

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL
DATE: OCTOBER 8, 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 9/30/09 Regular Meeting
- D-3) REVISE BUDGET TO ACCOMMODATE EXTRA-BUDGET COSTS IN SETTING UP EMERGENCY OPERATIONS CENTER [ADOPT RESOLUTION]
- D-4) AUTHORIZE ROLL-OVER OF CD AT MISSION COMMUNITY BANK [APPROVE RECOMMENDATION]
- D-5) EXTEND TERM FOR VINTAGE HOMES (CRAIG) OUTSIDE USER AGREEMENT [AUTHORIZE AMENDMENT TO AGREEMENT]
- D-6) REVISE COMMITTEE ASSIGNMENT ROSTER TO REPLACE DIRECTOR WINN WITH DIRECTOR HARRISON ON SCAC [REVISE ROSTER]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\CONSENT AGENDA\CONSENT 10-14-09.DOC

TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL
 DATE: OCTOBER 8, 2009

**AGENDA ITEM
 D-1
 OCTOBER 14, 2009**

**TOTAL COMPUTER
 CHECKS
 \$194,752.63**

HAND WRITTEN CHECKS

09-30-09	19991	POSTMASTER	220.00
09-30-09	19992	PGE	2,417.09
VOID - NONE			

COMPUTER GENERATED CHECKS

17087	10/02/09	EMP01	EMPLOYMENT DEVELOP DEPT	1076.30	.00	1076.30	A90928	STATE INCOME TAX
17088	10/02/09	MID01	RABOBANK-PAYROLL TAX DEPO	3280.29	.00	3280.29	A90928	FEDERAL INCOME TAX
				53.76	.00	53.76	1A90928	FICA
				961.78	.00	961.78	2A90928	MEDICARE (FICA)
			Check Total.....	4295.83	.00	4295.83		
17089	10/02/09	MID02	RABOBANK-DIRECT DEPOSIT	28856.58	.00	28856.58	A90928	NET PAY
17090	10/02/09	PER01	PERS RETIREMENT	9106.57	.00	9106.57	A90928	PERS PAYROLL REMITTANCE
17091	10/02/09	STA01	ING-PERS 457 DEFERRED COM	1325.00	.00	1325.00	A90928	457 DEFERRED COMP
017092	10/14/09	ABA01	ABALONE COAST BACTERIOLOG	97.00	.00	97.00	09-1941	LAB TEST-SOUTHLAND WWTF
				20.00	.00	20.00	09-2023	LAB TEST-BL WWTF
				175.00	.00	175.00	09-2024	LAB TEST-WATER
				20.00	.00	20.00	09-2030	LAB TEST-BL WWTF
				176.00	.00	176.00	09-2041	LAB TEST-SOUTHLAND WWTF
				20.00	.00	20.00	09-2042	LAB TEST-BL WWTF
				20.00	.00	20.00	09-2056	LAB TEST-BL WWTF
