

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
DATE: FEBRUARY 19, 2010

AGENDA ITEM
C-1
FEBRUARY 24, 2010

WATERLINE INTERTIE PROJECT UPDATE

ITEM

Mike Nunley of AECOM Engineering re Waterline Intertie 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

- February 17, 2010 WIP Design Phase Status Report

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\2010\PRESENTATIONS\100224AECOM.DOC

Memorandum

To Michael LeBrun, Interim General Manager – NCSD Page 1

CC Peter Sevcik, Jon Hanlon, Josh Reynolds, Jim Froelicher, Eileen Shields,
Kirk Gonzalez

Subject Waterline Intertie Project – Design Phase Status Report

From Michael K. Nunley, AECOM

Date February 17, 2010

The Project Team has completed the following work items this month:

1. AECOM continued work towards Bid Package #2 (Nipomo Area Improvements) draft final submittal, Bid Package #3 (Blosser Road Improvements) 90% submittal, and Bid Package #4 (Pump Station, Reservoir, and Chloramination Systems) 90% submittal.
2. AECOM has been in contact with PG&E to provide the information requested for the energy evaluation as part of the Savings by Design Program.
3. AECOM submitted the preliminary layout of the metering station and flow control valve vault on Blosser Road to NCSD staff for review and comments.
4. AECOM coordinated the encroachment permits for Phase II potholing with City of Santa Maria and San Luis Obispo County.
5. AECOM attended a site visit with CA Department of Fish and Game, Padre, and NCSD staff to review the potential project impacts to the Santa Maria River for the Streambed Alteration Agreement.
6. AECOM attended a meeting with NCSD staff and San Luis Obispo County Public Works Department regarding preliminary encroachment permit conditions for the project.
7. AECOM coordinated Project Schedule with Assessment Engineer Financing Schedule.

Schedule

The Project Schedule is attached.

Budget Status

As shown on the attached Design Budget and Invoice Summary, our fee earned matches the amount expended. This indicates we are on budget as of this date.

Yours Sincerely



Michael K. Nunley, PE

Enclosures: Design Budget & Invoice Summary; Project Budget Summary; Project Schedule

| Item | Description | Budgeted Amount May 2008 PER | Updated Amount 17-Mar-09 | Updated Amount 22-Apr-09 Concept Design Report | Updated Amount Dec-09 60% Design Plans |
|------|--|---------------------------------|-----------------------------|--|--|
| 1 | Mobilization | \$580,000 | \$580,000 | \$607,000 | \$706,800 |
| 2 | Blosser Extension (18-in) | \$1,247,000 | \$1,247,000 | \$1,129,000 | \$1,148,800 |
| 3 | Pump Station No. 1 turnout & meter (Blosser Rd) | \$61,000 | \$61,000 | \$158,000 | \$166,400 |
| 4 | River Crossing (24-in HDD & levee jack & bore) | \$6,135,000 | \$6,135,000 | \$5,462,500 | \$5,414,200 |
| 5 | 24-in Pipeline to Joshua | \$656,000 | \$656,000 | \$400,000 | \$398,500 |
| 6 | Reservoir (0.5-MG) | \$1,381,000 | \$1,381,000 | \$1,365,000 | \$1,364,700 |
| 7 | Pump Station No. 2 | \$603,000 | \$603,000 | \$1,572,500 | \$1,512,300 |
| 8 | Pressure Regulators (200 homes) | \$30,000 | -- | -- | -- |
| 9 | Pressure Reducing Valve Stations | \$18,000 | \$72,000 | \$243,000 | \$290,100 |
| 10 | Chloramination (Joshua & 5 wellheads) | \$707,000 | \$707,000 | \$739,500 | \$739,200 |
| 11 | Upgrade Southland to 12-in | \$799,500 (1) | \$780,000 (7) | \$849,000 | \$826,900 |
| 12 | Upgrade Frontage to 12-in | \$1,101,300 (1) | \$890,000 (7) | \$957,000 | \$958,600 |
| 13 | Upgrade Orchard to 12-in | \$509,000 | \$1,040,000 (8) | \$1,103,500 | \$1,200,800 |
| 14 | Upgrade Division to 10-in between Allegre and Meridian (6) | \$53,000 | -- | -- | -- |
| 15 | Oakglen Avenue 12-in main (5) | -- | \$420,000 | \$457,000 | \$472,600 |
| 16 | Darby Lane 12-in main (5) | -- | \$100,000 | \$153,000 | \$114,100 |
| 17 | HWY 101 Bore & Jack (5) | -- | \$132,000 | \$241,000 | \$228,700 |
| 18 | Isolation Valves (5) | -- | \$12,000 | \$12,000 | \$12,000 |
| 19 | Pump Station All Weather Access Road | -- | -- | \$128,000 | \$127,500 |
| 20 | Pipe Cleaning Launch Station Stub Out (Blosser Rd) | -- | -- | -- | \$20,400 (13) |
| | Construction Subtotal | \$13,860,800 | \$14,786,000 | \$15,577,000 | \$15,705,600 |
| 21 | Contingency | \$3,643,000 | \$3,696,500 (9) | \$3,115,400 (11) | \$3,141,120 |
| | Construction Subtotal + Contingency | \$17,503,800 | \$18,482,500 | \$18,692,400 | \$18,846,720 |
| 22 | Property Allowance | <i>not included</i> (4) | <i>not included</i> (4) | \$500,000 (4) | \$304,964 (4) (14) |
| 23 | Design-Phase Engineering | | | | |
| | Original Agreement (July 2008) | | \$744,993 | \$744,993 | \$744,993 |
| | Budget Revision 1 - Pressure Reduction | | \$132,798 | \$132,798 | \$132,798 |
| | Budget Revision 2 - Biological Survey for HDD | | \$4,050 | \$4,050 | \$4,050 |
| | Budget Revision 3 - Modeling for GSW/Woodlands Turnout | | \$8,380 | \$8,380 | \$8,380 |
| | Budget Revision 4 - Additional Survey Services | | \$9,900 | \$9,900 | \$9,900 |
| | Budget Revision 5 - Utility Investigation (Potholing) | | -- | -- | \$8,883 |
| | Budget Revision 6 - Additional Property Research | | -- | -- | \$805 |
| | Budget Revision 7 - PG&E Savings by Design support | | -- | -- | \$4,164 |
| | Budget Revision 8 - 60% Design Budget Update | | -- | -- | \$140,872 |
| 24 | Office Engineering during construction | | \$175,837 | \$175,837 | \$175,837 |
| 25 | Estimated Construction Management (3) | \$2,428,000 (2) | \$1,507,170 (10) | \$1,507,170 (10) | \$1,507,170 (10) |
| 26 | Permitting Fees To Date | -- | \$1,573 | \$1,573 | \$6,173 |
| 27 | Non-Final Design Funds Spent To Date | <i>not included</i> | <i>not included</i> | \$1,402,879 (12) | \$1,402,879 (12) |
| 28 | Estimated Other Costs (Assessment, etc) | <i>not included</i> | <i>not included</i> | \$415,420 (12) | \$415,420 (12) |
| 29 | Public Outreach | <i>not included</i> | <i>not included</i> | <i>not included</i> | \$50,000 (15) |
| | WATERLINE PROJECT TOTAL (Rounded to 1000) | \$19,932,000 (4) | \$21,068,000 | \$23,596,000 | \$23,765,000 |
| A | Frontage Road Sewer Replacement | -- | -- | \$1,239,500 (A) | \$1,658,600 (A) (B) |
| B | Sewer Contingency | -- | -- | \$247,900 (A) | \$331,720 (A) |
| | FRONTAGE RD SEWER TOTAL (Rounded to 1000) | | | \$1,487,400 (A) | \$1,990,320 (A) |

