

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 4, 2010



SOUTHLAND WWTP UPGRADE PROJECT UPDATE

ITEM

Mike Nunley of AECOM Engineering re Southland wastewater treatment plant upgrade project status [NO ACTION REQUESTED].

BACKGROUND

Mike Nunley is scheduled to summarize the attached report.

RECOMMENDATION

Staff recommends that your Honorable Board receive the presentation and ask questions as appropriate.

ATTACHMENTS

- January 2010 Monthly Report

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2010\PRESENTATIONS\100210AECOM.DOC

Memorandum

To	Michael LeBrun, Intertim General Manager - NCSD	Page	1
CC	Peter Sevcik, Jon Hanlon, Josh Reynolds, Kirk Gonzalez, Eileen Shields, Jim Froelicher		
Subject	Southland WWTF Upgrade Project – Design Phase Status Report		
From	Michael K. Nunley, PE		
Date	February 3, 2010		

The Project Team has been working with District staff to examine flows and loading for start-up conditions. AECOM will be prepared to present findings to the Southland WWTF Upgrade Project Committee at the next scheduled meeting (3/8/2010).

Schedule

The Project Schedule is attached and has been updated with the revised EIR schedule.

Budget Status

The Invoice Summary is attached. The Invoice Summary indicates an amount invoiced which is consistent with the work completed to date. The project cost opinion has not been updated since the January 2009 Master Plan, but the summary table is included and will be updated with the 30% design submittal.

Yours Sincerely



Michael K. Nunley, PE

Enclosures: Project Schedule
Invoice Summary
Project Budget Summary

Project Budget Summary

1/29/2010

Engineering Services for NCSD - Southland WWTF Upgrade

Nipomo CSD

	Total Budget	Amount Previously Invoiced	Current Invoice Amount	% of Budget Earned to date	% of Work Complete
Task Group 1 - Concept Design Phase	\$188,622.00	\$140,545.24	\$5,069.25	77%	77%
Task Group 2 - Construction Documents	\$478,948.00	\$3,942.00	\$1,856.25	1%	1%
Task Group 3 - Project Management	\$68,787.00	\$16,429.50	\$0.00	24%	24%
Task Group 4 - Assistance During Bid	\$39,539.00	\$0.00	\$0.00	0%	0%
Task Group 5 - Office Engineering Services	\$147,198.00	\$0.00	\$0.00	0%	0%
Total	\$923,094.00	\$160,916.74	\$6,925.50	18%	18%

Date Printed 2/3/2010

Item	Description	Budgeted Amount Jan 2009 Master Plan	Updated Amount
1	Frontage Road sewer upgrade (street to influent pump station)	\$366,000 (4) (5)	\$366,000
2	Influent pump station upgrade	\$670,900	\$670,900
3	Influent screening system	\$327,400	\$327,400
4	Grit removal system	\$402,700	\$402,700
5	Phase I Biolac system	\$3,877,500	\$3,877,500
6	Phase I Sludge holding lagoons	\$67,700	\$67,700
7	Phase I Sludge drying beds	\$1,160,700	\$1,160,700
	Construction Subtotal	\$6,872,900	\$6,872,900
8	Contingency	\$2,061,870 (6)	\$2,061,870
9	Design-Phase Engineering	\$923,093	\$923,093
10	Construction Management	\$1,138,777 (7)	\$1,138,777
11	Environmental Mitigation	-- (8)	-- (8)
12	Environmental Monitoring	-- (8)	-- (8)
13	Permitting Fees	-- (8)	-- (8)
	WWTF PROJECT TOTAL (Rounded to 1000)	\$10,997,000	\$10,997,000

13	Frontage Rd Sewer Upgrade Project (Division St to WWTF property)	--	\$1,658,600 (9) (10)
14	Frontage Rd Sewer Upgrade Project Contingency	--	\$331,720 (9) (10)
	FRONTAGE RD SEWER PROJECT TOTAL (Rounded to 1000)	--	\$1,991,000 (9) (10)

Notes:

- (1) ENR CCI: November 2008 = 8602
- (2) Costs are from the January 2009 Southland WWTF Master Plan.
- (3) Costs are escalated by 4 % per year to anticipated midpoint of construction (2011).
- (4) The Frontage Rd Sewer Upgrade project includes the sewer main from Division St. to the influent pump station. The portion between the street and the influent pump station is currently included in the Southland WWTF Upgrades project scope of work, but may be moved to the Waterline Intertie Project for expedited construction.
- (5) The cost for this portion of Frontage Rd was estimated by prorating the cost opinion for the Frontage Road Sewer Upgrade (based on linear footage) to arrive at the 2008 Construction Cost Opinion. A 4% per year escalation was used to arrive at the 2011 midpoint of construction cost opinion.
- (6) Contingency is estimated at 30% of construction subtotal.
- (7) To be updated by CM Team, assumed to be 30% of construction subtotal minus the engineering fee.
- (8) Costs to be developed with EIR process
- (9) The Frontage Road Sewer Upgrade Project plans are being developed as part of the Waterline Intertie Project effort, but construction will be paid for using separate sewer funds, not supplemental water funds
- (10) Costs based on the 90% plans and specifications for Bid Package #2 of Waterline Intertie Project (October 2009)

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 7, 2010



MONTHLY ENGINEER UPDATE

ITEM

NCSD District Engineer Peter Sevcik re Recent District Engineer Activities [NO ACTION REQUESTED].

BACKGROUND

Peter Sevcik is scheduled to summarize the attached outline.

RECOMMENDATION

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

ATTACHMENTS

- District Engineer Activities Outline

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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.ncsd.ca.gov

MEMORANDUM

TO: MICHAEL LEBRUN, INTERIM GENERAL MANAGER
FROM: PETER V. SEVCIK, P.E., DISTRICT ENGINEER
DATE: FEBRUARY 4, 2010
RE: DISTRICT ENGINEER ACTIVITIES MONTHLY UPDATE

- **Santa Maria Waterline Intertie Project**
 - Attended meeting with SLO County Planning regarding pump station parcel
 - Attended meeting with SLO County Public Works regarding encroachment permit
 - Attended meeting with CA Department of Fish and Game regarding permit for pipeline in Santa Maria River
 - Reviewing flow meter and flow control valve design
 - Assisted General Manager with Committee meeting
- **Southland WWTF Upgrade**
 - Working with AECOM to examine flows and loading for start-up conditions
 - Continuing to manage hydrogeologic investigation for Pasquini property
- **Willow Road Waterline Extension Phase 1 Project**
 - County bids due February 25, 2010
- **Willow Road Waterline Extension Phase 2 Project**
 - Met with County to review 35% design drawings
- **Water and Sewer Master Plan Implementation**
 - Misty Glen Connection Project under construction
 - Evaluating bids for Quad Tank 1 and 2 Rehabilitation Project
 - SCADA upgrade design in progress
- **Safety Program**
 - Conducted training for operations employees on 1/12
 - Continue to coordinate on-line safety training for all District Employees
- **Sewer System Management Plan**
 - Fats, Oils and Grease (FOG) Control program initiated
- **Sundale Well Electrification Project**
 - Electrical installation in progress

- **Development Oversight**
 - Mailed notice of Intent to Serve extension to owners of all active projects
 - Tract 2663, 220 Buckhorn, Bud Kelly – Accepted and completed
 - CO 06-0225, 781 W Tefft, Bill Kengel – Issued revised Intent-to-Serve letter
 - CO 05-0176, 135 Pino Solo Court, Ellsworth – New owner

- **Regulatory Compliance**
 - Prepared and submitted Regional Water Quality Control Board Wastewater Treatment Facility Annual Reports for the Southland WWTF and Blacklake WWTF
 - Submitted monthly compliance reports for the water and wastewater systems

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



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 January 27, 2010
- D-3) CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN MARCH [PROVIDE DIRECTION]
- D-4) APPROVE REPLACEMENT OF SECOND GRINDER CARTRIDGE AT SOUTHLAND WASTEWATER TREATMENT FACILITY [ADOPT RESOLUTION]

