

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *msl*  
GENERAL MANAGER  
DATE: APRIL 6, 2012



### 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) APPROVE MARCH 28, 2012 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE]
- D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO.1 [RECOMMEND APPROVE RESOLUTION INITIATING PROCEEDINGS]

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL S. LEBRUN *msl*  
 GENERAL MANAGER  
 DATE: APRIL 6, 2012

**AGENDA ITEM  
 D-1  
 APRIL 11, 2012**

**TOTAL COMPUTER CHECKS  
 \$222,380.84**

**HAND WRITTEN CHECKS**

03-27-12 10048 PGE  
 04-05-12 10049 DMV  
 04-11-12 10050 TERRY MINEAU  
 04-11-12 10051 ERVA COWDEN

ELECTRICITY \$36,643.69  
 REGISTRATION REPLACEMENT \$14.00  
 WASHER REBATE \$75.00  
 WASHER REBATE \$75.00

VOIDS - NONE

**COMPUTER GENERATED CHECKS**

|        |          |       |                            |          |          |                         |           |          |                           |
|--------|----------|-------|----------------------------|----------|----------|-------------------------|-----------|----------|---------------------------|
| 20532  | 03/30/12 | EMP01 | EMPLOYMENT DEVELOP DEPT    | B20322   | 03/22/12 | STATE INCOME TAX        | 03-12     | .00      |                           |
| 20532  | 03/30/12 | EMP01 | EMPLOYMENT DEVELOP DEPT    | B20326   | 03/26/12 | STATE INCOME TAX        | 03-12     | 1177.46  | 1177.46                   |
| 20533  | 03/30/12 | MID01 | RABOBANK-PAYROLL TAX DEPOS | B20322   | 03/22/12 | FEDERAL INCOME TAX      | 03-12     | .00      |                           |
| 20533  | 03/30/12 | MID01 | RABOBANK-PAYROLL TAX DEPOS | B20326   | 03/26/12 | FEDERAL INCOME TAX      | 03-12     | 3313.01  |                           |
| 20533  | 03/30/12 | MID01 | RABOBANK-PAYROLL TAX DEPOS | 1B20322  | 03/22/12 | MEDICARE (FICA)         | 03-12     | 12.26    |                           |
| 20533  | 03/30/12 | MID01 | RABOBANK-PAYROLL TAX DEPOS | 1B20326  | 03/26/12 | FICA                    | 03-12     | 132.60   |                           |
| 20533  | 03/30/12 | MID01 | RABOBANK-PAYROLL TAX DEPOS | 2B20326  | 03/26/12 | MEDICARE (FICA)         | 03-12     | 913.26   | 4371.13                   |
| 20534  | 03/30/12 | MID02 | RABOBANK-DIRECT DEPOSIT    | B20326   | 03/26/12 | NET PAY                 | 03-12     | 24159.68 | 24159.68                  |
| 20535  | 03/30/12 | PER01 | PERS RETIREMENT            | B20322   | 03/22/12 | PERS PAYROLL REMITTANCE | 03-12     | 98.89    |                           |
| 20535  | 03/30/12 | PER01 | PERS RETIREMENT            | B20326   | 03/26/12 | PERS PAYROLL REMITTANCE | 03-12     | 8190.74  | 8289.63                   |
| 20536  | 03/30/12 | STA01 | CALPERS 457 DEFERRED COMP  | B20326   | 03/26/12 | 457 DEFERRED COMP       | 03-12     | 2005.00  | 2005.00                   |
| 020537 | 04/11/12 | ABA01 | ABALONE COAST BACTERIOLOG  | 2816.00  | .00      | 2816.00                 | 1557      |          | LAB TESTS                 |
| 020538 | 04/11/12 | ADV01 | ADVANTAGE ANSWERING PLUS   | 146.70   | .00      | 146.70                  | 032512    |          | APRIL ANSWERING SERVICE   |
| 020539 | 04/11/12 | AEC01 | AECOM USA INC              | 31982.85 | .00      | 31982.85                | 37205299  |          | SOUTHLAND WWTF UPGRADE    |
| 020540 | 04/11/12 | ALX01 | ALEXANDER'S CONTRACT SERV  | 2316.89  | .00      | 2316.89                 | APR 2012  |          | METER READING SERVICE     |
| 020541 | 04/11/12 | AME03 | AMERI PRIDE                | 118.50   | .00      | 118.50                  | 589409    |          | UNIFORMS                  |
|        |          |       |                            | 109.02   | .00      | 109.02                  | 594403    |          | UNIFORMS                  |
|        |          |       |                            | 118.50   | .00      | 118.50                  | 599391    |          | UNIFORMS                  |
|        |          |       |                            | 141.18   | .00      | 141.18                  | 604381    |          | UNIFORMS                  |
|        |          |       | Check Total.....:          | 487.20   | .00      | 487.20                  |           |          |                           |