Notes:

- ENR CCI: March 2008 = 8109
- (1) Costs are from the December 2007 Water and Sewer Master Plan (Cannon).
 - (2) Engineering and Construction Management were originally presented as a "lump sum" amount
 - (3) Includes material testing, construction staking, and environmental monitoring
 - (4) Estimate only. Property allowance not included prior to April 2009 estimate.
 - (5) These work items were added to relieve high pressures on Mesa as an alternative to service pressure regulating valves (See Tech Memo 9). One PRV station at Maria Vista was required initially. Four are recommended for revised project. This was design Budget Revision #1.
 - (6) Based on review of record drawings, this pipeline is already a 10-in main
 - (7) Initial estimate incorporated Master Plan project costs. Revised estimate includes higher unit costs to reflect paving 1 traffic lane, per County standards
 - (8) Updated unit costs include higher costs to reflect paving 1 traffic lane, per County standards
 - (9) Contingency was modified to 25% which is more appropriate for concept design phase.
 - (10) To be provided by CM team - Has not been revised to reflect additional work for construction management of Oakglen, Darby, and Orchard extensions.
 - (11) Contingency was modified to 20% which is more appropriate for 30% design phase.
 - (12) Estimate provided by District staff.
 - (13) Item added during 60% design for potential future pipe cleaning launch station. Cost for potential future receiving station was added to line item #7 (pump station).
 - (14) Reduced at 12/9/2009 Board Meeting.
 - (15) Added to January 2010 cost opinion per District
- not included* = Item was not included in previous construction cost opinions, but was added to provide a complete assessment of anticipated project costs.
- (A) Frontage Road Sewer to be Part of Bid Package #2, but to be paid for out of funds separate from the Supplemental Water Project
- (B) Includes 1100 LF of 24-in sewer and manholes from Southland Street to WWTP Lift Station, which was not previously included in project scope.

Project Budget Summary

2/17/2010

Engineering Services for NCSD - SWP Design

Nipomo CSD

| | Total Budget | Amount Previously Invoiced | Current Invoice Amount | % of Budget Earned to date | % of Work Complete |
|--|-----------------------|-------------------------------|---------------------------|-------------------------------|-----------------------|
| Task Group 1 - Concept Design Report | \$441,553.68 | \$427,415.85 | \$0.00 | 97% | 97% |
| Task Group 2 - Permitting | \$38,545.92 | \$30,651.03 | \$0.00 | 80% | 80% |
| Task Group 3 - Construction Documents | \$442,933.43 | \$402,037.99 | \$31,417.19 | 92% | 92% |
| Task Group 4 - Project Management | \$82,869.68 | \$53,202.44 | \$5,842.80 | 71% | 71% |
| Task Group 5 - Assistance During Bids | \$48,942.38 | \$0.00 | \$0.00 | 0% | 0% |
| Task Group 6 - Office Engineering During Construction (5 Bid Packages) | \$175,836.96 | \$2,431.46 | \$0.00 | 1% | 1% |
| Total | \$1,230,682.00 | \$915,738.77 | \$37,259.99 | 75% | 75% |

| | Amount Previously Invoiced | Current Invoice Amount | Total Permitting Fees to date |
|-----------------|-------------------------------|---------------------------|----------------------------------|
| Permitting Fees | \$6,573.01 | \$0.00 | \$6,573.01 |