				20.00	.00	20.00	09-2063	LAB TEST-BL WWTF
				20.00	.00	20.00	09-2075	LAB TEST-BL WWTF
				175.00	.00	175.00	09-2087	LAB TEST-WATER
				20.00	.00	20.00	09-2088	LAB TEST-BL WWTF
				20.00	.00	20.00	09-2116	LAB TEST-BL WWTF
				176.00	.00	176.00	09-2118	LAB TEST-SOUTHLAND WWTF
				20.00	.00	20.00	09-2127	LAB TEST-BL WWTF
				20.00	.00	20.00	09-2131	LAB TEST-BL WWTF
			Check Total.....	999.00	.00	999.00		
017093	10/14/09	ADV01	ADVANTAGE ANSWERING PLUS	140.90	.00	140.90	107054	ANSWERING SERVICE
017094	10/14/09	AEC01	AECOM USA INC	837.00	.00	837.00	7062525	WATER SYSTEM MAPPING
				202.50	.00	202.50	7062966	GROUNDWATER MONITORING PL
				27456.46	.00	27456.46	7063091	WATERLINE INTERTIE PROJEC
				623.70	.00	623.70	7063098	FRONTAGE SEWER MAIN REPLA
				837.00	.00	837.00	7063099	PCI TRACT 2441 GRAY
				8302.50	.00	8302.50	7063148	SOUTHLAND WWTF UPGRADE
				669.60	.00	669.60	7063160	PCI CO 06-0225 KENGLE
			Check Total.....	38928.76	.00	38928.76		
017095	10/14/09	AME03	AMERI PRIDE	103.83	.00	103.83	F879917	UNIFORMS
				109.69	.00	109.69	F886192	UNIFORMS
			Check Total.....	213.52	.00	213.52		
017096	10/14/09	ATT01	AT&T/MCI	150.83	.00	150.83	875881	TELEPHONE
				29.93	.00	29.93	876133	TELEPHONE
				152.93	.00	152.93	876203	TELEPHONE
			Check Total.....	333.69	.00	333.69		
017097	10/14/09	BRE02	BRENNTAG PACIFIC INC.	983.47	.00	983.47	32027	SODIUM HYPOCHLORITE
				692.14	.00	692.14	934631	SODIUM HYPOCHLORITE
			Check Total.....	1675.61	.00	1675.61		
017098	10/14/09	CAL03	CALIFORNIA ELECTRIC SUPPL	394.92	.00	394.92	787106	BREAKER
017099	10/14/09	CLA02	CLAY'S SEPTIC & JETTING	350.00	.00	350.00	39147	GARDENIA LIFT STATION
017100	10/14/09	CLE06	CLEVER DUCKS	291.00	.00	291.00	8736	COMPUTER SUPPORT
				223.75	.00	223.75	8814	COMPUTER SUPPORT
			Check Total.....	514.75	.00	514.75		
017101	10/14/09	DEP04	DEPT OF MOTOR VEHICLES	20.00	.00	20.00	A91005	TRAILER LICENSE

