebo, Veteran's Memorial, a railroad memorial, pole barn, restrooms, a pedestrian/bike path, interior paths, parking, fencing, lighting utilities and landscaping in the form of trees, shrubs, and softscape. The proposed Park is more particularly described in Section III of the expanded initial study date July 20, 2009; and

WHEREAS, on August 26, 2009, the District adopted Resolution 2009-1157 that adopted a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA) for the development of the proposed Park.

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

- 1. Pursuant to the Landscaping and Lighting Act of 1972 (Sections 22500 et. seq. of the Streets and Highways Code), the District proposes to form a Maintenance District for the purposes of partially funding the operation and maintenance of certain facilities to be constructed at the proposed Park, including but not limited the following improvements: a gazebo, Veteran's Memorial, a railroad memorial, pole barn, restrooms, a pedestrian/bike path, interior paths, parking, fencing, lighting utilities and landscaping in the form of trees, shrubs, and softscape. The proposed facilities are more particularly described in Section III

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
INITIATING PROCEEDINGS
NIPOMO COMMUNITY SERVICES DISTRICT
PARK MAINTENANCE DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)**

of the Expanded Initial Study dated July 20, 2009, that was the subject of District Resolution 2009-1157.

2. The proposed Maintenance District shall be designated as the Nipomo Community Services District Park Maintenance District No.1, or the NCSD Park Maintenance District No. 1, Nipomo Community Services District, San Luis Obispo County, California. The NCSD Park Maintenance District No.1 shall include those lands located within the Nipomo Community Services District Zone of Benefit No.1 which map is attached hereto as Exhibit "A" and incorporated herein by this reference.
3. The Engineering firm of the Wallace Group is hereby appointed as the Maintenance Engineer and is ordered to prepare and file a report in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the California Streets and Highway Code and Section 4(a & b) of Article XIID of the California Constitution; and.
4. The above recitals and referenced resolutions, studies and documents are incorporated herein by this reference.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this ____ day of _____, 2009.

JAMES HARRISON
President of the Board
Nipomo Community Services District

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel



NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
POST OFFICE BOX 326
NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932
Web site address www.nipomocsd.com

TO: HONORABLE BOARD
FROM: BRUCE BUEL *BB*
DATE: SEPTEMBER 17, 2009
RE: UPCOMING DATES RE MILLER PARK ASSESSMENT

Following is staff's proposed schedule for forming the proposed assessment district:

<u>Day/Date/Time</u>	<u>Location</u>	<u>Item</u>
Tues 9/29 @ 6:30pm	NCSD	Design Workshop
Wed 9/30 @ 9am	NCSD	Board adopts Notice of Initiation
Fri 10/9	NA	Draft of Final Engineer's Report Delivered
Wed 10/14 @ 9am	NCSD	Board accepts Engineer's Report
Wed 10/28 @ 9am	NCSD	Board adopts Notice of Intent
Fri 10/30	NA	Ballots Mailed
Mon 11/9 @6:30pm	NCSD	Property Owner Information Meeting
Wed 12/16 @ 11am	NCSD	Ballots Counted & Board makes Determination

Feel free to contact me if you have questions.

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TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: SEPTEMBER 23, 2009

**AGENDA ITEM
D-4
SEPTEMBER 30, 2009**

**WILLOW ROAD WATERLINE EXTENSION PROJECT PHASE 1
DISBURSEMENT OF CONSTRUCTION FUNDS TO SAN LUIS OBISPO COUNTY**

ITEM

AUTHORIZE DISBURSEMENT OF FUNDS TO SAN LUIS OBISPO COUNTY FOR CONSTRUCTION OF WILLOW ROAD WATERLINE EXTENSION PROJECT PHASE 1 [ADOPT RESOLUTION].

BACKGROUND

San Luis Obispo County is planning to extend Willow Road from Pomeroy Road to Hetrick Road and has agreed to install a 12 inch diameter waterline for the District in the new roadway. Under the terms of the agreement, the District is responsible for design of the waterline, inspection of the waterline, direct construction cost of the waterline and reimbursing the County for all reasonable administrative costs incurred by the County related to the waterline work. In exchange, the County will bid and construct the District's waterline work as part of the County's project. Installation of the District's waterline concurrent with the County's roadway project is more cost-effective than installing the line in the future since the water line can be installed before the roadway is paved. Staff anticipates this approach to the project will result in a total overall project cost that will be significantly less than if the District was to construct the project separate from the County's roadway project.

