

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL
DATE: NOVEMBER 13, 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 10/28/09 Regular Meeting
Approve Minutes of 11/4/09 Special Meeting
- D-3) ACCEPT QUARTERLY INVESTMENT REPORT [ACCEPT REPORT]
- D-4) ACCEPT QUARTERLY FINANCIAL REPORT [ACCEPT REPORT]
- D-5) ACCEPT CHICAGO GRADE WORK RE: REMOVAL OF SLUDGE [ACCEPT WORK]
- D-6) AUTHORIZE EXECUTION OF AGREEMENT EXTENDING TERM OF OUTSIDE USER AGREEMENT FOR VINTAGE HOMES PROJECT AT WILLOW AND VIA CONCHA [AUTHORIZE EXECUTION]

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\CONSENT AGENDA\CONSENT 11-18-09.DOC

TO: BOARD OF DIRECTORS
 FROM: BRUCE BUEL
 DATE: NOVEMBER 13, 2009

**AGENDA ITEM
 D-1
 NOVEMBER 18, 2009**

**TOTAL COMPUTER
 CHECKS
 \$363,774.79**

HAND WRITTEN CHECKS

10-26-09	20007	E EBY	100.00
10-26-09	20008	M WINN	100.00
10-28-09	20009	R SANCHEZ	91.76
11-04-09	20010	CDPH-OCP	50.00
11-04-09	20011	SLO COUNTY	25.00
11-06-09	20012	POSTMASTER	176.00
11-12-09	20013	SLO COUNTY	10,000.00

VOID - 15748, 16999,
 19919, 17154, 17163

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
17200	10/30/09	EMP01	EMPLOYMENT DEVELOP DEPT	1090.88	.00	1090.88	A91026	STATE INCOME TAX
17201	10/30/09	MID01	RABOBANK-PAYROLL TAX DEPO	3337.66	.00	3337.66	A91026	FEDERAL INCOME TAX
				53.76	.00	53.76	1A91026	FICA
				976.14	.00	976.14	2A91026	MEDICARE (FICA)
			Check Total.....:	4367.56	.00	4367.56		
17202	10/30/09	MID02	RABOBANK-DIRECT DEPOSIT	29072.97	.00	29072.97	A91026	NET PAY
17203	10/30/09	PER01	PERS RETIREMENT	9151.31	.00	9151.31	A91026	PERS PAYROLL REMITTANCE
17204	10/30/09	STA01	ING-PERS 457 DEFERRED COM	1525.00	.00	1525.00	A91026	457 DEFERRED COMP
017205	11/04/09	EBY01	EBY, ED	100.00	.00	100.00	110409	SPECIAL BD MEETING 110409
017206	11/04/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	110409	SPECIAL BD MEETING 110409
017207	11/04/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	110409	SPECIAL BD MEETING 110409
017208	11/04/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	110409	SPECIAL BD MEETING 110409
017209	11/04/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	110409	SPECIAL BD MEETING 110409
17210	11/13/09	EMP01	EMPLOYMENT DEVELOP DEPT	30.00	.00	30.00	A91110	STATE INCOME TAX
				1194.37	.00	1194.37	1A91110	STATE INCOME TAX
			Check Total.....:	1224.37	.00	1224.37		
17211	11/13/09	MID01	RABOBANK-PAYROLL TAX DEPO	125.00	.00	125.00	A91110	FEDERAL INCOME TAX
				14.50	.00	14.50	1A91110	MEDICARE (FICA)
				3312.06	.00	3312.06	2A91110	FEDERAL INCOME TAX
				53.76	.00	53.76	3A91110	FICA
				969.52	.00	969.52	4A91110	MEDICARE (FICA)
			Check Total.....:	4474.84	.00	4474.84		
17212	11/13/09	MID02	RABOBANK-DIRECT DEPOSIT	28770.23	.00	28770.23	A91110	NET PAY
17213	11/13/09	PER01	PERS RETIREMENT	.00	.00	.00	A91110	PERS PAYROLL REMITTANCE
				9253.12	.00	9253.12	1A91110	PERS PAYROLL REMITTANCE
			Check Total.....:	9253.12	.00	9253.12		
17214	11/13/09	STA01	ING-PERS 457 DEFERRED COM	1525.00	.00	1525.00	A91110	457 DEFERRED COMP
017215	11/13/09	EBY01	EBY, ED	100.00	.00	100.00	111309	SPECIAL MEETING 111309
017216	11/13/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	111309	SPECIAL MEETING 111309
017217	11/13/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	111309	SPECIAL MEETING 111309
017218	11/13/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	111309	SPECIAL MEETING 111309
017219	11/13/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	111309	SPECIAL MEETING

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS NOVEMBER 13, 2009**

**AGENDA ITEM
D-1
NOVEMBER 18, 2009
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
017220	11/18/09	ABA01	ABALONE COAST BACTERIOLOG	97.00	.00	97.00	09-2117	TOWN WWTF LAB
				97.00	.00	97.00	09-2177	TOWN WWTF LAB
				176.00	.00	176.00	09-2223	TOWN WWTF LAB
				20.00	.00	20.00	09-2254	BL WWTF LAB
				175.00	.00	175.00	09-2255	WATER SAMPLES
				20.00	.00	20.00	09-2265	BL WWTF LAB
				20.00	.00	20.00	09-2274	BL WWTF LAB
				20.00	.00	20.00	09-2285	BL WWTF LAB
				176.00	.00	176.00	09-2286	TOWN WWTF LAB
				115.20	.00	115.20	09-2288	WATER SAMPLES
				14.40	.00	14.40	09-2294	WATER SAMPLES
				20.00	.00	20.00	09-2295	BL WWTF LAB
				20.00	.00	20.00	09-2307	BL WWTF LAB
				175.00	.00	175.00	09-2313	WATER SAMPLES
				20.00	.00	20.00	09-2314	BL WWTF LAB
				20.00	.00	20.00	09-2329	BL WWTF LAB
				176.00	.00	176.00	09-2330	TOWN WWTF LAB
				20.00	.00	20.00	09-2346	BL WWTF LAB
				20.00	.00	20.00	09-2354	BL WWTF LAB
				20.00	.00	20.00	09-2186 B	BL WWTF LAB
			Check Total.....:	1421.60	.00	1421.60		
017221	11/18/09	ADV01	ADVANTAGE ANSWERING PLUS	183.93	.00	183.93	108055	ANSWERING SERVICE
017222	11/18/09	AEC01	AECOM USA INC	3219.75	.00	3219.75	7064619	WATER SYSTEMS MAPPING
				1215.00	.00	1215.00	7064622	GROUNDWATER MONITORING
				345.60	.00	345.60	7065004	PCI TR 2855 MID STATE PRO
				345.60	.00	345.60	7065006	PCI TR WILLOW CRAIG
				167.40	.00	167.40	7065007	PCI TR 2441 GRAY
				55651.84	.00	55651.84	7065011	SOUTHLAND WWTF UPGRADE
				7321.05	.00	7321.05	7065076	FRONTAGE RD SEWER MAIN
				3149.66	.00	3149.66	7065092	WATERLINE INTERTIE PROJEC
			Check Total.....:	71415.90	.00	71415.90		
017223	11/18/09	ALX01	ALEXANDER'S CONTRACT SERV	3242.10	.00	3242.10	10290012	METER READING SERVICE
017224	11/18/09	AME02	AMERICAN INDUSTRIAL SUPPL	465.22	.00	465.22	200294+	SUPPLIES
017225	11/18/09	AME03	AMERI PRIDE	111.91	.00	111.91	F105098	UNIFORMS ETC
				114.77	.00	114.77	F111355	UNIFORMS ETC
017225	11/18/09	AME03	AMERI PRIDE	116.94	.00	116.94	F117644	UNIFORMS ETC
			Check Total.....:	343.62	.00	343.62		
017226	11/18/09	ATT01	AT&T/MCI	150.65	.00	150.65	936876	PHONE
				34.01	.00	34.01	937128	PHONE
				154.49	.00	154.49	937198	PHONE
			Check Total.....:	339.15	.00	339.15		
017227	11/18/09	BEN02	BENTLEY SYSTEMS, INC.	1749.30	.00	1749.30	47276253	WATER/SEWER GEMS
017228	11/18/09	BRE02	BRENNTAG PACIFIC INC.	837.80	.00	837.80	BPI940576	CHLORINE
				491.87	.00	491.87	BPI942575	CHLORINE
			Check Total.....:	1329.67	.00	1329.67		
017229	11/18/09	CAL14	CALIFORNA WATER	74.00	.00	74.00	GERMAN	CERTIFICATE RENEWAL 09012
				138.00	.00	138.00	GRIETEN10	CERTIFICATE RENEWAL 8462
				132.00	.00	132.00	RODRIQUEZ	MEMBERSHIP 6938 R RODRIGU
			Check Total.....:	344.00	.00	344.00		
017230	11/18/09	CEN08	CENTER FOR HEARING HEALTH	420.00	.00	420.00	7235	ANNUAL HEARING TESTS
017231	11/18/09	CHI01	CHICAGO GRADE LANDFILL, I	25690.36	.00	25690.36	11184	BIOSOLIDS CONTRACT
017232	11/18/09	CLE06	CLEVER DUCKS	291.00	.00	291.00	8914	COMPUTER SUPPORT
				3570.00	.00	3570.00	8998	COMPUTER SUPPORT
			Check Total.....:	3861.00	.00	3861.00		
017233	11/18/09	CRO02	CROSBY COMPANY	8000.00	.00	8000.00	22826	AUDIT REPORT 2008-2009
017234	11/18/09	DFK01	DFK SOLUTIONS GROUP, LLC	350.00	.00	350.00	1034	SAFETY SUBSCRIPTION
017235	11/18/09	DIS02	DISREET WIRELESS	185.10	.00	185.10	AT0621854	GPS SERVICE
017236	11/18/09	EAR01	EARTH SYSTEMS PACIFIC	1145.00	.00	1145.00	232371	PHASE 1 ENVIRONMENTAL-PAR
017237	11/18/09	EBY01	EBY, ED	100.00	.00	100.00	111809	REG BD MEETING 111809
017238	11/18/09	FAR02	FAR WEST EXPRESS	0.00	.00	0.00	17258+	DELIVERY