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TO: BOARD OF DIRECTORS
 FROM: MICHAEL LEBRUN
 DATE: FEB 5, 2010

**AGENDA ITEM
 D-1
 FEBRUARY 10, 2010**

**TOTAL COMPUTER
 CHECKS
 \$139,662.22**

HAND WRITTEN CHECKS

01-25-10	20067	EBY, E	SUPP WATER COMM	100.00
01-25-10	20068	HARRISON, J	SUPP WATER COMM	100.00
01-25-10	20069	CALIF HIGHWAY PATROL	COLLISION REPORT	10.00
02/03/10	20070	S GREENE	CLAIM PAYMENT	200.00

VOID - NONE

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
17536	02/05/10	EMP01	EMPLOYMENT DEVELOP DEPT	1653.62	.00	1653.62	B00201	STATE INCOME TAX
				271.90	.00	271.90	1B00201	STATE INCOME TAX
			Check Total.....:	1925.52	.00	1925.52		
17537	02/05/10	MID01	RABOBANK-PAYROLL TAX DEPO	4371.60	.00	4371.60	B00201	FEDERAL INCOME TAX
				620.68	.00	620.68	1B00201	FICA
				1088.14	.00	1088.14	2B00201	MEDICARE (FICA)
				1132.91	.00	1132.91	3B00201	FEDERAL INCOME TAX
				131.42	.00	131.42	4B00201	MEDICARE (FICA)
			Check Total.....:	7344.75	.00	7344.75		
17538	02/05/10	MID02	RABOBANK-DIRECT DEPOSIT	31200.51	.00	31200.51	B00201	NET PAY
17539	02/05/10	PER01	PERS RETIREMENT	8699.18	.00	8699.18	B00201	PERS PAYROLL REMITTANCE
				.00	.00	.00	1B00201	PERS PAYROLL REMITTANCE
			Check Total.....:	8699.18	.00	8699.18		
17540	02/05/10	STA01	ING-PERS 457 DEFERRED COM	1325.00	.00	1325.00	B00201	457 DEFERRED COMP
017541	02/10/10	ABA01	ABALONE COAST BACTERIOLOG	175.00	.00	175.00	10-134	WATER SAMPLES
				20.00	.00	20.00	10-135	BL WWTF LAB
				14.40	.00	14.40	10-144	WATER SAMPLES
				176.00	.00	176.00	10-145	TOWN WWTF LAB
				20.00	.00	20.00	10-146	BL WWTF LAB
				20.00	.00	20.00	10-152	BL WWTF LAB
				20.00	.00	20.00	10-160	BL WWTF LAB
				20.00	.00	20.00	10-177	BL WWTF LAB
				175.00	.00	175.00	10-189	WATER SAMPLES
				20.00	.00	20.00	10-190	BL WWTF LAB
				20.00	.00	20.00	10-201	TOWN WWTF LAB
				20.00	.00	20.00	10-202	BL WWTF LAB
				20.00	.00	20.00	10-214	BL WWTF LAB
				20.00	.00	20.00	10-250	BL WWTF LAB
				97.00	.00	97.00	09-2780	TOWN WWTF LAB
				97.00	.00	97.00	09-2833	TOWN WWTF LAB
			Check Total.....:	934.40	.00	934.40		
017542	02/10/10	ADV01	ADVANTAGE ANSWERING PLUS	382.43	.00	382.43	109694	ANSWERING SERVICE
017543	02/10/10	ALX01	ALEXANDER'S CONTRACT SERV	2280.70	.00	2280.70	1250012	METER READS JANUARY
017544	02/10/10	AME03	AMERI PRIDE	107.58	.00	107.58	F185010	UNIFORMS ETC
				109.75	.00	109.75	F192273	UNIFORMS ETC
			Check Total.....:	217.33	.00	217.33		
017545	02/10/10	ATT01	AT&T/MCI	146.55	.00	146.55	112404	PHONE
				153.65	.00	153.65	1123782	PHONE
				26.58	.00	26.58	1124034	PHONE
			Check Total.....:	326.78	.00	326.78		
017546	02/10/10	BEN02	BENTLEY SYSTEMS, INC.	1749.30	.00	1749.30	47295651	WATER/SEWER GEMS
017547	02/10/10	BRE02	BRENNTAG PACIFIC INC.	713.05	.00	713.05	BPI963134	CHLORINE
				512.76	.00	512.76	BPI965704	CHLORINE
			Check Total.....:	1225.81	.00	1225.81		
017548	02/10/10	CIT01	CITY NATIONAL BANK	17038.50	.00	17038.50	011510	LOAN 01-03/ 93 ASSESSMENT

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS FEBRUARY 5, 2010**

**AGENDA ITEM
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FEBRUARY 10, 2010
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
017549	02/10/10	CSD01	CALIF SPECIAL DIST ASSOC	3799.00	.00	3799.00	194-10	CSDA MEMBERSHIP DUES
017550	02/10/10	DIS02	DISCRETE WIRELESS	308.50	.00	308.50	AT0637569	GPS SERVICE
017551	02/10/10	EBY01	EBY, ED	100.00	.00	100.00	021010	REG BD MEETING 021010
017552	02/10/10	ELE02	ELEMENTS	31.25	.00	31.25	205386	COMPUTER SUPPORT
017553	02/10/10	FAR02	FAR WEST EXPRESS	23.00	.00	23.00	E181674	DELIVERY OF BILLS
017554	02/10/10	FGL01	FGL ENVIRONMENTAL	119.00 505.00 63.00 49.00 336.00 56.00 73.00 100.00	.00 .00 .00 .00 .00 .00 .00 .00	119.00 505.00 63.00 49.00 336.00 56.00 73.00 100.00	289A 387A 390A 621A 623A 628A 839A 850A	BL WWTF LAB TOWN WWTF LAB BL WWTF LAB WATER SAMPLES WATER SAMPLES BL WWTF LAB WATER SAMPLE-KNOLLWOOD TOWN WWTF LAB
			Check Total.....	1301.00	.00	1301.00		
017555	02/10/10	FLU01	FLUID RESOURCE MANAGEMENT	3289.33	.00	3289.33	W1851	REPLACE GRINDER TOWN WWTF
017556	02/10/10	GAS02	GAS COMPANY, THE	103.77 20.57	.00 .00	103.77 20.57	012210 012810	OFFICE HEAT 06235160949 SHOP HEAT 04163737945
			Check Total.....	124.34	.00	124.34		
017557	02/10/10	GIL01	GLM, INC.	320.00	.00	320.00	012910	OFFICE LANDSCAPING
017558	02/10/10	GRO01	GROENIGER & CO	722.68	.00	722.68	11012510	SUPPLIES
017559	02/10/10	GWA01	GWA INC	53.00 85.00 85.00	.00 .00 .00	53.00 85.00 85.00	100640 102062 102107	ALARM MONITORING ALARM MONITORING ALARM MONITORING
			Check Total.....	223.00	.00	223.00		
017560	02/10/10	HAR02	HARRISON, JAMES	100.00	.00	100.00	021010	REG BD MEETING 021010
017561	02/10/10	HAR04	HARPER & ASSOCIATES ENG I	1900.00	.00	1900.00	ENG4058	ENG SVC 500,000 GAL TANK
017562	02/10/10	HAR05	HARRISON, JAMES	1072.00	.00	1072.00	012810	REIMBURSEMENT
017563	02/10/10	IRO01	IRON MOUNTAIN RECORDS MGT	32.47	.00	32.47	BLC7721	SHREDDING SEVICE
017564	02/10/10	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	47597	LANDSAPE MAINT VISTA VERD
017565	02/10/10	LAY02	LAYNE CHRISTENSEN COMPANY	17677.67	.00	17677.67	1839	SUNDALE WELL
017566	02/10/10	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	021010	REG BD MEETING 021010
017567	02/10/10	NUT01	NU TECH PEST MGMT	265.00 49.00	.00 .00	265.00 49.00	76726 76727	PEST CONTROL PEST CONTROL
			Check Total.....	314.00	.00	314.00		
017568	02/10/10	OFF01	OFFICE DEPOT	114.61 18.35	.00 .00	114.61 18.35	14150001 50717413	OFFICE SUPPLIES SUPPLIES
			Check Total.....	132.96	.00	132.96		
017569	02/10/10	OLD02	OLD DOMINION FREIGHT LINE	443.11	.00	443.11	960543	SHIPPING GRINDER TO JWC
017570	02/10/10	PER05	PERFORMANCE METER, INC	4167.64	.00	4167.64	16271	HYDRANT TEST & REPAIR
017571	02/10/10	POO01	POOR RICHARD'S PRESS	1646.37 547.50	.00 .00	1646.37 547.50	208261 208489	TURF REPLACEMENT POSTCARD TURF REPLACEMENT BROCHURE
			Check Total.....	2193.87	.00	2193.87		
017572	02/10/10	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	196	JANITORIAL SERVICE JANUAR
017573	02/10/10	QUI01	QUILL CORPORATION	360.20	.00	360.20	3029853	SUPPLIES
017574	02/10/10	RBA01	R BAKER, INC	9759.16 4473.18 1023.51	.00 .00 .00	9759.16 4473.18 1023.51	09124057 09124058 09124059	TANK SITE MAINT E TEFFT LEAK REPAIR CAMINO CABALLO REPAIR
			Check Total.....	15255.85	.00	15255.85		
017575	02/10/10	RIC01	RICHARDS, WATSON, GERSHON	1142.50	.00	1142.50	169302	WATER RIGHTS ADJUDICATION
017576	02/10/10	SAN04	SANTA MARIA TIMES	405.00	.00	405.00	B00205	RECRUITMENT AD
017577	02/10/10	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	2821169	OFFICE TRASH COLLECTION

