

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 4, 2012

**AGENDA ITEM
D
MAY 9, 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 April 25, 2012 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE]
- D-3) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013 [RECOMMEND APPROVAL]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN *MSL*
 GENERAL MANAGER
 DATE: MAY 4, 2012

**AGENDA ITEM
 D-1
 MAY 9, 2012**

**TOTAL COMPUTER CHECKS
 \$130,587.53**

HAND WRITTEN CHECKS

04-25-12	10056	CHARTER	SHOP INTERNET	\$139.99
04-25-12	10058	PGE	ELECTRICITY	\$37,792.94
04-25-12	10060	MERRIE WALLRAVIN	OPEN/CLOSE AND CLOSE OFFICE	\$75.00
04-30-12	10061	CWEA	REPLACEMENT CHECK FOR #20596	\$132.00
04-30-12	10062	CWEA	REPLACEMENT CHECK FOR #20596	\$267.00
05-09-12	10063	JOHN KINCADE	TURF REPLACEMENT	\$500.00
05-09-12	10064	MERRIE WALLRAVIN	OFFICE OPEN	\$25.00
VOIDS - 20596, 10057, 10059				

COMPUTER GENERATED CHECKS

20627	04/27/12	EMP01	EMPLOYMENT DEVELOP DEPT	1232.36	.00	1232.36	B20423	STATE INCOME TAX
20628	04/27/12	MID01	RABOBANK-PAYROLL TAX DEPO	3522.79	.00	3522.79	B20423	FEDERAL INCOME TAX
				62.40	.00	62.40	1B20423	FICA
				958.00	.00	958.00	2B20423	MEDICARE (FICA)
			Check Total.....:	4543.19	.00	4543.19		
20629	04/27/12	MID02	RABOBANK-DIRECT DEPOSIT	25343.26	.00	25343.26	B20423	NET PAY
20630	04/27/12	PER01	PERS RETIREMENT	8481.91	.00	8481.91	B20423	PERS PAYROLL REMITTANCE
20631	04/27/12	STA01	CALPERS 457 DEFERRED COMP	2005.00	.00	2005.00	B20423	457 DEFERRED COMP
020632	05/09/12	ABA01	ABALONE COAST BACTERIOLOG	2821.00	.00	2821.00	1577	LAB TESTS
020633	05/09/12	ADV01	ADVANTAGE ANSWERING PLUS	149.56	.00	149.56	042512	MAY ANSWERING SERVICE
020634	05/09/12	ALX01	ALEXANDER'S CONTRACT SERV	3366.57	.00	3366.57	MAY 2012	METER READING SERVICE
020635	05/09/12	ATT02	AT&T	151.78	.00	151.78	3317433	TELEPHONE
				31.75	.00	31.75	3317677	TELEPHONE
				140.73	.00	140.73	3317747	TELEPHONE
			Check Total.....:	324.26	.00	324.26		
020636	05/09/12	BEN02	BENTLEY SYSTEMS, INC.	1740.90	.00	1740.90	47453952	WATER/SEWER GEMS SUBSCRIP
020637	05/09/12	BOG01	BOGNUDA, LISA	91.02	.00	91.02	B20503	REIMBURSEMENT TRAVEL/MILE
020638	05/09/12	BRE02	BRENNTAG PACIFIC INC.	5861.22	.00	5861.22	BPI189303	COPPER SULFATE CRYST SMALL
				756.79	.00	756.79	BPI190073	SODIUM HYPOCHLORITE
				432.02	.00	432.02	BPI193248	SODIUM HYPOCHLORITE
				3929.37	.00	3929.37	BPI193249	CITRIC ACID
				377.90	.00	377.90	BPI193250	SODIUM HYPOCHLORITE
			Check Total.....:	11357.30	.00	11357.30		
020639	05/09/12	CAL14	CALIFORNIA WATER	132.00	.00	132.00	B20503	GERMAN-CWEA MEMBERSHIP RE
020640	05/09/12	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	MAY 2012	SHOP INTERNET-MAY
020641	05/09/12	CLE06	CNSSLO INC	135.00	.00	135.00	14586	ADOBE READER FOR WORKSTAT
				101.25	.00	101.25	14613	COMPUTER SUPPORT
			Check Total.....:	236.25	.00	236.25		
020642	05/09/12	COA01	COASTLINE EQUIPMENT	86.14	.00	86.14	75363	AIR FILTER/COOL-GUARD-TRA
				106.88	.00	106.88	75457	HOSE CLAMP/SLEEVE/FITTING
			Check Total.....:	193.02	.00	193.02		
020643	05/09/12	CON03	CONTROLCO	1384.03	.00	1384.03	047615	REPLACE TRANSDUCER LA MIR
020644	05/09/12	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B204151	COMPUTER SUPPORT
020645	05/09/12	COR04	CORIX WATER PRODUCTS (US)	2069.67	.00	2069.67	721303834	SWWTP-CHECK VALVES/GASKET
020646	05/09/12	FAR01	FARM SUPPLY COMPANY	40.92	.00	40.92	933939	HYDRATED LIME
				1023.52	.00	1023.52	954216	CITRIC ACID-BL WWTP
			Check Total.....:	1064.44	.00	1064.44		
020647	05/09/12	FAR02	FAR WEST EXPRESS	23.00	.00	23.00	APR 2012	DELIVERY