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS NOVEMBER 13, 2009**

**AGENDA ITEM
D-1
NOVEMBER 18, 2009
PAGE THREE**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
017239	11/18/09	FGL01	FGL ENVIRONMENTAL	56.00	.00	56.00	910411A	BL WWTF LAB
				331.00	.00	331.00	910412A	TOWN WWTF LAB
				81.00	.00	81.00	910780A	BL WWTF LAB
				384.00	.00	384.00	910781A	WELL TESTING
				24.00	.00	24.00	910782A	BEVINGTON WELL TESTING
				81.00	.00	81.00	911007A	BL WWTF LAB
			Check Total.....:	957.00	.00	957.00		
017240	11/18/09	FIS01	FISHER PUMP SERVICE	1298.50	.00	1298.50	1203	WELL PUMP AT VIA CONCHA
017241	11/18/09	FUG01	FUGRO WEST, INC.	9002.53	.00	9002.53	3596.5.10	SOUTHLAND EXPANSION-PASQU
017242	11/18/09	GAR01	GARING TAYLOR & ASSOC	652.50	.00	652.50	10137	WIP PEER REVIEW
017243	11/18/09	GAS02	GAS COMPANY, THE	23.56	.00	23.56	102009	OFFICE HEAT 0623516094
				18.01	.00	18.01	102209	SOUTHLAND HEAT 041637379
			Check Total.....:	41.57	.00	41.57		
017244	11/18/09	GIL01	GLM, INC.	320.00	.00	320.00	102909	LANDSCAPE
017245	11/18/09	GRA01	GRANDFLOW, INC.	467.07	.00	467.07	105065	PRINTED CHECKS
017246	11/18/09	GRO01	GROENIGER & CO	633.95	.00	633.95	11011647	SUPPLIES
017247	11/18/09	GWA01	GWA INC	53.00	.00	53.00	910006401	ALARM MONITORING
				85.00	.00	85.00	910020621	ALARM MONITORING
				85.00	.00	85.00	910021071	ALARM MONITORING
			Check Total.....:	223.00	.00	223.00		
017248	11/18/09	HAC01	HACH COMPANY	2425.03	.00	2425.03	6452856	SUPPLIES
				514.19	.00	514.19	6458490	SUPPLIES
			Check Total.....:	2939.22	.00	2939.22		
017249	11/18/09	HAM02	HAMNER JEWELL & ASSOCIATE	1952.50	.00	1952.50	4687	WATERLINE INTERTIE
017250	11/18/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	111809	REG BD MEETING 111809
017251	11/18/09	HEA01	HEACOCK TRAILERS & TRUCK	748.20	.00	748.20	30845	SADDLE BOX-FORD RANGER
017252	11/18/09	JOH01	JOHNSON, DONNA	38.32	.00	38.32	110109	SUPLIES
				25.00	.00	25.00	111209	SUPPLIES
			Check Total.....:	63.32	.00	63.32		
017253	11/18/09	LAH01	LAHR ELECTRIC MOTORS, INC	3084.42	.00	3084.42	5272	VIA CONCHA MOTOR MAINT
017254	11/18/09	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	46647	LANDSCAPE MAINT - VISTA V
017255	11/18/09	LIN02	LINC DELIVERY	264.00	.00	264.00	46742+	DELIVERY TO LAB
017256	11/18/09	LIP01	TONY LIPKA	2250.00	.00	2250.00	NIPO-0901	ELECTRICAL SAFETY CONSULT
017257	11/18/09	MIN02	MINER'S ACE HARDWARE	78.42	.00	78.42	600360	SUPPLIES
				38.88	.00	38.88	600622	SUPPLIES
				288.83	.00	288.83	A91112	SUPPLIES
			Check Total.....:	406.13	.00	406.13		
017258	11/18/09	MNS01	MNS ENGINEERS INC	9810.00	.00	9810.00	58856	WATERLINE INTERTIE PROJEC
017259	11/18/09	MOR02	MORE OFFICE SOLUTIONS	614.38	.00	614.38	517148	COPIER MAINT
017260	11/18/09	MOT01	MOTLEY, RICK	18.88	.00	18.88	110709	SUPPLIES
017261	11/18/09	MSL01	M S LEBRUN ENVIRONMENTAL	2400.00	.00	2400.00	09-004-11	BIOSOLIDS LOADING OPTIONS
				1000.00	.00	1000.00	09-010-11	NMMA MUTUAL WATER CO RESE
			Check Total.....:	3400.00	.00	3400.00		
017262	11/18/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	111809	REG BD MEETING 111809
017263	11/18/09	NIP08	NIPOMO CSD	296.58	.00	296.58	110909	LANDSCAPE MAINT WATER TR
017264	11/18/09	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	75332	PEST CONTROL
				49.00	.00	49.00	75333	PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
017265	11/18/09	OFF01	OFFICE DEPOT	119.32	.00	119.32	495563852	SUPPLIES
017266	11/18/09	ONE01	1-800-CONFERENCE	80.07	.00	80.07	676618	CONFERENCE CALL

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS NOVEMBER 13, 2009**

**AGENDA ITEM
D-1
NOVEMBER 18, 2009
PAGE FOUR**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information-----	
							Invoice #	Description
017267	11/18/09	PER04	PERRY'S ELECTRIC MOTORS	2811.92	.00	2811.92	10335	WELL MOTOR MAINT
017268	11/18/09	PER05	PERFORMANCE METER, INC	762.83	.00	762.83	16871	SUPPLIES
017269	11/18/09	PGE01	P G & E	66975.50	.00	66975.50	102709	ELECTRICITY 444964603-3
017270	11/18/09	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	193	OCT JANITORIAL SERV
017271	11/18/09	QUI01	QUILL CORPORATION	21.36	.00	21.36	1316181	SUPPLIES
				23.35	.00	23.35	1344300	SUPPLIES
			Check Total.....:	44.71	.00	44.71		
017272	11/18/09	RAB01	RABOBANK	125.98	.00	125.98	111209A	BD MEETING SUPPLIES
				36.43	.00	36.43	111209B	SUPPLIES
				12.60	.00	12.60	111209C	OPC SUPPLIES
				6.32	.00	6.32	111209D	POSTAGE
			Check Total.....:	181.33	.00	181.33		
017273	11/18/09	REE01	REEDER, GILMAN & MILLION	2000.00	.00	2000.00	7599	APPRAISAL
017274	11/18/09	SAN04	SANTA MARIA TIMES	208.25	.00	208.25	627839	ORDINANCE 2009-113
				610.00	.00	610.00	627840	ORDINANCE 2009-114
			Check Total.....:	818.25	.00	818.25		
017275	11/18/09	SAN09	SAN LUIS MAILING SERVICE	1171.99	.00	1171.99	40673A	POSTAGE FOR BILLS
				228.79	.00	228.79	40673B	MAILING BILLS
			Check Total.....:	1400.78	.00	1400.78		
017276	11/18/09	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	2722907	TRASH COLLECTION
				169.12	.00	169.12	2724368	OLDE TOWNE TRASH COLLECTI
			Check Total.....:	204.04	.00	204.04		
017277	11/18/09	STA04	STATE DEPT OF HEALTH SERV	13487.05	.00	13487.05	960558	WATER SYSTEM FEES 4010026
017278	11/18/09	TER01	TERMINIX	244.44	.00	244.44	113009	PEST CONTROL
017279	11/18/09	TIT01	TITAN INDUSTRIAL & SAFETY	188.90	.00	188.90	1038028	SUPPLIES
017280	11/18/09	USA01	USA BLUEBOOK	590.64	.00	590.64	923114	SUPPLIES
017281	11/18/09	USB01	US BANK TRUST	607.49	.00	607.49	102209A	SEMINARS
				188.93	.00	188.93	102209B	BOARD MEETING SUPPLIES
				165.00	.00	165.00	102209C	CONSERVATION SUPPLIES
				281.90	.00	281.90	102209D	OPERATING SUPPLIES
				1612.02	.00	1612.02	102209E	COMPUTER PRINTER
				624.40	.00	624.40	102209F	TRAVEL
				100.00	.00	100.00	102209G	TRUCK REPAIR
			Check Total.....:	3579.74	.00	3579.74		
017282	11/18/09	VAN01	VAN SCOYOC ASSOCIATES	4500.00	.00	4500.00	32936	LOBBYING SERVICES-NOVEMBE
017283	11/18/09	VER01	VERIZON	36.59	.00	36.59	101909	BL PHONE 0117301146236018
017284	11/18/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	111809	REG BD MEETING 111809
017285	11/18/09	WAL01	WALLACE GROUP	696.00	.00	696.00	28830	GIS DATA MAINT
017285	11/18/09	WAL01	WALLACE GROUP	11351.38	.00	11351.38	28839	MILLER PARK FUNDING/ENG
				106.50	.00	106.50	28840	INTERTIE ASSESSMENT DIST
			Check Total.....:	12153.88	.00	12153.88		
017286	11/18/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	111809	REG BD MEETING 111809
017287	11/18/09	\D003	DELOSSANDOS, MARCO/ISELA	48.88	.00	48.88	000A91101	MQ CUSTOMER REFUND FOR DE
017288	11/18/09	\E001	EVENSON PLUMBING INC,	458.94	.00	458.94	000A91101	MQ CUSTOMER REFUND FOR EV

NIPOMO COMMUNITY SERVICES DISTRICT*Celebrating 44 - Years of Service 1965 - 2009***DRAFT MINUTES****OCTOBER 28, 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 BOGNUA, ASST. GENERAL MANAGER
 DONNA JOHNSON, BOARD SECRETARY
 JON SEITZ, GENERAL COUNSEL
 PETER SEVCIK, DISTRICT ENGINEER

00:00:00 A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the October 28, 2009 Regular Meeting of the Nipomo Community Services District Board of Directors to order at 9:02 a.m. and led the flag salute.

00:01:15 B. ROLL CALL

At Roll Call, all Board members were present.