| ID | Task Name | Duration | Start | Finish |
|----|---|-----------|--------------|--------------|
| 0 | Kickoff meeting | 1 day | Wed 7/16/08 | Wed 7/16/08 |
| 1 | Right of Entry Agreements and Coordination | 63 days | Thu 7/17/08 | Mon 10/13/08 |
| 2 | Permitting and Approvals for Field Work at River | 67 days | Fri 10/17/08 | Fri 10/17/08 |
| 3 | Concept Design Report | 234 days | Thu 7/17/08 | Tue 6/9/09 |
| 4 | 101 - Geotechnical Report for HDD Technical Memorandum | 2.5 mons | Mon 10/20/08 | Mon 1/28/09 |
| 5 | 102 - Project Bidding Strategy Technical Memorandum | 1.15 mons | Mon 10/13/08 | Wed 11/19/08 |
| 6 | 103 - Pipeline Alignment Technical Memorandum | 102 days | Mon 10/13/08 | Tue 3/3/09 |
| 7 | 104 - Pump Station Design Technical Memorandum | 2.45 mons | Tue 12/23/08 | Mon 3/16/09 |
| 8 | 105 - Reservoir Design Technical Memorandum | 2.45 mons | Tue 12/23/08 | Mon 3/16/09 |
| 9 | 106 - Permitting Strategy Technical Memorandum | 5.25 mons | Mon 1/12/09 | Fri 6/5/09 |
| 10 | 107 - Chloramination Systems Technical Memorandum | 1.4 mons | Mon 10/13/08 | Wed 11/19/08 |
| 11 | 108 - Back-up Power, Controls, and Instrumentation Technical Memorandum | 1 mon | Tue 2/17/09 | Mon 3/16/09 |
| 12 | 109 - Pressure Reduction Study | 1 mon | Thu 7/17/08 | Wed 8/13/08 |
| 13 | 110 - Survey and Base Map (by Wallace Group) | 4.7 mons | Tue 9/2/08 | Fri 1/9/09 |
| 14 | 111 - Geotechnical Report (by Fugro) | 3 mons | Mon 10/20/08 | Fri 1/9/09 |
| 15 | 112 - Draft Concept Report | 1 day | Tue 3/3/09 | Tue 3/3/09 |
| 16 | 113 - Review and Finalize Concept Design Report | 1 mon | Wed 4/1/09 | Tue 4/28/09 |
| 17 | 114 - Narrative Report | 1 mon | Wed 5/13/09 | Tue 5/19/09 |
| 18 | Construction Plans and Specifications | 544 days | Wed 4/29/09 | Mon 5/30/11 |
| 19 | 60% Submittal | 1 day | Wed 6/10/09 | Wed 6/10/09 |
| 20 | Peer Review | 2 wks | Thu 6/11/09 | Wed 6/24/09 |
| 21 | District Review | 1 wk | Thu 6/25/09 | Wed 7/1/09 |
| 22 | 90% Submittal (Tied to Prequalification of Contractors) | 1 day | Thu 2/24/11 | Thu 2/24/11 |
| 23 | Peer Review | 4 wks | Fri 2/25/11 | Thu 3/24/11 |
| 24 | Draft Final Submittal (as needed) | 1 day | Fri 4/22/11 | Fri 4/22/11 |
| 25 | District & CM Team Review | 3 wks | Mon 4/25/11 | Fri 5/13/11 |
| 26 | Final Submittal | 1 day | Mon 5/30/11 | Mon 5/30/11 |
| 27 | Bid Package 2 - NCS System Pipeline Improvements | 8.25 mons | Wed 4/29/09 | Wed 12/15/09 |
| 28 | 60% Submittal | 1 day | Wed 7/22/09 | Wed 7/22/09 |
| 29 | Peer Review | 2 wks | Thu 7/23/09 | Wed 8/5/09 |
| 30 | District Review | 1 wk | Thu 8/6/09 | Wed 8/12/09 |
| 31 | 90% Submittal | 1 day | Wed 10/7/09 | Wed 10/7/09 |
| 32 | Peer Review | 4 wks | Thu 10/8/09 | Wed 11/4/09 |
| 33 | District Review | 2 wks | Thu 11/5/09 | Wed 11/18/09 |
| 34 | Draft Final Submittal | 1 day | Wed 4/14/10 | Wed 4/14/10 |
| 35 | District & CM Team Review | 3 wks | Thu 4/15/10 | Wed 5/5/10 |
| 36 | Final Submittal | 1 day | Tue 6/8/10 | Tue 6/8/10 |
| 37 | Bid Package 3 - Blosser Road Water Main and Flow Meter | 6.75 mons | Wed 4/29/09 | Tue 11/2/09 |
| 38 | 60% Submittal | 1 day | Wed 7/8/09 | Wed 7/8/09 |
| 39 | Peer Review | 2 wks | Thu 7/9/09 | Wed 7/22/09 |
| 40 | District Review | 1 wk | Thu 7/23/09 | Wed 7/29/09 |
| 41 | 90% Meter & FCV Vault Plans | 1 day | Mon 2/1/10 | Mon 2/1/10 |
| 42 | City Review | 2 wks | Tue 2/2/10 | Mon 2/15/10 |
| 43 | Peer Review | 1 day | Tue 2/16/10 | Mon 3/1/10 |
| 44 | 90% Submittal | 4 wks | Mon 3/15/10 | Fri 3/12/10 |
| 45 | District Review | 2 wks | Mon 4/12/10 | Fri 4/9/10 |
| 46 | Draft Final Submittal (as needed) | 1 day | Mon 5/10/10 | Fri 4/23/10 |
| 47 | District & CM Team Review | 3 wks | Tue 5/11/10 | Mon 5/10/10 |

