

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
INTERIM GENERAL MANAGER
DATE: JANUARY 7, 2011



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) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES OF DECEMBER 15, 2010 [RECOMMEND APPROVAL]
- D-3) CONFIRM BOARD MEETING SCHEDULE FOR 2011 [RECOMMEND APPROVAL]
- D-4) ADOPT RESOLUTION EXPENDING \$505,155.00 IN SOLID WASTE FUNDS TO ABATE SOLID WASTE ENTERING DISTRICT SEWER TREATMENT FACILITIES [RECOMMEND APPROVAL]
- D-5) CONSIDER PURCHASE OF WATERLINE INTERTIE EASEMENT ON APN 118-002-095 FOR \$500.00 [RECOMMEND APPROVAL]
- D-6) RECEIVE ADMINISTRATIVE DRAFT EIR, SOUTHLAND WWTP UPGRADE, SET DATE FOR DISTRICT COMMENTS [RECEIVE REPORT]
- D-7) ADOPT RESOLUTION COMMENDING FORMER DIRECTOR BILL NELSON, FOR PRESENTATION AT SUBSEQUENT MEETING

TO: BOARD OF DIRECTORS
 FROM: MICHAEL LEBRUN
 INTERIM GENERAL MANAGER
 DATE: JANUARY 7, 2011

**AGENDA ITEM
 D-1
 JANUARY 12, 2011**

**TOTAL COMPUTER
 CHECKS
 \$290,599.42**

HAND WRITTEN CHECKS

12-15-10 20191 SAN LUIS MAILING

MAIL BILLS AND POSTAGE

\$788.81

VOID-NONE

COMPUTER GENERATED CHECKS

18888	12/24/10	EMP01	EMPLOYMENT DEVELOP DEPT	B01221	12/21/10	STATE INCOME TAX	12-10	1174.99	1174.99
18889	12/24/10	FRA01	FRANCHISE TAX BOARD	B01221	12/21/10	WITHHOLDING ORDER	12-10	125.00	125.00
18890	12/24/10	MID01	RABOBANK-PAYROLL TAX DEPOS	B01221	12/21/10	FEDERAL INCOME TAX	12-10	3106.81	
18890	12/24/10	MID01	RABOBANK-PAYROLL TAX DEPOS	1B01221	12/21/10	FICA	12-10	348.16	
18890	12/24/10	MID01	RABOBANK-PAYROLL TAX DEPOS	2B01221	12/21/10	MEDICARE (FICA)	12-10	964.02	4418.99
18891	12/24/10	MID02	RABOBANK-DIRECT DEPOSIT	B01221	12/21/10	NET PAY	12-10	26742.35	26742.35
18892	12/24/10	PER01	PERS RETIREMENT	B01221	12/21/10	PERS PAYROLL REMITTANCE	12-10	7421.45	7421.45
18893	12/24/10	STA01	ING-PERS 457 DEFERRED COMP	B01221	12/21/10	457 DEFERRED COMP	12-10	1425.00	1425.00
18894	01/07/11	EMP01	EMPLOYMENT DEVELOP DEPT		1288.74	.00	1288.74	B10104	STATE INCOME TAX
18895	01/07/11	FRA01	FRANCHISE TAX BOARD		125.00	.00	125.00	B10104	WITHHOLDING ORDER
18896	01/07/11	MID01	RABOBANK-PAYROLL TAX DEPO		3886.43	.00	3886.43	B10104	FEDERAL INCOME TAX
					584.00	.00	584.00	1B10104	FICA
					1031.44	.00	1031.44	2B10104	MEDICARE (FICA)
			Check Total.....:		5501.87	.00	5501.87		
18897	01/07/11	MID02	RABOBANK-DIRECT DEPOSIT		27777.80	.00	27777.80	B10104	NET PAY
18898	01/07/11	PER01	PERS RETIREMENT		7421.45	.00	7421.45	B10104	PERS PAYROLL REMITTANCE
18899	01/07/11	STA01	ING-PERS 457 DEFERRED COM		1725.00	.00	1725.00	B10104	457 DEFERRED COMP
018900	01/12/11	ABA01	ABALONE COAST BACTERIOLOG		105.00	.00	105.00	10-4699	LAB TEST-SOUTHLAND WWTP
					147.00	.00	147.00	10-4700	LAB TEST-SOUTHLAND WWTP
					176.00	.00	176.00	10-4865	LAB TEST-SOUTHLAND WWTP
					124.00	.00	124.00	10-4866	LAB TEST-BL WWTP
					20.00	.00	20.00	10-4867	LAB TEST-BL WWTP
					823.00	.00	823.00	10-4868	LAB TEST-SOUTHLAND WWTP
					105.00	.00	105.00	10-4869	LAB TEST-SOUTHLAND WWTP
					147.00	.00	147.00	10-4870	LAB TEST-SOUTHLAND WWTP
					20.00	.00	20.00	10-4899	LAB TEST-BL WWTP
					20.00	.00	20.00	10-4918	LAB TEST-BL WWTP
					20.00	.00	20.00	10-4950	LAB TEST-BL WWTP
					175.00	.00	175.00	10-4978	LAB TEST-WATER SAMPLES
					20.00	.00	20.00	10-4979	LAB TEST-BL WWTP
					147.00	.00	147.00	10-5005	LAB TEST-SOUTHLAND WWTP
					105.00	.00	105.00	10-5006	LAB TEST-SOUTHLAND WWTP
					176.00	.00	176.00	10-5007	LAB TEST-SOUTHLAND WWTP
					124.00	.00	124.00	10-5008	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5009	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5040	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5054	LAB TEST-BL WWTP
					175.00	.00	175.00	10-5091	LAB TEST-WATER SAMPLES
					20.00	.00	20.00	10-5092	LAB TEST-BL WWTP
					147.00	.00	147.00	10-5116	LAB TEST-SOUTHLAND WWTP
					176.00	.00	176.00	10-5117	LAB TEST-SOUTHLAND WWTP
					124.00	.00	124.00	10-5118	LAB TEST-BL WWTP
					105.00	.00	105.00	10-5119	LAB TEST-SOUTHLAND WWTP
					20.00	.00	20.00	10-5120	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5146	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5157	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5169	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5172	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5179	LAB TEST-BL WWTP
					175.00	.00	175.00	10-5200	LAB TEST-WATER SAMPLES
					20.00	.00	20.00	10-5203	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5222	LAB TEST-BL WWTP
					124.00	.00	124.00	10-5223	LAB TEST-BL WWTP
					176.00	.00	176.00	10-5224	LAB TEST-SOUTHLAND WWTP
					147.00	.00	147.00	10-5225	LAB TEST-SOUTHLAND WWTP
					20.00	.00	20.00	10-5254	LAB TEST-BL WWTP
					20.00	.00	20.00	10-5264	LAB TEST-BL WWTP
					20.00	.00	20.00	11-0028	LAB TEST-BL WWTP
			Check Total.....:		4103.00	.00	4103.00		
018901	01/12/11	ADV01	ADVANTAGE ANSWERING PLUS		149.05	.00	149.05	2252010	ANSWERING SERVICE-DECEMBE
018902	01/12/11	AEC01	AECOM USA INC		10606.95	.00	10606.95	37071051	SOUTHLAND WWTF UPGRADE