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS FEBRUARY 5, 2010**

**AGENDA ITEM
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FEBRUARY 10, 2010
PAGE THREE**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
017577	02/10/10	SOU01	SOUTH COUNTY SANITARY	169.12	.00	169.12	2822610	OLDE TOWNE TRASH COLLECTI
			Check Total.....:	204.04	.00	204.04		
017578	02/10/10	SOU03	SOUTH COUNTY SANITARY	293.80	.00	293.80	JAN 2009	SOLID WASTE TAX LIENS
017579	02/10/10	SOU04	SOUTHWEST SERVICES	643.00	.00	643.00	9983	CALIBRATE WWTF METERS
017580	02/10/10	SPE01	SPECIAL DISTRICT RISK	537.06	.00	537.06	31687	VEHICLE INSURANCE F250
				20.00	.00	20.00	012010	CAL CHAMBER POSTER
			Check Total.....:	557.06	.00	557.06		
017581	02/10/10	STA08	STAPLES	273.26	.00	273.26	281472001	SUPPLIES
017582	02/10/10	USB01	US BANK TRUST	165.00	.00	165.00	012210A	CONSERVATION SUPPLIES
				33.00	.00	33.00	012210B	TRAVEL EXP
				115.89	.00	115.89	012210C	BD MEETING SUPPLIES
				301.39	.00	301.39	012210D	SUPPLIES
			Check Total.....:	615.28	.00	615.28		
017583	02/10/10	VAN01	VAN SCOYOC ASSOCIATES	4500.00	.00	4500.00	33727	LOBBYING SERVICE - JANUAR
017584	02/10/10	VER01	VERIZON	36.80	.00	36.80	011910	BL PHONE
017585	02/10/10	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	021010	REG BD MEETING 021010
017586	02/10/10	WHI02	CELESTE WHITLOW	330.01	.00	330.01	020510	EXPENSE REIMBURSEMENT
017587	02/10/10	WIN01	WINN, MICHAEL	100.00	.00	100.00	021010	REG BD MEETING 021010
017588	02/10/10	WIN02	WINN, MICHAEL	955.39	.00	955.39	020110	TRAVEL & PER DIEM EXPENSE

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 - Years of Service 1965 - 2010

D2

DRAFT MINUTES

JANUARY 27, 2010 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

MICHAEL LEBRUN, **INTERIM GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. 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 meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Directors were present.

00:00:51

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project Design

Mike Nunley, AECOM Engineering Project Manager for the design phase of the waterline project, reviewed the Waterline Intertie Project report presented in the Board packet. Mr. Nunley answered questions from the Board.

The following members of the public spoke:

John Snyder, Nipomo resident, stated that even though the project has been delayed by a few years, there is a savings of \$2-3 million a year by not receiving water from Santa Maria.

Bob Blair, rural Arroyo Grande resident, stated that the residents of the Summit Station area have a contract with the District. The capacity was set aside to provide water. He does not want extra fees to pay for the waterline intertie.

Jon Seitz, District Legal Counsel, answered questions from the Board concerning District customers' water rights and costs.

C-2) NCSD SUPERINTENDENT TINA GRIETENS

Update re: 2009 Summary of Utility Division Activities

Tina Grietens, Utility Superintendent, reviewed the 2009 Summary of Utility Division Activities report provided in the Board packet. Ms. Grietens answered questions from the Board. Peter Sevcik, District Engineer, answered questions about the FOG (Fats, Oils and Grease) program. There was no public comment on this item.

C-3) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: 2009 Summary of Conservation and Outreach Activities

Celeste Whitlow, Water Conservation Coordinator, was ill today and could not present the report. Mr. LeBrun answered questions from the Board. There was no public comment on this item.

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

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ 01-25-10 SCAC met. The topic of a Minor Use Permit request for a medical marijuana dispensary was discussed to a crowd of about over 140 people. Approx 30 people spoke against the facility being located in Nipomo. About 5 people spoke for it. Commander Hascall read the Attorney General's opinion that such a dispensary would be a violation of State law. The matter will go before the San Luis Obispo County Board of Supervisors.
- ◇ 01-28-10 – Scoping meeting at the Board of Supervisors for the EIR for the Land Use and Circulation Element update. The public is welcome to attend. It will affect the entire County.
- ◇ 02-03-10 – Water Resources Advisory Committee (WRAC) will be meeting in San Luis Obispo. One topic will be the Master Water Plan.
- ◇ There are invasive mussels that could enter Lake Nacimiento and impact pipeline.
- ◇ 02-06-10 - BoS Candidate's Forum, 9:00am at the Woodlands.
- ◇ 02-11-10 – Ag Cluster Ordinance revision to be considered at Planning Commission.

Director Eby

01-21-10 – LAFCO meeting – Some property was annexed to City of San Luis Obispo and left the Dalidio property as an unincorporated island. This annexation required that the owners donate the same amount of property converted from agriculture to commercial as a permanent agriculture preserve.

LAFCO is considering modifying the Sphere of Influence for NCSD in the strawberry fields south of Nipomo since the agricultural use is expanding.

Mr. Eby is filling in as an acting member for a vacancy for the Special District's seat on LAFCO until the position is filled.

Director Vierheilig

02-06-10 - Board of Supervisors Candidates' Forum at Trilogy from 9-11:00 a.m. To date, three have announced candidacy. Those who have announced are Jim Guthrie, Mike Zimmerman and Paul Teixeira.

Director Harrison

01-28-10 – Fire Safety Council annual recognition awards meeting at the San Luis Obispo Vets Hall at 9:30 a.m.

C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

The following members of the public spoke:

John Snyder, Nipomo resident, stated that there was a natural percolation test south of Mesa Road. The area failed the test. He is constantly monitoring the testing.

Addressing Mr. Winn's comments at the SCAC meeting, Mr. Snyder stated that it seemed Mr. Winn had mixed NCSD's policies with Mr. Winn's opinion.