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS OCTOBER 8, 2009**

**AGENDA ITEM
D-1
OCTOBER 14, 2009
PAGE TWO**

017102	10/14/09	DWI01	DWIGHT'S AUTOMOTIVE	62.15	.00	62.15	42477	2004 FORD OIL CHANGE
				56.31	.00	56.31	42478	2004 CHEVY OIL CHANGE
				62.15	.00	62.15	42483	2004 FORD OIL CHANGE
				62.15	.00	62.15	42491	2008 FORD OIL CHANGE
			Check Total.....:	242.76	.00	242.76		
017103	10/14/09	EBY01	EBY, ED	100.00	.00	100.00	A91005	REGULAR BD MEETING 10/14/
017104	10/14/09	EBY02	ED EBY	505.26	.00	505.26	A91005	TRAVEL/PER DIEM CEQA SEMI
017105	10/14/09	EMP01	EMPLOYMENT DEVELOP DEPT	702.42	.00	702.42	SEPT 2009	SUI/ETT 3RD QTR 9/30/09
017106	10/14/09	FAR01	FARM SUPPLY COMPANY	633.81	.00	633.81	SEPT 2009	SUPPLIES
017107	10/14/09	FAR02	FAR WEST EXPRESS	31.00	.00	31.00	A91005	DELIVERY-SEPT
017108	10/14/09	FGL01	FGL ENVIRONMENTAL	1145.00	.00	1145.00	907838A	LAB TEST-LEAD & COPPER
				81.00	.00	81.00	909038A	LAB TEST-BL WWTF
				306.00	.00	306.00	909039A	LAB TEST-SOUTHLAND WWTF
				306.00	.00	306.00	909308A	LAB TEST-SOUTHLAND WWTF
			Check Total.....:	1838.00	.00	1838.00		
017109	10/14/09	FIR03	FIRMA CONSULTANTS, INC.	1600.00	.00	1600.00	A91005	PARK PRESENTATION
017110	10/14/09	GAR01	GARING TAYLOR & ASSOC	942.50	.00	942.50	10063	PEER REVIEW-SUPPLEMENTAL
017111	10/14/09	GAS02	GAS COMPANY, THE	10.75	.00	10.75	A91005	HEAT-SOUTHLAND
017112	10/14/09	GIL01	GLM, INC.	320.00	.00	320.00	SEPT 2009	LANDSCAPE SERVICE-SEPT
017113	10/14/09	GRA06	GRAPHICS BY ERICK	1244.70	.00	1244.70	19484	DISTRICT NEWSLETTER SUMME
017114	10/14/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	101409	REGULAR BD MEETING 10/14/
017115	10/14/09	JOB01	JOBS AVAILABLE INC	315.00	.00	315.00	921027	UTILITY WORKER AD
017116	10/14/09	JOH01	JOHNSON, DONNA	81.68	.00	81.68	A91005	OFFICE SUPPLIES REIMBURSE
017117	10/14/09	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	46301	VISTA VERDE LANDSCAPE MAI
017118	10/14/09	LUC01	LUCIA MAR UNIFIED SCHOOL	107.40	.00	107.40	100127	NIPOMO HS MEETING 9/14/09
017119	10/14/09	MET02	METROTECH	3159.44	.00	3159.44	439795	TRACER LINE
017120	10/14/09	MUN03	MUNICIPAL MAINTENANCE EQU	300.00	.00	300.00	57103	VAC-CON SERVICE SCHOOL
017121	10/14/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	A91005	REGULAR BD MEETING 10/14/
017122	10/14/09	NOB02	NOBLE SAW INC	1053.79	.00	1053.79	65928	GENERATOR
017123	10/14/09	OFF01	OFFICE DEPOT	141.17	.00	141.17	16001	OFFICE SUPPLIES
				-16.77	.00	-16.77	326001C	RETURNED SUPPLIES
				41.32	.00	41.32	327001	OFFICE SUPPLIES
				11.50	.00	11.50	740001	OFFICE SUPPLIES
				16.77	.00	16.77	741001	OFFICE SUPPLIES
			Check Total.....:	193.99	.00	193.99		
017124	10/14/09	ONE01	1-800-CONFERENCE	285.75	.00	285.75	672802	TELECONFERENCE
017125	10/14/09	PAP01	PAPICH CONSTRUCTION CO IN	6692.00	.00	6692.00	362-01	RAISE VALVES ON POMEROY
017126	10/14/09	PGE01	P G & E	66556.94	.00	66556.94	SEPT 2009	ELECTRICITY
017127	10/14/09	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	192	JANITORIAL-SEPT
017128	10/14/09	RBA01	R BAKER, INC	1482.50	.00	1482.50	09-3816	PERK POND
017129	10/14/09	RIC01	RICHARDS, WATSON, GERSHON	10204.78	.00	10204.78	167135	WATER RIGHTS ADJUDICATION