| 020542 | 04/11/12 | AQU01 | AQUA-METRIC SALES CO.      | 7149.29  | .00      | 7149.29                 | 42375-IN  |          | 2-4IN' WATER METERS       |
| 020543 | 04/11/12 | ASA01 | ASAP REPROGRAPHICS         | 216.96   | .00      | 216.96                  | 52434     |          | SHIPPING/FAXING SWWTF PHA |
|        |          |       |                            | 6050.88  | .00      | 6050.88                 | 52537     |          | SOUTHLAND WWTF BID SETS   |
|        |          |       |                            | 746.11   | .00      | 746.11                  | 52558     |          | SOUTHLAND WWTF BID SETS   |
|        |          |       | Check Total.....:          | 7013.95  | .00      | 7013.95                 |           |          |                           |
| 020544 | 04/11/12 | ATT02 | AT&T                       | 154.53   | .00      | 154.53                  | 3237974   |          | TELEPHONE                 |
|        |          |       |                            | 35.94    | .00      | 35.94                   | 3238218   |          | TELEPHONE                 |
|        |          |       |                            | 135.87   | .00      | 135.87                  | 3238288   |          | TELEPHONE                 |
|        |          |       | Check Total.....:          | 326.34   | .00      | 326.34                  |           |          |                           |
| 020545 | 04/11/12 | BES01 | BEST BEST & KRIEGER        | 337.48   | .00      | 337.48                  | 674461    |          | MARCH/LEGAL-PRE QUAL      |
| 020546 | 04/11/12 | BRE02 | BRENNTAG PACIFIC INC.      | 558.32   | .00      | 558.32                  | BPI185719 |          | SODIUM HYPOCHLORITE       |
|        |          |       |                            | 702.66   | .00      | 702.66                  | BPI185720 |          | SODIUM HYPOCHLORITE       |
|        |          |       | Check Total.....:          | 1260.98  | .00      | 1260.98                 |           |          |                           |
| 020547 | 04/11/12 | BRE03 | BREWER, REED               | 120.00   | .00      | 120.00                  | B20402    |          | WORK BOOT REIMBURSEMENT   |
| 020548 | 04/11/12 | CAL14 | CALIFORNA WATER            | 132.00   | .00      | 132.00                  | B20403    |          | BREWER-MEMBERSHIP RENEWAL |
| 020549 | 04/11/12 | COA01 | COASTLINE EQUIPMENT        | 26.94    | .00      | 26.94                   | 71423     |          | ID TAGS FOR TRACTORS      |
| 020550 | 04/11/12 | COA02 | COASTAL ROLLOFF            | 647.29   | .00      | 647.29                  | 3657062   |          | ROLL-OFF SERVICE          |
| 020551 | 04/11/12 | CRY01 | CRYSTAL SPRINGS            | 24.31    | .00      | 24.31                   | MAR 2012  |          | DISTILLED WATER-LAB       |
| 020552 | 04/11/12 | DEP01 | DEPARTMENT-HEALTH SERVICE  | 3654.00  | .00      | 3654.00                 | 1250562   |          | WATER SYSTEM FEES #401002 |
| 020553 | 04/11/12 | DEW01 | J B DEWAR INC              | 366.88   | .00      | 366.88                  | 69333     |          | DEEP WELL OIL             |
| 020554 | 04/11/12 | EMP01 | EMPLOYMENT DEVELOP DEPT    | 5124.11  | .00      | 5124.11                 | 3/31/12   |          | SUI QUARTER 3/31/12       |
| 020555 | 04/11/12 | FAR02 | FAR WEST EXPRESS           | 36.00    | .00      | 36.00                   | MAR 2012  |          | DELIVERY                  |
| 020556 | 04/11/12 | FER01 | FERGUSON ENTERPRISES INC   | 387.02   | .00      | 387.02                  | 8062701   |          | CAL VAL REPAIR KIT STANDP |
|        |          |       |                            | 174.61   | .00      | 174.61                  | 8100497   |          | PARTS FOR 4 IN" METERS    |
|        |          |       |                            | 111.09   | .00      | 111.09                  | 8108837   |          | GASKETS FOR 4 IN" METERS  |
|        |          |       | Check Total.....:          | 672.72   | .00      | 672.72                  |           |          |                           |
| 020557 | 04/11/12 | FGL01 | FGL ENVIRONMENTAL          | 357.00   | .00      | 357.00                  | 280816A   |          | LAB TEST                  |
| 020558 | 04/11/12 | FLO02 | FLO SYSTEMS, INC.          | 143.72   | .00      | 143.72                  | F13120    |          | L/S ELECTRICAL PANEL RELA |