Director Winn answered that he did conflate the two sets of comments as Public Comment and the NCSD report were delayed at the request of the SCAC chair until the marijuana dispensary issue was completed but that his comments were consistent with District policy.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of
- D-3) ANNUAL INVESTMENT POLICY

RESOLUTION NO. 2010-1174
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
 NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING THE
 YEAR 2010 DISTRICT INVESTMENT POLICY

- D-4) QUARTERLY INVESTMENT POLICY
- D-5) QUARTERLY FINANCIAL REPORT
- D-6) ACCEPT WATER & SEWER IMPROVEMENTS - TRACT 2663, A FIVE-UNIT
SUBDIVISION LOCATED AT THEODORA STREET AND BUCKHORN PLACE

RESOLUTION NO. 2010-1175
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
 NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING
 WATER AND SEWER IMPROVEMENTS FOR TRACT 2663

- D-7) TEFFT STREET LIFT STATION EASEMENTS (ITEM PULLED)

Michael LeBrun, Interim General Manager, stated the Item D-7 is pulled from the agenda.

Lisa Bognuda, NCS D Finance Director, answered questions from the Board about Item D-4. There was a minor change in the resolution in Item D-3.

Peter Sevcik, District Engineer, answered the question from Director Harrison concerning Item D-6.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved Items D1-D6, as amended in D-3. There was no public comment. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

01:08:30

- E-1) REVIEW MILLER PARK ASSESSMENT VOTE

Michael LeBrun, Interim General Manager, reviewed the activities concerning the activation of park powers and the proposed Miller Park. During the January 5, 2010 Park Subcommittee meeting, the members of the committee supported the District moving forward with activating park powers and constructing Miller Park. The Phase I Investigation Report from Earth Systems Pacific has been received.

Mr. LeBrun answered questions from the Board.

The following members of the public spoke:

Kathy Kubiak, President Olde Towne Nipomo Association, relayed a statement from Paul Teixeira, Park Commissioner. He would like to see this project move forward.

Ms. Kubiak stated that the oil contamination should be handled by Conoco Phillips. She also stated that the project needs to move forward so as not to lose the agreement with LAFCO. Service organizations are ready to help.

Jim Tefft, Nipomo resident, stated that the District should continue with the park with money available.

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

E-1) REVIEW MILLER PARK ASSESSMENT VOTE (CONTINUED)

Herb Kandel, NCS D resident, stated that the momentum is great. The large property owners did not vote. This is an opportunity to educate the public on the importance of community parks. He suggested asking Conoco Phillips for funding of a study.

Ruth Bracket, Nipomo resident, encouraged the Board to continue. Citizens of Nipomo can rally forth with this project.

Peg Miller, NCS D resident, stated that there is community support to volunteer to help with the project.

The Board discussion included these ideas: It seems that the voters did not want to pay for the on-going maintenance of the park. The unfunded O & M beyond the general benefit to District ratepayers may be approximately \$17,000 per year. Funding for the water project should be passed before the park moves forward. The Park is important, but the timing for funding was not good. Proceed with testing of hazardous material on the proposed site. Postpone park funding for one year.

Director Winn made a motion to remain committed to park efforts, apply to LAFCO for extension, continue with the testing and ask Conoco Philips for assistance. Director Eby seconded the motion. Vote 2-3 with Directors Nelson, Vierheilg and Harrison voting no.

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

Upon motion by Director Vierheilg Earth Systems Pacific or other consultant to quantify the contaminants of the site and bring the information back to the Board. At the appropriate time, pursue a one-year time extension with LAFCO. Director Eby seconded the motion. Vote 5-0.

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

The Board took a break at 11:05 a.m. and returned at 11:15 a.m.

The Board considered Item E-4 next.

02:05:09

E-4) FEE COLLECTION POLICY

Michael LeBrun, Interim General Manager, reviewed the past discussions involving the time for collection of water and sewer fees for new development.

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

The following members of the public spoke:

Jerry Bunin, Director of the Home Builders Association, stated that economic conditions at the present time have changed and made financing for development difficult. He proposed that the developers pay 10% down and the rest of the fees at the time the building permit is issued.

Terry Flatley, local developer, stated that with the current rules, he cannot go ahead with his project currently underway. With the proposed changes, he could continue with the project.

E-4) FEE COLLECTION POLICY (CONTINUED)

Bill Kengel, local developer, stated that the District did not give out all the water allocations that it had allowed for last year and probably will not give them out this year. He suggested that the developers need some help in the industry.

Gwen Pelfrey, from Coast National Bank, spoke to the Board on funding for projects. She suggested collecting District fees at the time of occupancy. The developers need consideration. Ms. Pelfrey answered questions from the Board.

Pat Flatley, local developer, spoke in relation to his project at 691 W. Tefft Street. He stated that it would be \$650,000 in District fees to get a Will Serve Letter from the District. He is looking for some relief to go ahead with projects.

Lisa Bognuda, NCSD Finance Director, answered questions from the Board. Ms. Bognuda stated that the District cannot rely on County staff *not* to issue building permits until District fees are paid. The District is in a sound financial position because of the current policies in place.

The Board discussed the state of financing. District capital improvements are completed with the capacity fees previously collected.

Jerry Bunin, Building Association Representative, stated that the Building Assoc. does not disagree with the fees but with the timing of their collection.

Jerry Bunin, Home Builders Association Representative, stated that the Home Builders Assoc. does not disagree with the fees but with the timing of their collection.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to direct staff to explore what means of securing a reliable process to develop with the County in a way the District has a high certainty of getting good results and bring a draft proposal to the Board that the developer would pay 10% down and the with 100% of the fees before the building permits are issued. Also, staff should bring a fiscal analysis of what that would mean. Vote 5-0.

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

The Board considered Item E-2 next.

03:41:27

E-2) CONSIDER REQUEST TO MODIFY EXISTING INTENT-TO-SERVE LETTER FOR PARCEL 2 OF CO 06-0225

Peter Sevcik, District Engineer, reviewed the request from the developer of Parcel 2 of Parcel Map CO 06-0225 that the District reconsider the phasing of the current Intent-to-Serve letter based on the new ordinance and the 0.69 AFY water allocated to the project from the recently-recorded parcel map. Mr. Sevcik answered questions from the Board.

The following member of the public spoke:

Terry Orton, engineer for the project, stated that he would like to see approval of the request to modify the existing Intent-to-Serve letter to bring it into line with the change in policy last fall.

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

E-2) CONSIDER REQUEST TO MODIFY EXISTING INTENT TO SERVE LETTER FOR PARCEL 2 OF CO 06-0225 (CONTINUED)

The Board discussed the request. Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to direct staff to approve the applicant's request and issue a revised Intent-to-Serve letter, as outlined in the Board packet. Vote 5-0.

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

The Board considered Closed Session next.

03:54:25

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be considered during 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. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD (CASE NO. CV 040877), MARIA VISTA VS. NCSD (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL. (CASE NO. CV 040150);
4. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (1 CASE)
5. INSTRUCTION TO NEGOTIATORS MICHAEL LEBRUN, JON SEITZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PURCHASE OF EASEMENT INTEREST IN APN 090-291-040, 041, 042, 043 AND 044 (OWNER: LINDA VISTA FARMS, NEGOTIATOR: (JACQUELINE FREDERICK)
6. INTERIM GENERAL MANAGER PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 1:06 p.m.

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

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 3:28 p.m.

Jon Seitz, District Legal Counsel, announced the following:

The Board heard an update on Items 1, 2, and 3 above and took no reportable action.

The Board heard an update on Item 5 (real property negotiations) and gave instructions to legal counsel.

The Board reviewed Item 6 above and maintains confidence in Mr. LeBrun and looks forward to his continued employment.

The Board did not discuss Item 4 above.

003:57:41

E-3) REVIEW DRAFT REQUEST FOR PROPOSALS FOR EDUCATION AND OUTREACH SERVICES ASSOCIATED WITH WATERLINE INTERTIE PROJECT

Michael LeBrun, Interim General Manager, explained the process in preparing a Request for Proposal for outreach services for the Waterline Intertie Project. He provided the Board and public a copy of the proposed RFP to be circulated to a number of prospective consultants.