The agreement requires that the District deposit a total of 120% of the engineer's estimate for the waterline construction costs with the County. The District paid the initial 30% deposit based on an engineer's estimate of \$981,354 and now needs to pay the additional 90% deposit based on the latest engineer's estimate of \$958,755.

FISCAL IMPACT

The total additional deposit due to the County is as follows:

Engineer's Estimate	\$958,755
20% County Contingency	<u>\$191,751</u>
Total Project Cost to County	\$1,150,506
30% Deposit Paid to County	(\$294,406)
Net Additional Deposit to County	\$856,100

The FY 09-10 Budget includes \$1,000,000 in the Water Capacity Charge Fund (Fund #700) for the construction of the Willow Road Waterline Extension Project Phase 1. A transfer of \$150,506 from Water Capacity Charge Fund reserves to Water Capacity Charge Fund Willow Road Waterline Phase 1 line item is required to fund construction of the project. Staff expects that the District will incur construction management costs of approximately \$100,000 related to the project but transfer of additional reserves to cover these costs is not being requested at this time since additional funding may not be required depending on the actual bid results.

RECOMMENDATION

Staff recommends that your Honorable Board approve Resolution 2009-XXXX Authorizing Remaining Deposit to San Luis Obispo County for Construction of the Willow Road Phase 1 Waterline Extension.

ATTACHMENTS

- Resolution 2009-XXXX Authorizing Remaining Deposit to SLO County for Construction of Willow Road Waterline Phase 1
- Project Overview Map

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\WILLOW ROAD WATERLINE EXTENSION 090930.DOC

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING REMAINING DEPOSIT TO SAN LUIS OBISPO COUNTY FOR
CONSTRUCTION OF WILLOW ROAD PHASE 1 WATERLINE EXTENSION**

WHEREAS, the County of San Luis Obispo is preparing to construct Phase 1 of the Willow Road Extension Project in Nipomo; and

WHEREAS, the District desires to have certain District waterlines and appurtenances incorporated into the County's project into the County's project; and

WHEREAS, the District agrees to reimburse the County for all reasonable costs incurred by the County, relating to the District's waterline work in accordance with the Reimbursement Agreement dated March 3, 2009; and

WHEREAS, the District paid the initial deposit of \$294,406 to the County on or about July 8, 2009 in accordance with the Reimbursement Agreement; and

WHEREAS, the District desires to amend the FY 09-10 Budget to allocate funds for the Project's completion.

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

- 1) The District Board of Directors does hereby authorize the payment of \$856,100 from Water Capacity Fund #700 to San Luis Obispo County for the remaining deposit for the project.
- 2) The District Board of Directors does hereby authorize the appropriation of \$150,506 from budget account #700, Water Capacity Charge Fund Reserves, to budget account #700, Water Capacity Charge Fund Willow Road Waterline Project Phase 1 line item, to fund the Project.

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

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing Resolution is hereby adopted this 30th day of September, 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

J:\Users\2009\2009\2009\2009\Projects\Agriculture\PC-Civil\1 - Primary Extension\AutoCAD\fig 8-18-08_04_43.18 PM.dwg



LEGEND

- NEW WATERLINE
- OPTIONAL WATERLINE
- EXISTING WATERLINE
- RIGHT-OF-WAY



Bakersfield, CA 661.328.5280
 San Luis Obispo, CA 805.544.7407
 Santa Maria, CA 805.928.7363
www.CannonAssociates.us

FIGURE 1 – UPDATED

WILLOW ROAD WATERLINE ALIGNMENT
PHASE 1

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

AGENDA ITEM
D-5
SEPT. 30, 2009

AWARD QUOTE FOR EXTENSION OF OFFICE ROOF

ITEM

Award quote for extension of office roof [Authorize execution of contract]

BACKGROUND

The exposed wood beams on the portico and back patio of the office building have incurred water damage. The exposed wood beams were repaired and painted after the building was fumigated last year. The Board of Directors suggested the metal roof be extended over the portico outside the Board Room and the back patio over the employee entrance to protect the wood beams from future damage.

