

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: SEPTEMBER 20, 2012

**AGENDA ITEM
D
SEPTEMBER 26, 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 removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE SEPTEMBER 12, 2012 REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVAL]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN *Msl*
 GENERAL MANAGER
 DATE: SEPTEMBER 21, 2012

**AGENDA ITEM
 D-1
 SEPTEMBER 26, 2012**

**TOTAL COMPUTER CHECKS
 \$343,651.40**

HAND WRITTEN CHECKS

09-26-12 10083 JUDY CECENA
 09-26-12 10084 BOB MCGILL
 VOIDS - NONE

WASHER REBATE \$75.00
 WASHER REBATE \$75.00

COMPUTER GENERATED CHECKS

21090	09/14/12	EMP01	EMPLOYMENT DEVELOP DEPT	1300.05	.00	1300.05	B20910	STATE INCOME TAX
21091	09/14/12	MID01	RABOBANK-PAYROLL TAX DEPO	3659.39 943.74	.00 .00	3659.39 943.74	B20910 1B20910	FEDERAL INCOME TAX MEDICARE (FICA)
			Check Total.....:	4603.13	.00	4603.13		
21092	09/14/12	MID02	RABOBANK-DIRECT DEPOSIT	24572.43	.00	24572.43	B20910	NET PAY
21093	09/14/12	PER01	PERS RETIREMENT	8599.38	.00	8599.38	B20910	PERS PAYROLL REMITTANCE
21094	09/14/12	STA01	CALPERS 457 DEFERRED COMP	2005.00	.00	2005.00	B20910	457 DEFERRED COMP
021095	09/26/12	AME03	AMERI PRIDE	147.35 113.87	.00 .00	147.35 113.87	715829 721186	UNIFORMS UNIFORMS
			Check Total.....:	261.22	.00	261.22		
021096	09/26/12	ATT02	AT&T	185.78	.00	185.78	3678704	TELEPHONE
021097	09/26/12	BIG01	BIG BRAND TIRE & SERVICE	26.87 75.37	.00 .00	26.87 75.37	200658 200680	09' FORD TRUCK OIL CHANGE 07' FORD OIL CHANGE/NEW O
			Check Total.....:	102.24	.00	102.24		
021098	09/26/12	BRE02	BRENNTAG PACIFIC INC.	251.59 648.54	.00 .00	251.59 648.54	BPI231991 BPI231992	SODIUM HYPOCHLORITE SODIUM HYPOCHLORITE
			Check Total.....:	900.13	.00	900.13		
021099	09/26/12	CAL08	CALIFORNIA RURAL WATER A	125.00	.00	125.00	B20920	GRIETENS-WATER SYSTEM SEC
021100	09/26/12	CAL15	CALIFORNIA URBAN WATER CO	2519.11	.00	2519.11	2012G1072	MEMBERSHIP DUES
021101	09/26/12	CAL22	CALLEJA, DEREK	36.63	.00	36.63	B20918	MILEAGE REIMBURSEMENT
021102	09/26/12	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	SEP 2012	OFFICE INTERNET
021103	09/26/12	COA01	COASTLINE EQUIPMENT	841.42	.00	841.42	93321	MAINT. BACKHOE/LOADER
021104	09/26/12	COR01	CORBIN WILLITS SYSTEMS	130.00	.00	130.00	B20831	COMPUTER SUPPORT
021105	09/26/12	COR04	CORIX WATER PRODUCTS (US)	2315.53	.00	2315.53	721312671	SPRING/REBUILD KIT/DIA AS
021106	09/26/12	CUS01	CUSTOM PRINTING	271.19	.00	271.19	119847	BILL STUFFERS
021107	09/26/12	DKF01	DKF SOLUTIONS GROUP, LLC	350.00	.00	350.00	1675	MONTHLY SAFETY SUBSCRIPTI
021108	09/26/12	FAR01	FARM SUPPLY COMPANY	179.73 469.87 94.28 109.56	.00 .00 .00 .00	179.73 469.87 94.28 109.56	089875 094421 097381 100275	GAUGE LIQUID FILLED 200/1 PRESSURE GAUGES/PUMP-DIST SUREFLOW PUMP REBUILD KIT C/2 PUMP-BEVINGTON
			Check Total.....:	853.44	.00	853.44		
021109	09/26/12	FAR02	FAR WEST EXPRESS	24.00	.00	24.00	AUG 2012	DELIVERY
021110	09/26/12	FGL01	FGL ENVIRONMENTAL	397.00	.00	397.00	282436A	LAB TESTS
021111	09/26/12	ING02	INGRAM PRODUCTS, INC.	1384.37	.00	1384.37	41390	COMPRESSOR/CK VALVE/FILTE
021112	09/26/12	KRY01	KRYSTAL KLEEN KARPET KARE	100.00	.00	100.00	3200366	BOARD ROOM-CARPET CLEANIN
021113	09/26/12	LEB02	LeBRUN, MICHAEL	65.00	.00	65.00	SEP 2012	CELL PHONE REIMBURSEMENT
021114	09/26/12	LIN02	LINC DELIVERY	276.00	.00	276.00	AUG 2012	DELIVERY SERVICES
021115	09/26/12	MAL01	MALDONADO, FRANCISCO	44.40	.00	44.40	B20918	MILEAGE REIMBURSEMENT
021116	09/26/12	MNS01	MNS ENGINEERS INC	20147.90 98476.21	.00 .00	20147.90 98476.21	62472 62519	SOUTHLAND WWTF UPGRADE SOUTHLAND WWTF UPGRADE
			Check Total.....:	118624.11	.00	118624.11		