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS OCTOBER 8, 2009**

**AGENDA ITEM
D-1
OCTOBER 14, 2009
PAGE FOUR**

017130	10/14/09	SAN04	SANTA MARIA TIMES	266.13	.00	266.13	A91005	JOB ADVERTISING
017131	10/14/09	SAN09	SAN LUIS MAILING SERVICE	56.74	.00	56.74	40572	LATE NOTICES
				242.88	.00	242.88	40572A	POSTAGE FOR LATE NOTICES
			Check Total.....:	299.62	.00	299.62		
017132	10/14/09	SEV01	SEVCIK, PETER	643.30	.00	643.30	A91007	TRAVEL REIMBURSEMENT
017133	10/14/09	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	2696092	TRASH PICKUP
				169.12	.00	169.12	2697556	OLD TOWN TRASH PICKUP
			Check Total.....:	204.04	.00	204.04		
017134	10/14/09	SPE01	SPECIAL DISTRICT RISK	640.03	.00	640.03	30771	BACKHOE INSURANCE
017135	10/14/09	TAF01	TAFT ELECTRIC	203.72	.00	203.72	30497L	TEJAS LIFT STATION
				203.72	.00	203.72	30497M	BRACKEN LIFT STATION
				646.17	.00	646.17	30497N	TEJAS LIFT STATION
			Check Total.....:	1053.61	.00	1053.61		
017136	10/14/09	TRIO3	THE TRIBUNE	395.00	.00	395.00	A91005	UTILITY WORKER AD
017137	10/14/09	TUC01	TUCKFIELD & ASSOCIATES	1158.60	.00	1158.60	0254	PROGRESS BILLING
017138	10/14/09	USB01	US BANK TRUST	194.25	.00	194.25	092209	SUPPLIES
				734.33	.00	734.33	092209A	OPERATING SUPPLIES
				77.28	.00	77.28	092209B	TRAVEL
				61.43	.00	61.43	092209C	TRAVEL
				100.00	.00	100.00	092209D	URBAN WATER CONSERVATION
				59.98	.00	59.98	092209E	WATER CONSERVATION
			Check Total.....:	1227.27	.00	1227.27		
017139	10/14/09	VER01	VERIZON	36.65	.00	36.65	A91005	TELEPHONE
017140	10/14/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	A91005	REGULAR BD MEETING 10/14/
017141	10/14/09	WAT03	WATER ENVIRONMENT FEDERAT	217.00	.00	217.00	A91005	MEMBERSHIP-SEVCIK
017142	10/14/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	A91005	REGULAR BD MEETING 10/14/
017143	10/14/09	\F003	FULL GOSPEL TABERNACLE,	7.20	.00	7.20	000A91001	MQ CUSTOMER REFUND FOR FU
017144	10/14/09	\G008	GRANITE CONSTRUCTION,	51.52	.00	51.52	000A91001	MQ CUSTOMER REFUND FOR GR
017145	10/14/09	\M004	MGE UNDERGROUND,	452.76	.00	452.76	000A91001	MQ CUSTOMER REFUND FOR MG

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

D2

DRAFT MINUTES

SEPTEMBER 30, 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 30, 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.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project Design & Southland WWTF Upgrade Design
The update was not heard since no one was present from AECOM.

C-2) NCSD DISTRICT ENGINEER PETER SEVCIK

Update re: Sundale Well Fire and Re-Build
Mr. Sevcik, District Engineer, gave an update on the Sundale Well.

C-3) NCSD SUPERINTENDENT TINA GRIETENS

Update re: August 2009 Activities
Tina Grietens, Utility Superintendent, gave an update on August 2009 activities.

C-4) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: August 2009 Activities
Celeste Whitlow, Water Conservation Coordinator, gave an update on August 2009 activities.

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

Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig

Nipomo Native Garden Fall Plant Sale will be Sunday, October 4, from 9 am to 3 pm at the Nipomo Native Garden parking lot.

Director Winn

- Attended the NCSD EOC Set Up Meeting on September 25 and would like to ensure the Board of Directors are kept informed during an emergency and suggested Staff have overlapping shifts.
- The Planning Commission met on September 24 and discussed the Water Element.
- The Board of Supervisors will hear the Events Ordinance on October 6.
- The WRAC will hold two meetings on October 7 - 9:00 a.m. to review the Water

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewVipTax.com

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

Master Plan for the County and 1:30 p.m. is the Regular Meeting.

- The NMMA will meet on October 16.

Director Eby

- Attended a CEQA Seminar in Santa Monica and issues discussed were the green house gases and smart growth.
- City of SLO is trying to get the County to divert Willow Road improvement funds to Los Osos Valley Road Off Ramp improvements.