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020648	05/09/12	FER01	FERGUSON ENTERPRISES INC	4819.60	.00	4819.60	8087865	MTR BOXES/LID/SIR-VAC ENC
				127.07	.00	127.07	8100737	FILLER FLANGE
				-1135.68	.00	-1135.68	CM753314C	DUPLICATE ORDER
				1893.65	.00	1893.65	8087865-1	FLEX REPAIR CPLGS
				1018.72	.00	1018.72	8087865-2	PVC PJ CPLG/ANGLE MTR VLV
				479.49	.00	479.49	8087865-4	EFFLUENT VALVE-BL WWTP
			Check Total.....:	7202.85	.00	7202.85		
020649	05/09/12	FGL01	FGL ENVIRONMENTAL	357.00	.00	357.00	280966A	LAB TESTS
020650	05/09/12	GIL01	GLM, INC.	320.00	.00	320.00	APR 2012	LANDSCAPE MAINTENANCE
020651	05/09/12	GRA07	GRAND PERFORMANCE	75.00	.00	75.00	4515	REPLACE AUDIO CABLE
020652	05/09/12	GWA01	GWA INC	85.00	.00	85.00	MAY 2012A	SHOP MONITORING
				53.00	.00	53.00	MAY 2012B	OFFICE MONITORING
				85.00	.00	85.00	MAY 2012C	UTILITY OFFICE MONITORING
			Check Total.....:	223.00	.00	223.00		
020653	05/09/12	HAM02	HAMNER JEWELL & ASSOCIATE	581.06	.00	581.06	5691	WATERLINE INTERTIE PROJE
020654	05/09/12	HOM01	HOME MOTORS	150.58	.00	150.58	308779	ABS LIGHT-ON-CALL TRUCK 0
020655	05/09/12	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	55789	LANDSCAPE MAINTENANCE DIS
020656	05/09/12	LEE02	LEE CENTRAL COAST NEWSPAP	178.50	.00	178.50	B20503	PUBLIC NOTICE-SWP ASSESSM
020657	05/09/12	MIN02	MINER'S ACE HARDWARE	515.10	.00	515.10	APR 2012	OPERATING SUPPLIES
020658	05/09/12	MOR02	MORE OFFICE SOLUTIONS	318.26	.00	318.26	240899	B/W & COLORED COPIES
020659	05/09/12	NEX01	NEXTEL COMMUNICATIONS	521.80	.00	521.80	APR 2012	CELLULAR SERVICE
020660	05/09/12	OFF01	OFFICE DEPOT	145.26	.00	145.26	19305001	OFFICE SUPPLIES
				137.24	.00	137.24	711542001	OFFICE SUPPLIES
			Check Total.....:	282.50	.00	282.50		
020661	05/09/12	PER04	PERRY'S ELECTRIC MOTORS	48.75	.00	48.75	13870	REPLACE BOLT/KEY ON DE AN
020662	05/09/12	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	223	JANITORIAL SERVICE-APRIL
020663	05/09/12	QUI03	QUINN COMPANY	621.47	.00	621.47	330005243	MAINTENANCE-SWWTP GENERAT
				671.47	.00	671.47	330005244	MAINTENANCE-BL BOOSTER GE
				621.47	.00	621.47	330005245	MAINTENANCE-SWWTP GENERAT
				671.47	.00	671.47	330005246	MAINTENANCE-SWWTP MVA GEN
			Check Total.....:	2585.88	.00	2585.88		
020664	05/09/12	RAB02	RABOBANK PETTY CASH	34.75	.00	34.75	APRIL A	SUPPLIES
				21.20	.00	21.20	APRIL B	POSTAGE
				69.00	.00	69.00	APRIL C	DMV-SPECIAL EQUIP PLATES
				50.00	.00	50.00	APRIL D	FILING FEE-COUNTY OF SB
			Check Total.....:	174.95	.00	174.95		
020665	05/09/12	RIC01	RICHARDS, WATSON, GERSHON	50.00	.00	50.00	183217	WATER RIGHTS ADJUDICATION
020666	05/09/12	SEV01	SEVCIK, PETER	20.00	.00	20.00	B20501	REIMBURSEMENT-ASCE BRANCH
020667	05/09/12	SOU01	SOUTH COUNTY SANITARY	34.92	.00	34.92	3675439	GARBAGE SERVICE
				169.12	.00	169.12	3676765	OLDE TOWN GARBAGE SERVICE
			Check Total.....:	204.04	.00	204.04		
020668	05/09/12	SOU03	SOUTH COUNTY SANITARY	1479.99	.00	1479.99	APR 2012	SOLID WASTE TAX LIENS
020669	05/09/12	SOU08	SOUTH COUNTY SANITARY SVC	1353.00	.00	1353.00	3677202	RATE DEFFERAL-COMMERCIAL
020670	05/09/12	STA05	STATE WATER RESOURCES CB	170.00	.00	170.00	B20504	GRIETENS-CERTIFICATE RENE
020671	05/09/12	STA07	SRF ACCOUNTING OFFICE	42180.25	.00	42180.25	B20503	SRF LOAN-DEBT SERVICE
020672	05/09/12	THE01	THE GAS COMPANY	15.13	.00	15.13	APR 2012A	SHOP HEAT
				34.41	.00	34.41	APR 2012B	OFFICE HEAT
			Check Total.....:	49.54	.00	49.54		