Staff also requested a quote to clean the gutters and perform minor repairs to the roof.

Three quotes were requested and are attached for your review.

After this work is completed, Staff will seek quotes to paint the entire building.

FISCAL IMPACT

The roof extension is included in the FY 09-10 Budget.

RECOMMENDATION

Staff recommends that the Board award the contract to Modern Roofing for the roof extension not-to-exceed \$3,000.00 and the repairs not-to-exceed \$250.00.

ATTACHMENTS

- Three quotes



Orange County • Los Angeles • San Luis Obispo

Toll Free: 1-(888) 311-ROOF (7663) • Fax: (818) 843-5058 • E-mail: modernroofing@sbcglobal.net

Lisa Bognuda
148 S. Wilson
Nipomo Ca. 93444

September 18, 2009

Modern Roofing proposes the following roof work on the Nipomo Community Service building.

Install tongue and groove sheeting on the portico and over the patio in the back of the building.

Install 24 gage standing seam roofing material on the above two sections.

Extend the gutters with matching material on the portico and install new gutter on the back section eave.

Cost \$3000.00
10 yr. warranty

Repair:
Clean out the gutters.
Re-seal around the Solar tubes (4 of them).
Re-seal all pipe flashings and valley junctions

Cost \$250.00
No warranty given


Modern Roofing Inc.
Orville Witt
Project Manager



Contractor's License #254025

August 31, 2009

Nipomo Community Services District
Attn: Lisa Bognuda
148 South Wilson Street
Nipomo, CA 93444

Phone: (805) 929-1133
Email: lbognuda@ncsd.ca.gov

JOB: Metal Roofing at NCSD Office. 148 South Wilson Street, Nipomo

SCOPE OF WORK:

1. Install new wood nailers where necessary
2. Install new metal panels on existing open trellis areas
3. Furnish and install all metal trim, closures and sealants
4. Remove existing gutters where necessary and install new gutters at eaves of new metal panel areas

NOTES:

1. Painting, if desired, to be done by others
2. We will try to match the existing panel profile and color as closely as possible but do to fading of the existing panel and manufacturing changes, we cannot guarantee an exact match


QUOTATION:

BASE BID..... \$ 3,990.00

ADD #1: To perform maintenance on existing metal roofing in conjunction with above work
ADD TO BASE BID \$ 600.00

Thank you for the opportunity to quote on this project. If you have any questions, please call me at (805) 543-0560. Certification of Insurance is available upon request.

James A. Quaglino, Inc.