Director Harrison

- The October Festival is October 10.
- Transition Town Information Meeting is October 8 at 6:30 p.m.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

The Board of Directors took a break at 10:10 a.m. and resumed the meeting at 10:20 a.m.

01:07:28

CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 9/09/09 Regular Meeting

D-3) ADOPT RESOLUTION INITIATING FORMATION OF MILLER PARK ASSESSMENT DISTRICT

RESOLUTION NO. 2009-1161
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)

D-4) AUTHORIZE DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF PHASE 1 OF WILLOW ROAD WATER LINE EXTENSION

RESOLUTION NO. 2009-1162
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

D-5) AWARD QUOTE FOR EXTENSION OF OFFICE

D-6) AUTHORIZE EXECUTION OF MOU WITH COUNTY OF SLO RE COMMUNICATION PROTOCOLS

D-7) AMEND AGREEMENT WITH CHICAGO GRADE FOR DISPOSAL OF BIO-SOLIDS

Mr. Seitz, District Legal Counsel, made minor corrections to Item D-3 Resolution.

Regarding Item D-1, Director Vierheilg requested a cost analysis for having meter reading done in-house.

Director Winn commented on having consistent protocol with the County for the GPS system protocols.

There was no public comment.

Upon motion of Director Winn and seconded by Director Nelson, the Board of Directors unanimously approved the Consent Agenda as amended (Item D3). Vote 5-0.

YES VOTES	NO VOTES	ABSENT
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MINUTES SUBJECT TO BOARD APPROVAL

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

Directors Winn, Nelson, Eby, Vierheilig and Harrison	None	None
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E. ADMINISTRATIVE ITEMS

01:15:00 E-1) AWARD QUOTE FOR PURCHASE OF STANDBY GENERATOR FOR SUNDALE WELL

Tina Grietens, Utility Superintendent, presented the quotes for the purchase of the standby generator. The Board of Directors asked questions.

There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board of Directors unanimously approved the purchase of the generator provided Staff confirms in writing that the generator is permanently mounted on a trailer. Vote 5-0.

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

01:28:00 E-2) ADOPT SANITARY SEWER OVERFLOW PROGRAM COMPONENTS [ADOPT RESOLUTION AND ORDER IMPLEMENTATION]

Peter Sevcik, District Engineer, presented the Sewer System Management Plan to the Board of Directors.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Nelson, the Board of Directors unanimously approved Resolution 2009-1163. Vote 5-0.

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

**RESOLUTION NO. 2009-1163
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ADDITIONAL TOWN AND BLACKLAKE
SEWER SYSTEM MANAGEMENT PLAN (SSMP) ELEMENTS**

01:34:35 E-3) INTRODUCE ORDINANCE ESTABLISHING VOLUNTARY EMERGENCY WATER SHORTAGE REGULATIONS AND SET HEARING FOR ADOPTION

Mr. Seitz, District Legal Counsel, presented the changes which included adding definition E to Section 3.24.010 of Exhibit A and moving (5) of Section 3.24.020 of Exhibit A from category B to category A.

Director Eby asked what happens when we get out of an "emergency" situation. Mr. Seitz suggested the word "emergency" be removed from the title of Exhibit A.

There was no public comment.

MINUTES SUBJECT TO BOARD APPROVAL

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

Upon motion of Director Winn and seconded by Director Vierheilg, the Board of Directors unanimously approved the introduction of Ordinance 2009-113 as amended and set the adoption for October 14, 2009.

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

**ORDINANCE NO. 2009-113
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 3.24 OF THE DISTRICT CODE**

01:47:14

E-4) INTRODUCE ORDINANCE AMENDING ALLOCATION PROGRAM AND INTENT-TO-SERVE PROCESS AND SET HEARING FOR ADOPTION [SET HEARING]

Mr. Buel, General Manager, presented the revisions made at the September 9, 2009, Board Meeting.