Jon Seitz, District Legal Counsel, read from Assembly Bill 9, which outlines the use of public funds to advertise for a particular project. The Board discussed the RFP.

Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously authorized the circulation of the Request for Proposals, as amended, to appropriate, potential contractors. Vote 5-0.

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

04:23:24

E-5) APPOINTMENT OF AN AD-HOC COMMITTEE FOR WIP EDUCATION AND OUTREACH

The Board discussed forming an ad-hoc committee to assist in the public outreach and education related to the District's waterline intertie project.

Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed with President Harrison's appointment of Director Eby as chair and Director Winn as member to the ad-hoc committee to work with the outreach contractor and staff. Vote 5-0.

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

04:38:20

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, presented the report in the Board packet. Additional information included: Schedule for the Urban Water Management Plan Update, Sundale Well update, General Manager brochure from Bob Murray & Associates, Summit Station property owner repair request, roof off of Via Concha Well caused damage to adjacent property owner's fence, and information from Greg Burns, lobbyist for the District in DC.

G. COMMITTEE REPORT

There was no Committee Report.

04:48:00

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Nelson

Would like an update on the ConserveTrack software purchased.

Director Vierheilig

Rate payers have been asking what went into the rate study. Would like to have more clarity of the numbers for the COP amounts. Mr. LeBrun stated that the information will be coming at a near future meeting. There may be grant programs available or low-interest loans, such as through IBank and USDA.

Director Eby

Would like to discuss the letter of endorsement for the Dana-Adobe at the next meeting.

Director Winn

- ◇ Would like more information about status of the Water Conservation Education Program by Science Discovery. The contract stipulated that Board was to be invited to a presentation to be made to the Lucia Mar School District Board.
- ◇ Asked about a UPS for each computer in the District.
- ◇ Will be going to UCLA Friday, January 29, 2010, and will present the Board with the information upon his return.
- ◇ Will be having surgery February 12, 2010.
- ◇ Flight and rooms for Washington, DC trip are booked
- ◇ Would like with Board President Harrison to set up conversation with Greg Haas early in February.

Director Harrison

Put on next meeting's agenda to change a future Board meeting date.

ADJOURN

President Harrison adjourned the meeting at 4:38 p.m.

- Next Regular Board Meeting is February 10, 2010

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN MARCH

ITEM

Consider change in Board Meeting Schedule in March [PROVIDE DIRECTION].

BACKGROUND

Section 2.1 of the Board By-Laws state in part:

Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month...

Section 2.6 of the Board By-Laws state in part:

Three (3) Directors of the Board shall constitute a quorum for the transaction of business.

The second regular Board Meeting in March is scheduled for March 24. Two Directors will be out of town on March 24th, therefore, the remaining three Directors must be present to constitute a quorum.

The following options are available:

- Hold the March 24th meeting, as scheduled, with a quorum of three Directors.
- Cancel the March 24th meeting (next regular Board Meeting would be April 14th).
- Hold a Special Meeting on March 31st.

RECOMMENDATION

Staff recommends that your Honorable Board hold the March 24th meeting, as scheduled.

ATTACHMENTS

- None

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TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



APPROVE REPLACEMENT OF SECOND GRINDER CARTRIDGE AT SOUTHLAND WASTEWATER TREATMENT FACILITY

ITEM

APPROVE REPLACEMENT OF SECOND GRINDER CARTRIDGE AT SOUTHLAND WASTEWATER TREATMENT FACILITY. [APPROVE RESOLUTION]

BACKGROUND

The Water and Sewer Master Plan recommended near-term improvements including modification of the influent pump station and installation of screening and grit removal equipment. The expansion of the Wastewater Facility was originally scheduled to begin during 2010 and now construction is anticipated to begin in 2011.

The two grinders comprise the only plant process prior to the influent pumps. Their purpose is to shred large objects which can disrupt the downstream equipment of the sewer plant. When the grinder is non operational, these large objects can lodge in the influent pumps, and aerators. This can cause damage to the pumps and motors, resulting in increased repair costs as well as plant process control problems.

The two existing grinders were originally installed in 1999, and were repaired in 2004. These grinders have lasted an average of five years between replacement in spite of the fact that there is no grit removal or screening. In December 2009 the cutter teeth in one grinder failed. The District ordered a replacement cartridge for the damaged grinder #1. When it arrived, removal and installation of the equipment was completed on the same day. In order to insure the efficient operation of the wastewater process, staff is recommending replacement of the second grinder cartridge at this time.

Staff is requesting replacement of the Muffin Monster grinder cartridge from JWC Environmental at a cost of \$23,006.19. The cutter cartridge is one component of the grinder assembly. It is unique to each manufacturer's design, and is designed to match the other grinder installed in the same vault at the plant with the same flow characteristics. Replacement of the grinder cartridge is more reasonable than the other option which would be to replace the entire grinder assembly at a considerably higher cost.

FISCAL IMPACT

The 2009-2010 Budget Fund #130- Town Sewer allowed for \$175,000.00 for repairs and maintenance. There is \$138,098.00 remaining in the account, of which staff is requesting \$23,006.19 for this repair.

RECOMMENDATION

The Staff recommends that your Honorable Board adopt the Resolution approving the replacement of the cutter cartridge for the second grinder at the Southland Wastewater Treatment Facility.

ATTACHMENT

Resolution

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2010-GRINDER**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE ACQUISITION AND REPLACEMENT OF A SECOND GRINDER
CARTRIDGE AT THE SOUTHLAND WASTEWATER TREATMENT FACILITY**

WHEREAS, the Nipomo Community Services District (herein "District") Board of Directors (herein "Board") is a local governmental agency formed and authorized to provide services within its jurisdiction, pursuant to Section 61000 et seq. of the California Government Code; and

WHEREAS, on December 12, 2001, the Board of Directors adopted Resolution No. 2001-800, Establishing Policies, Procedures, and Regulations Governing the Purchase of Supplies and Equipment by the District; and

WHEREAS, the District desires to purchase a cutter cartridge for grinder assembly number two at the Southland Wastewater Treatment Facility (herein "Southland Facility"); and

WHEREAS, the District desires to purchase the cutter cartridge from JWC Environmental (herein "JWC") pursuant to Section 6 of the District's Purchasing Policies which authorize non-competitive negotiations for the purchase of equipment from only one source upon the District's Board of Directors making certain findings; and

WHEREAS, based on the staff report, staff presentation and public comment the District Board of Directors makes the following findings pursuant to Section 6 of the District's Purchasing Policies:

- A. That the purchase price not-to-exceed twenty-three thousand six dollars and 19 cents (\$23,006.19) is reasonable because it avoids replacement of the entire grinder assembly, which would cost substantially more than replacement of the cutter cartridge.
- B. That the JWC cutter cartridge is the only cutter cartridge that meets the District's needs, because the cutter cartridge is one component of the JWC grinder assembly currently installed at the Southland Facility. The cutter cartridge is unique to each JWC grinder assembly design, and is designed to match the other JWC grinder assembly installed in the same vault at the Southland Facility with the same flow characteristics.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2010-GRINDER**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE ACQUISITION AND REPLACEMENT OF A SECOND GRINDER CARTRIDGE AT THE
SOUTHLAND WASTEWATER TREATMENT FACILITY**

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

1. The above recitals and referenced findings are true and correct and incorporated herein by this reference.
2. The District's General Manager is authorized to purchase the JWC cutter cartridge at a price not-to-exceed twenty-three thousand six dollars and 19 cents (\$23,006.19).

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 10th day of February, 2010.

Jim Harrison, President
Nipomo Community Services District

ATTEST:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz,
General Counsel

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TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



LETTER IN SUPPORT OF DANA ADOBE [REVIEW AND PROVIDE DIRECTION]

ITEM

Letter in support of Dana Adobe [Review and provide direction]

BACKGROUND

At the January 27, 2010, regular Board Meeting, Dr. Kandel spoke during public comment and requested the Board of Directors consider writing a letter in support of the Dana Adobe Nipomo Amigos request for the Statewide Park Development and Community Revitalization Program 2008 Grant Application.