TO: BOARD OF DIRECTORS  
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 GENERAL MANAGER  
 DATE: APRIL 6, 2012

**AGENDA ITEM**  
**D-1**  
**APRIL 11, 2012**  
**PAGE TWO**

|        |          |       |                           |          |     |          |           |                           |
|--------|----------|-------|---------------------------|----------|-----|----------|-----------|---------------------------|
| 020559 | 04/11/12 | GIL01 | GLM, INC.                 | 325.00   | .00 | 325.00   | MAR 2012  | LANDSCAPE MAINTENANCE     |
| 020560 | 04/11/12 | GWA01 | GWA INC                   | 85.00    | .00 | 85.00    | APR 2012A | SHOP MONITORING           |
|        |          |       |                           | 85.00    | .00 | 85.00    | APR 2012B | UTILITY OFFICE MONITORING |
|        |          |       |                           | 103.00   | .00 | 103.00   | APR 2012C | OFFICE MONITORING         |
|        |          |       | Check Total.....:         | 273.00   | .00 | 273.00   |           |                           |
| 020561 | 04/11/12 | HAM02 | HAMNER JEWELL & ASSOCIATE | 1243.02  | .00 | 1243.02  | 5649      | WATERLINE INTERTIE PROJEC |
| 020562 | 04/11/12 | LAN02 | LANDMARK LANDSCAPE CO INC | 214.00   | .00 | 214.00   | 55463     | LANDSCAPE MAINTENANCE DIS |
| 020563 | 04/11/12 | LEE02 | LEE CENTRAL COAST NEWSPAP | 773.08   | .00 | 773.08   | B20402    | PUBLIC NOTICE-INVITING BI |
| 020564 | 04/11/12 | MIN02 | MINER'S ACE HARDWARE      | 373.56   | .00 | 373.56   | MAR 2012  | OPERATING SUPPLIES        |
| 020565 | 04/11/12 | MUL01 | MULLAHEY FORD             | 41.71    | .00 | 41.71    | 58757     | OIL CHANGE 10' FORD RANGE |
|        |          |       |                           | 47.91    | .00 | 47.91    | 58765     | OIL CHANGE/INSPECTION 09' |
|        |          |       | Check Total.....:         | 89.62    | .00 | 89.62    |           |                           |
| 020566 | 04/11/12 | OFF01 | OFFICE DEPOT              | 82.54    | .00 | 82.54    | 40229001  | OFFICE SUPPLIES           |
|        |          |       |                           | 196.87   | .00 | 196.87   | 47144001  | OFFICE SUPPLIES           |
|        |          |       |                           | 113.67   | .00 | 113.67   | 48454001  | OFFICE SUPPLIES           |
|        |          |       | Check Total.....:         | 393.08   | .00 | 393.08   |           |                           |
| 020567 | 04/11/12 | PAT01 | PAT PHELAN CONSTRUCTION   | 10420.00 | .00 | 10420.00 | 22299     | RIP/DISC RETENTION PONDS  |
| 020568 | 04/11/12 | PRE01 | PRECISION JANITORIAL      | 650.00   | .00 | 650.00   | 222A      | JANITORIAL SERVICES       |
|        |          |       |                           | 225.00   | .00 | 225.00   | 222B      | STRIP & WAX LAB FLOOR     |
|        |          |       | Check Total.....:         | 875.00   | .00 | 875.00   |           |                           |
| 020569 | 04/11/12 | QUI03 | QUINN COMPANY             | 591.50   | .00 | 591.50   | WO3000521 | EMERGENCY REPAIR SWWTP GE |
| 020570 | 04/11/12 | RIC01 | RICHARDS, WATSON, GERSHON | 125.00   | .00 | 125.00   | 182766    | WATER RIGHTS ADJUDICATION |
| 020571 | 04/11/12 | SAN09 | POOR RICHARD'S PRESS      | 854.83   | .00 | 854.83   | 227032    | SWP LETTER MAILING        |
|        |          |       |                           | 12604.04 | .00 | 12604.04 | 227034    | SWP BALLOT/MAILING/POSTAG |
|        |          |       | Check Total.....:         | 13458.87 | .00 | 13458.87 |           |                           |