Task: Milestone, Baseline, Milestone, Summary

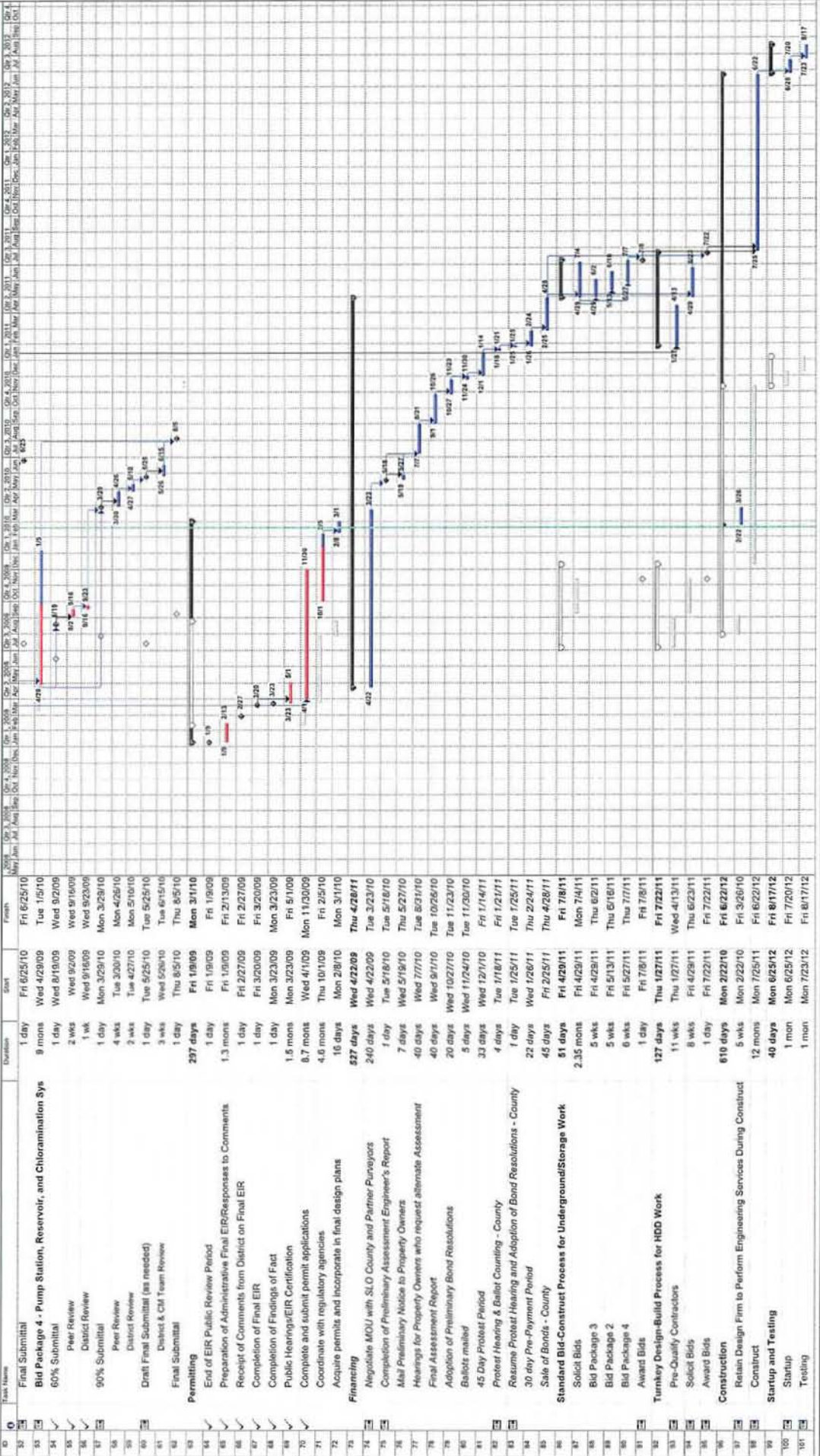
Project: WIP Design Schedule Date: Wed 2/17/10

Legend: Milestone (diamond), Baseline (solid line), Milestone (dashed line), Summary (dotted line)

Navigation: Roll Up Task, Roll Up Milestone, Baseline Summary, Roll Up Baseline, Roll Up Milestone, Roll Up Progress, Roll Up External Tasks, Roll Up Summary, Group By Summary, Dashboard

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AECOM



Task: Milestone, Milestone Milestone, Summary

Project Summary: Group By Summary, Milestone

Baseline: Milestone, Milestone Milestone, Summary

Legend: Milestone (blue square), Milestone Milestone (red square), Summary (grey square)

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AECOM

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *MSL*
DATE: FEBRUARY 19, 2010



MONTHLY SUPERINTENDENT UPDATE

ITEM

NCSD Facilitates Superintendent Tina Grietens re Utility Division Activities during January 2010
[NO ACTION REQUESTED].

BACKGROUND

Tina Grietens is scheduled to summarize the attached outline.

RECOMMENDATION

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

ATTACHMENTS

- District Utilities Division January 2010 Activities Outline

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NIPOMO COMMUNITY

BOARD MEMBERS

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



Celebrating 45 Years of Service 1965-2010

SERVICES DISTRICT

STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address ncsd.ca.gov

TO: MICHAEL LEBRUN, INTERIM GENERAL MANAGER
FROM: TINA GRIETENS, UTILITY SUPERINTENDENT
DATE: FEBRUARY 18, 2010
SUBJECT: UTILITY DIVISION UPDATE FOR JANUARY 2010

Southland Wastewater Plant and Utility Yard

- Installation of grinder cartridge at Southland WWTP
- Rags entering system, causing aerators to trip out
- Requested second aerator cartridge
- Flow meter calibrated
- EOC radio antenna foundation poured

Blacklake Wastewater Plant

- Flow meters calibrated

Collection System

- Power outages due to storms were handled without sewage spills
- Phase failure at Tefft Lift Station, caused relays and fuses to fail-moisture related; NO SPILLS
- Delivery of Vac Con vacuum truck Feb. 10, 2010; safety training received, more training scheduled

Distribution System

- Utility crew assisted in Misty Glen project
- Lightning strike damage to electrical components at 3 wells and Blacklake water tank caused temporary loss of flow data; back online; suppression devices to be ordered
- Sundale well rehabilitation nearly complete

Maintenance

- New valve exerciser and truck ordered
- Air vacs repaired/replaced; angle meter stops replaced

Compliance

- Monitored laboratory results, prepared compliance reports for WWTPs
- Updated 2010 water and wastewater sampling schedule

Other

- Via Concha well building roof blew off during fierce wind storm, damaging nearby fence, repairs scheduled
- Persistent IPAAC problems caused intermittent losses of SCADA communications. Significant troubleshooting efforts
- Advertised for Utility Worker position
- Working with District Engineer on Water Tank Rehabilitation Project, Scada Program Development, Southland Wastewater Plant Expansion and Waterline Intertie Project

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
DATE: FEBRUARY 19, 2010

**AGENDA ITEM
D
FEBRUARY 24, 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 February 10, 2010
- D-3) ADOPT 2010 BOARD BYLAWS [ADOPT RESOLUTION]