Dr Kandel presented the Board of Directors with a draft letter prepared by the Dana Adobe Nipomo Amigos group for Board consideration.

RECOMMENDATION

Staff recommends that your Honorable Board review and provide direction.

ATTACHMENT

- Draft Letter prepared by Dana Adobe Nipomo Amigos

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1-27-10
Item C-5
From Herb Kandel

Dana Adobe Nipomo Amigos Request letter for support for the Statewide Park Development and Community Revitalization Program of 2008 Grant Application

DRAFT

Marina Washburn
Dana Adobe Nipomo Amigos
671 S. Oakglen Rd.
Nipomo, CA, 93444

Dear Ms. Washburn,

The Nipomo Community Services District endorses the Dana Adobe Nipomo Amigos efforts to acquire 17.7 acres of property to develop a neighborhood park. The proposal is an excellent fit for the Proposition 84 California State Parks, "Statewide Park Development and Community Revitalization Program of 2008" grant application. The proposed park would serve the Oakglen Road neighborhood that is located within the NCSD Sphere of Influence and is certainly one of the most critically underserved communities in our service area. The development of the park and passive recreational amenities within the Oakglen neighborhood will help address unmet needs for this community in several ways:

- * Trails will provide safe walking area and passive recreational opportunities to families, getting them off the dangerous and narrow Oakglen Road.
- * Youth opportunities for education and volunteerism will provide mentorship in a neighborhood where low-income levels, youth truancy, underage drinking and gang activity is known to exist.
- * The proposed park location next to the Dana Adobe will provide cultural activities that will establish a multicultural learning environment in a bilingual community with a rapidly changing social-cultural demographic.
- * The project will be an important step in the revitalization of an area of need and located within the Nipomo Community Services District boundaries.

The NCSD has begun/committed to the process to activate park powers in the community. This proposed park is within the NSCD Sphere of Influence a compliment to existing plans and a good candidate for consideration for a partnership with the Dana Adobe Nipomo Amigos. Partnerships with well-established non-profit organizations such as the Dana Adobe Nipomo Amigos provide excellent cost-effective ways for Service Districts to combine efforts to establish and maintain community parks.

We also endorse DANA's neighborhood and community advisory group providing advisory input on the design, implementation and eventually operation and maintenance of the park. The NCSD is committed to providing a representative to this group.

In conclusion, the NCSD wholeheartedly endorses the Dana Adobe Nipomo's proposal for a neighborhood park on Oakglen Road.

Sincerely,

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



REVIEW BOARD BY-LAWS AND PROPOSE EDITS FOR CONSIDERATION
[REVIEW AND PROVIDE DIRECTION]

ITEM

Review Board By-Laws and propose edits for consideration [review and provide direction]

BACKGROUND

Pursuant to Section 16 of the Board By-Laws, the Board By-Laws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

Attached are the Board By-Laws for your review.

RECOMMENDATION

Staff recommends that your Honorable Board review the by-laws, propose edits for consideration and direct Staff to place this item on the February 24, 2010 Board Meeting for adoption.

ATTACHMENT

- 2009 BY-LAWS

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NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2009 UPDATE
BY-LAWS
(ATTACHMENT "A" TO RESOLUTION 2009-1130)

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are the President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.
- 1.6 The President, and in his/her absence the Vice President or their designee, are authorized to attend meetings of the San Luis Obispo County Planning Commission and meetings of the San Luis Obispo County Board of Supervisors without compensation except reimbursement for use of his/her private vehicle to attend such meetings pursuant to District Policy 10.01(b).

2. MEETINGS

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.
- 2.2 Special Meetings.

Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant General Manager in consultation with the President or in his or her absence, the Vice President or those Directors calling the meeting;
- 2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTOR BY-LAWS
2009 UPDATE
PAGE 2
(ATTACHMENT "A" TO RESOLUTION 2009 1130)

- 2.4** No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
- (a)** Directors may briefly respond to statements or questions from the public;
 - (b)** Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
 - (c)** The Board may take action to direct the General Manager to place a matter on a future agenda;
 - (d)** Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.
- 2.5** The President, or in his/her absence the Vice President, shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall announce the Board's decision on all subjects. He/She shall vote on all questions and on roll call votes his/her name shall be called last.
- 2.6** Three (3) Directors of the Board shall constitute a quorum for the transaction of business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.7** Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.8** A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those abstaining, those not voting because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.9** Votes of abstention shall be counted as a no vote.
- 2.10** Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.

NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTOR BY-LAWS
2009 UPDATE
PAGE 3
(ATTACHMENT "A" TO RESOLUTION 2009 1130)

- 2.11** All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. AGENDAS

- 3.1.** The General Manager, in cooperation with the Board President, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. twelve calendar days prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.
- 3.2** The following applies to reconsideration of prior Board actions.
- (a)** After the passage of 9 months from the effective date of the motion, resolution, or ordinance, the matter may be placed on the agenda pursuant to Section 3.1, above, or other provisions of the Brown Act.
 - (b)** Prior to the passage of 9 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.
 - (c)** The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.
- 3.3** A block of 20 minutes time shall be set aside to receive general public comment. Comments on agendized items should be held until the appropriate item is called. Unless otherwise directed by the President, public comment shall be presented from the podium. The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President at his/her discretion.
- 3.4** Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a)** Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board

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will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board chooses an earlier or later time.

- (b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.
- (c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, an abstention or conflict of interest, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote, an abstention or conflict of interest, on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, an abstention or conflict of interest, in the minutes on the item identified by the Director.

4. PREPARATION OF MINUTES AND MAINTENANCE OF RECORDINGS

- 4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;
- 4.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions or motions. (61045(d))
- 4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person;
- 4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board during general public comment.
- 4.5 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include the names of speakers who provided public comment on each agenda item and a summary of the Directors' reports.

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Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.

- 4.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

5. **DIRECTORS**

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors are encouraged to seek clarification prior to the meeting, if possible.
- 5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole (61042(c)).
- 5.3 Information may be requested from staff or exchanged between Directors before meetings, within such limitations as required by the Brown Act. Information that is requested or exchanged shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, dissenting Directors should not create barriers to the implementation of said action.
- 5.6 Except during open and public meetings the use of direct communication, personal intermediaries, or technological devices that are employed by a majority of the Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.
- 5.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on the issue.

6. **AUTHORITY OF DIRECTORS**

- 6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
- 6.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body which represents and acts for the community as a whole.

- 6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. AUTHORITY OF THE GENERAL MANAGER

The General Manager shall be responsible for all of the following:

- 7.1 The implementation of the policies established by the Board of Directors for the operation of the District.
- 7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
- 7.3 The supervision of the District's facilities and services.
- 7.4 The supervision of the District's finances.

8. DIRECTOR GUIDELINES

- 8.1 Directors, by making a request to the General Manager or Assistant General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Assistant General Manager shall inform the individual Director why the information is not or cannot be made available.
- 8.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 8.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Assistant General Manager. The chain of command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.

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DIRECTOR BY-LAWS
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- 8.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 8.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant General Manager.
- 8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

9. DIRECTOR COMPENSATION

- 9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board of Directors attended by him/her.
- 9.2 Each Director appointed to a committee is authorized to receive one hundred dollars (\$100) as compensation for each public meeting of a standing committee or ad hoc committee attended by him/her.
- 9.3 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each non-public ad hoc committee meeting of the District attended by him/her.
- 9.4 Each Directors is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or participation in a training program on a topic that is directly related to the District, provided that the Board of Directors has previously approved the member's participation at a Board of Director's meeting and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.
- 9.5 In no event shall Director compensation exceed \$100 per day.
- 9.6 Director compensation shall not exceed six full days in any one calendar month.