00:01:30 C. PRESENTATIONS AND PUBLIC COMMENT**C-1) MIKE NUNLEY OF AECOM**

Update re: Waterline Intertie Project Progress & Cost Estimate and Southland WWTF Progress

Mike Nunley, AECOM Project Manager, reviewed the report on the progress of the Waterline Intertie Project, as presented in the Board packet. He answered questions from the Board about the project.

Director Vierheilig requested Mr. Nunley to provide an estimate of funds needed to complete the remaining efforts for Task Groups 1 thru 6.

Next he reviewed the report on the progress of the Southland Wastewater Treatment Facility Upgrade Project, as presented in the Board packet. He answered questions from the Board about the project.

There was no public comment. The Board thanked Mr. Nunley for the reports.

C-2) NCSD DISTRICT ENGINEER PETER SEVCIK

Update re: Sundale Well Fire Damage and Remediation

Peter Sevcik, District Engineer, stated that demolition of the Sundale Well is planned to begin October 29, 2009. The District is receiving quotes for pulling the well, video taping the casing, and other tasks. Mr. Sevcik answered questions from the Board. There was no public comment. The Board thanked Mr. Sevcik for his report.

C-3) NCSD SUPERINTENDENT TINA GRIETENS

Update re: Monthly Utility Division Activities

Tina Grietens, Utility Superintendent, reviewed the information presented in the Board packet and answered questions from the Board. There was no public comment. The Board thanked Ms. Grietens for the report.

MINUTES SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

- C-4) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW
Update re: Monthly Outreach Activities

This item was postponed until the next meeting.

- C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Nelson

Mr. Nelson announced that Mr. George Billinger passed away yesterday, October 27, 2009. He often participated in District meetings and will be missed.

Director Vierheilig

Nov. 7, 2009 – San Luis Obispo Chapter of the California Native Plant Society will hold a plant sale from 9:00 a.m. to 3:00 p.m. in the Madonna Plaza Heritage Oaks Bank parking lot.

Director Eby

There will not be a LAFCo meeting November 19th. The next meeting will be Dec. 17th. He attended the Grover Beach City Council meeting on Oct. 19th. Seawater intrusion and a rate increase needed due to conservation were topics of interest.

Arroyo Grande City Council discussed seawater intrusion at the Pier Avenue sentry well.

Director Winn

- Nov. 4, 2009 - The following will be discussed at the Water Resources Advisory Committee (WRAC) at the SLO Library at 1:30 p.m.
 - GPA grading – WRAC will not take a position
 - Sea-Land committee has not moved forward
 - There is a plan for the County to consolidate land use planning areas into five areas combined with the circulation element. It will affect the District, if it goes through. People can apply to have their land rezoned, or conditions altered, to be bundled in with the County's GPA.
 - Water Master Plan progress – significant document. A report will be coming after County staff has information ready.
- Oct. 26, 2009 – South County Advisory Council met. Director Eby gave a very good report on sea water intrusion at the sentry well on Pier Ave. in Oceano.
- Peg Miller plans to aid the District with claims over rights to the railroad easement
- He met with Supervisor Patterson and discussed bio-solids and vermiculture. They agreed to the banning of imported sludge from other counties.
- SLOCOG monies for transportation slated for Willow Road extension will not be spent elsewhere.
- Pier Ave. information was taken from summaries of data. Would like to get copy of well measurements and the complete report from Grover Beach City Engineer.

- C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

John Snyder, Nipomo resident, stated that he is concerned about the monitoring of the sentry wells and the Oso Flaco Well. He also stated that he had requested a copy of the minutes collected over several years to be put on one CD.

Jon Seitz, District Legal Counsel, answered that the County has budgeted replacement for that lost sentry well.

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

01:13:33 D. CONSENT AGENDA

Director Nelson asked to pull Item D-4 for separate consideration.

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of 10/14/09 Regular Meeting
- D-3) AUTHORIZE PARTICIPATION IN STATE PROPERTY TAX SECURITIZATION PROGRAM

**RESOLUTION NO. 2009-1167
A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING
THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT
AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S
PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND
AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH**

Mr. Buel answered questions about some items on the Warrants and a correction was made to the Minutes in Item H.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved Items 1-3 on the Consent Agenda. There was no public comment. Vote 5-0.

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

D-4) RECOGNIZE THE BLACKLAKE COMMUNITY FOR WATER SAVINGS

Bruce Buel, General Manager, explained that the proposed proclamation was prepared to commend Blacklake for its efforts to conserve water.

Director Nelson pulled this item for separate consideration. He stated that of the 28 irrigation meters in the Blacklake community, there are 15 landscaping meters operated by the BLMA and 13 by others. The proclamation should reflect that it was the community rather than just the Blacklake Management Association responsible for the water conservation move. He and other Board members made suggestions for edits. There was no public comment.

The proclamation reads as follows:

The Nipomo Community Services District is pleased to commend the Blacklake Community for taking the initiative in water conservation by removing lawn and replacing it with drought-tolerant plants. It is anticipated that long-term water savings will be accomplished from this effort. By taking this step, the Blacklake Community shows support for the goal of decreasing the amount of water used on the Nipomo Mesa, and the NCSD gives its thanks for this effort.

Upon motion by Director Nelson and seconded by Director Vierheilg, the Board unanimously approved the proclamation, as amended. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

01:25:23 E-1) AUTHORIZE EXECUTION OF FINAL WATER SALES AGREEMENT WITH THE CITY OF SANTA MARIA

Bruce Buel, General Manager, introduced the item.
Peter Sevcik, District Engineer, reviewed the agreement with the City of Santa Maria and suggested some added language.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-1) AUTHORIZE EXECUTION OF FINAL WATER SALES AGREEMENT WITH THE CITY OF SANTA MARIA (CONTINUED)

Jon Seitz, District Legal Counsel, answered questions from the Board concerning the proposed agreement.

Steve Kahn, Utilities Engineer for the City of Santa Maria, stated that he was pleased to present the document to the City Council, as amended. The City Council will meet November 17th at 6:30 p.m.

The Board had suggestions and questions. Mr. Kahn stated that the Exhibit A, presented in the Board packet, will be removed and that details will be worked out in the Operational MOU.

Mike Nunley, AECOM Project Manager, answered questions from the Board concerning operating the system at the point of connection.

Director Eby said he would have supported the agreement last discussed by the Board, but could not support the changes recommended in the last 72 hours.

The following member of the public spoke:

John Snyder, Nipomo resident, stated that the Board needs more time to digest the agreement before making a decision. He stated that it is not clear what Santa Maria has to sell.

Upon motion by Director Winn and seconded by Director Nelson, the Board approved the agreement, as amended by the memo from Mr. Sevcik and the added language. Vote 4-1, with Director Eby dissenting.

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

02:17:02

E-2) REVIEW PROPOSED CRITERIA FOR FORMATION OF JOINT POWERS AGREEMENT WITH SLO COUNTY FOR WATERLINE INTERTIE PROJECT FUNDING AND APPROVE COST RE-IMBURSEMENT AGREEMENT

Bruce Buel, General Manager, introduced the item.

Jon Seitz, District Legal Counsel, reviewed the proposed Joint Powers Agreement (JPA) between San Luis Obispo County and the District concerning the cost reimbursement for the Waterline Intertie Project. Mr. Seitz stated that the agreement will be on the Board of Supervisors agenda for November 10th.

The Board asked questions and had suggestions for edits to the agreement.

The following members of the public spoke:

John Snyder, Nipomo resident, asked if there will be one assessment or multiple assessments.

Mr. Seitz answered that there are many possibilities.

Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously approved the agreement in concept, as amended, with final edits by the County and instructed the President to sign the agreement. Vote 5-0.

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

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

The Board considered Closed Session next.

02:39:05 I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be considered in 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 #CV09001 0)
3. INSTRUCTION TO NEGOTIATORS BRUCE BUEL, JON SEITZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PURCHASE OF PARTIAL EASEMENT INTEREST IN APN 090-291-039 THROUGH 045 (OWNER: LINDA VISTA FARMS, NEGOTIATOR: (JACQUELINE FREDERICK)
4. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (3 CASES)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison announced that it is expected to be back in Open Session by 1:20 p.m. He adjourned to Closed Session at 11:56 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:21 p.m.

The Board considered item E-6 next.

02:42:10 E-6) ACCEPT FY2008-09 AUDIT

Bruce Buel, General Manager, introduced Robert Crosby.

Robert Crosby, CPA, of Crosby Company, presented the Audit Report for Fiscal Year 2008-2009. He commended staff for its work.

Mr. Crosby answered questions from the Board.

There was no public comment.

Upon motion by Director Vierheilg and seconded by Director Winn, the Board unanimously agreed to accept and file the Audit Report for Fiscal Year 2008-2009, with appreciation to the auditor and staff who produced the report. Vote 5-0.

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

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

The Board considered item E-7 next.

02:57:58

E-7) REVIEW RESEARCH ON NIPOMO MESA MUTUAL WATER COMPANIES[

Bruce Buel, General Manager, introduced Michael LeBrun to present this item.

Michael LeBrun, of LeBrun Environmental Engineering, reviewed the information provided in the Board packet concerning how mutual water companies over the Nipomo Mesa Management Area aquifer are formed.

It was suggested that the topic could be considered at WRAC or LAFCo.

There was no public comment.

The Board thanked Mr. LeBrun for the very informative report.

The Board considered item E-4 next.

03:39:56

E-4) AWARD BID FOR CONSTRUCTION OF MISTY GLEN INTERTIE AND AUTHORIZE EXECUTION OF CONTRACT

Bruce Buel, General Manager, introduced Peter Sevcik to present this item.

Peter Sevcik, District Engineer, explained that the District advertised for bids for installing a pressure-reducing station between our high pressure zone in Willow Road and the lower pressure zone within Blacklake. Seven bids were received. R. Baker is the lowest responsible bidder. The second item to be considered is for construction management services to assist staff during the construction phase of the project.

Mr. Sevcik answered questions from the Board.

There was no public comment.

Upon motion by Director Nelson and seconded by Director Vierheilig, the Board unanimously approved staff recommendation. Vote 5-0.