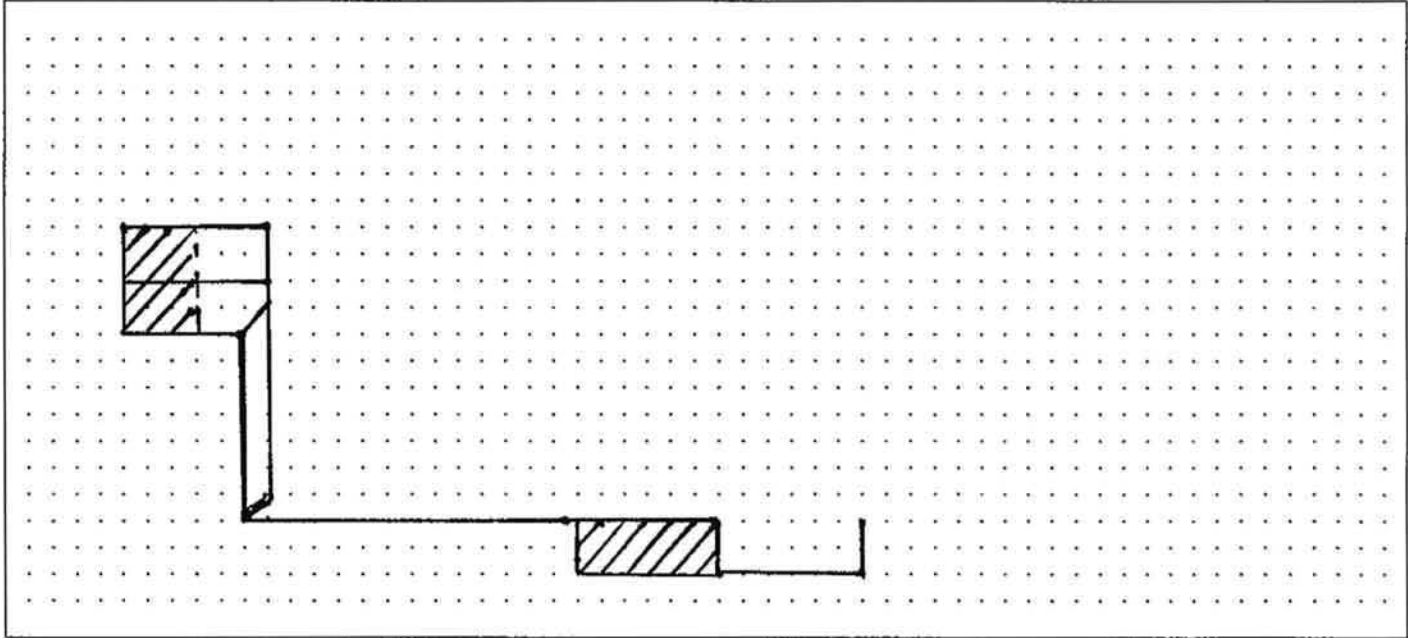

Ryan Sutcliffe
RS/kb

Tunnell Roofing Co., Inc.

PROPOSAL and CONTRACT

Date: 09-08-2009
To: Nipomo Community Services Dist
Project Address: 148 S Wilson St Nipomo

Description of Work (drawing is not to scale):



Roof Two New Areas:

Install AEP-Span HR-36 24 Gauge Metal Panel. Supply and install starter, rake, ridge and gutters. \$5,174.00

Additional: Clean gutters, seal flashings and solar tubes, adjust crooked z-closures in area of leak: \$1,574.00

Install 2" x 6" tongue and groove decking to open structure before installing metal roofing: \$1,788.00

Wood Note: Additional charges may apply for replacement of eave boards at \$3.50 per foot, fascia boards at \$7.25 per foot, and plywood at \$45.00 per sheet.
Asbestos Note: We may have to test the existing roofing materials for asbestos, if so, there may be a \$75.00 charge. If the roofing materials contain asbestos, the tear off will have to be done by a licensed asbestos abatement contractor at an additional charge.
Structural Note: When upgrading to a heavier weight roofing material, we may require a structural engineer's inspection, approval, and if necessary, reinforcement must be done prior to our roofing work at an additional charge.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 13818
DATE: SEPT. 25, 2009

**AGENDA ITEM
D-6
SEPT. 30, 2009**

CONFIRM PARTICIPATION OF MOU WITH COUNTY OF SLO RE COMMUNICATION
PROTOCOLS

ITEM

CONFIRM PARTICIPATION OF MOU WITH COUNTY OF SLO RE COMMUNICATION
PROTOCOLS [AUTHORIZE MOU CONFIRMATION]

BACKGROUND

Both the Strategic Plan and the FY09-10 Budget provide for preparation for responding to emergencies. As part of the establishment of an Emergency Operations Center, the District has reviewed the existing two way radio communication system and existing FCC license. The regulations governing radio use have changed since the license was established in 1986, so it is necessary to upgrade the radio equipment and the FCC license issued to the District to comply with the new Federal Regulations. An updated license will allow the move to a frequency reserved for public works use.

The District will be purchasing radios for use in the Emergency operations Center/Office, and District vehicles. These radios will allow District employees to monitor NOAA Weather broadcasts, California On Scene Coordination channel "Calcord", and upon establishment of a Memorandum of Understanding with San Luis Obispo County Public Works Department, frequencies can be shared. This will allow District staff to communicate directly and instantly with the County Public Works Department.

The District has joined CALWARN, the Statewide water sector mutual aid agreement. As a stipulation under this agreement, response coordination includes radio frequency information be shared in order to facilitate communications with local responders and utility personnel.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the Board authorize confirmation of participation in MOU.