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018903	01/12/11	ALX01	ALEXANDER'S CONTRACT SERV	3247.00	.00	3247.00	JAN 2011	METER READING-JANUARY
018904	01/12/11	AME03	AMERI PRIDE	109.94	.00	109.94	251900	UNIFORMS
				132.65	.00	132.65	257769	UNIFORMS
				120.11	.00	120.11	263209	UNIFORMS
			Check Total.....:	362.70	.00	362.70		
018905	01/12/11	AQU01	AQUA-METRIC SALES CO.	4179.79	.00	4179.79	35682	REPLACEMENT METERS
018906	01/12/11	ATT01	AT&T/MCI	185.28	.00	185.28	1816554	TELEPHONE
				148.30	.00	148.30	1851958	TELEPHONE
				23.57	.00	23.57	1852209	TELEPHONE
				119.40	.00	119.40	1852279	TELEPHONE
			Check Total.....:	476.55	.00	476.55		
018907	01/12/11	AWW01	AWWA BOOKSTORE	413.00	.00	413.00	B01217	MEMBERSHIP DUES
018908	01/12/11	BLU02	BLUE SHIELD OF CALIFORNIA	978.89	.00	978.89	JAN 2011	COBRA SUBSIDY-JANUARY
018909	01/12/11	BOB01	BOB'S RUBBER STAMPS	11.42	.00	11.42	35053	NAME PLATE
018910	01/12/11	BRE02	BRENNTAG PACIFIC INC.	429.85	.00	429.85	BPI056149	SODIUM HYPOCHLORITE
				666.55	.00	666.55	BPI056150	SODIUM HYPOCHLORITE
				560.00	.00	560.00	BPI060955	SODIUM HYPOCHLORITE
				541.80	.00	541.80	BPI060956	SODIUM HYPOCHLORITE
			Check Total.....:	2198.20	.00	2198.20		
018911	01/12/11	CAL16	CALPERS	655.20	.00	655.20	59-2934	SURVIVOR BENEFIT
018912	01/12/11	CAN02	CANNON ASSOCIATES	1218.75	.00	1218.75	49769	SOUTHLAND WWTP PEER REVIE
				24028.70	.00	24028.70	49850	WILLOW ROAD PHASE 1
				56.13	.00	56.13	49883	SCADA REPAIR
				350.00	.00	350.00	49893	QUAD TANK SITING
				2072.50	.00	2072.50	49903	WILLOW ROAD PHASE 2
			Check Total.....:	27726.08	.00	27726.08		
018913	01/12/11	CLE06	CNSLO INC	2041.00	.00	2041.00	DEC 2010	MONTHLY COMPUTER SUPPORT
018914	01/12/11	COA01	COASTLINE EQUIPMENT	98.65	.00	98.65	13066	PARTS
018915	01/12/11	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B012151	MONTHLY SOFTWARE SUPPORT
018916	01/12/11	CRO03	CROSNO CONSTRUCTION INC	19397.92	.00	19397.92	7	TANK REHAB RETENTION PAYM
018917	01/12/11	CRY01	CRYSTAL SPRINGS	22.35	.00	22.35	DEC 2010	LAB-DISTILLED WATER
018918	01/12/11	CSD02	CALIFORNIA SPECIALTY DIST	134.17	.00	134.17	163333	OPERATING SUPPLIES
018919	01/12/11	DIS02	DISCRETE WIRELESS	308.50	.00	308.50	0701853	GPS MONITORING
018920	01/12/11	DKF01	DKF SOLUTIONS GROUP, LLC	350.00	.00	350.00	1202	SAFETY SUBSCRIPTION
018921	01/12/11	DWI01	DWIGHT'S AUTOMOTIVE	52.00	.00	52.00	49507	SMOG TEST
018922	01/12/11	EBY01	EBY, ED	100.00	.00	100.00	011211	BOARD MEETING 1-12-11
018923	01/12/11	ELE02	ELEMENTS	25.00	.00	25.00	208826	DOMAIN REGISTRATION
				1140.00	.00	1140.00	209022	WEB HOSTING
			Check Total.....:	1165.00	.00	1165.00		
018924	01/12/11	FAR01	FARM SUPPLY COMPANY	337.70	.00	337.70	DEC 2010	OPERATING SUPPLIES
018925	01/12/11	FAR02	FAR WEST EXPRESS	23.00	.00	23.00	DEC 2010	DELIVERY
018926	01/12/11	FER01	FERGUSON ENTERPRISES INC	-101.48	.00	-101.48	6436137C	CREDIT
				892.54	.00	892.54	66105582	OPERATING SUPPLIES
			Check Total.....:	791.06	.00	791.06		
018927	01/12/11	FIS01	FISHER PUMP SERVICE	190.00	.00	190.00	1640	VIA CONCHA WELL
018928	01/12/11	GAD01	GADDIS, DAN A.	100.00	.00	100.00	011211	BOARD MEETING 1-12-11
018929	01/12/11	GER01	GERMAN, SCOTT	120.00	.00	120.00	B01217	BOOT REIMBURSEMENT
018930	01/12/11	GIL01	GLM, INC.	320.00	.00	320.00	DEC 2010	LANDSCAPE SERVICE-DEC
018931	01/12/11	GOL01	GOLDEN STATE MAILING	34.56	.00	34.56	30112	OFFICE SUPPLIES