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020673	05/09/12	THE02	THE TRIBUNE	216.80	.00	216.80	6984680	PUBLIC NOTICE-SWP ASSESSM
020674	05/09/12	TUC01	TUCKFIELD & ASSOCIATES	1451.25	.00	1451.25	317	CHART UPDATE
020675	05/09/12	UND01	UNDERGROUND SERVICE ALERT	100.50	.00	100.50	12040028	UNDERGROUND SERVICE ALERT
020676	05/09/12	USB01	US BANK (VISA)	135.04	.00	135.04	42312A	MEETINGS
				35.37	.00	35.37	42312B	OPERATING SUPPLIES
				634.27	.00	634.27	42312C	COMPUTER EXPENSE
				450.00	.00	450.00	42312D	EDUCATION/TRAINING
				100.00	.00	100.00	42312E	TRAVEL/MILEAGE
			Check Total.....:	1354.68	.00	1354.68		
020677	05/09/12	VER01	VERIZON	43.69	.00	43.69	B20501	TELEPHONE

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

APRIL 25, 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 April 25, 2015, to order at 9:00 a.m. and led the flag salute.

00:01:07

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

At Roll Call, Directors Eby, Winn, Vierheilig, and Harrison were present.

There was no public comment.

00:01:15

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON April 11, 2012 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, 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.

C-2) SHERIFF COMMANDER JAMES TAYLOR Update re: South County Law Enforcement Activities

Sheriff Commander Taylor gave an update of the law enforcement activities in South County. Commander Taylor answered questions from the Board. Commander Taylor announced that on April 20, 2012, Sheriff Commander Martin Basti retired and on April 21, 2012, Commander Tim Olivas took his place. The Board thanked Commander Taylor for his report.

C-3) CAL FIRE BATTALION CHIEF BILL FISHER Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher was unable to attend this meeting.