ATTACHMENTS

- Section 3.1 of Part 5 of San Luis Obispo County Emergency Operations Plan, December 2008 (pages 15-19)

RESOLUTION NO. 95-566

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE MEMORANDUM OF UNDERSTANDING
TO PARTICIPATE IN THE SAN LUIS OBISPO COUNTY
STANDARDIZED EMERGENCY MANAGEMENT SYSTEMS (SEMS)

WHEREAS, the Nipomo Community Services District is desirous of being prepared for human made and natural disasters, to protect the public welfare; and

WHEREAS, the State of California has established a Standardized Emergency Management Systems (SEMS) to assist local agencies in disasters; and

WHEREAS, the Nipomo Community Services District wishes to participate in the SEMS through the County of San Luis Obispo Emergency Operational Area Organization; and

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

1. To approve the Memorandum of Understanding (MOU) for participation in the San Luis Obispo Operational Area Organization.
2. Authorize the President of the Board of Directors to sign the MOU on behalf of the District.

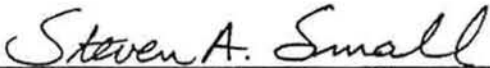
UPON MOTION of Director Blair, seconded by Director Fairbanks and on the following roll call vote, to wit:

AYES: Directors Blair, Fairbanks, Mendoza, Simon and Small

NOES: None


ABSENT: None ABSTAIN: None

the foregoing resolution was passed and adopted this 15 th day of November 1995.



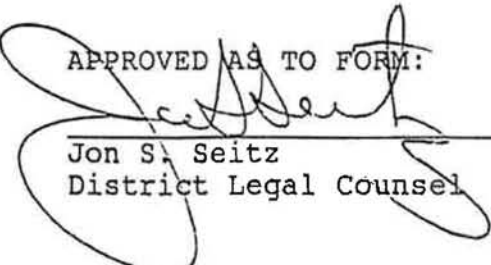
Steven A. Small, President
Nipomo Community Services District

ATTEST:



Donna K. Johnson
Secretary to the Board

APPROVED AS TO FORM:



Jon S. Seitz
District Legal Counsel

MEMORANDUM UNDERSTANDING FOR PARTICIPATION IN THE
SAN LUIS OBISPO
OPERATIONAL AREA ORGANIZATION

WHEREAS, each of the following public agencies, City of Arroyo Grande, City of Atascadero, City of Grover Beach, City of Morro Bay, City of Paso Robles, City of Pismo Beach, City of San Luis Obispo, County of San Luis Obispo, Office of the San Luis Obispo County Superintendent of Schools, California Valley Community Services District, Cambria Community Services District, Heritage Ranch Community Services District, Independence Ranch Community Services District, Linne Community Services District, Nipomo Community Services District, Oceano Community Services District, San Simeon Acres Community Services District, Templeton Community Services District, Cayucos Fire District, San Miguel Fire District, Santa Margarita Fire District, Avila Beach Community Water District, Cambria Community Hospital District, Coastal San Luis Resource Conservation District, Garden Farms Community Water District, Port San Luis Harbor District, Upper Salinas and Las Tablas Water Conservation District, Cayucos Sanitary District, San Miguel Sanitary District, Adelaida Public Cemetery District, Arroyo Grande Cemetery District, Atascadero Cemetery District, Cambria Cemetery District, Cayucos-Morro Cemetery District, Paso Robles Cemetery District, San Miguel Cemetery District, Santa Margarita Cemetery District, Shandon Cemetery District, Templeton Cemetery District have the need or potential need, for cooperative response to large scale emergencies and related recovery efforts; and

WHEREAS, the potential for a major catastrophe due to earthquake, flood, or other natural or manmade disaster requires all governmental entities within San Luis Obispo County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency, planning and response can be achieved by joining the efforts of the cities, special districts, and the County together in pre-disaster agreements; and

WHEREAS, The California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency organization" created to perform extraordinary functions for both county and city governments within a county area, such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources during times of emergency;

NOW THEREFORE, A MEMORANDUM OF UNDERSTANDING is entered into, by and between those public agencies that have executed this agreement, and in consideration of the mutual covenants and agreements contained herein, the Parties hereto agree as follows:

1. PURPOSE OF AGREEMENT. COMMON POWERS TO BE EXERCISED: The Parties to this Agreement recognize an Operational Area as that term defined in the California Emergency Services Act (Government Code Section 8550 et seq.) which designates an intermediate level of organization, cooperation, and planning between public entities. The Parties agree to participate in the San Luis Obispo Operational Area organizational structure, within San Luis Obispo County boundaries, which is a planning partnership for a systematic approach for exchanging disaster intelligence and resource requests in order to foster effective flow of disaster information and resource requests in emergencies. Each of the parties to this Agreement will designate individuals to be trained to participate in the Operational Area organization.

In the event of an emergency shortage emergency the parties will in accordance with the actions determined by the Operational Area organization to meet such emergencies.

2. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM OPERATIONS COMMITTEE: An operations committee shall be established to discuss mutual concerns regarding the operation of the San Luis Obispo Operational Area in accordance with the purpose of this Agreement. The operations committee (hereafter the Standardized Emergency Management System Operations Committee [SEMSOC]) shall be a supplemental committee of the San Luis Obispo County Disaster Planning and Advisory Committee (hereinafter DPAC). SEMSOC should consist of the following DPAC members:

One member from each of the seven incorporated cities, one from the County Office of Emergency Services, one from the County Fire agency, one from the County Sheriff's Office, one representing the Office of the County Superintendent of Schools, three members to represent special districts, and one American Red Cross representative. The County Office of Emergency Services representative shall chair SEMSOC and represent the Operational Area, the County Fire representative shall represent the fire service Operational Area mutual aid program, and the Sheriff's Office representative shall represent the law enforcement Operational Area mutual aid program. The special district's representatives shall be selected by an association representing special districts within San Luis Obispo County for a term determined by said association. Should such an association not exist at the time a special district representative position becomes available, the representative shall be chosen by the Disaster Planning Advisory Committee (DPAC) chairperson until such time as an association representing special districts within San Luis Obispo County selects a representative or for a term of one year.

SEMSOC will be an ad hoc committee for the purpose of developing the San Luis Obispo Operational Area (SLOOA). Upon SLOOA implementation, the committee will have completed its purpose and operational area issues will thereafter be addressed through the full DPAC organization.

3. SEMSOC MEETINGS: SEMSOC shall meet at a time, place, and frequency determined by the SEMSOC chairperson. The first meeting should be held within a 30 day period following the date the San Luis Obispo County Board of Supervisors votes to become a signatory to this agreement. Additional meetings should be held as deemed necessary by SEMSOC members.

4. FINANCING: The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties under the Agreement. There shall not be any monetary compensation required from any party to another party; however this Agreement has no impact on existing or future separate mutual aid agreements or other separate agreements that involve financial considerations.

5. MULTI-AGENCY COORDINATION SYSTEM: The Operational Area organization and procedures will be based on the Multi-Agency Coordination System (MACS) as defined in the State of California's Standardized Emergency Management System regulations (CCR Title 19, Div. 2, Chapter 1). The San Luis Obispo County Emergency Services Director, and/or his/her designated alternates, will act as the Operational Area Coordinator.

6. PROVISION OF FACILITIES AND SUPPORT: The County's Emergency Operations Center located at 1525 Kansas Avenue, rural San Luis Obispo, is the primary site for Operational Area emergency coordination functions during incidents requiring Operational Area coordination. Parties to this agreement shall provide staff to assist with the decision making and operational positions of the Operational Area organization as necessary and dictated by specific emergency situations.

7. TRAINING: Due to the complexity and number of Standardized Emergency Management System (SEMS) training courses and modules it is recognized that training personnel at agencies with minimal or volunteer staff will be difficult. It is therefore agreed that various members of the OA may participate in another jurisdiction's SEMS training sessions, and/or training offered by DPAC, and/or training offered by the OA Coordinator should such training session be applicable to the attending jurisdiction and does not have a fiscal effect on the hosting jurisdiction unless such costs are nominal and deemed acceptable to the hosting jurisdiction. It is further recognized that it is the goal of signatories to this MOU to comply with SEMS training requirements.