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018932	01/12/11	GWA01	GWA INC	85.00	.00	85.00	JAN 2011A	SHOP/LAB MONITORING
				53.00	.00	53.00	JAN 2011B	OFFICE MONTIROING
				85.00	.00	85.00	JAN 2011C	UTILITY OFFICE MONITORING
			Check Total.....:	223.00	.00	223.00		
018933	01/12/11	HAM02	HAMNER JEWELL & ASSOCIATE	1492.11	.00	1492.11	5092	WATERLINE INTERTIE PROJEC
018934	01/12/11	HAR02	HARRISON, JAMES	100.00	.00	100.00	011211	BOARD MEETING 1-12-11
018935	01/12/11	HOM01	HOME MOTORS	66.32	.00	66.32	282673	VEHCILE REPAIR
018936	01/12/11	HUG01	HUGHES, AARON	57.50	.00	57.50	B01217	BOOT REIMBURSEMENT
018937	01/12/11	KAM01	KAMAN INDUSTRIAL TECH	49.86	.00	49.86	J549157	OPERATING SUPPLIES
				54.83	.00	54.83	K793425	OPERATING SUPPLIES
				48.28	.00	48.28	L279410	OPERAINT SUPPLIES
			Check Total.....:	152.97	.00	152.97		
018938	01/12/11	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	50968	LANDSCAPE MAINT DISTRICT
018939	01/12/11	LEB01	LeBRUN, MICHAEL	270.00	.00	270.00	B10105	REIMBURSEMENT-CARPET/TILE
018940	01/12/11	LEE02	LEE CENTRAL COAST NEWSPAP	1686.48	.00	1686.48	1064823	CONSERVATION ADVERTISING
018941	01/12/11	LIN02	LINC DELIVERY	209.00	.00	209.00	NOV 2010	DELIVERY
018942	01/12/11	MAA01	MAACO REPAIR & AUTO	673.30	.00	673.30	12642	FORD RANGER REPAIR
018943	01/12/11	MAI02	MAINLINE UTILITY COMPANY	750.00	.00	750.00	4463	VIDEO SEWER INSPECTION
				500.00	.00	500.00	4464	SEWER INSPECTION-ROOSEVEL
			Check Total.....:	1250.00	.00	1250.00		
018944	01/12/11	MCG01	MCGRAW HILL CONSTRUCTION	199.00	.00	199.00	B10105	SBUSCRIPTION RENEWAL
018945	01/12/11	MIN02	MINER'S ACE HARDWARE	246.87	.00	246.87	DEC 2010	OPERATING SUPPLIES
018946	01/12/11	MNS01	MNS ENGINEERS INC	2415.00	.00	2415.00	60364	SOUTHLAND WWTP DESIGN REV
018947	01/12/11	MOR02	MORE OFFICE SOLUTIONS	48.89	.00	48.89	12961	COPIER MAINTENANCE
018948	01/12/11	NEX01	NEXTEL COMMUNICATIONS	960.33	.00	960.33	87314-109	CELL SERVICE
018949	01/12/11	NIC01	NICKSON'S MACHINE SHOP	85.00	.00	85.00	79455	JUNIPER L/S
018950	01/12/11	NIP05	NIPOMO CHAMBER OF COMMERC	90.00	.00	90.00	B10106	MEMBERSHIP DUES
018951	01/12/11	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	82269	PEST CONTROL
				49.00	.00	49.00	82270	PEST CONTROL
			Check Total.....:	314.00	.00	314.00		
018952	01/12/11	OFF01	OFFICE DEPOT	4.96	.00	4.96	4363001	OFFICE SUPPLIES
				90.51	.00	90.51	9081001	OFFICE SUPPLIES
				132.95	.00	132.95	9178001	OFFICE SUPPLIES
				73.87	.00	73.87	9889001	OFFICE SUPPLIES
			Check Total.....:	302.29	.00	302.29		
018953	01/12/11	ONE01	1-800-CONFERENCE	241.43	.00	241.43	724561	TELECONFERENCE
018954	01/12/11	PEO01	PEOPLESCHOICE HEATING & A	74.00	.00	74.00	4219	HEATER FILTERS
018955	01/12/11	PGE01	P G & E	42794.55	.00	42794.55	DEC 2010	ELECTRICITY
018956	01/12/11	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	207	JANITORIAL-DECEMBER
018957	01/12/11	PWS01	PROTECTIVE WEATHER STRUCT	8663.00	.00	8663.00	2010B	STORAGE BLDG RETENTION PA
018958	01/12/11	RAB01	RABOBANK	75.00	.00	75.00	B10105	SAFE DEPOSIT BOX RENTAL
018959	01/12/11	RAB02	RABOBANK PETTY CASH	131.79	.00	131.79	B10105	OPERATING SUPPLIES
018960	01/12/11	RBA01	R BAKER, INC	18225.00	.00	18225.00	5005	METAL BLDG-DRIVEWAYS/BOLL
018961	01/12/11	RIC01	RICHARDS, WATSON, GERSHON	3610.00	.00	3610.00	175087	WATER RIGHTS ADJUDICATION
018962	01/12/11	RUS01	RUSSCO	4158.59	.00	4158.59	21418	OFFICE FURNITURE
018963	01/12/11	SLO02	DIV OF ENVIRON HEALTH	254.00	.00	254.00	72530	HAZARDOUS MATERIALS PERMI
018964	01/12/11	SLO08	SAN LUIS OBISPO COUNTY	1155.76	.00	1155.76	65	ASSESSMENT DISTRICT

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018965	01/12/11	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	3162422	TRASH SERVICE
				169.12	.00	169.12	3163813	OLD TOWN TRASH SERVICE
			Check Total.....:	204.04	.00	204.04		
018966	01/12/11	SOU03	SOUTH COUNTY SANITARY	2180.69	.00	2180.69	TAX LIENS	SOLID WASTE TAX LIENS-NOV
018967	01/12/11	SPE01	SPECIAL DISTRICT RISK	5615.00	.00	5615.00	35149	WORKERS COMP 3RD QUARTER
018968	01/12/11	SPE03	SPECIALTY CRANE & RIGGING	460.00	.00	460.00	38890	AUTO-CRANE TRAINING
018969	01/12/11	STA03	STATEWIDE SAFETY & SIGNS	368.05	.00	368.05	387	SANDBAGS
018970	01/12/11	TAF01	TAFT ELECTRIC	190.00	.00	190.00	30617X	KNOLLWOOD WELL REPAIR
				95.00	.00	95.00	30617Y	MISTY GLEN L/S REPAIR
				475.00	.00	475.00	30617Z	JUNIPER LIFT STATION REPA
			Check Total.....:	760.00	.00	760.00		
018971	01/12/11	THE01	THE GAS COMPANY	128.01	.00	128.01	DEC 2010	OFFICE HEAT
				18.23	.00	18.23	DEC 2010A	SOUTHLAND OFFICE HEAT
			Check Total.....:	146.24	.00	146.24		
018972	01/12/11	TIT01	TITAN INDUSTRIAL & SAFETY	230.03	.00	230.03	1043843	OPERATING SUPPLIES
018973	01/12/11	USA01	USA BLUEBOOK	469.01	.00	469.01	303259	OPERATING SUPPLIES
018974	01/12/11	USB01	US BANK TRUST	277.16	.00	277.16	12210	SUPPLIES
				226.19	.00	226.19	122110A	TRAINING
				482.52	.00	482.52	122210C	OPERATING SUPPLIES
			Check Total.....:	985.87	.00	985.87		
018975	01/12/11	VER01	VERIZON	38.32	.00	38.32	B10105	TELEPHONE
018976	01/12/11	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	011211	BOARD MEETING 1-12-11
018977	01/12/11	WAL01	WALLACE GROUP	18112.59	.00	18112.59	30977	WATERLINE INTERTIE A/D
				655.00	.00	655.00	31002	SOUTHLAND WWTP PEER REVIE
				1327.23	.00	1327.23	31018	FOG OUTREACH/INSPECTION
			Check Total.....:	20094.82	.00	20094.82		
018978	01/12/11	WIN01	WINN, MICHAEL	100.00	.00	100.00	011211	BOARD MEETING 1-12-11
018979	01/12/11	WIN02	WINN, MICHAEL	600.00	.00	600.00	B01216	MILEAGE REIMBURSEMENT
018980	01/12/11	\F004	FEDERAL NATL MTG ASSN,	75.06	.00	75.06	000B01201	MQ CUSTOMER REFUND FOR FE
018981	01/12/11	\W001	DJ PLUMBING,	490.90	.00	490.90	000B01201	MQ CUSTOMER REFUND FOR WR

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

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MINUTES

DECEMBER 15, 2010 AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
MICHAEL WINN, DIRECTOR
ED EBY, DIRECTOR
DAN A. GADDIS, DIRECTOR

PRINCIPAL STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASSIST. GENERAL MANAGER
MERRIE WALLRAVIN, SECRETARY/CLERK
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 rescheduled Regular Meeting of December 15, 2010, to order at 9:02 a.m. and led the flag salute.

00:00:45

B. SWEAR IN DIRECTORS AND ROLL CALL

Michael LeBrun, Interim General Manager, administered the Oath of Office for Jim Harrison, Larry Vierheilig, and Dan Gaddis. At Roll Call, all Board members were present.

00:04:30

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) INTRODUCTION OF INTERIM GENERAL MANAGER MICHAEL LEBRUN

President Harrison introduced the Interim General Manager, Michael LeBrun.

C-2) SHERIFF COMMANDER KEN CONWAY

Update re: South County Law Enforcement Activities

Commander Conway was unable to attend this meeting.

C-3) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Cal Fire Engineer Nick Gellogo gave an update in place of Battalion Chief Bill Fisher and reviewed the activity report for November 2010.