PRESENTATIONS AND PUBLIC COMMENT (Continued)

C-4) NCSO SUPERINTENDENT TINA GRIETENS
Update re: Summary of Utility Division Activities

Tina Grietens, NCSO Utility Superintendent, introduced the newest employee, Francisco Maldonado. Ms. Grietens reviewed the report as presented in the Board packet. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

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

- ◇ May 1, 2012 – The San Luis Obispo County Board of Supervisors will not meet.
- ◇ May 2, 2012 – WRAC will meet at 1:30 p.m. They will review the by-laws and the 2012-2013 Public Works Budget.
- ◇ May 2, 2012 – SLO COG will hold a focus group on SLO County Transportation from 4 to 5 p.m.
- ◇ May 3, 2012 – The WRAC ad hoc subcommittee will meet and discuss the IRWM.
- ◇ May 18, 2012 – SLO County Chapter of CSDA will hold its biannual meeting at 11:30 a.m. in San Luis Obispo.
- ◇ June 22, 2012 – The WRAC will sponsor a public forum on hydraulic fracturing from 9 a.m. to 4 p.m. in San Luis Obispo.

Director Eby

- ◇ April 17, 2012 – LAFCO met and formally denied the annexation of Los Robles Del Mar into the City of Pismo Beach.
- ◇ April 18, 2012 – The Woodlands Mutual Water Company announced they will vote to support the Assessment for Supplemental Water.

Director Vierheilig

- ◇ April 18, 2012 – The Blacklake Management Association met. With a 3-6 vote, they will not support the Assessment for Supplemental Water.
- ◇ May 2, 2012 – CSDA will host a webinar on sexual harassment prevention training for Special Districts.

Director Harrison

- ◇ April 27, 2012 – A spaghetti dinner fundraiser at the Edwards Barn for the Elks Queen.
- ◇ April 28th/29th – Walk for Life 24 hour Relay at Nipomo High School to raise money for Breast Cancer awareness.
- ◇ April 28th/29th – Dana Adobe will hold a program to look at mid 1800's restored maps. There will be light hors d' oeuvres and wine. The cost is \$10.00.
- ◇ May 8, 2012 – SLO County Country Club will host a luncheon to raise money for Alzheimer's.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

- C-6) 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 Eby the Board unanimously approved to receive and file the presentations and reports.
Vote 4-0.

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

00:42:19

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE APRIL 11, 2012 REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT QUARTERLY FINANCIAL REPORT
- D-4) ACCEPT FIRST QUARTER INVESTMENT REPORT
- D-5) SOUTH FRONTAGE ROAD TRUNK SEWER PROJECT ACCEPTANCE

Michael LeBrun, General Manager, answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board approved Items D-1, D-3, D-4 and D-5, as submitted.
Vote 4-0.

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

Item D-2

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board approved Item D-2 as submitted.
Vote 3-1.

Director Harrison abstained due to lack of attendance.

(Director Harrison abstained, pursuant to section 2.9 of the NCSD's by-laws; an abstained vote is counted as a no vote.)

YES VOTES	NO VOTES	ABSENT
Directors Winn, Vierheilg, and Eby	Director Harrison	Director Gaddis

Nipomo Community Services District
REGULAR MEETING
MINUTES

E. ADMINISTRATIVE ITEMS

00:47:43

E-1) SUPPLEMENTAL WATER PROJECT ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) THAT CONSIDERS THE FOLLOWING CHANGES AND ADDITIONS TO THE PROJECT 1) THE PROVISION OF TEMPORARY LAYDOWN AREAS/CONSTRUCTION YARDS AT EIGHT LOCATIONS WITHIN THE NIPOMO MESA, ALONG SOUTHLAND STREET AND ADJACENT TO ORCHARD ROAD AND JOSHUA STREET, AS WELL AS IN SANTA MARIA ADJACENT TO NORTH BLOSSER ROAD; 2) THE RECONFIGURATION OF THE VIA CONCHA WELL SITE AND 3) THE UPSIZING OF THE CURRENTLY PROPOSED PHASE 1 PIPELINE EXTENSION ADJACENT TO BLOSSER ROAD FROM 18 TO 24 INCHES AND ELIMINATION OF THE PHASE III ADDITIONAL 18-INCH PARALLEL WATERLINE OR REPLACEMENT 24-INCH WATERLINE.