Director Eby does not support the Ordinance due to the lack of basis for a de-factor four year time for Intent-to-Serve letters. It leaves it open for abuse.

Director Winn supports the item; however, he does understand Director Eby's concerns and suggested the time line can be modified in the future.

There was no public comment.

Upon motion of Director Nelson and seconded by Director Winn, the Board of Directors approved the introduction of Ordinance 2009-114 and set the adoption for October 14, 2009. Vote 4-1.

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

**ORDINANCE NO. 2009-114
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

E-5) REVIEW PROPOSALS AND SELECT CONSULTANT TO PREPARE URBAN WATER MANAGEMENT PLAN UPDATE

Mr. Buel, General Manager, presented the item and stated the Urban Water Management Plan Update needs to be completed by the end of 2010. The Board of Directors asked questions.

There was no public comment.

Upon motion of Director Eby and seconded by Director Vierheilg, the Board of Directors unanimously approved the execution of an agreement with WCS not-to-exceed \$79,480 and excludes the options. Vote 5-0.

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

MINUTES SUBJECT TO BOARD APPROVAL

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

02:34:00

E-6) AWARD QUOTES FOR PURCHASE OF SERVICE TRUCK AND VACUUM TRUCK AND AUTHORIZE FINANCING [ADOPT RESOLUTION]

Tina Grietens, Utility Superintendent, presented the quotes to the Board of Directors. The Board of Directors asked many questions and requested additional information on the utility and vacuum trucks.

There was no public comment.

Upon motion of Director Eby and seconded by Director Vierheilig, the Board of Directors unanimously agreed to continue this item and directed Staff to do more research.
Vote 5-0.

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

The Board considered Closed Session next at 12:30 p.m.

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO 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 LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. INSTRUCTION TO NEGOTIATORS BRUCE BUEL, JON SEITZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PURCHASE OF EASEMENT INTEREST IN APN 090-331-005, 006 & 008 AND APN 090-341-019 (OWNER: DURLEY TRUST PROPERTY, NEGOTIATOR: TWITCHELL AND RICE)
4. CONFERENCE WITH LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; STEPHANIE GREEN CLAIM AGAINST NCSD
5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (THREE CASES)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

03:09:40

L. OPEN SESSION

MINUTES SUBJECT TO BOARD APPROVAL

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

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board of Directors came back into Open Session at 2:23 p.m.

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

Item 3 – The Board gave instructions to its negotiators but took no reportable action.

Item 4 – The Board gave instructions to Legal Counsel.

Item 5 – The Board heard an update on 3 cases but took no reportable action.

There was no public comment.

D. MANAGER'S REPORT

Bruce Buel, General Manager, presented his report.

There was no public comment.

03:17:00

COMMITTEE REPORT

The Infrastructure Committee did not meet on September 28, 2009, and the next meeting will be Monday, October 26, 2009, at 2:00 p.m.

There was no public comment.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTSDirector Winn

- Would like to know how much gas was lost due to Sundale fire.
- Would like to know when County will conclude In-Lieu Fee for Supplemental Water.
- Would like to agendize a Board Resolution commending BLMA for their turf removal and installation of drought tolerant plants and not native plants.
- Would like to invite guest speakers on water conservation.
- Would like to have a Water Conservation Committee meeting scheduled.
- Would like WRAC material passed out to Board of Directors.
- Would like an NCSD representative to attend SLOCOG because he cannot attend.

Director Eby

- Would like to be involved in as many meetings as possible for the UWMP update.

Director Harrison

- Would like to make sure phone calls to staff are returned.

ADJOURN

President Harrison adjourned the meeting at 2:45 p.m.