Recommendation:

1. Award the bid for the project to R. Baker Inc. for \$76,989 and authorize General Manager to execute construction agreement.
2. Authorize the General Manager to issue individual Change Orders for up to \$5,000 with an aggregate Change Order total not to exceed \$10,000.
3. Authorize staff to file a Notice of Exemption for the project.
4. Authorize the General Manager to execute a task order with Cannon for construction management services for the not-to-exceed amount of \$22,813 for the project.
5. Direct staff to defer Blume Street project for FY 09-10 and transfer funding to Misty Glen Waterline Connection Project.

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

The Board considered item E-3 next.

03:55:58

E-3) ADOPT GUIDELINES FOR CONDUCTING ASSESSMENT PROCEDURES

Jon Seitz, District Legal Counsel, reviewed the proposed resolution. Mr. Seitz answered questions from the Board.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-3) ADOPT GUIDELINES FOR CONDUCTING ASSESSMENT PROCEDURES (CONT)

The following member of the public spoke:

Vince McCarthy, NCS D resident, asked if a ballot is returned with neither a yes or no marked, will it be thrown out. Mr. Seitz answered that it would be. Mr. McCarthy asked if a person refused to pay the assessment, what the penalty would be. Mr. Seitz answered that the assessment is put on the tax rolls. If taxes are not paid, a lien is put on the property and can be foreclosed.

The Board made several recommendations for changes in the resolution.

**RESOLUTION NO. 2009 - 1168
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES
DISTRICT ADOPTING PROCEDURES APPLICABLE TO THE COMPLETION,
RETURN AND TABULATION OF ASSESSMENT BALLOTS FOR THE
NIPOMO COMMUNITY SERVICES DISTRICT MAINTENANCE DISTRICT NO. 1**

Upon motion by Director Winn and seconded by Director Vierheilig, the Board adopted Resolution 2009-1168 with attachments, as amended. Vote 5-0.

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

The Board considered item E-5 next.

04:25:22

E-5) REVIEW LEGAL RESEARCH ON SETTING MULTIPLE-TIER WATER RATES

Jon Seitz, District Legal Counsel, reviewed the basic premise of AB 2882, which authorizes water providers to employ allocation-based conservation water pricing that rewards conservation and penalizes overuse of water.

Mr. Seitz answered questions from the Board.

Director Winn made a motion to authorize Counsel to consult with Harriet Steiner to get a second opinion. The motion failed for a lack of a second.

There was no public comment. There was no Board action.

The Board considered item E-8 next.

05:08:56

E-8) CONSIDER AMENDING REIMBURSEMENT AGREEMENT WITH SLO COUNTY RE: WILLOW ROAD WATER LINE

Jon Seitz, District Legal Counsel, explained that the District entered into a reimbursement agreement with the County of San Luis Obispo for the construction of the District's waterline concurrent with the County's roadway project. The proposed amendment, providing the District with the flexibility to accept or reject the additive bid for the waterline work, was presented to the Board.

There was no public comment.

Upon motion by Director Winn and seconded by Director Nelson, the Board unanimously approved the amendment as presented. Vote 5-0.

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

05:15:53 F. MANAGER'S REPORT

Bruce Buel, General Manager, stated that the Manager's Report is as submitted. Peter Sevcik, District Engineer, handed information to the Board and made information available to the public concerning the Woodland Golf Course irrigation system. He reviewed the memo. Mr. Sevcik answered questions from the Board. There was no public comment.

05:26:00 G. COMMITTEE REPORT

The Water Conservation Committee meeting will not be held Friday, October 23, as previously planned.

05:26:36 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTSDirector Nelson

He would like a report, using new conservation software, that shows water used on the Blacklake community meters. Mr. Buel stated that a report will be coming at the Nov. 18th meeting.

Director Vierheilg

- He would like to look at custodial credit risks in LAIF.
- Look at current billing system capabilities.
- Received several phone calls regarding the 'fixed charge' for Arroyo Grande in our draft rate study. People indicated a fixed charge of \$10 rather than the \$40 as noted in the study. Director Vierheilg called several contacts in Arroyo Grande; each of them indicated a fixed charge of approximately \$40 indicating the study is correct. Director Harrison stated that he got into a conversation with one of our rate payers Saturday and he made the statement that Arroyo Grande only paid ten dollars. Director Harrison told him this same thing. About thirty minutes later he came back with a bill from the City of Arroyo Grande. The charge for water for a one-inch meter is \$6.35 monthly. For a 5/8" meter, it is just over five dollars per month - less than \$11.00 per billing cycle.
- After receiving letter from ACEC, do we need a written bid/selection guideline policy?

Director Winn

- Discuss expediting installing photovoltaic systems. Those who have installed such systems may get paid for the excess power produced.
- Would like the full Technical Report that Grover Beach has for Pier Ave. sentinel well.
- Would like more information on position negotiations for the State Vehicle Recreation Area.
- What can Board do to move County Planning and Public Health for updating their application forms for wells to make them more useful? Is it an adjudicated basin, in RMS, etc.?
- What can the NCSD do to motivate and help County Planning and Public Health to improve their application forms, to include critical information about limitations on water resources (e.g., RMS LoS II or III, water rights adjudication)?
- Director Winn will bring more information about the proposed vermiculture pilot project when it is released.
- Would like Mr. Nelson to convey the District's respect to the Billinger family.

ADJOURN

President Harrison adjourned the meeting at 4:28 p.m.

NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, November 4, 2009

5:30 P. M.

SPECIAL MEETING MINUTES

DRAFT

BOARD of DIRECTORS

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

PRINCIPAL STAFF

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

1. CALL TO ORDER, ROLL CALL, AND FLAG SALUTE

President Harrison called the November 4, 2009, Special Meeting of the Nipomo Community Services District to order at 5:30 p.m. and led the flag salute.

At Roll Call, all Board Members were present.

2. GENERAL MANAGER STATUS REPORT

General Manager, Bruce Buel, submitted his letter of resignation due to health reasons.

Upon motion of Director Winn and seconded by Director Vierheilig, the Board unanimously and regrettably accepted Mr. Buel's resignation and directed Staff to receive and file the letter, instructed Staff to write a letter Bruce and include a estimate of when his vacation and sick leave would expire. Vote 5-0.

There was no public comment.

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

3. CLOSED SESSION ANNOUNCEMENTS/ITEMS:

District Legal Counsel, Jon Seitz, announced the following Closed Session Item:

PUBLIC EMPLOYEE APPOINTMENT (Government Code §54957)

Title: District Interim General Manager

4. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

5. ADJOURN TO CLOSED SESSION

The Board of Directors adjourned to Closed Session

6. OPEN SESSION / ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came into Open Session at 7:26 p.m. Jon Seitz, District Legal Counsel, announced the Board heard an update, gave direction to Staff and took no reportable action.

ADJOURN

The meeting was adjourned at 7:28 p.m.

TO: BOARD OF DIRECTORS
 FROM: LISA BOGNUDA *LSB*
 DATE: NOVEMBER 13, 2009

**AGENDA ITEM
 D-3
 NOVEMBER 18, 2009**

INVESTMENT POLICY –THIRD QUARTER REPORT

BACKGROUND

The Board of Directors has adopted an Investment Policy for NCS D which states that the Finance Officer shall file a quarterly report that identifies the District's investments and their compliance with the District's Investment Policy. The quarterly report must be filed with the District's auditor and considered by the Board of Directors.

Below is the September 30, 2009, Quarterly Report for your review. As District Finance Officer and Treasurer, I am pleased to inform the Board of Directors that the District is in compliance with the 2008 Investment Policy and that the objectives of safety, liquidity, and yield have been met. The District has the ability to meet cash flow requirements for the next six months.

INVESTMENT POLICY-THIRD QUARTER REPORT 9/30/09

Investment	Institution	Amount of Deposit 9/30/09	Rate of Interest	Quarterly Interest Earned or Accrued 9/30/09	Amount of Deposit 9/30/08	Rate of Interest	Quarterly Interest Earned or Accrued 9/30/08
Public Checking	Rabobank	\$234,196.50	0.00 % ⁽¹⁾	\$6.60	\$89,050.64	0.10%	\$39.73
Savings	Rabobank	\$925.96	0.16%	\$0.35	\$924.18	0.25%	\$0.61
Pooled Money Investment	Local Agency Investment Fund (LAIF)	\$21,424,806.33	0.90%	\$49,163.98	\$22,103,731.38	2.77%	\$154,085.44
Certificate of Deposit	Rabobank	\$0.00	n/a	n/a	\$2,019,463.31	2.40%	\$10,394.23
Certificate of Deposit Registry Service (CDARS)	Mission Community Bank	\$2,045,871.28	0.65%	\$5,873.96	\$0.00	n/a	n/a

(1) As of 7/31/09, Rabobank is no longer paying interest on Public Checking Accounts.
 n/a = not applicable

RECOMMENDATION

After Board consideration and public comment, it is recommended that your Honorable Board accept the quarterly report by motion and minute order.

ATTACHMENT

None

TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA (LSB)
DATE: NOVEMBER 13, 2009

**AGENDA ITEM
D-4
NOVEMBER 18, 2009**

ACCEPT QUARTERLY FINANCIAL REPORT

ITEM

ACCEPT QUARTERLY FINANCIAL REPORT [RECOMMEND APPROVAL]

BACKGROUND

The District's fiscal year is now 25% complete. The consolidated operating revenues are at 25.66% of the budget, operating expenditures are at 21.22% of the budget and general and administrative expenditures are at 17.98 % of the budget.

Attached are the following which provide an overview of the first three months of the fiscal year:

Page 1	Summary of Approved Budget Amendments
Page 2	Summary of Revenues, Expenses and Cash Balances by Fund
Page 3	Consolidated Balance Sheet
Page 4-5	Consolidated Income Statement
Page 6-7	Graphs for Consolidated Revenues and Expenses
Page 8-10	Graphs for major funds (Water, Town Sewer, and Blacklake Sewer)

Detailed information by fund is available in the office.

RECOMMENDATION

It is recommended that your Honorable Board accept and direct Staff to file the quarterly financial report for the first quarter of fiscal year 2009-2010.