10. DIRECTOR REIMBURSEMENT

- 10.1 Each Director is entitled to reimbursement for their actual and necessary expenses, including the cost of programs and seminars, incurred in the performance of the duties required or authorized by the Board.
 - (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

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If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available (53232.2(e)). Directors, using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
- (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement. The per diem shall include \$10.00 for breakfast, \$15.00 for lunch and \$30.00 for dinner, for a daily total of \$55.00.
- (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.

10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred (53232.3(c)).

10.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense except for per diem allowances (53232.3(d)).

10.4 Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors.

11. COMMITTEES

11.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

11.2 Standing Committees

- (a) The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.
- (b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

12. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

- 12.1** All letters approved by the Board of Directors and/or signed by the President on behalf of the District; and
- 12.2** All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

13. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item.

13.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision.

13.2 Interest in Contracts, Government Code Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Director has a financial interest.

13.3 Incompatible Office, Government Code Section 1099

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second office, he/she is simultaneously terminated from holding the first office.

14. EVALUATION OF CONSULTANTS

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year. .

15. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

16. BOARD BY-LAWS REVIEW POLICY

Subject to 3.1 the Board By-Laws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

17. RESTRICTIONS ON RULES

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



APPOINT DELEGATE TO NIPOMO MESA MANAGEMENT AREA TECHNICAL
GROUP [RATIFY APPOINTMENT]

ITEM

Appoint Delegate to Nipomo Mesa Management Area (NMMA) Technical Group [Ratify Appointment]

BACKGROUND

The Nipomo Mesa Management Area Technical Group meets on a regular basis. The Board of Directors would like to appoint a Delegate to the NMMA to attend all of the meetings and report back to the full Board.

RECOMMENDATION

Staff recommends that your Honorable Board appoint a Board member as a Delegate to the Nipomo Mesa Management Area Technical Group.

ATTACHMENT

- NONE

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TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



MANAGER'S REPORT

ITEM

Standing report to your Honorable Board --*Period covered by this report January 22, 2010 through February 4, 2010.*

DISTRICT BUSINESS

Administrative

Maria Vista Estates has set a total of ten water meters.

Recruitment for open field positions is progressing.

Education and Outreach RFP was mailed January 29, 2010.

Retired General Manager Bruce Buel officially retired January 29, 2010.

Development of the District's 2010/2011 Budget will begin in February.

Manager attended or led the following meetings:

- January 22, 2010; General Managers meeting of SLO Chapter of CSDA
- January 25, 2010; WIP Committee Meeting
- January 27, 2010; Regular Board Meeting

Safety Program - No incidents, accidents or safety issues to report.

RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

ATTACHMENTS

- None

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TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN
DATE: FEBRUARY 5, 2010



COMMITTEE REPORTS

ITEM

Review Committee Matters.

BACKGROUND

The Infrastructure Committee met on December 7, 2009.

The Water Conservation Committee met on December 18, 2009.

The WIP Committee met on January 25, 2010.

RECOMMENDATION

It is recommended that your Honorable Board discuss the meetings as appropriate.

ATTACHMENTS

- Infrastructure Committee Meeting Minutes
- Water Conservation Committee Meeting Minutes
- WIP Committee Meeting Minutes

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NIPOMO COMMUNITY SERVICES DISTRICT

MONDAY, January 25, 2010

2:00 P. M.

SPECIAL MEETING MINUTES SUPPLEMENTAL WATER PROJECT DESIGN AND CONSTRUCTION COMMITTEE

COMMITTEE MEMBERS

ED EBY, CHAIR
JAMES HARRISON, MEMBER

PRINCIPAL STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASSIST. GENERAL MANAGER
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

MEETING LOCATION

District Board Room
148 S. Wilson Street
Nipomo, California

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairperson Eby called the meeting to order at 2:00 p.m. and led the flag salute. Committee Members Harrison and Eby were both present. Also present were Interim General Manager Michael LeBrun, District Engineer Peter Sevcik, District Superintendent Tina Grietens, and AECOM representatives Mike Nunley and Josh Reynolds.

2. REVIEW STATUS OF SUPPLEMENTAL WATER PROJECT DEVELOPMENT

Interim General Manager Michael LeBrun summarized progress in advancing the Waterline Intertie Project. The Committee asked questions regarding the assessment schedule and the properties that had already paid Supplemental Water Capacity Charges to the District. There was no public comment.

3. AECOM WATERLINE INTERTIE PROJECT DESIGN STATUS UPDATE

Mike Nunley, AECOM, presented the January 2010 Monthly Design Status Report to the Committee. Committee Member Harrison pointed out a discrepancy in the schedule between the "rolled-up" submittal schedule and the corresponding detailed submittal schedule for the various bid packages. Mr. Nunley indicated that AECOM would correct it on future schedule submittals. Committee Member Eby asked about the status of the Operational MOU with the City of Santa Maria. Staff indicated that the Operational Agreement would be developed once the design is finalized and construction is underway. There was no public comment.

NIPOMO COMMUNITY SERVICES DISTRICT
MONDAY, JANUARY 25, 2010
SPECIAL MEETING MINUTES
SUPPLEMENTAL WATER PROJECT DESIGN AND CONSTRUCTION COMMITTEE
- 2 -

**4. REVIEW DRAFT RFP FOR WATERLINE INTERTIE PROJECT
OUTREACH AND EDUCATION PROGRAM**

Michael LeBrun distributed the draft Public Outreach RFP to the Committee. The Committee discussed the RFP as well as the need for the schedule to integrate the outreach and education process into the overall project schedule. There was no public comment.

5. SET NEXT COMMITTEE MEETING

The Committee agreed to have another meeting on Monday, February 22, 2010, at 2:00 p.m. There was no public comment.

6. ADJOURN

The meeting was adjourned at 3:45 p.m.

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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.NCSD.CA.GOV

MINUTES OF THE 12/18/2009 SPECIAL MEETING OF THE WATER CONSERVATION COMMITTEE

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairman Winn called the Special Meeting to order at 10:00 am in the NCSD Board Chambers. Both Chairman Winn and Director Vierheilig attended along with staff members Michael LeBrun and Celeste Whitlow. There were no members of the public present.

2. SOLID WASTE FUND, STATUS AND USES

Possible uses for part of the accumulated funds (\$609,000). Discussion was held. Mr. Vierheilig talked with Tom Martin at an event. Mr. Martin suggested the NCSD could pay for the customer charges for hauling large objects at the Spring and Fall Clean-Up Events.

Mr. Winn said Mr. Martin is interested in working with us on the fund. Discussion of options was accomplished.

- A. Discount the customers' fees for a few months. Mr. Winn discussed this with Jon Seitz, who said we could pay part of the customers' fees for a few months and then return the fees to the regular rate, and it would not require a 218 meeting. Bill Worrell said a better public response would result from paying for 100% of a few months' fees. The estimated cost would be \$160,000 (≈ 4000 customers \times \$40 = \approx \$160,000). Mr. LeBrun said a review of the franchise contract would show whether there are restrictions on NCSD utilizing other solid-waste facilities.
- B. Resume street-sweeping. Mr. Winn indicated when NCSD previously suggested NCSD resume street-sweeping, the suggestion was met with considerable opposition. Mr. Winn said a discussion with Mr. Seitz had been held, and Mr. Seitz indicated that the County was very interested in turning this over to us now. Previously, the County was receiving State funding for street-sweeping, but now they are not. Dissatisfaction with the County's service for raising clouds of dust (water is not used) was expressed. Options for street-sweeping include paying the County for the service, with NCSD having input to the contract regarding frequency, amount, and use of nonpotable water (perhaps from Church Well). NCSD contracting with another service is acceptable to the County, and they would expedite documentation needed to transfer responsibility.
- C. Mr. Seitz had suggested to Mr. Winn the option of contracting with a high-school club for trash pickup in Nipomo. Median strip in front of Von's and freeway entrance and exit areas accumulates trash.
- D. Another option for use of the funds is to provide small household recycle trash cans to aid in separating recyclable waste. Mr. Winn said the Integrated Waste Management Company said they could provide the trash cans and distribute them.
- E. Expanding the open hours of the hazardous waste collection facility was another suggestion.