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: OCTOBER 8, 2009

AGENDA ITEM
D-3
OCTOBER 14, 2009

REVISE BUDGET TO ACCOMMODATE EXTRA BUDGET COSTS IN SETTING UP
EMERGENCY OPERATIONS CENTER

ITEM

Revise budget to accommodate extra budget costs in setting up Emergency Operations Center
[Adopt Resolution]

BACKGROUND

Nipomo Community Services District is required to participate in the Standardized Emergency Management System (SEMS). The Board of Directors has authorized the creation and implementation of the NCSD Emergency Operation Center (EOC) in order to respond to local emergencies.

Staff will receive a two day training course this month that was previously approved by the Board of Directors in the amount of \$12,325.

In addition to the training, one of the key elements in responding to a local emergency is the ability to communicate if the telephone land lines and cell phones are out of service. In order to communicate, NCSD needs a two way radio system estimated at \$13,000.00.

FISCAL IMPACT

FY 09-10 Budget included \$20,000 for the completion of the EOC. An additional \$10,000 is requested to complete the project. The additional funds requested will be taken from reserves from the Capital Improvement Budget.

RECOMMENDATION

Staff recommends that the Board adopt Resolution.

ATTACHMENTS

- Resolution

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2009-XXX EOC**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT BUDGET TO ACCOMMODATE
ADDITIONAL COSTS IN SETTING UP EMERGENCY OPERATIONS CENTER**

WHEREAS, the Nipomo Community Services District ("District") is required to participate in the Standardized Emergency Management System (SEMS) and the Board of Directors has authorized the creation and implementation of the Nipomo Community Services District Emergency Operation Center (EOC) in order to respond to local emergencies; and

WHEREAS, on June 24, 2009, the District adopted its FY 09-10 Budget; and

WHEREAS, the adopted Budget included \$20,000 for the completion of the EOC; and

WHEREAS, District desires to amend the FY 09-10 Budget to allocate additional funds for the EOC completion and training.

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

- 1) The District Board of Directors does hereby authorize the appropriation of \$10,000.00 from reserves from the Capital Improvement Budget.

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

AYES:
NOES:
ABSENT:
CONFLICTS;

the foregoing resolution is hereby adopted this 14th day of October, 2009.

Jim Harrison, President
Nipomo Community Services District

ATTEST:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz,
General Counsel

T:\BOARD MATTERS\RESOLUTIONS\RESOLUTIONS 2009\2009-xxx budget amendment for eoc.DOC

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: OCTOBER 8 2009



AUTHORIZE THE ROLL-OVER OF CD AT MISSION COMMUNITY BANK

ITEM

Authorize the roll-over of CD at Mission Community Bank [Approve Recommendation]

BACKGROUND

On April 23, 2009, NCSD deposited funds designated for the supplemental waterline intertie project in a 26 week Certificate of Deposit at Mission Community Bank via the CDARS program at 0.65%. The funds mature on October 22, 2009.

Due to delays in the project, it is not anticipated that these funds will be needed within the next six months. It is recommended that these funds be rolled-over into another 26 week Certificate of Deposit at Mission Community Bank via the CDARS program.

Mission Community Bank is currently offering 0.65% for a 26 week Certificate of Deposit.

FISCAL IMPACT


Interest earnings on the CD is budgeted as a non-operating revenue item.

RECOMMENDATION

Staff recommends that the Board approve roll-over of the CD at Mission Community Bank.

ATTACHMENTS

- None

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: OCTOBER 5, 2009

AGENDA ITEM
D-5
OCTOBER 14, 2009

EXTEND TERM OF OUTSIDE-USER AGREEMENT – TRACT 2650

ITEM

Consider request to extend term of Outside-User Agreement for Tract 2650, a sixteen (16) lot subdivision on the corner of Willow Road and Via Concha Road [APPROVE, DENY OR CONTINUE].

BACKGROUND

Tract 2650 is a proposed 16 lot residential subdivision on the corner of Willow Road and Via Concha Road that is within the District's Sphere of Influence but outside of the District's current boundary. The project is being developed by Vintage homes, LLC, the applicant.