| 020572 | 04/11/12 | SLO02 | DIV OF ENVIRON HEALTH     | 815.02   | .00 | 815.02   | 79855     | CROSS CONNECTION          |
| 020573 | 04/11/12 | SOU01 | SOUTH COUNTY SANITARY     | 34.92    | .00 | 34.92    | 3655205   | GARBAGE SERVICE-OFFICE    |
|        |          |       |                           | 169.12   | .00 | 169.12   | 3656529   | GARBAGE SERVICE-OLDE TOWN |
|        |          |       | Check Total.....:         | 204.04   | .00 | 204.04   |           |                           |
| 020574 | 04/11/12 | SOU03 | SOUTH COUNTY SANITARY     | 702.17   | .00 | 702.17   | 3/31/12   | TAX LIENS                 |
| 020575 | 04/11/12 | SOU07 | SOUTH COUNTY SANITARY     | 8694.00  | .00 | 8694.00  | APR/MAY   | 2 MONTH DEFERRAL-RESIDENT |
| 020576 | 04/11/12 | SOU08 | SOUTH COUNTY SANITARY SVC | 1353.00  | .00 | 1353.00  | 3656973   | RATE DEFERRAL-COMMERCIAL  |
| 020577 | 04/11/12 | STA03 | STATEWIDE SAFETY & SIGNS  | 21.06    | .00 | 21.06    | 3265/3    | USA LOCATION STAKES       |
| 020578 | 04/11/12 | STA11 | STATE WATER BOARD ACTG    | 3422.00  | .00 | 3422.00  | WD0069729 | BL ANNUAL PERMIT FEE      |
| 020579 | 04/11/12 | TEM01 | TEMPLETON COMMUNITY SERVI | 220.00   | .00 | 220.00   | B20403    | ETHICS TRAINING           |
| 020580 | 04/11/12 | TER02 | TERRAIN CONSULTING        | 5139.40  | .00 | 5139.40  | 460       | SUPPLEMENTAL WATER-OUTREA |
| 020581 | 04/11/12 | THE01 | THE GAS COMPANY           | 16.14    | .00 | 16.14    | MAR 2012A | HEAT-SHOP                 |
|        |          |       |                           | 56.27    | .00 | 56.27    | MAR 2012B | HEAT-OFFICE               |
|        |          |       | Check Total.....:         | 72.41    | .00 | 72.41    |           |                           |
| 020582 | 04/11/12 | TIT01 | TITAN INDUSTRIAL & SAFETY | 116.49   | .00 | 116.49   | 1049530   | LATEX GLOVES              |
| 020583 | 04/11/12 | TRU01 | TRUE NORTH RESEARCH, INC. | 21000.00 | .00 | 21000.00 | 1795      | SUPPLEMENTAL WATER-SURVEY |
|        |          |       |                           | 4000.00  | .00 | 4000.00  | 1797      | OUTREACH-ANALYSIS         |
|        |          |       | Check Total.....:         | 25000.00 | .00 | 25000.00 |           |                           |
| 020584 | 04/11/12 | USA01 | USA BLUEBOOK              | 2226.71  | .00 | 2226.71  | 623934    | WASTEWATER LEVEL TRANSMIT |
|        |          |       |                           | 57.31    | .00 | 57.31    | 633969    | NITRIMASTER FLOCK LINED G |
|        |          |       | Check Total.....:         | 2284.02  | .00 | 2284.02  |           |                           |
| 020585 | 04/11/12 | USB01 | US BANK (VISA)            | 163.76   | .00 | 163.76   | 32212A    | MEETINGS                  |
|        |          |       |                           | 82.09    | .00 | 82.09    | 32212B    | TRAVEL/MILEAGE            |
|        |          |       |                           | 496.10   | .00 | 496.10   | 32212C    | EDUCATION/TRAINING        |
|        |          |       | Check Total.....:         | 741.95   | .00 | 741.95   |           |                           |
| 020586 | 04/11/12 | WO001 | DOUGLAS WOOD & ASSOCIATES | 8540.00  | .00 | 8540.00  | SWP 2     | SWP ADDENDUM EIR          |
| 020587 | 04/11/12 | YOU01 | YOUR PEOPLE PROFESSIONALS | 1500.00  | .00 | 1500.00  | APR 2012  | DEPOSIT-EMPLOYMENT AGENCY |
| 020588 | 04/11/12 | TES01 | TESCO CONTROLS, INC.      | 29255.00 | .00 | 29255.00 | 48721     | PROGRESS BILLING-SCADA SY |



# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**MARCH 28, 2012, AT 9:00 A.M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

### BOARD of DIRECTORS

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

### PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSISTANT 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 Regular Meeting of March 28, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:45

#### B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

At Roll Call, Directors Eby, Winn, Vierheilig, and Harrison were present. Director Gaddis was not present due to a scheduled absence.

The following member of the public spoke:

Mike Vitaz, NCSD customer, commented on a high water bill due to a leak on his property and asked the Board to forgive some of his water bill.

Mr. Vitaz answered questions from the Board.

Michael LeBrun, General Manager, commented on Mr. Vitaz's comment.

The Board directed staff to suspend Mr. Vitaz's payment arrangement for now and put the appropriate policy item on the April 11, 2012 agenda.

Michael LeBrun, General Manager, announced that Mike Seitz, will be acting in place of Jon Seitz, District Legal Counsel, for today's meeting.

00:11:22

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT ON MARCH 14, 2012 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, taken in Closed Session

Mike Seitz, Acting District Legal Counsel, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, but took no reportable action.

The Board discussed Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 NCSD VS COUNTY SLO) in closed session, but took no reportable action.

The Board discussed Item Three (Conference with Legal Counsel re: pending litigation pursuant to GC §54956.9(c) two cases related to the District's acquisition of the two easements in real property through eminent domain) in closed session, but took no reportable action.

00:13:13

## C. PRESENTATIONS AND PUBLIC COMMENT (Cont.)

C-2) NCSD SUPERINTENDENT TINA GRIETENS  
Update Report re: Utility Division Activities

Tina Grietens, NCSD Utility Superintendent, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

## C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT &amp; COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Director Winn

- ◇ March 27, 2012 – The SLO Board of Supervisors met and on a 4-1 vote, supported the Assessment for Supplemental Water.
- ◇ March 29, 2012 – SLO County Chapter of CSDA will hold its bimonthly meeting on Thursday at 11:00 a.m. at the Wallace Group in SLO.
- ◇ April 4, 2012 – The WRAC will hold its regular monthly meeting beginning at 1:30 p.m. in the SLO Library.
- ◇ April 14, 2012 – Central Coast Greenhouse Growers Association will hold their annual open door tours and sale.
- ◇ Native Sons Nursery will hold its one day sale from 9:00 a.m. to 3:00 p.m.