Doug Wood, Wood & Associates, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Jon Seitz, District Legal Counsel, and Mr. Wood, answered questions from the Board. The Board thanked Mr. Wood for his report.

The following member of the public spoke:

John Snyder, Nipomo resident, commented on a punctuation error and on growth inducing facts in the study.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously adopted the amended Resolution, as amended including the Addendum EIR edits, as amended.

Vote 4-0.

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

RESOLUTION NO. 2012-1254

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ADDENDUM TO ENVIRONMENTAL IMPACT
REPORT FOR THE NCSO SUPPLEMENTAL WATER PROJECT

The Board took a break from 10:20 to 10:35 a.m.

01:20:10

E-2) 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 Eby recused himself and left the Board Room due to living within close proximity of the Nipomo Community Park.

Director Winn reviewed his comments. Jon Seitz, District Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-2) NIPOMO COMMUNITY PARK MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT CONSIDER AD-HOC COMMITTEE REVIEW AND RECOMMENDATION
(Continued)

Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously directed staff to work with Director Winn, and Legal Counsel, to draft a response letter to the County and mail letter by April 30, 2012.
Vote 3-0.

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

Director Eby returned to the Board meeting.

02:19:53 E-3) REVIEW CREDIT AND DEBIT CARD PAYMENT BY CUSTOMERS

Lisa Bognuda, Finance Director, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Michael LeBrun, General Manager, and Ms. Bognuda answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the motion was to suspend the Over-the-Counter payment option and maintain the On-Line Bill Pay (Staff recommendation #3). Vote failed.
Vote 2-2.

YES VOTES	NO VOTES	ABSENT
Directors Winn and Eby	Directors Harrison and Vierheilig	Director Gaddis

Upon the motion of Director Harrison and seconded by Director Eby, the Board directed staff to research the kiosk and bring information back to the Board at a future Board meeting.
Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, and Vierheilig	Director Winn	Director Gaddis

02:44:46 *President Harrison reopened public comment for items not on the agenda.*

The following members of the public spoke:
Mike Vitaz, NCS D customer, asked the Board to consider suspending his payment arrangements until the Board considers changing the Ordinance.

Michael LeBrun, General Manager, and Mr. Vitaz answered questions from the Board.

The Board took no action.

Nipomo Community Services District
REGULAR MEETING
MINUTES

I. CLOSED SESSION ANNOUNCEMENTS

- 1) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMWWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- 2) CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 3) CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:10 p.m.

02:56:20

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:10 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed items 1 and 2 listed above for closed session, but took no reportable action. The Board discussed Item 3 listed above for closed session, and approved attaining David Warren to assist District Legal Counsel in representing the District.

02:58:03

E-4) CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS

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

There was no public comment.

The Board took no action.

03:01:30

F. MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

03:22:01

G. COMMITTEE REPORT

April 13, 2011 Finance and Audit Committee Minutes
Ad Hoc Committee for Education and Outreach.

There was no public comment.

Nipomo Community Services District
REGULAR MEETING
MINUTES

03:25:38

G. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Requested staff to agendize a Resolution in appreciation of Sheriff Commander Martin Basti years of service.
- ◇ Requested a copy of the Annual Water Report for the California Department of Health Services.
- ◇ Requested a copy of the annual Consumer Confidence Report.
- ◇ Requested to tour the Guadalupe Wastewater Treatment Facility.
- ◇ Confirmed the time to meet to discuss the comments for the Nipomo Community Park EIR.
- ◇ Requested staff to start thinking about a rate category for public facility water use.