Some of the information in the report includes:

In November 2010, Nipomo Station #20 had a total of 100 calls: 10 fire calls, 9 vehicle accidents, 54 medical aids and 27 other calls.

Mesa Station #22 had a total of 56 calls: 16 fire call, 6 vehicle accidents, 22 medical aids and 12 other calls.

He reported that Nipomo -Paid Call Firefighters trained on C.P.R and medical skills.

He reported they are working on business inspections and they participated in "Hoops for Hope" a cancer fundraiser held at Nipomo High School.

The Board thanked Mr. Gellogo for his report.

C-4) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Eileen Shields, AECOM, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, and Ms. Shields answered questions from the Board. The Board thanked Ms. Shields for the report.

Nipomo Community Services District
RESCHEDULED REGULAR MEETING
MINUTES

C-5) NCSD DISTRICT ENGINEER PETER SEVCIK
Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for the report.

C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ On December 14, 2010, the Board of Supervisors approved Willow Road Project Option B, including NCSD's pipeline. They also approved the General Plan Amendment for the Jack Ready Park.
- ◇ December 20, 2010 – SCAC Land Use Committee Meeting at 6:30 p.m. here at NCSD.
- ◇ January 5, 2011 – WRAC meeting at 1:30 at the San Luis Obispo Library.
- ◇ On January 21, 2011, I will be attending the Annual Land Use and Water Planning meeting at UCLA.

Director Eby

- ◇ December 16, 2010 – LAFCO Open House from 11:30 a.m. to 1:30 p.m. at the LAFCO Office.
- ◇ Dana Adobe received a full grant for complete restoration of the Dana Adobe. The restoration should be completed by September of 2011.

C-7) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Daniel Diaz, NCSD customer, stated that he picked up the creeks and he had some concerns about drug and alcohol activities in the creek. He believes children are stealing alcohol from a local liquor store.

00:45:19

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES OF DECEMBER 1, 2010

D-3) APPROVE WAGNER & BONSIGNORE TASK ORDER BUDGETS FOR 2011 CONSULTING SERVICES AS FOLLOWS:

- TASK ORDER 100 – GENERAL CONSULTATION NOT-TO-EXCEED \$10,000
- TASK ORDER 200 – SANTA MARIA GROUNDWATER ADJUDICATION NOT-TO-EXCEED \$80,000
- TASK ORDER 300 – OSO FLACO LAKE REPLACEMENT SERVICES NOT-TO-EXCEED \$5,000

Michael LeBrun, Interim General Manager, and Peter Sevcik, District Engineer, answered questions from the Board.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously approved the items on the Consent Agenda as amended. There was no public comment.

Vote 5-0.

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

Nipomo Community Services District
RESCHEDULED REGULAR MEETING
MINUTES

E. ADMINISTRATIVE ITEMS

00:50:57

E-1) CONSIDER INTENT-TO-SERVE LETTER FOR WATER AND SEWER SERVICE FOR TRACT 2441 (38 PARCELS) ON GRANDE/BLUME

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Terry Orton, Westland Engineering Inc., Project Manager, and Mr. Sevcik answered questions from the Board. The Board made several emendations to the letter. There was no public comment.

Director Vierheilg directed staff to revisit the intent-to-serve letter on a future agenda.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board approved the Service Request as amended.

Vote 4-1.

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

The Board took a break from 10:25 a.m. to 10:38 a.m.

01:23:38

E-2) URBAN WATER MANAGEMENT PLAN UPDATE

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Mr. Sevcik for his report. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously adopted the CUWCC BMPs.

Vote 5-0.

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

01:41:06

E-3) PROPOSITION 84 GRANT APPLICATION LETTER OF INTENT TO DEVELOP MOU WITH COUNTY OF SAN LUIS OBISPO

Peter Sevcik, District Engineer, reviewed the report presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Sevcik answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Gaddis, the Board unanimously approved the letter as amended and authorized the General Manager to prepare and file all other necessary grant application documents.

Vote 5-0.

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

Nipomo Community Services District
RESCHEDULED REGULAR MEETING
MINUTES

02:02:05

E-4) NOMINATIONS FOR SPECIAL DISTRICT SEAT ON SLO COUNTY IWMA

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. There was no public comment.

The Board directed staff that there are no nominations at this time.

02:06:16

E-5) ELECTION OF 2011 BOARD PRESIDENT AND VICE PRESIDENT

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, clarified the procedure for electing President and Vice President of the Board.

Interim General Manager took nominations for the President of the Board. The nominations were as follows:

Director Winn nominated Director Harrison.
Director Harrison nominated Director Vierheilig.
There was no public comment.

Interim General Manager distributed ballots to each Board Member. The votes were read aloud as follows:

DIRECTOR	VOTE
Eby	Vierheilig
Vierheilig	Vierheilig
Gaddis	Harrison
Harrison	Harrison
Winn	Harrison

Vote 3-2. Director Harrison will continue as President of the Board.

Interim General Manager took nominations for the Vice President of the Board. The nominations were as follows:

Director Harrison nominated Director Winn.
Director Gaddis nominated Director Vierheilig.
Director Vierheilig nominated Director Gaddis.
Director Gaddis respectfully declined his nomination.
There was no public comment.

Interim General Manager distributed ballots to each Board Member. The votes were read aloud as follows:

DIRECTOR	VOTE
Gaddis	Vierheilig
Harrison	Winn
Eby	Vierheilig
Winn	Winn
Vierheilig	Vierheilig

Vote 3-2. Director Vierheilig will continue as Vice President of the Board.

President Harrison asked that the Directors let him know what committee assignments they would prefer in the new year.

02:16:29

F. GENERAL MANAGER'S REPORT

Michael LeBrun, Interim General Manager, gave a verbal report to the Board. He discussed the current status of the Waterline Intertie Project schedule and answered questions from the Board. There was no public comment.

The Board thanked Mr. LeBrun for his report.

President Harrison re-opened public comment.

02:39:50

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Ray Wells, NCSD customer, suggested we harvest rain water before it all goes out to the ocean. He had concerns about increased taxes and higher water bills. He also had concerns about how much money NCSD employees make and he thinks NCSD employees should take a voluntary 20% pay cut, to help pay for the pipeline.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be considered in Closed Session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL 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);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8
 - Property: Waterline Intertie Project easement: APN 118-002-095
 - Agency Negotiator: Lillian Jewell and Jon Seitz
 - Negotiating Parties: North Preisker Ranch Limited Partnership
 - Price and Terms of Payment

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:47:31

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:05 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 2:55 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on items one through three listed above for closed session, but took no reportable action. On item four listed above for closed session the Board authorized a payment in the amount of \$500 for the Waterline Intertie Project easement across APN 118-002-095. Vote 5-0. There was no public comment.

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

G. COMMITTEE REPORTS

Minutes from December 6, 2010 Water Conservation Committee Meeting

The report was as presented. There was no public comment.

H. DIRECTORS REQUESTS TO STAFF AND SUPPLEMENT REPORTS

Director Eby

Questioned when the Board will be discussing the assessment issue.

Director Winn

Suggested that staff stay involved in the bio-solids Ordinance update with the County.
Directed staff to update him on the District well site in the Santa Maria Riverbed.

02:54:02

ADJOURN

President Harrison adjourned the meeting at 3:00 p.m.