NIPOMO COMMUNITY SERVICES DISTRICT
SUMMARY OF APPROVED BUDGET AMENDMENTS
FIRST QUARTER ENDING SEPTEMBER 30, 2009

DATE	DESCRIPTION	FUNDS	APPROVED BUDGET	APPROVED AMENDMENT	AMENDED BUDGET
8/20/09	Transfer from EOC Set Up line item to Ford Ranger	Fund #110	\$14,000 \$10,000	\$2,619 (\$2,619)	\$16,619 \$ 7,381
9/9/09	Purchase Back Hoe	Fund #600 Fund #125 Fund #130 Fund #150	\$0 \$14,453 \$4,818 \$2,628	\$83,322 (\$14,453) (\$4,818) (\$2,628)	\$83,322 \$0 \$0 \$0
9/30/09	Willow Road Waterline Phase 1	Fund #700	\$1,000,000	\$150,506	\$1,150,506

t:\finance\budget\budget 2010\amendments 6-30-10.doc

NIPOMO COMMUNITY SERVICES DISTRICT
SUMMARY OF REVENUES AND EXPENSES BY FUND
THREE MONTHS ENDING SEPTEMBER 30, 2009

FUND	FUND #	YTD REVENUES	YTD EXPENSES	FUNDED REPLACEMENT	YTD SUPRPLUS/ (DEFICIT)
Administration	110	87,587	(87,587)	0	0
Water	125	1,033,522	(569,014)	(175,000)	289,508
Town Sewer	130	375,766	(204,885)	(93,075)	77,806
Blacklake Sewer	150	61,984	(54,471)	(5,000)	2,513
Blacklake Street Lighting	200	83	(5,566)	0	(5,483)
Street Landscape Maintenance	250	47	(1,352)	0	(1,305)
Solid Waste	300	16,180	(6,455)	0	9,725
Drainage Maintenance	400	376	0	0	376
Supplemental Water Capacity Fees	500	5,163	0	0	5,163
Property Taxes	600	15,902	(35,906)	0	(20,004)
Water Capacity Fees	700	9,936	0	0	9,936
Town Sewer Capacity Fees	710	11,136	(113,622)	0	(102,486)
Funded Replacement-Water	805	11,196	0	175,000	186,196
Funded Replacement-Town Sewer	810	7,756	0	93,075	100,831
Funded Replacement-BL Sewer	830	0	0	5,000	5,000
Town Sewer Sinking Fund	880	159,700	0	0	159,700
TOTAL		1,796,334	(1,078,858)	0	717,476

CASH BALANCE OF EACH FUND
AS OF SEPTEMBER 30, 2009

FUND	FUND #	CASH BALANCE 9/30/2009
Administration	110	(12,569)
Water	125	2,284,585
Town Sewer	130	343,158
Blacklake Sewer	150	120,137
Blacklake Street Lighting	200	34,258
Street Landscape Maintenance	250	20,174
Solid Waste	300	612,900
Drainage Maintenance	400	5,412
Supplemental Water	500	651,349
Property Taxes (incl COP)	600	3,311,638
Water Capacity Fees	700	4,264,396
Town Sewer Capacity Fees	710	4,852,650
Funded Replacement-Water	805	3,169,996
Funded Replacement-Town Sewer	810	3,479,873
Funded Replacement-BL Sewer	830	(7,329)
Sinking Fund-Town Sewer	880	392,187
Funds held by Trustee		249,026
TOTAL		23,771,841

NIPOMO COMMUNITY SERVICES DISTRICT
BALANCE SHEET - CONSOLIDATED
AS OF SEPTEMBER 30, 2009

ASSETS

Cash and Cash Equivalents	23,771,840.80
Accounts Receivable - Utility Billing	327,616.15
Unbilled Accounts Receivable	642,500.00
Property, Plant & Equipment	43,720,065.62
Accumulated Depreciation	(13,288,115.72)
Prepaid Expenses	34,885.22
Accrued Interest Receivable	54,888.72
Notes Receivable - BL Sewer	203,172.91
Notes Receivable - BL Water Merger	222,243.00
Reservation Fee	37,500.00
Loan Fees - SRF Loan	256,834.00
Accumulated Amortization - SRF Loan Fees	(177,433.08)
Revenue COP's Bond Discount	178,100.60
Accumulated Amortization - Bond Discount	(36,361.92)

Total Assets	55,947,736.30

LIABILITIES

Accounts Payable	146,128.31
Refunds Payable	610.16
Construction Meter Deposits	4,000.00
Compensated Absences Payable	75,493.00
Deposits	56,674.92
Payroll Taxes Payable	(2,847.27)
Deposit - Maintenance Guarantee	3,657.55
Deposit - Pomeroy Rd Water Line	24,170.00
Deferred Revenue	6,300.00
Notes Payable - Property Tax Fund	203,172.91
Notes Payable - BL Water Merger	222,243.00
Revenue Bonds - Current Portion	10,000.00
SRF Loan #110 - Current Portion	34,868.35
SRF Loan #120 - Current Portion	42,180.25
Revenue COP's-Current Portion	85,000.00
Revenue Bonds Payable - Long Term Portion	100,000.00
SRF Loan #110 Payable - Long Term Portion	313,815.15
SRF Loan #120 Payable - Long Term Portion	421,802.50
Revenue COP's - Long Term Portion	3,425,000.00

Total Liabilities	5,172,268.83

FUND EQUITY

Contributed Capital - Assets	11,820,955.78
Contributed Capital - Capacity Fees (CY)	20,454.00
Contributed Capital - Capacity Fees (PY)	17,405,450.62
Contributed Capital - Supplemental Water Fees (PY)	2,961,414.75
Contributed Capital - Right of Way	70,100.00
Contributed Capital - Assessment Districts	1,256,794.00
Contributed Capital - Grants	2,674,618.66
Retained Earnings-Reserved (Debt Service)	15,600.00
Retained Earnings-Reserved (Emergencies)	50,000.00
Retained Earnings-Reserved (Sewer Grant)	330,000.00
Retained Earnings-Reserved (Funded Replacement)	7,678,315.38
Retained Earnings - Unreserved	5,774,285.51
CURRENT EARNINGS	717,478.77

Total Fund Equity	50,775,467.47

Total Liabilities and Fund Equity	55,947,736.30

NIPOMO COMMUNITY SERVICES DISTRICT
INCOME STATEMENT - CONSOLIDATED
FOR THE PERIOD ENDING SEPTEMBER 30, 2009

	YTD ACTUAL	ANNUAL BUDGET	% OF BUDGET
	-----	-----	-----
REVENUES			

Water - Fixed Charge	216,560.10	951,400.00	22.76 %
Water - Usage	782,183.68	3,003,900.00	26.04 %
Construction Water	8,873.04	35,000.00	25.35 %
Fire System Fee	1,294.70	4,000.00	32.37 %
Sewer Charges	432,514.46	1,872,000.00	23.10 %
Fees and Penalties	10,021.95	44,895.00	22.32 %
Meters	550.00	0	.00 %
Franchise Fees	14,826.25	91,980.00	16.12 %
Miscellaneous Income	12,796.22	34,500.00	37.09 %
Street Lighting Charges	0	18,836.00	.00 %
Landscape Maintenance Dist Charges	0	8,450.00	.00 %
Operating Transfers In - Funded Administration	83,889.82	0	.00 %
Operating Transfers In - Funded Replacement	273,074.97	1,092,300.00	25.00 %
Total Revenues	1,836,585.19	7,157,261.00	25.66 %

OPERATIONS AND MAINTENANCE			

Wages and Benefits	146,884.94	876,754.00	16.75 %
Electricity	210,606.80	623,620.00	33.77 %
Natural Gas	11,076.67	0	.00 %
Water	271.86	0	.00 %
Chemicals	8,749.48	32,000.00	27.34 %
Lab Tests	16,587.60	78,000.00	21.27 %
Operating Supplies	17,924.58	150,000.00	11.95 %
Outside Services	6,713.21	40,020.00	16.77 %
Permits and Operating Fees	741.76	25,500.00	2.91 %
Repairs and Maintenance	49,116.43	422,200.00	11.63 %
Engineering	7,220.88	13,000.00	55.55 %
Fuel	6,289.45	45,000.00	13.98 %
Paging Service	1,262.43	9,805.00	12.88 %
Meters - New Installation	0	10,000.00	.00 %
Meters - Replacement Program	0	48,000.00	.00 %
Uniforms	1,968.72	9,000.00	21.87 %
Landscape Maintenance & Water	1,052.91	8,080.00	13.03 %
Clean Up	0	9,460.00	.00 %
Conservation Program	8,362.85	126,000.00	6.64 %
Street Sweeping/Trash Collection	507.36	2,040.00	24.87 %
Operating Transfers Out - Funded Replacement	273,074.97	1,092,300.00	25.00 %
Subtotal - O & M	768,412.90	3,620,779.00	21.22 %

GENERAL AND ADMINISTRATIVE			

Wages and Benefits	138,445.88	685,190.00	20.21 %
Utilities	3,897.17	11,600.00	33.60 %
Audit	0	8,500.00	.00 %
Bank Charges and Fees	110.00	1,500.00	7.33 %
Computer Expense	10,475.65	49,000.00	21.38 %