ADJOURN

President Harrison adjourned the meeting at 1:55 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.00
Closed Session	1.00
TOTAL HOURS	5.00

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
DATE: MAY 4, 2012



**APPROVAL OF THE ENGINEER'S LEVY REPORT AND
DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR
FISCAL YEAR 2012-2013**

ITEM

Approval of resolutions granting approval of the engineer's levy report and declaration of intention to levy annual assessments for the Street Landscape Maintenance District No. 1 for Fiscal Year 2012-2013. [RECOMMEND APPROVE RESOLUTIONS]

BACKGROUND

On April 11, 2012, the Board of Directors adopted Resolution 2011-1253 entitled:

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 THE DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Peter Sevcik, District Engineer, was directed to prepare the annual levy report (attached). Pursuant to Proposition 218 and the Petition Requesting Formation of the Street Landscape Maintenance District, the annual levy may be increased by a percentage equal to or less than the Consumer Price Index (CPI) without conducting a Protest Vote. The actual amount to be assessed is based on the annual budget and may be less or more than the CPI. Property owners within the assessment district must approve any proposed assessment that exceeds the adjusted maximum rate based on the CPI (via a Proposition 218 Protest Vote).

It is recommended that the assessment increase from \$303.57 to \$315.00 for fiscal year 2012-2013 (See Page 4 of Engineer's Levy Report). The computed Maximum Assessment Allowable is \$423.29, however, the budgeted expenditures for fiscal year 2012-2013 do not warrant assessing the full Maximum Assessment Allowable.

Despite the proposed increase in assessment, the Maintenance District is projected to have an approximately \$2,200 deficit in 2012-2013. However, the deficit is attributable to a one-time expense (valve replacement). As the history of the Maintenance District's annual levy (below) shows, the levy can be lowered in the future when reserves become adequate.

Since inception, the annual assessments have been as follows:

Fiscal Year 2003-2004(first year of assessment)	\$345.00
Fiscal Year 2004-2005 (CPI increase)	\$346.96
Fiscal Year 2005-2006 (CPI increase)	\$354.94
Fiscal Year 2006-2007 (CPI increase)	\$365.34
Fiscal Year 2007-2008 (no increase proposed)	\$365.34
Fiscal Year 2008-2009 (CPI increase)	\$387.74
Fiscal Year 2009-2010	\$301.78
Fiscal Year 2010-2011	\$303.57
Fiscal Year 2011-2012	\$303.57

RECOMMENDATION

Staff recommends you Board, by motion and roll call vote approve two resolutions-one approving the Engineer's Report and one declaring intention to levy annual assessments.

ATTACHMENTS

Engineer's Annual Levy Report
Resolutions (2)

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NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2012-2013

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Introduction

Nipomo Community Services District ("NCSD") annually levies and collects special assessments to maintain improvements within Street Landscape Maintenance District No. 1 ("District"). The District was formed and annual assessments are established pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "1972 Act").

This Engineer's Annual Report ("Report") describes the District and the proposed assessments for the fiscal year 2012-2013. The assessments are based on the historical and estimated future costs to maintain the improvements that provide a direct and special benefit to properties within the District.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor Parcel Number by the San Luis Obispo County Assessor's Office. The San Luis Obispo County Auditor/Controller uses Assessor Parcel Numbers and specific Fund Numbers to identify properties assessed for special district benefit assessments on the tax roll.

Effect of Proposition 218

In November 1996, California voters approved Proposition 218 that established specific requirements for the on-going imposition of taxes, assessments and fees. The provisions of the Proposition are now contained in the California Constitutional Articles XIIC and XIID.

All assessments described in this Report and approved by the Board of Directors are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIID.

The assessments adopted include the District's annual inflationary adjustment to the maximum assessment rate. This annual inflationary adjustment to the maximum assessment rate is provided in this Report.

Description of the District and Services

The District (formed on April 9, 2003) provides and ensures the continued maintenance, servicing, administration and operation of landscaping located within the public rights-of-way and dedicated landscape easements in Tract 2409, a 28 lot subdivision commonly known as Vista Verde Estates, located off of West Tefft across from Dana Elementary School.

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2012-2013

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Improvements within the District include the maintenance and operation and the furnishing of services and materials for landscaping which include trees, shrubs, grasses and other ornamental vegetation, and appurtenant facilities, including irrigation systems.

Method of Apportionment

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments of the District therefore reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on the benefits to each parcel.

Benefit Analysis

The associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the California Constitution and 1972 Act. The improvements associated with the District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties, and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are of direct and special benefit to the properties.

The method of apportionment (method of assessment) is based on the premise that each assessed parcel within the District receives special benefit from the improvements provided by the District. The desirability of properties is enhanced by the presence of local improvements in close proximity to those properties.