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *MSL*
INTERIM GENERAL MANAGER
DATE: JANUARY 7, 2011



CONFIRM 2011 BOARD MEETING SCHEDULE

ITEM

Confirm 2011 Board Meeting Schedule [RECOMMEND ADOPTION].

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...

Regular Board Meeting Schedule for 2011 (subject to change by Board Action)

Second Wednesday (1 st meeting of Month)	Fourth Wednesday (2 nd meeting of Month)
January 12	January 26
February 9	February 23
March 9	March 23
April 13	April 27
May 11	May 25
June 8	June 22
July 13	July 27
August 10	August 24
September 14	September 28
October 12	October 26
November 9	Cancelled
December 14	Cancelled

Special Meetings will be called subject to Section 2.2 of the Board By-Laws. Section 2.2 of the Board By-Laws state in part:

Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice...

All meetings will be noticed pursuant to the Brown Act.

RECOMMENDATION

Staff recommends that your Honorable Board approve the 2011 Board Meeting Schedule as presented above.

ATTACHMENTS

- None

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *MSL*
INTERIM GENERAL MANAGER
DATE: JANUARY 7, 2011



ADOPT RESOLUTION EXPENDING \$505,155 IN SOLID WASTE FUNDS TO ABATE SOLID WASTE ENTERING DISTRICT SEWER TREATMENT FACILITIES

ITEM

Adopt Resolution expending \$505,155 in Solid Waste Funds to abate solid waste entering District sewer treatment facilities [RECOMMEND APPROVAL].

BACKGROUND

The Board of Directors directed Staff to prepare a list of possible uses of the Solid Waste Fund reserves. The Finance Committee reviewed the list and made its recommendations to the full Board.

District Legal Counsel, Jon Seitz, also prepared an opinion on the use of Solid Waste Revenues (attached for reference).

On October 13, 2010, the Board of Directors approved the use of solid waste revenues for the installation of a trash rack/bar screen for the Southland Wastewater Treatment Facility and the Blacklake Wastewater Treatment Facility.

FISCAL IMPACT

Solid Waste Fund reserves of \$505,155 will be transferred to the Town Sewer Fund in the amount of \$415,155 and the Blacklake Sewer Fund in the amount of \$90,000 for the installation of trash rack/bar screens at each Treatment Facility. After the transfer, adequate reserves in excess of \$180,000 remain in the Solid Waste Fund to address contingencies and budgeted expenditures.

RECOMMENDATION

Staff recommends that your Honorable Board adopt Resolution 2011-XXX

ATTACHMENTS

- Resolution
- Legal Opinion

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2011-XXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING THE EXPENDITURE OF SOLID WASTE FUNDS
TO ABATE SOLID WASTE ENTERING
WASTEWATER TREATMENT FACILITIES**

WHEREAS, on October 13, 2010, the Nipomo Community Services District (District) Board of Directors reviewed the recommendation of the Finance Committee for the expenditure of solid waste revenues, and

WHEREAS, at the October 13, 2010 Board meeting the Board considered the staff report, staff presentation and public comment and thereon approved the Finance Committee's recommendation to:

1. Allocate \$415,155 of solid waste revenues for the installation of a trash rack/bar screen at the Southland Wastewater Treatment Facility to abate solid waste from entering the Treatment Facility; and
2. Allocate \$90,000 of solid waste revenues for the installation of a trash rack/bar screen Black Lake Wastewater Treatment Facility to abate solid waste from entering the Treatment Facility.

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

1. The above recitals and referenced staff reports are incorporated herein by this reference.
2. The transfer of \$415,155 from the solid waste fund to the Town Division Sewer Fund to be used exclusively for the purpose of the installation of a trash rack/bar screen at the Southland Wastewater Treatment Facility is hereby approved.
3. The transfer of \$90,000 from the solid waste fund to the Black Lake Sewer Fund to be used exclusively for the purpose of the installation of a trash rack/bar screen at the Black Lake Wastewater Treatment Facility is hereby approved.
4. There remains adequate revenues in the excess of \$180,000 in the Solid Waste Fund to address contingencies and budgeted expenditures.

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

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2011-XXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING THE EXPENDITURE OF SOLID WASTE FUNDS
TO ABATE SOLID WASTE ENTERING
WASTEWATER TREATMENT FACILITIES**

AYES:
NOES;
ABSENT:
CONFLICTS:

THIS RESOLUTION IS PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 12th day of January, 2011.

James Harrison, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Michael LeBrun, Interim General Manager
and Secretary to the Board

Jon S. Seitz
District Legal Counsel

JON S SEITZ
MICHAEL W SETIZ

SHIPSEY & SEITZ, INC.


A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA
(805) 543-7272 FAX (805) 543-7281
JON S SEITZ
District Legal Counsel
Nipomo Community Services District

JOHN L SEITZ
(1924-1984)

GERALD W SHIPSEY
(RETIRED)

MEMORANDUM

To: NCSD Board of Directors
From: Jon S. Seitz, District Legal Counsel
Date: September 13, 2010
Subject: Use of Solid Waste Revenues



ISSUE

Can the District use solid waste revenues to abate solid waste discharged into the sewer collection systems?

SHORT ANSWER

The discharge of solid waste into the District's collection system is a violation of the District's Solid Waste Regulations and Sewer Regulations and constitutes a nuisance. The District Board has the discretion to use either solid waste or sewer revenues, or a combination of the same, to abate the nuisance. The District should only use solid waste revenues collected within the sewer zones (Town division/Blacklake division) in the abatement effort.

ANALYSIS

Residents and commercial business within the Town Sewer Zone and Blacklake Sewer Zone discharge "solid waste and rubbish" (within the meaning of § 7.01.010 of the District Code) into the sewer collection systems. The solid waste generally consists of rags, plastics and personal care products. The discharge of solid waste, if unabated, adversely impacts wastewater treatment processes at the District's Southland and Blacklake Wastewater Treatment Plants as described below:

- Materials such as rags and other solid waste refuse can clog pumps resulting in influent pump station malfunctions or in the worst case, overflows. All overflows must be reported to the State and Regional Water Quality Control Boards and the District can be fined for these overflows.
- In addition, rags and other solid waste refuse can also clog aerators to the point that the motor overheats and stops running resulting in lower oxygen levels

in the treatment ponds. Lower oxygen levels lead to lower treatment efficiencies and can impact the ability to meet permit discharge water quality limits. The District can be fined for exceeding the permit water quality limits.

- Materials such as plastic and other refuse from personal care products can end up in the biosolids so the biosolids need to be disposed of at a landfill instead of being beneficially reused, for example, in compost.
- All of the operational issues noted above increase the District's operating costs, maintenance costs and equipment replacement costs. Operating and maintenance costs are increased due to emergency equipment repairs, overtime response to equipment failures and landfill disposal of biosolids. Equipment replacement costs are increased due to premature failure of equipment.

Pursuant to District Code §§ 7.04.010 and 7.04.030 the owner(s)/occupant(s) of property are responsible for the safe and sanitary storage of solid waste. Solid waste is to be disposed of by separating the solid waste by garbage, recyclables and green waste and disposed of through weekly curbside collection and not by use of the District's sewer collection system. See additionally District Code §§ 4.08.130 (D) and (E) which prohibit the discharge of solid waste into the District's sewer collection system.

The adverse impacts of solid waste at the treatment plants, including the potential to trigger violations of the District's Waste Discharge Permit, constitute a public nuisance within the meaning of California Civil Code which provides:

§ 3480. Public nuisance A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon an individual may be unequal.