NIPOMO COMMUNITY SERVICES DISTRICT
 INCOME STATEMENT - CONSOLIDATED
 FOR THE PERIOD ENDING SEPTEMBER 30, 2009

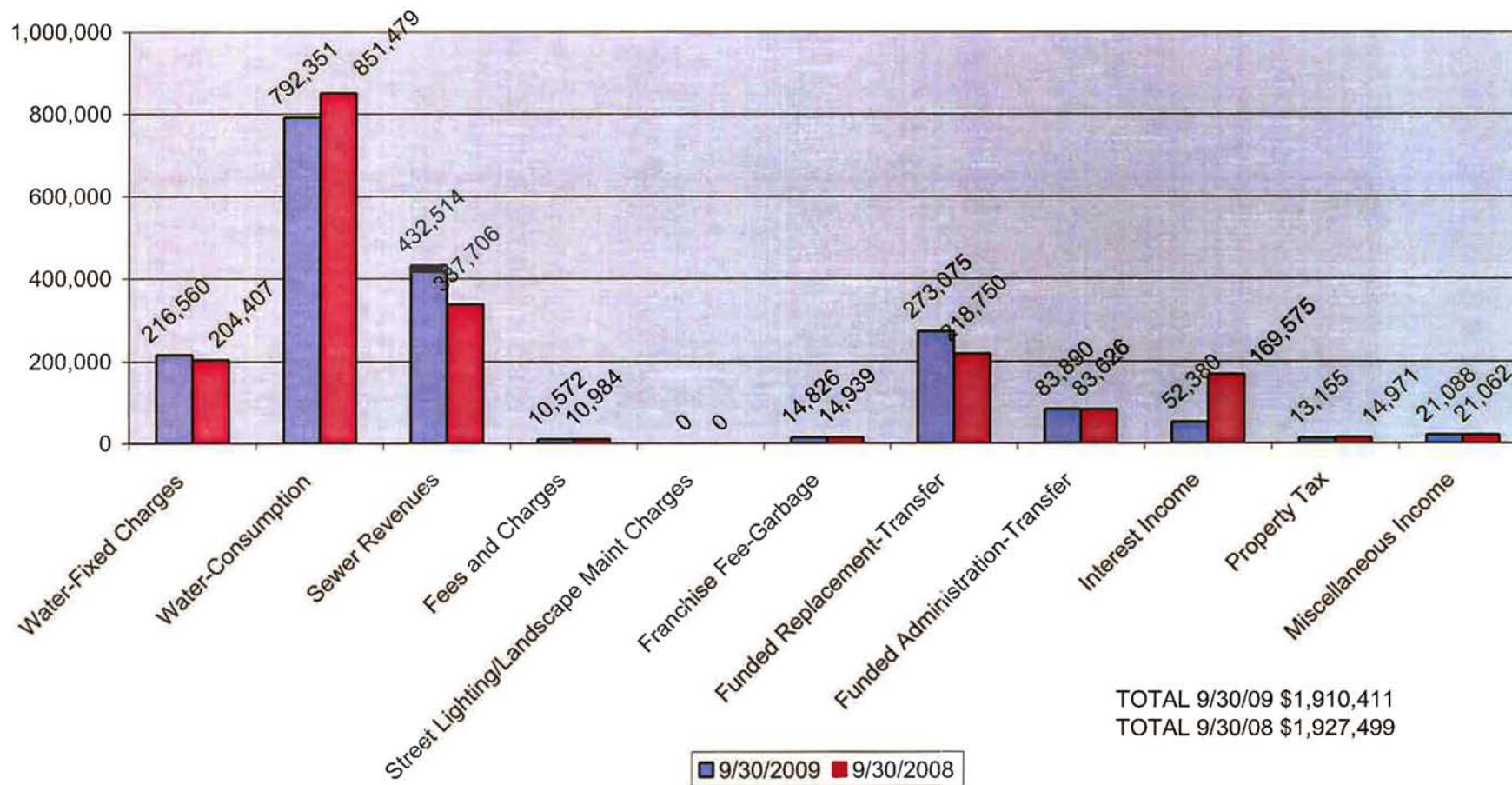
	YTD ACTUAL	ANNUAL BUDGET	% OF BUDGET
	-----	-----	-----
Director Fees	4,823.25	25,220.00	19.12 %
Dues and Subscriptions	3,510.70	15,000.00	23.40 %
Education and Training	1,245.00	31,000.00	4.02 %
Insurance - Liability	10,974.73	44,000.00	24.94 %
LAFCO Funding	23,358.54	20,350.00	114.78 %
Landscape and Janitorial	3,342.00	13,665.00	24.46 %
Legal - General Counsel	12,601.84	129,000.00	9.77 %
Legal - Water Counsel	17,352.95	150,000.00	11.57 %
Professional Services	36,130.24	187,000.00	19.32 %
Miscellaneous	581.75	6,000.00	9.70 %
Newsletters & Mailers	1,940.49	11,000.00	17.64 %
Office Supplies	2,618.37	23,000.00	11.38 %
Outside Service	1,533.94	13,505.00	11.36 %
Postage	5,258.02	19,465.00	27.01 %
Public Notices	976.13	15,350.00	6.36 %
Repairs and Maintenance	2,612.83	83,000.00	3.15 %
Property Taxes	0	1,040.00	.00 %
Telephone	1,776.04	8,980.00	19.78 %
Travel and Mileage	2,121.96	17,500.00	12.13 %
Operating Transfer Out - Funded Administration	83,889.82	485,440.00	17.28 %
Subtotal - G & A	----- 369,577.30	----- 2,055,305.00	----- 17.98 %
NON OPERATING INCOME			

Interest Income	52,380.28	492,630.00	10.63 %
Property Tax Revenues	13,154.57	508,140.00	2.59 %
BL Sewer Surcharge	4,094.37	17,625.00	23.23 %
BL Water Surcharge	4,197.48	25,779.00	16.28 %
Subtotal - Non Operating Income	----- 73,826.70	----- 1,044,174.00	----- 7.07 %
NON OPERATING EXPENSES			

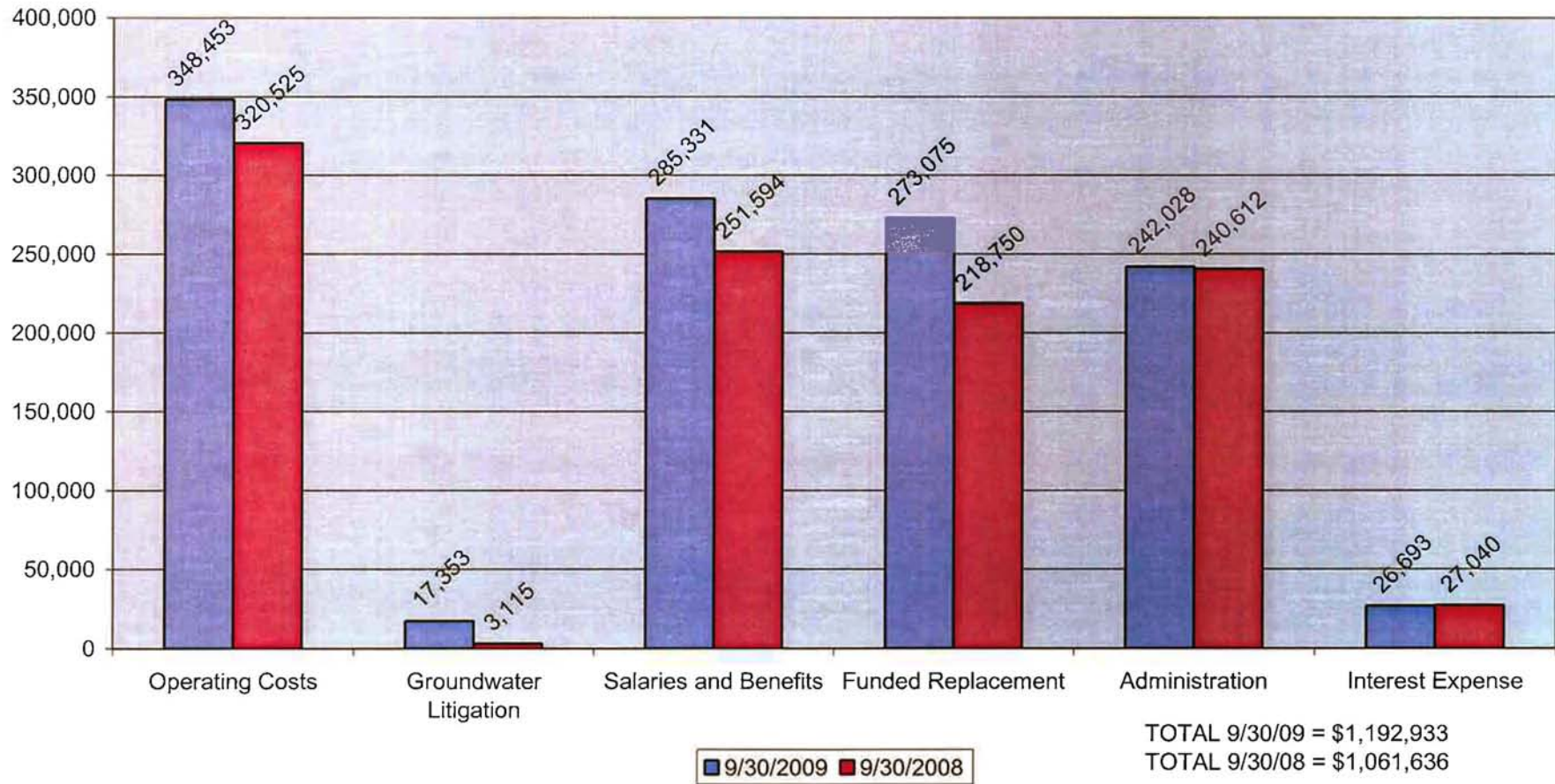
Interest Expense	26,692.92	12,736.00	209.59 %
Other Post Employment Benefits (OPEB)	28,250.00	113,000.00	25.00 %
Subtotal - Non Operating Expenses	----- 54,942.92	----- 125,736.00	----- 43.70 %
Net Surplus/(Deficit)	----- 717,478.77	----- 2,399,615.00	----- 29.90 %
=====			

UNAUDITED

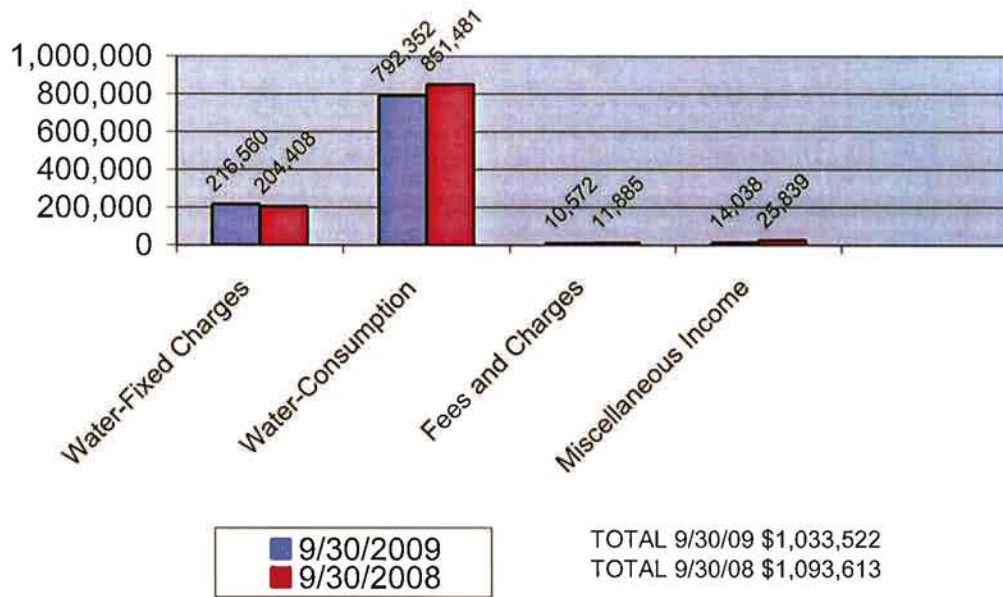
**NIPOMO COMMUNITY SERVICES DISTRICT
 COMBINED REVENUES FOR ALL FUNDS
 THREE MONTHS ENDED
 SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