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TO: BOARD OF DIRECTORS
 FROM: MICHAEL LEBRUN
 DATE: FEB 19, 2010

**AGENDA ITEM
 D-1
 FEBRUARY 24, 2010**

**TOTAL COMPUTER
 CHECKS
 \$150,376.28**

HAND WRITTEN CHECKS

| | | | | |
|----------|-------|------------------|-----------------|-----------|
| 02-10-10 | 20071 | P G & E | ELECTRICITY | 35,410.76 |
| 02-12-10 | 20072 | FOSTER, L. | REIMB FOR CLAIM | 125.00 |
| 02-16-10 | 20073 | GILLESPIE, M. S. | REIMB FOR CLAIM | 1,144.85 |
| 02-19-10 | 20074 | MITCHELL, B. | WASHER REBATE | 75.00 |
| 02-19-10 | 20075 | JOHNSON, O. | PCI REFUND | 1,489.70 |
| 02-19-10 | 20076 | HERRERA, M.T. | PCI REFUND | 1,546.40 |
| 02-19-10 | 20077 | BURTNESS, P. | PCI REFUND | 2,674.84 |
| 02-19-10 | 20078 | CANCLINI, C. | PCI REFUND | 833.60 |
| 02-19-10 | 20079 | ROMERO, C. | PCI REFUND | 386.25 |

VOID - NONE

COMPUTER GENERATED CHECKS

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information Description |
|--------------|------------|---------------|---------------------------|--------------|-----------------|------------|-----------|---------------------------------|
| 17589 | 02/19/10 | EMP01 | EMPLOYMENT DEVELOP DEPT | 908.17 | .00 | 908.17 | B00216 | STATE INCOME TAX |
| 17590 | 02/19/10 | MID01 | RABOBANK-PAYROLL TAX DEPO | 2541.11 | .00 | 2541.11 | B00216 | FEDERAL INCOME TAX |
| | | | | 53.76 | .00 | 53.76 | 1B00216 | FICA |
| | | | | 765.24 | .00 | 765.24 | 2B00216 | MEDICARE (FICA) |
| | | | Check Total.....: | 3360.11 | .00 | 3360.11 | | |
| 17591 | 02/19/10 | MID02 | RABOBANK-DIRECT DEPOSIT | 23286.12 | .00 | 23286.12 | B00216 | NET PAY |
| 17592 | 02/19/10 | PER01 | PERS RETIREMENT | 7326.82 | .00 | 7326.82 | B00216 | PERS PAYROLL REMITTANCE |
| 17593 | 02/19/10 | STA01 | ING-PERS 457 DEFERRED COM | 1125.00 | .00 | 1125.00 | B00216 | 457 DEFERRED COMP |
| 017594 | 02/24/10 | ABA01 | ABALONE COAST BACTERIOLOG | 176.00 | .00 | 176.00 | 10-203 | TOWN WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-256 | BL WWTF LAB |
| | | | | 175.00 | .00 | 175.00 | 10-269 | WATER SAMPLES |
| | | | | 20.00 | .00 | 20.00 | 10-270 | BL WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-289 | BL WWTF LAB |
| | | | | 176.00 | .00 | 176.00 | 10-290 | TOWN WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-300 | BL WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-310 | BL WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-319 | BL WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-337 | BL WWTF LAB |
| | | | | 14.40 | .00 | 14.40 | 10-338 | WATER SAMPLES |
| | | | | 175.00 | .00 | 175.00 | 10-339 | WATER SAMPLES |
| | | | | 20.00 | .00 | 20.00 | 10-349 | BL WWTF LAB |
| | | | | 176.00 | .00 | 176.00 | 10-350 | TOWN WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-357 | BL WWTF LAB |
| | | | | 20.00 | .00 | 20.00 | 10-363 | BL WWTF LAB |
| | | | Check Total.....: | 1092.40 | .00 | 1092.40 | | |
| 017595 | 02/24/10 | AEC01 | AECOM USA INC | 9551.25 | .00 | 9551.25 | 7071101 | SOUTHLAND WWTF UPGRADE |
| | | | | 101.25 | .00 | 101.25 | 7071117 | GROUNDWATER MONITORING PL |
| | | | | 33909.57 | .00 | 33909.57 | 7071801 | WIP DESIGN |
| | | | | 540.00 | .00 | 540.00 | 7071929 | PCI TRACT 2855 |
| | | | Check Total.....: | 44102.07 | .00 | 44102.07 | | |
| 017596 | 02/24/10 | AME03 | AMERI PRIDE | 103.03 | .00 | 103.03 | 2085 | UNIFORMS ETC |
| | | | | 252.17 | .00 | 252.17 | 1051007 | UNIFORMS ETC |
| | | | Check Total.....: | 355.20 | .00 | 355.20 | | |
| 017597 | 02/24/10 | ATT01 | AT&T/MCI | 185.32 | .00 | 185.32 | 1154283 | PHONE |
| 017598 | 02/24/10 | BRE02 | BRENNTAG PACIFIC INC. | 715.77 | .00 | 715.77 | 969048 | CHLORINE |
| 017599 | 02/24/10 | CAL03 | CALIFORNIA ELECTRIC SUPPL | 4559.10 | .00 | 4559.10 | 799193 | EUREKA WIRE |
| | | | | 2021.57 | .00 | 2021.57 | 799308 | EUREKA TRANSFER SWITCH |
| | | | Check Total.....: | 6580.67 | .00 | 6580.67 | | |