MINUTES OF THE 12/18/2009 MEETING OF THE

WATER CONSERVATION COMMITTEE

Page 2

- F. Celeste Whitlow suggested increasing the amount of recycling educational materials as uses for the fund providing worm bins and compost-tumblers for wider customer distribution, perhaps as Big Prizes for the soil/compost workshop this spring, ordering more canvas shopping bags for an expanded give-away program, educational materials on recycling, and a composting information wheel.

Staff was instructed to research types and costs of indoor recycling receptacles, with instructions to first contact Tom Martin and Bill Worrell for information on the types of indoor cans they can provide, material from recycling container vendors, and if they provide delivery of the receptacles to customers' homes, with cost estimates for the recycling receptacles and delivery.

3. **MODEL WATER-EFFICIENCY LANDSCAPE ORDINANCE.** Celeste Whitlow stated that, as of 1/1/2010 each water purveyor is to have in place a water-efficient landscape ordinance at least as effective as the California State Model Water-Efficient Landscape Ordinance (MWELo). This ordinance will apply to new construction and remodel construction if the project meets certain conditions (mainly size of the project). The homeowner or contractor doing the work is required to complete a set of forms and perform a list of actions (i.e., soil testing) as a condition for getting a building permit. Language of the State bill indicates that the issuance of the water-efficient landscape ordinance packet of information and forms are to be distributed by the agency issuing the building permit (San Luis Obispo County Planning). Once the packet is completed, returned, and accepted by the building-permit-issuing agency (SLOCo Planning), the agency will provide a certificate of completion to the applicant and to the agency providing water to the project. Water agencies cannot guarantee provision of water service or provide water service without the certificate of completion. Mrs. Whitlow contacted San Luis Obispo County Planning in November to inquire regarding their progress on the Water-Efficient Landscape Ordinance, and was told that they had not started on it, and they would not meet the 1/1/2010 deadline. Ms. Whitlow has subsequently met with the water conservation staff from Atascadero Mutual Water Company and Los Osos Community Services District. The discussion raised several items of concern, which should be incorporated in the County's WELo, including the missed opportunities for water conservation from new development because the County does not have a WELo in place. Discussion ensued.

Staff was instructed to prepare a draft letter to SLO County Planning, Nipomo Mesa Technical Group, and the SLO County Water Resources Advisory Committee.

4. **REVIEW OF STATE LEGISLATION PERTINENT TO NCSO.** Information prepared by Water Conservation staff was reviewed by the committee. The State bills reviewed are SB407, AB474, AB1061, AB1366, SB6X7, and SB7X7. The Committee found the legislation review helpful.

Staff was instructed to continue monitoring of State legislation pertinent to NCSO water conservation.

5. **DISCUSS MP-ROTATOR REBATE.** Staff presented information on MP rotators and suggestions for rebate options. The committee indicated a \$3.00 rebate per MP rotator, with a maximum of 20 MP rotators rebated for each residential account, for a total of a maximum of \$60 per residential account. There is no funding for these rebates in the 2009 water conservation budget.

Staff was instructed to review the 2009 water conservation budget for funds that will not be spent, and use those funds for the rebate.

6. **LAWN AERATION REBATE.** Staff presented information on lawn aeration as a method to improve percolation and retention of water. Several possibilities were discussed.

The 2009 water conservation budget does not include funding for this rebate, and staff was instructed to review the water conservation 2009 budget for funds that will not be spent, and use those funds for the rebate.

MINUTES OF THE 12/18/2009 MEETING OF THE

WATER CONSERVATION COMMITTEE

Page 3

- 7. Graywater use in residential landscapes, workshop, and rebate for the brass valve required for the system.** New State legislation, written into the State Plumbing Code on an emergency basis, greatly expedites homeowner use of graywater in the landscape. The new legislation has been approved by the State Public Health Department. The State is actively encouraging homeowner use of graywater. SLO County Supervisor Patterson is a strong advocate of its use locally. Water conservation staff reports receiving regular questions from customers about graywater use in the landscape. Review of other graywater system rebates shows that what is often rebated is the cost of the brass valve (about \$45.00) which is required to enable the user to switch from sending the graywater to the landscape or into the wastewater treatment system (sewer or septic tank), and prevent backflow into the public water system. There are local contractors who are experienced with water-efficiency measures, including installing or providing help with the installation of a graywater system. Staff recommended the District promote graywater reuse, provision of a \$45.00 rebate, and presenting a workshop on graywater use in the landscape. Committee discussion was held. Mr. Winn recommended staff contact a local plumber or contractor with experience in graywater systems, to give experienced information.

Staff was instructed to invite a local contractor to give a presentation on graywater use from clothes washers. The program initially will be limited to clothes-washer reuse. Mr. Winn requested a report be sent to WRAC, if the program is approved by the Board and results are obtained.

Mr. Winn expressed interest in future discussion of rainwater harvesting.

8. SET SUBSEQUENT MEETING

The next meeting was scheduled for January 22, 2010. There was no public comment.

9. ADJOURNMENT

Chairman Winn adjourned the meeting at 12:15 PM.

NIPOMO COMMUNITY SERVICES DISTRICT

MONDAY, DECEMBER 7, 2009

2:00 P. M.

SPECIAL MEETING MINUTES INFRASTRUCTURE COMMITTEE

COMMITTEE MEMBERS

ED EBY, CHAIR
MICHAEL WINN, MEMBER

PRINCIPAL STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASSIST. GENERAL MANAGER
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DISTRICT ENGINEER

MEETING LOCATION

District Board Room
148 S. Wilson Street
Nipomo, California

1. CALL TO ORDER, ROLL CALL AND FLAG SALUTE

Chairperson Eby called the meeting to order at 2:00 p.m. and led the flag salute. Committee members Winn and Eby were both present. Also present were Interim General Manager Michael LeBrun, District Engineer Peter Sevcik, District Superintendent Tina Grietens, and AECOM representatives Mike Nunley, Eileen Shields and Josh Reynolds.

2. REVIEW STATUS OF SUPPLEMENTAL WATER DEVELOPMENT

Interim General Manager Michael LeBrun summarized progress in advancing the Waterline Intertie Project and Mike Nunley reviewed the project status. Committee discussion followed on the status of the JPA and need for milestones regarding County involvement in overall project schedule. The Committee also discussed the proposed Santa Maria Consistency Agreement related to the future potential proposed pump station on Blosser Road. The Committee also discussed the transition between the collection of Supplemental Water Capacity charges and implementation of the assessment district if the vote is successful, as well as the various scenarios if the assessment vote fails. There was no public comment.

3. REVIEW AECOM WIP DESIGN BUDGET REVISION REQUEST

Mike Nunley provided a summary of the budget amendment request. The Committee discussed the budget amendment and suggested that the need for the various items be categorized, for example, "outside agency requirement", "cost reduction for construction", "improved design for chloramination", for the Board presentation on December 9, 2009. There was no public comment.

**NIPOMO COMMUNITY SERVICES DISTRICT
MONDAY, DECEMBER 7, 2009
SPECIAL MEETING MINUTES
INFRASTRUCTURE COMMITTEE**

- 2 -

4. REVIEW STATUS OF SOUTHLAND WWTF UPGRADE PROJECT

Michael LeBrun and Mike Nunley reviewed the status of the project. AECOM is developing site plan and evaluating phasing based on current flow and loading data. Committee discussion followed on EIR and need for updating schedule to reflect anticipated EIR schedule. There was no public comment.

5. SET NEXT COMMITTEE MEETING

The Committee agreed to have another meeting on Monday, January 25, 2010, at 2:00 p.m. There was no public comment.

6. ADJOURN

The meeting was adjourned at 3:59 p.m.

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