Director Eby

- ◇ March 19, 2012 – SCAC held Elections and William Dorland was elected Chair and Harry Walls was elected Vice Chair.
- ◇ March 28, 2012 – An SCAC EIR Committee will meet and discuss the Nipomo Community Park EIR. The SCAC will hold a special meeting to share their inputs with the County on April 9, 2012.

Director Vierheilig

- ◇ Central Coast Orchid Show will be held at the South County Regional Center on March 31, 2012 from 9:00 a.m. to 5:00 p.m. and April 1, 2012 from 10:00 a.m. to 5:00 p.m.
- ◇ March 30, 2012 – Orchid preview and Dana Adobe benefit from 6:30 to 9:30 p.m. at the South County Regional Center.

Director Harrison

- ◇ The Fire Safe Council met and elected Anthony Starinedo, as Cattlemen's Association representative.
- ◇ Attended the Nipomo Chambers Luncheon.
- ◇ Attended a meeting with the Blacklake Management Association.
- ◇ March 27, 2012 – The SLO Board of Supervisors met and on a 4-1 vote, supported the Assessment for Supplemental Water.
- ◇ March 21, 2012 - Attended Olde Towne Nipomo Association meeting.

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Winn, unanimously approved to receive and file the presentations and reports.  
Vote 4-0.

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

00:39:56

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE MARCH 14, 2012 REGULAR BOARD MEETING MINUTES
- D-3) TENTATIVELY SET MAY 23, 2012, FOR HEARING TO ADOPT RESOLUTION OF NECESSITY FOR ACQUIRING EASEMENTS IN REAL PROPERTY IN SUPPORT OF THE NIPOMO MESA SUPPLEMENTAL WATER PROJECT, INSTRUCT STAFF TO PROVIDE NOTICE TO PROPERTY OWNERS OF THE HEARING DATE AS REQUIRED BY LAW, AND AUTHORIZE LEGAL COUNSEL TO RETAIN EMINENT DOMAIN COUNSEL TO ASSIST THE DISTRICT IN ACQUIRING THE EASEMENTS IN THE FOLLOWING PROPERTIES LOCATED WITHIN THE SANTA MARIA RIVER BED.

- APN #: 090-341-019, #: 090-331-005, #: 006, #: 008  
DURLEY & MCLANAHAN
- APN #: 090-341-033  
TROESH PROPERTIES & INVESTMENTS, LLC

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board approved Items D-1 through D-3 as submitted.  
Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$161,277 FOR SUPPLEMENTAL WATER PROJECT OUTREACH CONSULTANT TRUE NORTH

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.

There was no public comment.

00:41:55

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- E-1) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$161,277 FOR SUPPLEMENTAL WATER PROJECT OUTREACH CONSULTANT TRUE NORTH(Cont.)

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved paying all past due expenditures and a contingency budget augmentation in the amount of \$40,000 (excluding all tactical paid calling), that will be spent at the direction of the Outreach Committee and the General Manager.

Vote 4-0.

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

The Board took a break from 10:25 to 10:35 a.m.

01:22:39

- E-2) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$105,000 FOR SUPPLEMENTAL WATER PROJECT ASSESSMENT ENGINEER WALLACE GROUP

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kari Wagner, Assessment Engineer, reviewed the contract amendment in detail. Mr. LeBrun and Ms. Wagner answered questions from the Board.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved the \$105,000 budget augmentation with the Wallace Group.

Vote 4-0.

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

01:50:54

- E-3) NIPOMO COMMUNITY PARK MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT CONSIDER AD-HOC COMMITTEE REVIEW AND RECOMMENDATION

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Director Winn started to review his report. Directors Eby and Vierheilg declared a conflict of interest. President Harrison postponed this item until April 25, 2012.

01:56:46

- E-4) CONSIDER COUNTY REQUEST TO INCLUDE COMMUNITY SURVEY IN DISTRICT BI-MONTHLY CUSTOMER BILLING

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved this mailer in both English and Spanish, so long as all of NCSD's customers receive the mailer.