The special benefits associated with landscaped improvements are specifically:

NIPOMO COMMUNITY SERVICES DISTRICT
 ENGINEER'S ANNUAL LEVY REPORT
 STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
 FISCAL YEAR 2012-2013

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- Enhanced desirability of properties through association with the improvements.
 - Improved aesthetic appeal of properties providing a positive representation of the area.
 - Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
 - Environmental enhancement through improved erosion resistance, dust and debris control.
 - Increased sense of pride in ownership of property within the District resulting in well-maintained improvements associated with the properties.
 - Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings.

Based on the preceding special benefits, it has been determined that the improvements provided through the District and for which parcels are assessed, contribute to aesthetic value and desirability of those properties. It has further been determined that these improvements, either individually or collectively are provided for the special benefit and enhancement of properties within the District and provide no measurable general benefit to properties outside the District or to the public at large.

Assessment Methodology

The maximum annual assessment that may be levied each fiscal year includes an annual inflationary adjustment to the maximum assessment rate based on the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers in San Francisco/San Jose for February 28 of the current year over the previous year's index on the same date. Although the maximum rate for the District may increase each year, the actual amount to be assessed is based on the annual budget and may be less than the maximum rate. The property owners must approve any proposed assessment that exceeds the adjusted maximum rate before it can be imposed.

The maximum assessment that may be levied in a fiscal year is increased annually by the following formula

(Prior Year's Annual Maximum Assessment x CPI) Plus Prior Year's Annual Maximum Assessment	}	=	Current Year's Annual Maximum Assessment
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NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2012-2013

The percentage change used is the annual change for the preceding 12 months. The annual inflation factor applied for the fiscal year 2012-2013 is based on the percentage change from February 2012 to February 2011 and has been identified as 3.53% (annual percentage change currently available).

MAXIMUM ALLOWABLE ASSESSMENT PER PARCEL (APPLYING INFLATIONARY ADJUSTMENT)	
2011-2012 Maximum Assessment	(A) \$408.85
X CPI (3.53%)	(B) \$14.44

Maximum Assessment Allowable 2012-2013	(A) + (B) \$423.29 =====
Proposed 2012-2013 Annual Assessment	\$315.00 =====

Fiscal Year 2012-2013 District Budget

DESCRIPTION	2012-2013 BUDGET
Beginning Estimated Fund Balance (July 1, 2012)	\$19,000
Proposed Assessment Levy	\$8,820
Estimated Expenditures	
Contract Landscape Maintenance	(\$2,600)
Plant attrition and normal loss	(\$1,000)
Water	(\$3,250)
Electricity	(\$150)
Replacement of irrigation valves	(\$3,500)
Reserve (1)	(\$0)
Administration	(\$500)
Total Estimated Expenditures	(\$11,000)
Estimated Ending Fund Balance (June 30, 2013)	\$16,820

(1) Reserve is for anticipated increases in water rates, landscaping repair/replacement and irrigation system repair/replacement. No additional reserve is budgeted in Fiscal Year 2012-2013.

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2012-2013

Lot Number	Assessor Parcel Number	Annual Assessment
1	092-512-001	\$315.00
2	092-512-002	\$315.00
3	092-512-003	\$315.00
4	092-512-004	\$315.00
5	092-512-005	\$315.00
6	092-512-006	\$315.00
7	092-512-007	\$315.00
8	092-512-008	\$315.00
9	092-512-009	\$315.00
10	092-512-010	\$315.00
11	092-512-011	\$315.00
12	092-512-012	\$315.00
13	092-512-013	\$315.00
14	092-512-014	\$315.00
15	092-512-015	\$315.00
16	092-512-016	\$315.00
17	092-512-017	\$315.00
18	092-512-018	\$315.00
19	092-512-019	\$315.00
20	092-512-020	\$315.00
21	092-512-021	\$315.00
22	092-512-022	\$315.00
23	092-512-023	\$315.00
24	092-512-024	\$315.00
25	092-512-025	\$315.00
26	092-512-026	\$315.00
27	092-512-027	\$315.00
28	092-512-028	\$315.00
	TOTAL	\$8,820.00