The effective date of the Outside User Agreement was March 20, 2008, the date the agreement was recorded, based on the General Manager's determination. The agreement requires the applicant to commence construction of water system improvements by March 20, 2010. The agreement allows the applicant to request a twelve (12) month extension. The applicant submitted the attached request for a two (2) year time extension of the outside user agreement instead of a twelve (12) month extension in August 2009.

The applicant's engineer submitted improvement plans to the District in June 2009 for plan check and the District provided comments in September 2009. The District is currently waiting for a revised submittal from the applicant's engineer. Staff's understanding is that the project is also going through the County's subdivision map and plan review process.

If the Board approves the applicant's request, the applicant would have until March 20, 2012 to begin construction of the water improvements for the project.

RECOMMENDATION

Staff requests your Honorable Board provide staff with direction to approve, deny or continue the applicant's request.

If the Board desires to approve the applicant's request, then staff should be directed to prepare an amendment to the Outside User Agreement, for Board approval at a subsequent meeting, to allow the applicant until March 20, 2012 to begin construction of the water improvements.

ATTACHMENTS

Letter Requesting Extension Dated August 20, 2009



O A S I S
LANDSCAPE
ARCHITECTURE
AND PLANNING

August 20, 2009

Mr. Bruce Buel, General Manager
Mr. Peter Sevcik, District Engineer
NIPOMO COMMUNITY SERVICES DISTRICT
P O Box 326
Nipomo, CA 93444

**RE: REQUEST FOR EXTENSION OF VINTAGE HOMES, LLC AND NIPOMO
COMMUNITY SERVICES DISTRICT AGREEMENT FOR PROVIDING
WATER AND SOLID WASTE SERVICES TO TRACT 2650, RECORDED
MARCH 20, 2008**

Gentlemen,

Pursuant to Item 9.C in the above referenced agreement between Vintage Homes, LLC and the Nipomo Community Services District (NCSD) regarding Tract 2650, we respectfully request an extension of twenty-four (24) months from March 30, 2010 to March 30, 2012 due to the current economic downturn in both the financial and housing sectors.

To date, subdivision improvement plans have been prepared by Triad/Holmes Associates (THA) for Tract 2650. These plans were submitted to San Luis Obispo County, the County conducted a plan review and provided plan check comments. THA revised the plans pursuant to County comments and resubmitted plans back to the County on June 15, 2009. The County's second round of plan check comments are anticipated shortly.

As of June 18, 2009, THA has also provided the subdivision improvement plans to NCSD for plan review.

We appreciate your time and consideration, and especially your positive response. Please let us know if you have any questions or need any additional information.

Respectfully,
OASIS ASSOCIATES, INC.

C.M. Florence, AICP Agent
VINTAGE HOMES, LLC

c: J. Seitz, Esq
S. Osler, Vintage Homes, LLC
C. Fry, Triad/Holmes Associates
03-0070

O:\Lucia MarCraig-Osler\Correspondence\2009-8-20.NCSD Agreement Extension Request.doc

RECEIVED
AUG 24 2009
**NIPOMO COMMUNITY
SERVICES DISTRICT**

805-541-4509
FAX 805-546-0525
3427 MIGUELITO CT
SAN LUIS OBISPO
CALIFORNIA 93401

Copy of document found at www.NoNewWipTax.com

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: OCT. 9, 2009

**AGENDA ITEM
D-6
OCT. 14, 2009**

REVISE COMMITTEE ASSIGNMENTS

ITEM

Revise Committee Assignment Roster to Replace Director Winn with President Harrison on SCAC [REVISE ROSTER]

BACKGROUND

Director Winn has requested the he be relieved on an interim basis from serving on the SCAC.

FISCAL IMPACT

None.

RECOMMENDATION

Staff recommends that the Board revise the Roster to replace Director Winn with President Harrison in regards to the SCAC assignment and advise SCAC.

ATTACHMENT – NONE