Vote 4-0.

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



Nipomo Community Services District  
REGULAR MEETING  
MINUTES

02:05:03

F. MANAGER'S REPORT

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

G. COMMITTEE REPORT

There were no committee reports.

02:11:04

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Confirming that staff will bring before the Board a consideration of relief policy for customers.
- ◇ Requested that staff inform the Board of any incidents such as water tank over-topping or other unfortunate occurrences, as quickly as possible.

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSO VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION PURSUANT to GC 54956.9(c) No. of cases: two. Related to the District's acquisition of two easements in real property through eminent domain: one owned by Durley/McLanahan AP# 090-341-019, 090-331-005, 06 & 08 and one owned by Troesh Properties & Investments, LCC AP# 090-341-003.

Mike Seitz, District Legal Counsel, announced that there is no closed session.

02:13:58

ADJOURN

President Harrison adjourned the meeting at 11:25 a.m.

| MEETING SUMMARY | HOURS |
|-----------------|-------|
| Regular Meeting | 2.25  |
| Closed Session  | 0.00  |
| TOTAL HOURS     | 2.25  |



TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: APRIL 5, 2011



INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS  
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1

**ITEM**

Resolution initiating proceedings for annual levy of Street Landscape Maintenance District No. 1  
[RECOMMEND ADOPT RESOLUTION]

**BACKGROUND**

In 2003, the Board of Directors formed Street Landscape Maintenance District No. 1 to provide the street landscape maintenance for Tract 2409 (Sculpture Homes located on Vista Verde and Ida Street). The Street Landscape Maintenance District formed under Government Code Section 61601.20 and the Landscaping and Lighting Act of 1972.

Annually, NCSD must follow the procedures outlined in the Government Code and Prop. 218 to levy the assessment on each of the 28 property owners. In order to proceed, the attached Resolution should be adopted to initiate the proceedings and appoint Peter Sevcik, District Engineer, as the assessment engineer.

**RECOMMENDATION**

Staff recommends adoption of Resolution 2012-lmd initiation

**ATTACHMENT**

Resolution 2012-LMD Initiation

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2012-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL  
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2012-2013 PURSUANT TO THE PROVISIONS OF PART 2 OF  
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

**WHEREAS**, the Nipomo Community Services District Board of Directors ("NCSD") has, by previous Petition and Resolution, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") pursuant to the provisions of Government Code §61601.20 and the Landscaping and Lighting Act of 1972 (hereinafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the installation, planting and maintenance of landscaping within public streets, right of ways or easements within the Nipomo Community Services District; and

**WHEREAS**, Street Landscape Maintenance District No. 1 and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

**WHEREAS**, the NCSD has appointed Peter Sevcik, a registered engineer, as assessment engineer for the purpose of assisting with the Annual Levy of the Street Landscape Maintenance District No. 1 and to prepare and file a report in accordance with the Act.

**NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of the Nipomo Community Services District for the Nipomo Street Landscape Maintenance District No. 1, as follows:

**SECTION 1:** The NCSD hereby initiates proceedings for annual levy of assessments for Street Landscape Maintenance District No. 1 for Fiscal Year 2012-2013 pursuant to the provisions of the Act.

**SECTION 2:** The improvements within Street Landscape Maintenance District No. 1 include: trees, shrubs, grass, other ornamental vegetation, and appurtenant facilities, including irrigation system within the Street Landscape Maintenance District No. 1. The Board of Directors does not anticipate new improvements or substantial changes in existing improvements.

**SECTION 3: Engineer's Annual Levy Report:** The NCSD Board of Directors hereby orders that Peter Sevcik, District Engineer, prepare the Engineer's Annual Levy Report concerning the levy of assessments for Street Landscape Maintenance District No. 1 in accordance with *Chapter 3, Section 22622* of the Act.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 11<sup>th</sup> day of April, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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James Harrison, President  
Board of Directors  
Nipomo Community Services District

ATTEST:

APPROVED:

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Michael S. LeBrun, Board Secretary  
Nipomo Community Services District

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Jon S. Seitz, District Legal Counsel  
Nipomo Community Services District