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS FEBRUARY 19, 2010**

**AGENDA ITEM
D-1
FEBRUARY 24, 2010
PAGE TWO**

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information- Description |
|--------------|------------|---------------|---------------------------|---|---|---|--|--|
| 017600 | 02/24/10 | CAN02 | CANNON ASSOCIATES | 721.94 940.00 55.00 330.00 1942.50 1050.00 | .00 .00 .00 .00 .00 .00 | 721.94 940.00 55.00 330.00 1942.50 1050.00 | 47864 47985 47987 47988 47989 47990 | MISTY GLEN INTERTIE SCADA MISTY GLEN INTERTIE SCADA SCADA MAINT SCADA SYSTEM OLYM & KNOLL SCADA MAINT - LIGHTNING SCADA MAINT |
| | | | Check Total.....: | 5039.44 | .00 | 5039.44 | | |
| 017601 | 02/24/10 | CLA02 | CLAY'S SEPTIC & JETTING | 930.00 | .00 | 930.00 | 39695 | TEFFT LFT STN PUMP |
| 017602 | 02/24/10 | CLE06 | CLEVER DUCKS | 279.00 | .00 | 279.00 | 9480 | COMPUTER SUPPORT |
| 017603 | 02/24/10 | CSD02 | CALIFORNIA SPECIALTY DIST | 582.31 382.79 | .00 .00 | 582.31 382.79 | 159175 159315 | PUMP FOR SUNDALE WELL PUMP FOR SUNDALE WELL |
| | | | Check Total.....: | 965.10 | .00 | 965.10 | | |
| 017604 | 02/24/10 | DES01 | DESIGN PROS | 31.19 | .00 | 31.19 | 409 | BUSINESS CARDS |
| 017605 | 02/24/10 | DFK01 | DFK SOLUTIONS GROUP, LLC | 350.00 | .00 | 350.00 | 1068 | SAFETY SUBSCRIPTION FEE |
| 017606 | 02/24/10 | EBY01 | EBY, ED | 100.00 | .00 | 100.00 | 022410 | REG BD MEETING 022410 |
| 017607 | 02/24/10 | FAR01 | FARM SUPPLY COMPANY | 295.42 18.22 | .00 .00 | 295.42 18.22 | 215116 225113 | SUPPLIES SUPPLIES |
| | | | Check Total.....: | 313.64 | .00 | 313.64 | | |
| 017608 | 02/24/10 | FGL01 | FGL ENVIRONMENTAL | 425.00 333.00 24.00 56.00 333.00 81.00 710.00 | .00 .00 .00 .00 .00 .00 .00 | 425.00 333.00 24.00 56.00 333.00 81.00 710.00 | 391A 625A 840A 841A 842A 1083A 1546A | TOWN WWTF LAB TOWN WWTF LAB WATER SAMPLES BL WWTF LAB TOWN WWTF LAB BL WWTF LAB WELL TESTS |
| | | | Check Total.....: | 1962.00 | .00 | 1962.00 | | |
| 017609 | 02/24/10 | FUG01 | FUGRO WEST, INC. | 6546.25 | .00 | 6546.25 | 3596.5.13 | SOUTHLAND EXPANSION |
| 017610 | 02/24/10 | GRO01 | GROENIGER & CO | 2474.25 | .00 | 2474.25 | 11012590 | SUPPLIES |
| 017611 | 02/24/10 | HAM02 | HAMNER JEWELL & ASSOCIATE | 640.00 | .00 | 640.00 | 4776 | PROPERTY ACQUISITION |
| 017612 | 02/24/10 | HAR02 | HARRISON, JAMES | 100.00 | .00 | 100.00 | 022410 | REG BD MEETING 022410 |
| 017613 | 02/24/10 | HAY01 | HAYES ADVANCED DESIGN | 650.00 | .00 | 650.00 | 501978 | PAVE MARY & JUNIPER |
| 017614 | 02/24/10 | LEE02 | LEE CENTRAL COAST NEWSPAP | 1908.61 1908.61 | .00 .00 | 1908.61 1908.61 | 292187+ 240105968 | ADVERTISE LAWN REPLACEMENT TURF REPLACEMENT ADS |
| | | | Check Total.....: | 3817.22 | .00 | 3817.22 | | |
| 017615 | 02/24/10 | LIN02 | LINC DELIVERY | 209.00 | .00 | 209.00 | 50613+ | DELIVERY TO LAB |
| 017616 | 02/24/10 | MIN02 | MINER'S ACE HARDWARE | 345.66 | .00 | 345.66 | 602223+ | SUPPLIES |
| 017617 | 02/24/10 | MOR02 | MORE OFFICE SOLUTIONS | 133.86 | .00 | 133.86 | 536858 | COPIER MAINT |
| 017618 | 02/24/10 | NEL01 | NELSON, WILLIAM J | 100.00 | .00 | 100.00 | 022410 | REG BD MEETING 022410 |
| 017619 | 02/24/10 | OFF01 | OFFICE DEPOT | 31.13 45.41 | .00 .00 | 31.13 45.41 | 509038189 509045861 | SUPPLIES SUPPLIES |
| | | | Check Total.....: | 76.54 | .00 | 76.54 | | |
| 017620 | 02/24/10 | ONE01 | 1-800-CONFERENCE | 380.51 | .00 | 380.51 | 012110+ | CONFERENCE CALLS |
| 017621 | 02/24/10 | PER08 | PERIMETER SECURITY SYSTEM | 135.83 | .00 | 135.83 | 360225 | SECURITY SYSTEM SERVICE |
| 017622 | 02/24/10 | QUI03 | QUINN RENTAL SERVICES | 1302.13 709.02 | .00 .00 | 1302.13 709.02 | 4410 1217759 | REPAIR RENTAL |
| | | | Check Total.....: | 2011.15 | .00 | 2011.15 | | |
| 017623 | 02/24/10 | RAB01 | RABOBANK | 66.44 36.04 15.34 | .00 .00 .00 | 66.44 36.04 15.34 | 021910A 021910B 021910C | POSTAGE BD MEETING SUPPLIES OFFICE SUPPLIES |
| | | | Check Total.....: | 117.82 | .00 | 117.82 | | |
| 017624 | 02/24/10 | RIC01 | RICHARDS, WATSON, GERSON | 6604.21 | .00 | 6604.21 | 169876 | WATER RIGHTS ADJUDICATION |
| 017625 | 02/24/10 | ROX01 | ROXSAND | 247.03 | .00 | 247.03 | 13252 | CLASS II BASE |
| 017626 | 02/24/10 | SAI01 | SAIC | 362.00 | .00 | 362.00 | 697781 | CONSULTING |