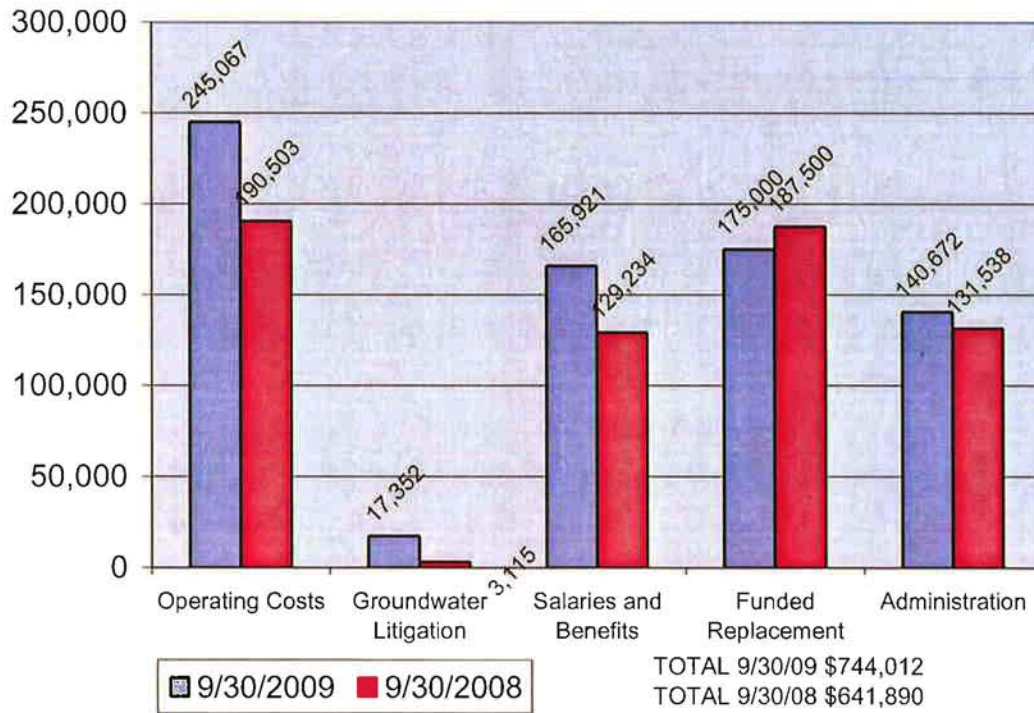
**NIPOMO COMMUNITY SERVICES DISTRICT
 COMBINED EXPENDITURES FOR ALL FUNDS
 THREE MONTHS ENDED
 SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



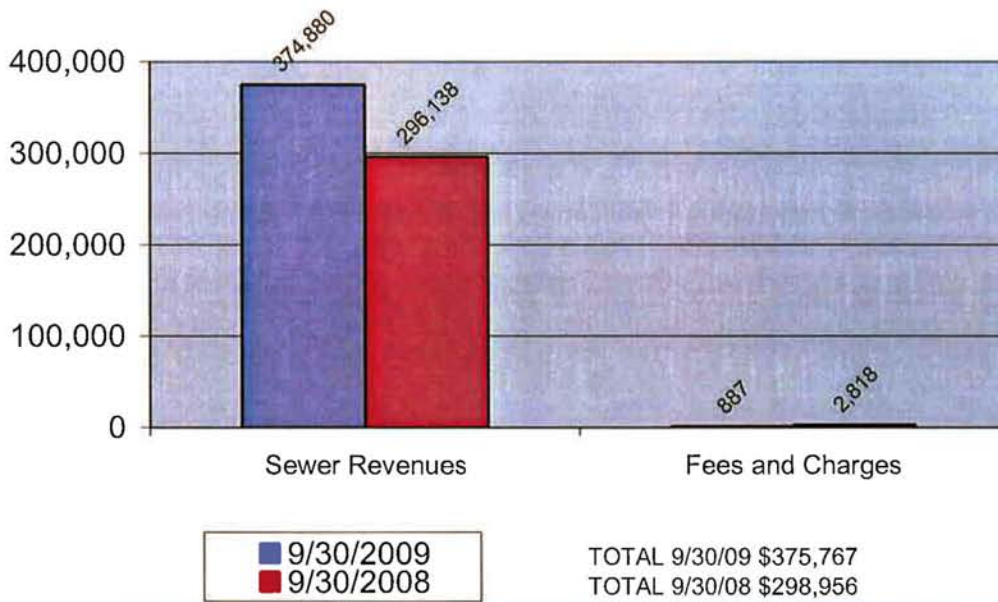
**NIPOMO COMMUNITY SERVICES DISTRICT
WATER FUND #125
REVENUES-SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



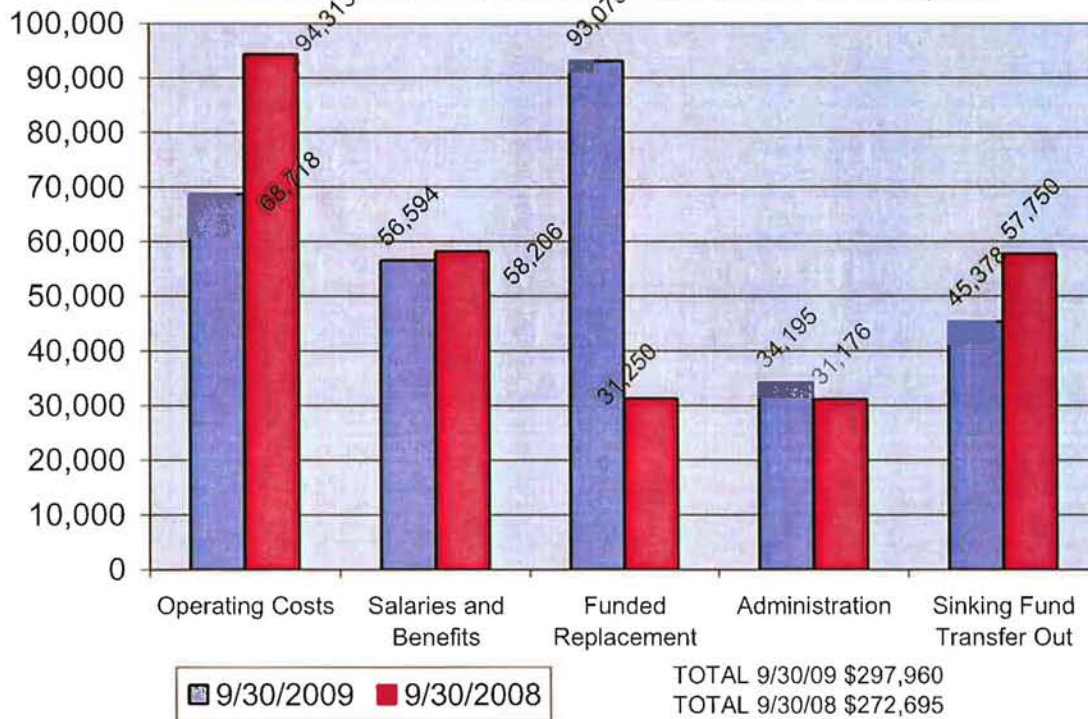
**NIPOMO COMMUNITY SERVICES DISTRICT
WATER FUND #125
EXPENDITURES-SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



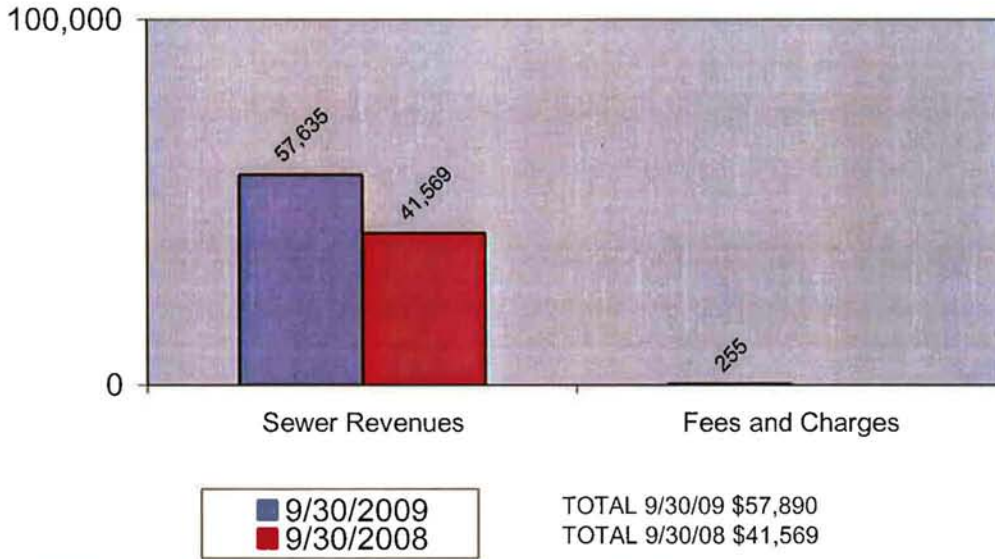
**NIPOMO COMMUNITY SERVICES DISTRICT
TOWN SEWER FUND #130
REVENUES-SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