Further, Section 7.28.030 provides in relevant part that "violation of District solid waste regulations shall be deemed a public nuisance and may be abated as such",...

The discharge of solid waste into the District's sewer collection system constitutes a violation of Title 7 (Solid Waste Regulations) and Title 4 (Sewer Regulations). Therefore, the District has the discretion to use either sewer system revenues or solid waste revenues or a combination of the same to abate (remove, store and dispose of) the solid waste discharged into the District's sewer collection systems.

To the extent the District elects to use the solid waste revenues in the abatement, then the solid waste revenues generated within the specific sewer zones should be used in the abatement process.

END OF MEMORANDUM

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *MSL*
INTERIM GENERAL MANAGER
DATE: JANUARY 7, 2011



CONSIDER PURCHASE OF WATERLINE EASEMENT ON APN 118-002-095 FOR \$500.00

ITEM

Consider easement purchase in support of waterline intertie project. [Recommend Approval]

BACKGROUND

District property negotiators have obtained a signed Easement Deed from North Preisker Ranch, L.P. for the Waterline Intertie Project. The cost of the Easement is \$500.00.

FISCAL IMPACT

The funds for this easement purchase are included the overall budget of the Waterline Intertie Project.

RECOMMENDATION

Staff recommends that the Board approve the easement purchase for \$500.00 and direct staff to sign the Certificate of Acceptance.

ATTACHMENTS

- December 9, 2010, letter from District property negotiator (Hamner, Jewell & Associates)



HAMNER, JEWELL & ASSOCIATES

Government Real Estate Services

a division of Beacon Integrated Professional Resources, Inc.

Ventura County Office: 4476 Market Street, Suite 601, Ventura, CA 93003

Tel: (805) 658-8844 Fax: (805) 658-8859

San Luis Obispo County Office: 340 James Way, Suite 150, Pismo Beach, CA 93449

Tel: (805) 773-1459 Fax: (805) 773-2418

Writer's e-mail address: cspringford@hamner-jewell.com

December 9, 2010

RECEIVED

DEC 10 2010

NIPOMO COMMUNITY
SERVICES DISTRICT

Peter Sevcik
District Engineer
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Subject: Nipomo Community Services District – Waterline Intertie Project
Acq. AP# 118-002-095 (North Preisker Ranch, L.P.)

Dear Peter:

We are pleased to inform you that we obtained the signed Easement Deed from North Preisker Ranch, L.P. for the Waterline Intertie Project and enclose a copy for the District's acceptance. The owner has requested \$500 for this easement, which is nominal and I recommend that the District agree to it. The Certificate of Acceptance (page 4 of the Deed) must be signed so that the Deed will be acceptable for recordation by the County Recorder's office. Please have the Certificate of Acceptance signed by the appropriate authorized District representative after presentation of the deed and request for \$500 to the Board for approval.

Please return the original Certificate of Acceptance to us for recording. We will have a policy of title insurance issued to insure the District's new easement rights.

If you have any questions, please do not hesitate to give me a call. We are pleased to be of continuing service to you and the Nipomo CSD.

Sincerely,

Cathy A. Springford

CAS:vb

Enclosures: Easement Deed signed by property owner with Certificate of Acceptance
Statement dated November 10, 2010 from owner

Recorded at request of and
When recorded return to:

Nipomo Community Services District
c/o Hamner, Jewell & Associates
Government Real Estate Services
340 James Way, Suite 150
Pismo Beach, California 93449

Space above this line for Recorder's Use

No recording fee per Government Code § 6103
No Documentary Transfer Tax per Revenue & Taxation Code § 11922

A.P. No. 118-002-095

EASEMENT DEED

(to Nipomo Community Services District)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

NORTH PREISKER RANCH, A LIMITED PARTNERSHIP ("GRANTOR")

do(es) hereby GRANT to the

NIPOMO COMMUNITY SERVICES DISTRICT ("DISTRICT")

the following interests in real property:

A Permanent Easement in gross to survey, install, construct, reconstruct, enlarge, lay, alter, operate, patrol, remove, replace, and maintain a water conduit, consisting of one or more underground water pipelines and related facilities. These related facilities may include but are not limited to markers, air valves, manholes, valves, meters, surge control devices, test stations, buried communication devices, buried electrical conduits and devices, pull boxes, and all related incidents, fixtures, and appurtenances. Markers, test stations, pull boxes, blow off valves, air release valves, manholes, other related facilities, and turnouts may be located above ground or partially above ground. Collectively, the waterline and related facilities are hereinafter referred to as "District Facilities."

This easement shall be in, over, on, through, within, under, and across the Easement Area of the Real Property as defined in this paragraph. The "Real Property" is in the County of San Luis Obispo, State of California, and is described in Exhibit "A", attached hereto and incorporated by reference herein. The "Easement Area" which comprises the Permanent Easement is described as "Parcel A" in Exhibit "B" and depicted in Exhibit C, each attached hereto and incorporated by reference herein.

This easement is subject to all existing fencing, canals, irrigation ditches, laterals, pipelines, roads, electrical transmission facilities, and communication lines existing on the date this easement is granted, and is subject to the easement previously granted to the Santa Barbara County Flood Control District, as well as all future uses which do not directly or indirectly interfere with or endanger District's exercise of the rights described herein. District shall have the right to clear and keep clear from the Easement Area all explosives, buildings, structures, walls, and other facilities of a permanent nature, and

any earth cover or stockpile of material placed without the District's prior written consent, which interfere with District's use of the Easement Area, subject to the superior rights of the Santa Barbara County Flood Control District. Also subject to the superior rights of the Santa Barbara County Flood Control District, District shall have the right of exclusive use and possession within the Easement Area for a distance of two (2) feet in every direction around the outside surface of the District Facilities.

Grantor additionally hereby grants to District a **Temporary Construction Easement** for the purposes of facilitating construction of District Facilities, including the right to place equipment and vehicles, pile earth thereon, and utilize said Temporary Construction Easement for all other related activities and purposes in, on, over, under, through, within, along and across those certain portions of the Real Property described as "Parcel B" in Exhibit B and depicted in Exhibit D, attached hereto and incorporated by reference herein (herein the "Temporary Construction Easement Area"). Upon completion of said construction, said Temporary Construction Easement Area will be generally restored to the condition that existed prior to construction to the extent reasonably practical, unless otherwise agreed to in writing between Grantor and District.

This Temporary Construction Easement shall commence ninety (90) days following the date a Notice of Commencement of Construction is sent by District to Grantor by US Mail or other reputable carrier, and shall automatically terminate two years following commencement or upon completion of District's Project construction, whichever occurs first. In any event, this Temporary Construction Easement shall terminate on or before December 31, 2015.

This Easement is subject to the rights granted to Santa Barbara County Flood Control District per Map of North Preisker Ranch Tract 5764, Phase 3, Unit 2, recorded in Book 188, Pages 31-36 of Maps, Official Records of Santa Barbara County.

This Deed may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same instrument.

GRANTOR:

North Preisker Ranch, a Limited Partnership

Date: 11-5-10

By: [Signature]

Name:

Title: General Partner

State of California)
County of Kern)

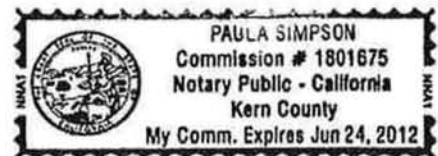
On November 5, 2010, before me, Paula Simpson, Notary Public,

personally appeared Robert E. Smith who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature [Signature] (Seal)

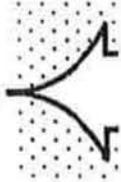


CERTIFICATE OF ACCEPTANCE

This is to certify that the **NIPOMO COMMUNITY SERVICES DISTRICT**, grantee herein, hereby accepts for public purposes the real property, or interest therein, described in the foregoing Easement Deed dated _____, 2010, from NORTH PREISKER RANCH, L.P., Grantor therein, and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this ___ day of _____, 2010.