**NIPOMO COMMUNITY SERVICES DISTRICT
WARRANTS FEBRUARY 19, 2010**

**AGENDA ITEM
D-1
FEBRUARY 24, 2010
PAGE THREE**

| Check Number | Check Date | Vendor Number | Vendor Name | Gross Amount | Discount Amount | Net Amount | -----Payment Information----- Invoice # | Description |
|--------------|------------|---------------|--------------------------|--------------|-----------------|------------|--|---------------------------|
| 017626 | 02/24/10 | SAI01 | SAIC | 8241.00 | .00 | 8241.00 | 701666 | NMMA TG |
| | | | Check Total.....: | 8603.00 | .00 | 8603.00 | | |
| 017627 | 02/24/10 | SAN01 | SANTA MARIA TIRE INC | 881.25 | .00 | 881.25 | 455929 | 2003 FORD MAINT |
| 017628 | 02/24/10 | SAN09 | SAN LUIS MAILING SERVICE | 46.87 | .00 | 46.87 | 209212 L | MAILING LATE NOTICES |
| | | | | 200.20 | .00 | 200.20 | 209212 P | POSTAGE FOR LATE NOTICES |
| | | | | 129.69 | .00 | 129.69 | 209213 L | MAILING BILLS |
| | | | | 657.43 | .00 | 657.43 | 209213 P | POSTAGE FOR BILLS |
| | | | Check Total.....: | 1034.19 | .00 | 1034.19 | | |
| 017629 | 02/24/10 | STR03 | STRADLING YOCCA CARLSON | 1750.00 | .00 | 1750.00 | 24546-2 | ANNUAL DISLOSURE REPORT F |
| 017630 | 02/24/10 | TAF01 | TAFT ELECTRIC | 203.72 | .00 | 203.72 | 30617A | VIA CONCHA MAINT |
| | | | | 339.01 | .00 | 339.01 | 30617B | EMER CALL TPT LPT STN |
| | | | Check Total.....: | 542.73 | .00 | 542.73 | | |
| 017631 | 02/24/10 | USA01 | USA BLUEBOOK | 40.33 | .00 | 40.33 | 943120 | SUPPLIES |
| | | | | 132.25 | .00 | 132.25 | 978255 | EUREKA SUPPLIES |
| | | | | 746.87 | .00 | 746.87 | 979769 | EUREKA SUPPLIES |
| | | | Check Total.....: | 919.45 | .00 | 919.45 | | |
| 017632 | 02/24/10 | VIE01 | VIERHEILIG, LARRY | 100.00 | .00 | 100.00 | 022410 | REG BD MEETING 022410 |
| 017633 | 02/24/10 | WAL01 | WALLACE GROUP | 147.00 | .00 | 147.00 | 29299 | LIFT STATION EASEMENT |
| | | | | 928.00 | .00 | 928.00 | 29332 | PARK |
| | | | | 2277.18 | .00 | 2277.18 | 29333 | INTERTIE ASSESSMENT DISTR |
| | | | | 2610.00 | .00 | 2610.00 | 29337 | GIS DATA MAINT |
| | | | Check Total.....: | 5962.18 | .00 | 5962.18 | | |
| 017634 | 02/24/10 | WIN01 | WINN, MICHAEL | 100.00 | .00 | 100.00 | 022410 | REG BD MEETING 022410 |
| 017635 | 02/24/10 | WSC01 | WSC | 6886.13 | .00 | 6886.13 | 0084 | URBAN WATER MGMT PLAN UPD |

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 - Years of Service 1965 - 2010

D2

DRAFT MINUTES

FEBRUARY 10, 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 February 10, 2010 Regular Meeting of the Board of Directors of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all directors were present.

00:00:41

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER BRIAN HASCALL

Update re: South County Law Enforcement Activities

Commander Hascall was unable to attend this meeting and will give his report at the next month's meeting.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher gave an update of the CalFire activities on the Nipomo Mesa and reviewed the written activity report provided to the Board and public.

In December 2009, Nipomo Station #20 had a total of 111 calls: 5 fire calls, 6 vehicle accidents, 64 medical aids, and 23 other calls.

Mesa Station #22 had a total of 55 calls: 3 fire calls, 3 vehicle accidents, 28 medical aids, and 21 other calls.

He reported that the firefighters trained on vehicle extrication and CPR.

There will be ICS training February 19, 26. and March 5. NCSO is invited to attend.

The Nipomo Chipping Program will continue in the Nipomo area this spring.

The Board thanked Battalion Chief Fisher for the report.

C-3) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Mike Nunley, AECOM Engineering Project Manager, reviewed the Southland Wastewater Treatment Plant Upgrade report presented in the Board packet. Mr. Nunley answered questions from the Board. The next Southland Wastewater Treatment Plant Upgrade Committee Meeting will be March 8th.

The Board thanked Mr. Nunley for the report.

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewWipTax.com

- C-4) NCSO DISTRICT ENGINEER PETER SEVCIK
 Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the District activities for January 2010. He answered questions from the Board. The Board thanked Mr. Sevcik for his report.

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

Director Vierheilig

02-13-10, Sat. 9:00 a.m.-12:00 p.m. - Nipomo Native Garden Work Day
 02-19-10, Fri. 6:00 p.m. - CSDA SLO County Chapter meeting at Blacklake

Director Eby

LAFCO issued a public review draft of "NCSO Sphere of Influence and Municipal Services Review". LAFCO is looking at the fact that there has been increased agriculture activity between the NCSO Southland Wastewater Treatment Facility and the Maria Vista Estates.

Director Winn

He attended the Land Use Law & Planning Conference at UCLA January 29, 2010. A copy of the booklet provided is in the office for Board review, if desired. More information will be provided to Directors shortly.

The Board of Supervisors Candidates' Forum was held Saturday, Feb. 6. Misinformation about the District was given the public by a candidate and needs factual correction.

02-09-10 – The Board of Supervisors discussed Huasna Oil Exploration Project.

Final consideration of the Conservation Open Space Element. Supervisor Mecham has announced dates when chapters will be discussed. The chapter on water will be held Tuesday, April 6, 2010. The document is available, so the District has time to look it over and make comments.

Mr. Winn will be unavailable Friday, Feb 12.

02-15-10, Monday, SCAC nominations for members.

02-19-10, CSDA Annual County Chapter meeting.

02-22-10, Monday, Outreach Committee Meeting at 2:00 p.m.

Telegram Tribune had an article about Willow Road Project. It stated that NCSO will be helping with some of the funding. It needs to be clear that NCSO is only funding a section of the District pipeline there and not County roads.

Director Harrison

There will be new board member training held in Templeton, Feb. 18th & 19th.

Ethics training is due this year.