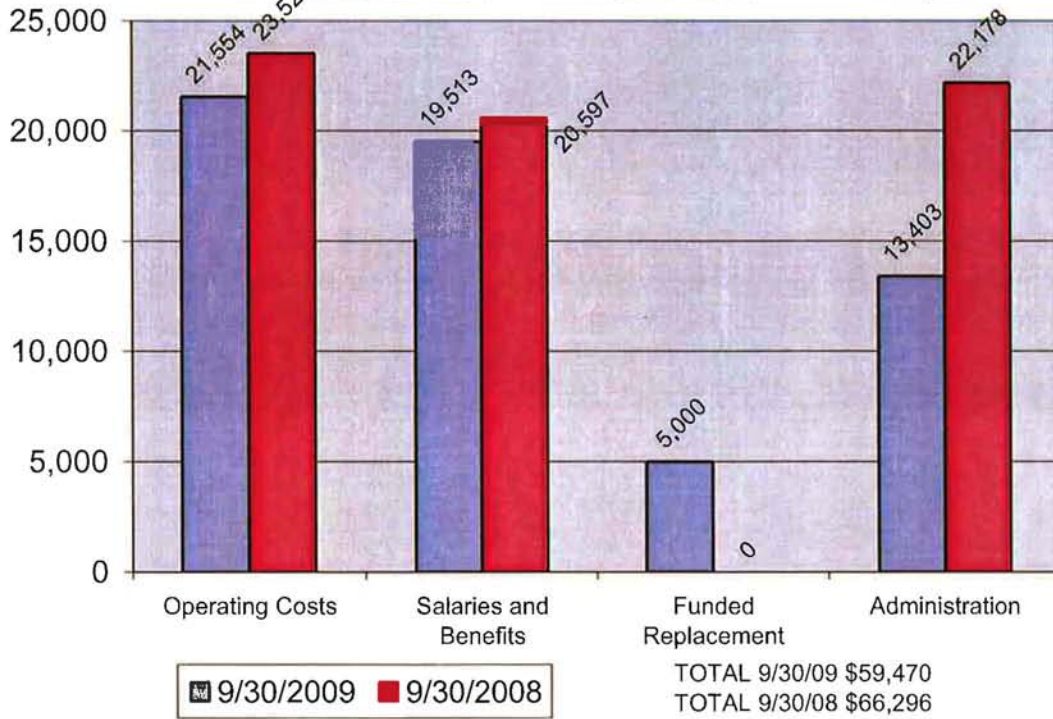
**NIPOMO COMMUNITY SERVICES DISTRICT
TOWN SEWER FUND #130
EXPENDITURES-SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



**NIPOMO COMMUNITY SERVICES DISTRICT
BLACKLAKE SEWER FUND #150
REVENUES-SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



**NIPOMO COMMUNITY SERVICES DISTRICT
BLACKLAKE SEWER FUND #150
EXPENDITURES-SEPTEMBER 30, 2009 AND SEPTEMBER 30, 2008**



TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA *LB*
DATE: NOVEMBER 10, 2009

**AGENDA ITEM
D-5
NOVEMBER 18, 2009**

**SOUTHLAND WASTEWATER TREATMENT FACILITY
BIOSOLIDS DISPOSAL PROJECT ACCEPTANCE**

ITEM

ACCEPT WORK PERFORMED BY CHICAGO GRADE LANDFILL FOR SOUTHLAND WASTEWATER TREATMENT FACILITY BIOSOLIDS DISPOSAL PROJECT [ACCEPT WORK].

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. At the September 30, 2009 Board meeting, the total contract amount was increased to \$120,000 (6400 tons) and the contingency of \$10,000 was retained.

The hauling project began on July 1, 2009 and was completed on October 27, 2009. A total of 6920 tons (321 truckloads) of material was removed from the site. The total quantity of material removed exceeded the original estimate of 5000 tons for two reasons. First, 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 appeared to be greater than the limited sampling program indicated.

FISCAL IMPACT

The cost to implement the Southland WWTF Biosolids Disposal Project was included in the FY 09-10 budget in the amount of \$250,000. The actual cost to remove the biosolids was \$129,750.

RECOMMENDATION

Staff recommends that your Honorable Board accept the project and authorize the General Manager to file a Notice of Completion for the project.

ATTACHMENTS

None

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2009\Southland Biosolids Disposal 3.doc

TO: BOARD OF DIRECTORS
FROM: LISA BOGNUDA 
DATE: NOVEMBER 12, 2009

**AGENDA ITEM
D-6
NOVEMBER 18, 2009**

EXTEND TERM OF OUTSIDE-USER AGREEMENT – TRACT 2650

ITEM

ADOPT RESOLUTION APPROVING AMENDMENT TO OUTSIDE-USER AGREEMENT FOR TRACT 2650, A SIXTEEN (16) LOT SUBDIVISION ON THE CORNER OF WILLOW ROAD AND VIA CONCHA ROAD [ADOPT RESOLUTION].

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.

At the October 14, 2009 Board meeting, the Board approved the applicants' request to extend the Outside User Agreement to allow the applicant until March 20, 2012 to begin construction of the water improvements for the project and directed staff to prepare an amendment to the outside user agreement for Board approval at a subsequent meeting.

Staff has prepared the attached amendment to the outside user agreement to allow the applicant until March 20, 2012 to begin construction of the water improvements.

RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached Resolution authorizing Amendment No. 1 to the Agreement for Providing Water and Solid Waste Service to Tract 2650.

ATTACHMENTS

Resolution 2009-XXXX with Exhibit A - Amendment No. 1 to Agreement for Providing Water and Solid Waste Service to Tract 2650

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

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AMENDMENT NO. 1 TO OUTSIDE USER AGREEMENT
FOR WATER AND SOLID WASTE SERVICE TO TRACT 2650**

WHEREAS, the Nipomo Community Services District ("District") entered into an Agreement for Providing Water and Solid Waste Service to Tract 2650 ("Agreement") on May 23, 2007, with Vintage Homes, LLC ("Owners"); and

WHEREAS, the Agreement was recorded on March 20, 2008 in the Official Records of San Luis Obispo County as Document #2008013985; and

WHEREAS, the District and Owners desire to amend Paragraph 9 of the Agreement to allow Owners a longer period of time for the construction of water improvements.

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

1. Amendment No. 1 to Agreement for Providing Water and Solid Waste Service for Tract 2650, attached hereto as Exhibit "A", as amended, is hereby approved.
2. The above Recitals are true and correct and incorporated herein by reference.

Upon 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 18th day of November, 2009.

James Harrison
President, Board of Directors
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

**Recording Requested By and
When Recorded Return to:**

**Nipomo Community Services District
P.O. Box 326
Nipomo, California 93444**

APN# 091-181-052
091-181-053

**AMENDMENT NO. 1 TO
AGREEMENT FOR PROVIDING WATER AND SOLID WASTE SERVICE
TO TRACT 2650**

Exhibit "A": Legal Description

THIS AMENDMENT TO AGREEMENT (herein "Amendment") is made this ____ day of _____, 2009, in San Luis Obispo County, California, by and between the Nipomo Community Services District, duly existing and operating pursuant to the provisions of Government Code Sections 61000, *et seq.*, (hereinafter "District") and Vintage Homes, LLC, a California Limited Liability Company, (hereinafter referred to as "Owners"), with reference to the following Recitals:

RECITALS

- A. Owner is the legal fees simple owner of certain real property located in San Luis Obispo County, California, referred to as Tract 2650 (herein "Property" or "Tract 2650"), which is located at the corner of Willow Road and Via Concha Road, Nipomo, California, and is more particularly described on Exhibit "A", attached hereto and incorporated herein by this reference.
- B. On May 23, 2007, the District and Owners entered into an Agreement titled "Agreement For Providing Water and Solid Waste Service to Tract 2650 (herein "Agreement").
- C. The Agreement was recorded on March 20, 2008, in the Official Records of San Luis Obispo County as Document #2008013985.
- D. District and Owners desire to amend Paragraph 9 of the Agreement to allow Owners a longer period of time for the construction of water improvements.

**AMENDMENT NO. 1 TO
AGREEMENT FOR PROVIDING WATER AND SOLID WASTE SERVICE
TO TRACT 2650**

NOW, THEREFORE in consideration of the mutual covenants and conditions contained herein, the parties agree to the First Amendment of the Agreement as follows:

Section 1

Except as amended by Section 2 below, the Terms and Conditions of the Agreement shall remain in full force and effect and such terms and conditions, including Exhibits, are incorporated herein by reference.

Section 2

Paragraph 9 of the Agreement is amended and restated as follows:

9. District's Right to Terminate.

Owner shall be in default, and District shall have the right to terminate this Agreement, if Owner fails:

- A. To make payments as required by this Agreement;
- B. To promptly design and construct the water improvements in accordance with District's rules, regulations, ordinances and the Plan Check and Inspection Agreement (Exhibit "B");
- C. To commence construction and installation of water improvements on or before March 20, 2012; or
- D. To comply with any other terms or conditions of this Agreement.

District shall provide Owner with Notice of Termination and Owner shall have fifteen (15) days from the date of such Notice to cure the default. After the fifteen (15) day period to cure, the District may immediately terminate this Agreement and terminate District services to the Property.

Section 3

Owner and District consent to the recordation of this Amendment in the official records of the County Recorder of the County of San Luis Obispo.

**AMENDMENT NO. 1 TO
AGREEMENT FOR PROVIDING WATER AND SOLID WASTE SERVICE
TO TRACT 2650**

Section 4

Recitals A, B, C and D to this Amendment are incorporated herein by reference.

IN WITNESS WHEREOF, the parties have executed this Amendment to the Agreement to be effective upon the date executed by District

OWNER:
VINTAGE HOMES LLC

OWNER:

By: _____
[Signature must be notarized]

By: _____
[Signature must be notarized]

NIPOMO COMMUNITY SERVICES DISTRICT

By: _____
JAMES HARRISON, PRESIDENT
Nipomo Community Services District
Board of Directors

Date: _____

ATTEST:

By: _____
DONNA K. JOHNSON, Secretary to
the Board of Directors,
Nipomo Community Services District

Date: _____