NIPOMO COMMUNITY SERVICES DISTRICT



By: _____

Name:

Title:

ATTEST:

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SANTA MARIA, COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

That portion of Tract 5764, Phase 3, Unit 2, in the City of Santa Maria, County of Santa Barbara, as per map recorded in Book 188, Pages 31 through 36 inclusive of Maps, in the office of the County Recorder of said County, lying Northerly of the North line of Atlantic Place.

EXCEPTING therefrom all minerals, metals, petroleum, natural gas and all other hydrocarbons in or on the above described real property or beneath the surface thereof and the right to extract, recover and remove from said real property said minerals, metals, petroleum, natural gas and all other hydrocarbons, and the right to the use and possession of said real property for the purpose of extracting, recovering and removing said minerals, metals, petroleum, natural gas and all other hydrocarbons insofar as the use and possession of said real property by said first party for said purposes is not inconsistent with or does not interfere with, and subject to, the use and possession of said real property by said second party, for any and all uses or purposes other than extracting, recovering or removal of said minerals, metals, petroleum, natural gas and all other hydrocarbons.

APN: 118-002-95

EXHIBIT

LEGAL DESCRIPTION

Over a portion of APN: 118-002-095 (City of Santa Maria)
Owner: North Preisker Ranch

A portion of North Preisker Ranch, Tract 5764, Phase 3, Unit 2, in the City of Santa Maria, County of Santa Barbara, State of California, according to the map filed in Book 188 at Pages 31 through 36 of Maps, in the Office of the County Recorder of said County, and being more particularly described as Parcels "A" and "B" below:

PARCEL "A" (Exhibit C, Permanent Easement Area)

A strip of land, thirty feet (30 feet) wide, the center line described as follows:

Commencing at a found 1 inch diameter iron pipe marking the Section Corner between Sections 33 and 34, Township 11 North, Range 34 West, and Sections 3 and 4, Township 10 North, Range 34 West, S.B.M. in the County of Santa Barbara, State of California, as shown on said map and having grid coordinates of (northing) 2,188,882.615 feet, (easting) 5,826,896.812 feet of the California Coordinate System 1983 (CCS83), Zone 5, epoch date 2002.00 using Continuous Operating Reference Stations, 1996 adjustment [NAD83(CORS96)];

Thence north $07^{\circ}03'04''$ east 2,406.08 feet to a found two inch diameter iron pipe and brass cap stamped "LS 5565" marking the point of intersection of Blosser Road and Atlantic Place as shown on said map and having grid coordinates of (northing) 2,191,270.493 feet (easting) 5,827,192.174 feet of said CCS83, Zone 5;

Thence south $88^{\circ}33'41''$ west 8.19 feet to the **True Point of Beginning** and for convenience called **Point "A"**;

Thence north $02^{\circ}44'34''$ east 512.30 feet;

Thence north $21^{\circ}53'43''$ west 3,162.47 feet to a point for convenience called Point "B" and lying south $36^{\circ}54'15''$ east 1,098.08 feet from a found one inch iron pipe and plastic plug stamped "RCE 25366" marking the corner common to Lot 1 and Lot 2 and on the northwesterly boundary line of Tract No. 2034 in the County of San Luis Obispo, State of California, according to the map filed in Book 18 at Page 78 of Maps, in the Office of the County Recorder of said County, and having grid coordinates of (northing) 2,195,594.427 feet (easting) 5,825,369.804 feet of said CCS83, Zone 5, and also lying south $45^{\circ}03'37''$ west 1,909.68 feet from a found three quarter inch iron pipe and tag stamped "LS 2391" marking the

EXHIBIT B PAGE 1 OF 2

most easterly corner of Lot 3 of said Tract No. 2034 and having grid coordinates of (northing) 2,196,065.278 feet (easting) 5,827,380.941 feet of said CCS83, Zone 5.

Excepting therefrom any portion of Blosser Road, Atlantic Place, and the area shown as the irrevocable offer of street dedication to the City of Santa Maria as shown on first said map.

Containing 1,749 square feet more or less.

PARCEL "B" (Exhibit D, Temporary Construction Easement)

A strip of land, one hundred feet (100 feet) wide, the center line described as follows:

Beginning at the above described Point "A";

Thence north 02°44'34" east 512.30 feet;

Thence north 21°53'43" west 3,162.47 feet to the above described Point "B".

Excepting therefrom any portion of Blosser Road, Atlantic Place, and the area shown as the irrevocable offer of street dedication to the City of Santa Maria as shown on first said map.

Excepting therefrom the land described in Parcel "A" above.

Containing 3,894 square feet more or less.

All distances are grid distances CCS 83, Zone 5. The combined scale factor is 1.00025844.

The above described Parcels "A" and "B" are graphically shown on the Exhibits "B", "C", and "D" attached hereto and made a part hereof.