8. TERM OF AGREEMENT: This Memorandum of Understanding shall remain in full force and effect until such time as the San Luis Obispo County Board of Supervisors shall vote to terminate this Memorandum of Understanding. Each Party may individually terminate its involvement in this Memorandum of Understanding by providing 30 days prior written notice to the San Luis Obispo County Office of Emergency Services.

9. ADDITIONAL PARTIES: Additional cities or special districts within the geographical boundaries of San Luis Obispo County may join as a Party to this Agreement and become member entities upon execution of an Exhibit to this Memorandum of Understanding in which the entity agrees to the conditions and terms of this Memorandum of Understanding. The executed Exhibit shall become a part of this Memorandum of Understanding.

10. NON-PARTICIPATION: Any city or special district that chooses not to sign this Memorandum of Understanding can avail itself of Operational Area emergency coordination services in the event of an emergency; however that city or special district will not be considered in compliance with Section 2409(b) of the State Office of Emergency Service's Standardized Emergency Management System (SEMS) (CCR Title 19, Division 2, Chapter 1). The Operational Area authority and responsibility under SEMS shall not be affected by non-participation of any local government(s) within the operational area (SEMS Section 2409(c)).

11. COUNTERPARTS: This Memorandum of Understanding may be signed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

12. EXECUTION: Each Public Agency that signs this Memorandum of Understanding shall notify the County of San Luis Obispo Office of Emergency Services and forward to such office an executed copy of its Counterpart Signature Page of this agreement.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed by their respective authorized officers. This Memorandum of Understanding is deemed to be signed and executed as of the first date a Public Agency executes this agreement.

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR

County Counsel

By: *Katrina A. Stevens*
Deputy County Counsel

Dated: 11-1-95

COUNTERPART SIGNATURE PAGE

SAN LUIS OBISPO COUNTY OPERATIONAL AREA MEMORANDUM OF
UNDERSTANDING PARTICIPATION AGREEMENT

STEVEN A. SMALL, PRESIDENT
NIPOMO COMMUNITY SERVICES DISTRICT

By: Steven A. Small

Date: 11/16/95

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: SEPTEMBER 23, 2009

**AGENDA ITEM
D-7
SEPTEMBER 30, 2009**

**SOUTHLAND WASTEWATER TREATMENT FACILITY
BIOSOLIDS DISPOSAL PROJECT CONTRACT AMENDMENT**

ITEM

AMEND AGREEMENT WITH CHICAGO GRADE LANDFILL FOR SOUTHLAND WASTEWATER TREATMENT FACILITY BIOSOLIDS DISPOSAL PROJECT [RECOMMEND APPROVAL].

BACKGROUND

At the June 24, 2009 Board meeting, the Board approved a contract with Chicago Grade Landfill for the removal and disposal of accumulated biosolids from the Southland Wastewater Treatment Facility. The approved contract amount was \$93,750 for the disposal of 5000 tons of material at the unit price of \$18.75 per ton. The Board also authorized a contingency of \$10,000.

The project has been progressing smoothly. As of September 22, 2009, 4961 tons (233 truckloads) of material has been removed from the site. Sludge Drying Bed 2 has been completed emptied and material is currently being excavated from Sludge Drying Bed 1.

The total quantity of material to be removed is expected to exceed the original estimate of 5000 tons for two reasons. First, it appears that Pond 1 was excavated at some point beyond the original design depth to accommodate the storage of more biosolids. Second, the density of the material appears to be greater than the limited sampling program indicated. At this point, staff estimates that the total quantity of biosolids to be removed will be approximately 6200 tons and the project will be completed by October 31, 2009 instead of September 30, 2009.

FISCAL IMPACT

The cost to implement the Southland WWTF Biosolids Disposal Project is included in the FY 09-10 budget in the amount of \$250,000. The additional funding required to complete the project is as follows:

Original contract amount based on 5000 tons	\$93,750
Additional contract amount for 1400 tons	<u>\$26,250</u>
Revised contract amount	\$120,000

RECOMMENDATION

Staff recommends that your Honorable Board authorize the General Manager to execute a budget amendment that increases the Chicago Grade Landfill contract amount to \$120,000 and extends the completion date to October 31, 2009.

ATTACHMENTS

None