Peter V. Sevcik
PETER V. SEVCIK
DISTRICT ENGINEER

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-ENG LEVY**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE STREET
LANDSCAPE AND MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2012-2013**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("NCSD") has, by Resolution, ordered the preparation of an Engineer's Annual Levy Report by Peter Sevcik, District Engineer (hereinafter referred to as "Report") for 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 the Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "Act"); and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the NCSD has now been presented with the Report as required by Section 22566 of said Act; and

WHEREAS, the NCSD has carefully examined and reviewed the Report as presented and is satisfied with the budget items and documents as set forth therein and is satisfied that the proposed assessments have been spread in accordance with the Petition for Street Landscape Maintenance District No. 1 and with benefits received from the improvements, operation, maintenance, and services to be performed within Street Landscape Maintenance District No. 1 as set forth in said Report.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT, NIPOMO, CALIFORNIA FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 AS FOLLOWS:

SECTION 1: That the above recitals are all true and correct and incorporated herein by reference.

SECTION 2: That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for fiscal year 2012-2013.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-ENG LEVY

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S
LEVY REPORT FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2012-2013

PAGE TWO

SECTION 3: The Report is hereby approved and ordered to be filed in the Nipomo Community Services District Offices as a permanent record and to remain open to public inspection.

SECTION 4: That the NCS D General Manager shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Annual Levy Report.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services this 9th day of May, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES HARRISON, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN, Secretary
to the Board of Directors
Nipomo Community Services District

JON S. SEITZ, District Legal Counsel
Nipomo Community Services District

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-LEVY ASSESS**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO
LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("NCSD") has, by previous Petition and Resolutions, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") and initiated proceedings for Fiscal Year 2006/07 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as "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 maintenance and services of all improvements and facilities related thereto; and

WHEREAS, the 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, District Engineer, for the purpose of assisting with the Annual Levy of the District and to prepare and file a Report in accordance with the Act, and that said Report has been prepared, filed, and presented to the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT, FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT AS FOLLOWS:

SECTION 1 Intention: The NCSD hereby declares that it intends to seek the Annual Levy of the District pursuant to the Act, over and including the land within the Street Landscape Maintenance District No. 1 boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, and servicing of landscaping and all appurtenant facilities and operations related thereto.

SECTION 2 Description of Improvements and Any Substantial Changes Proposed: The improvements within the Street Landscape Maintenance District No. 1 include: the maintenance and operation of and the furnishing of services and materials for landscaping which includes trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems within the Street Landscape Maintenance District No. 1. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.

SECTION 3 Boundaries and Designation: The boundaries of the Street Landscape Maintenance District No. 1 are described as the boundaries previously defined in the formation documents of the original Street Landscape Maintenance District No. 1.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2012-2013

SECTION 4 Increase in Assessments: The assessment is proposed to be \$1.79 more than the previous year.

SECTION 5 Engineers Report: The Report is on file with the Secretary of NCSD Board of Directors and contains a full and detailed description of the improvements, the boundaries of Street Landscape Maintenance District No. 1, and the proposed assessments upon assessable lots and parcels of land within Street Landscape Maintenance District No. 1.

SECTION 6 Notice: Pursuant to Section 22626 of the 1972 Act and 6061 of the Government Code, the NCSD shall give notice of the time and place of the Public Hearing to all property owners within Street Landscape Maintenance District No. 1 by causing the publishing of this Resolution once in the Santa Maria Times not less than ten (10) days before the date of the public hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the NCSD for the posting of notices.

SECTION 7 Time of Public Hearing: Notice is hereby given that a public hearing will be held by the Board of Directors of the Nipomo Community Services District on June 13, 2012, at 9:00 a.m. in the Regular Meeting Room located within the District Offices located at 148 South Wilson Street, Nipomo. California 93444.

SECTION 8 Incorporation of Recitals: The above Recitals are true and correct and incorporated herein by reference.

SECTION 9 Other Actions: The Board of Directors and such employees of the NCSD as are appropriate are authorized and directed to execute such other documents and take such further action as shall be consistent with the intent and purpose of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 9th day of May 2012.

AYES:
NOES:
ABSTAIN:
ABSENT:

James Harrison, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Michael S. LeBrun, Secretary to the
Board of Directors
Nipomo Community Services District

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