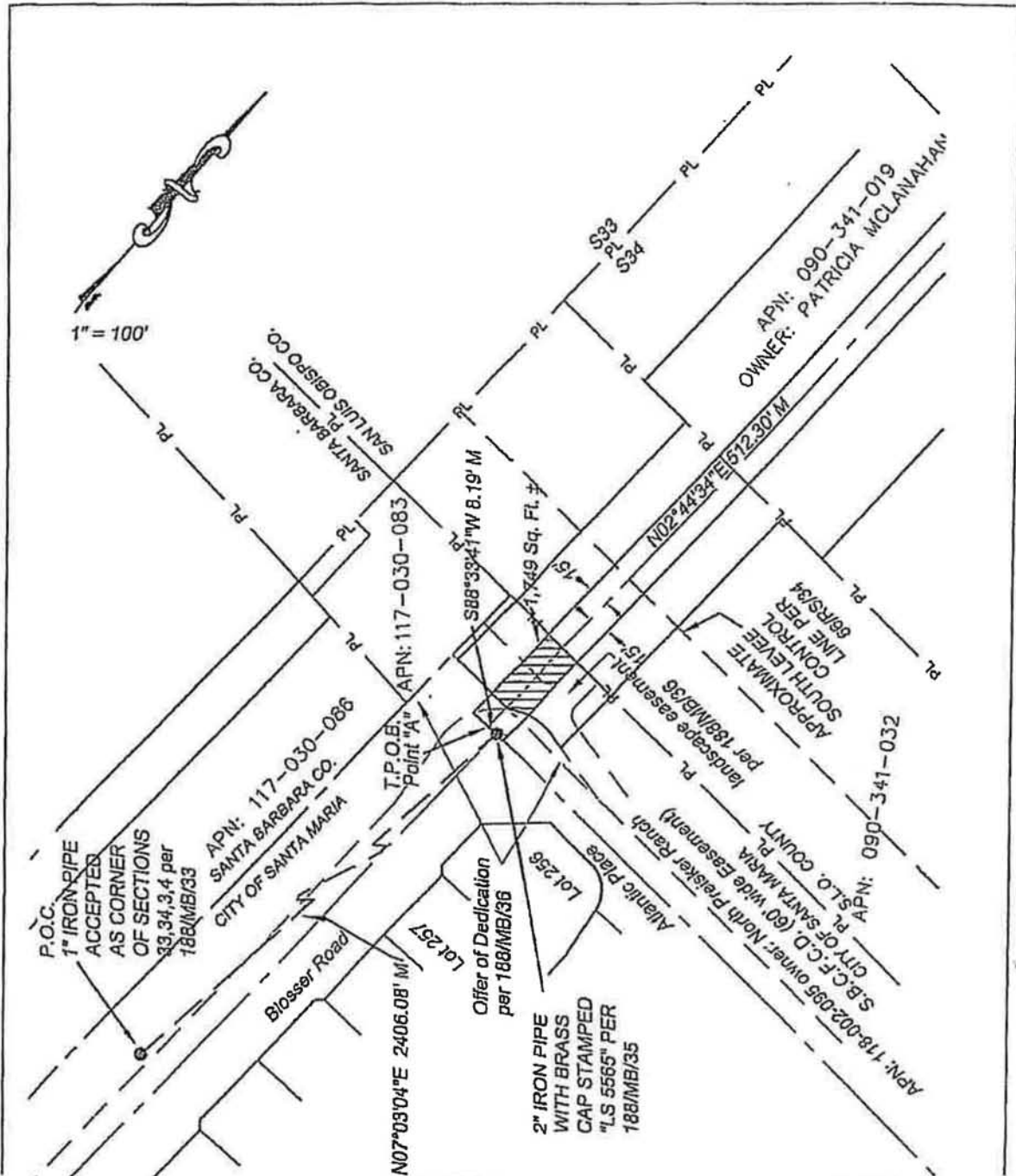
END DESCRIPTION

Joseph T. Morris

Joseph T. Morris, PLS 6192 6/18/10



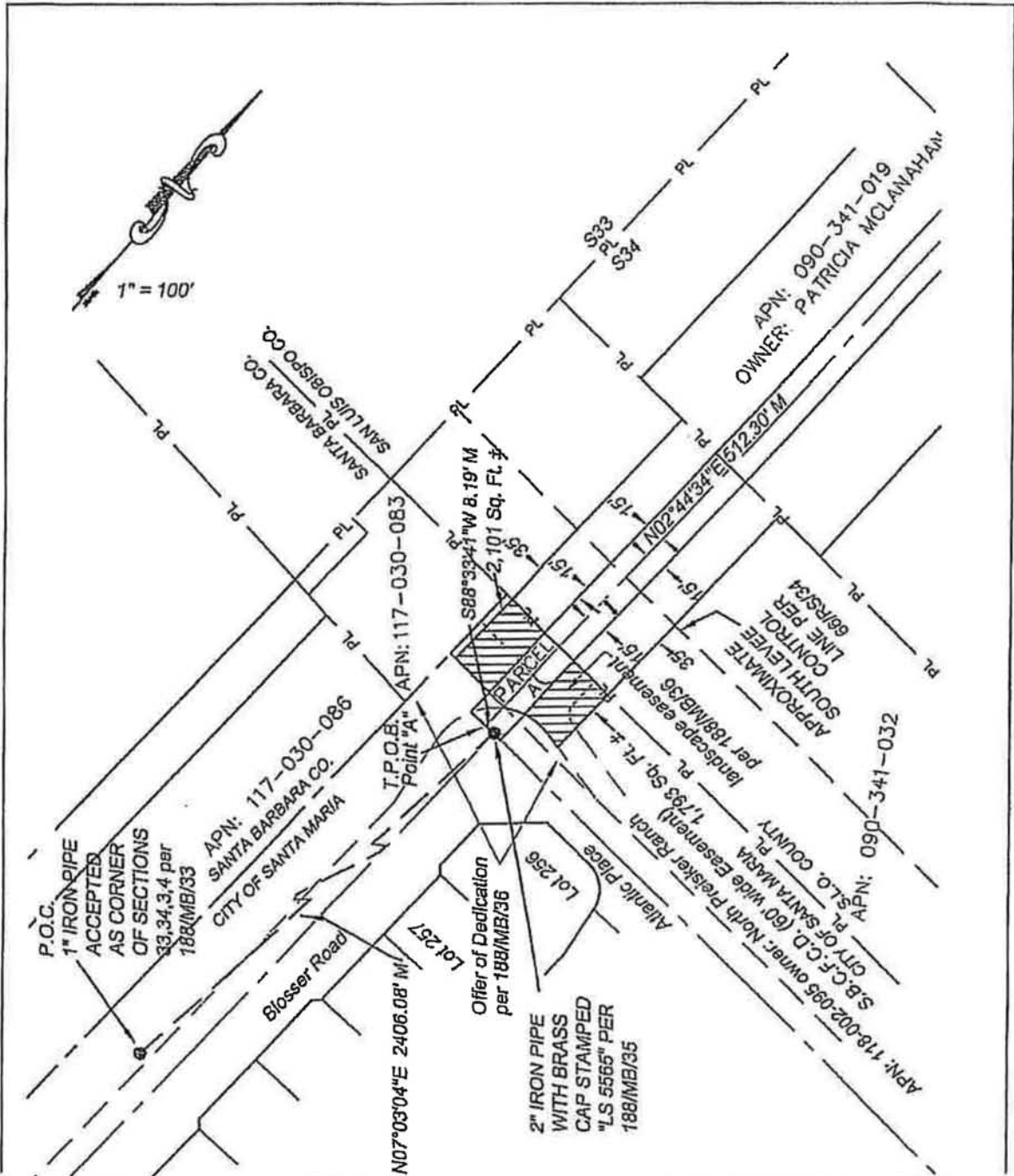
EXHIBIT B PAGE 2 OF 2



012 CLARION COURT
 SAN LUIS OBISPO, CA 93101
 T 805 544-4011
 F 805 544-4254
 www.wallacegroup.com

**EXHIBIT C, PARCEL A,
 PERMANENT EASEMENT
 PORTION OF TRACT 5764
 PHASE 3 UNIT 2
 CITY OF SANTA MARIA, CA**

PROJECT NO. 0532-0024
532-0024 Legal-2.dwg
SURVEYED BY: EMR 10-12/2008
DRAFTED BY: ML 6-18-2010
CHECKED BY: JTM 6-18-2010



612 CLAYTON COURT
 SAN LUIS OBISPO, CA 93101
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 F 805 544-4204
 www.wallacegroup.com

**EXHIBIT D, PARCEL B,
 TEMP. CONSTR. EASEMENT
 PORTION OF TRACT 5764
 PHASE 3 UNIT 2
 CITY OF SANTA MARIA, CA**

PROJECT NO. 0532-0024
532-0024 Legal-2A.dwg
SURVEYED BY: EMR 10-12/2008
DRAFTED BY: ML 6-18-2010
CHECKED BY: JTM 6-18-2010

ROBERT E. SMITH

THE HABERFELDE BUILDING

1424 17th STREET * BAKERSFIELD, CA 93301 * 661-327-8492 * Fax 661-327-8493

received
11/11/10 MB

STATEMENT November 10, 2010

HAMNER, JEWELL & ASSOCIATES
Government Real Estate Services
340 James Way, Suite 150
Pismo Beach, CA 93449

North Preisker Ranch, LP
Nipomo community Services District

WATERLINE INTERTIE PROJECT	\$ 500.00
<u>TOTAL BALANCE DUE</u>	<u>\$ 500.00</u>

NorthPreiskerRanch