May 11 & 12, Special District Legislative Days in Sacramento

02-11-10, Planning Commission Meeting - agriculture clusters to be discussed.

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

Bill Kengel, local developer, handed the Board a document containing a letter from Mr. Kengel to Vicki Janssen in Supervisor Achadjian's office and an article from the Global Research website. Mr. Kengel asked the District Board to review the article. A copy of the handout is available for viewing in the District office.

00:41:03

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of January 27, 2010

D-3) CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN MARCH

D-4) APPROVE REPLACEMENT OF SECOND GRINDER CARTRIDGE AT SOUTHLAND
WASTEWATER TREATMENT FACILITY

Director Winn asked to pull Item D-3 for separate consideration.

Director Vierheilg suggested a minor correction in the proposed resolution for Item D-4.

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

RESOLUTION NO. 2010-1176
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

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

D-3) CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN MARCH

The Board discussed the schedule for Board meetings in March 2010. After some discussion, Director Eby made a motion to accept staff recommendation to hold the March 24th meeting as scheduled. Director Vierheilg seconded the motion. Vote 4-1, with Director Winn voting no.

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

E. ADMINISTRATIVE ITEMS

00:49:40

E-1) LETTER IN SUPPORT OF DANA ADOBE

Dr. Herb Kandel explained some processes being taken for the application of a grant to obtain property for a proposed park area near the Dana Adobe. He gave some documents to the Board relating to the project. He had previously asked the Board for a letter supporting the efforts of the Dana Adobe Nipomo Amigos for the Statewide Park Development and Community Revitalization Program 2008 Grant Application. Dr. Kandel showed concept pictures to the Board and answered questions from the Board.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved a version of the support letter with some changes made by the Board. A copy of the draft letter and the handouts from Dr. Kandel are available for viewing on the District's website. There was no public comment. Vote 5-0.

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

01:13:48

E-2) BY-LAWS REVIEW

Jon Seitz, District Legal Counsel, reviewed the existing Board By-Laws. The Board discussed the by-laws and made suggestions for changes. Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed upon the changes. There was no public present to comment. A resolution approving the amended by-laws will be brought to the next meeting for adoption. Vote 5-0.

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

01:55:43

E-3) APPOINT DELEGATE TO NIPOMO MESA MANAGEMENT AREA TECHNICAL GROUP

Jon Seitz, District Legal Counsel, stated that the District, as a stipulating party in the groundwater adjudication, may attend the Nipomo Mesa Management Area Technical Group meetings. The Board discussed appointing a delegate or regular attendee from the Board. Upon nomination and motion by Director Harrison and seconded by Director Winn, the Board unanimously agreed to appoint Director Eby as a regular attendee to the Nipomo Mesa Management Area Technical Group regular meetings. Vote 5-0.

02:04:04

F. MANAGER'S REPORT

Lisa Bognuda, Acting General Manager, stated that the Report is as presented. The District received information from Mr. Regan Williams of the Bob Murray Associates that there have been 29 applicants to date for the General Manager position. There was no public comment.

02:05:47

G. COMMITTEE REPORT

December 07, 2009 Infrastructure Committee Minutes
December 18, 2009 Water Conservation Committee Minutes
January 25, 2010 WIP Committee Minutes

The minutes to the various meetings were received and accepted to file. There was no public comment.

The Board considered Closed Session next.

02:06:29

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be heard in Closed Session:

1. CONFERENCE WITH LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; LORI FOSTER CLAIM AGAINST NCSD
2. CONFERENCE WITH LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; M. SCOTT GILLESPIE CLAIM AGAINST NCSD
3. 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).

I. CLOSED SESSION ANNOUNCEMENTS (CONTINUED)

- 4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (1 CASE)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:08 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board returned to Open Session at 12:00 p.m. and gave direction to staff on Item 1 & 2. Jon Seitz, District Legal Counsel, announced that the Board heard an update on Item 3 above. There was no reportable action taken. Items 4 & 5 above were not heard.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There was no direction to staff.

ADJOURN

President Harrison adjourned the meeting at 12:03 p.m.

➤ Next Regular Board Meeting is February 24, 2010

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
DATE: FEBRUARY 19, 2010



ADOPT BOARD BY-LAWS

ITEM

Adopt Resolution amending Board By-Laws [RECOMMEND APPROVAL]

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.

The Board of Directors reviewed the By-Laws on February 10, 2010 and directed Staff to prepare the proposed edits.

RECOMMENDATION

Staff recommends that your Honorable Board adopt the Resolution.

ATTACHMENT

- RESOLUTION AND EXHIBIT "A" -2010 BOARD BY-LAWS

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2010-
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BY-LAWS (2010 UPDATE)**

WHEREAS, the Board of Directors of Nipomo Community Services District (District) is committed to providing excellence in legislative leadership; and

WHEREAS, the Board By-Laws shall be reviewed annually at the first regular meeting in February and the review shall be provided by District Counsel and ratified by Board action; and

WHEREAS, Government Code §61054 provides that the Board of Directors shall adopt rules or bylaws for its proceedings; and

WHEREAS, on February 10, 2010, the District Board of Directors did review the District's previously adopted Board By-Laws and instructed Staff to return with a revised version for Board adoption; and

WHEREAS, on February 24, 2010, the District conducted a public hearing and considered public comment regarding the adoption of the revised Board By-laws (2010 update).

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

1. The Nipomo Community Services District Board of Directors By-Laws (2010 update) attached hereto as Exhibit "A" are hereby approved and adopted.
2. All prior Director By-Laws, Resolutions and Policies of the District that are inconsistent with the Board of Director By-Laws (2010 update) attached hereto as Exhibit "A" are hereby repealed.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this 24th day of February, 2010.

JAMES HARRISON,
President of the Board of Directors

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

T:\BOARD MATTERS\RESOLUTIONS\RESOLUTIONS 2010\2010 BYLAWS.DOC

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2010 UPDATE
BY-LAWS
(ATTACHMENT "A" TO RESOLUTION 2010-XX)

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)~~ of these by-laws.

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
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(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

NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTOR BY-LAWS
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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.

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- 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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- 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.

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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 NCSB 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.