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN
 GENERAL MANAGER
 DATE: SEPTEMBER 21, 2012

AGENDA ITEM
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SEPTEMBER 26, 2012
PAGE TWO

021117	09/26/12	MOR02	MORE OFFICE SOLUTIONS	613.65	.00	613.65	307760	COPIER MAINTENANCE
021118	09/26/12	NIP08	NIPOMO CSD	616.04	.00	616.04	8/31/12	LANDSCAPE MAINT DIST WATE
021119	09/26/12	OFF01	OFFICE DEPOT	70.72	.00	70.72	177024001	OFFICE SUPPLIES
				107.93	.00	107.93	302292900	OFFICE SUPPLIES
				67.27	.00	67.27	349917001	OFFICE SUPPLIES
				330.82	.00	330.82	812461001	OFFICE SUPPLIES-SHOP
			Check Total.....:	576.74	.00	576.74		
021120	09/26/12	PO001	POOR RICHARD'S PRESS	27.31	.00	27.31	230094A	MAIL-LATE NOTICES
				139.05	.00	139.05	230094B	POSTAGE-LATE NOTICES
				359.43	.00	359.43	230125A	MAIL-BILLS
				1475.78	.00	1475.78	230125B	POSTAGE-BILLS
			Check Total.....:	2001.57	.00	2001.57		
021121	09/26/12	RBA01	R BAKER, INC	7269.40	.00	7269.40	0812-5733	REPLACE 2 WATER SERVICES
				18037.27	.00	18037.27	0812-5734	REPLACE 4" WATER LINE/3 N
			Check Total.....:	25306.67	.00	25306.67		
021122	09/26/12	SLO04	SAN LUIS OBISPO AUDITOR	20342.48	.00	20342.48	B20920	LAFCO DUES 2012-13
021123	09/26/12	TAF01	TAFT ELECTRIC	332.50	.00	332.50	30924-12	TEJAS L/S & WELL #4
021124	09/26/12	TES01	TESCO CONTROLS, INC.	117385.00	.00	117385.00	49784-IN	SCADA SYSTEM UPGRADE
021125	09/26/12	TRI06	TRI-STATE PUMP, INC.	1205.36	.00	1205.36	120724	CHEMICAL METERING PUMP
021126	09/26/12	WAG01	WAGNER & BONSIGNORE	3171.11	.00	3171.11	09-12-1	GROUNDWATER LITIGATION
021127	09/26/12	WSC01	WSC	393.75	.00	393.75	479	CUWCC SUPPORT SERVICES
021128	09/26/12	\J001	JACKSON, HELEN	10.00	.00	10.00	000B20701	MQ CUSTOMER REFUND FOR JA
021129	09/26/12	\O008	OCHS, PHILIP J	116.03	.00	116.03	000B20701	MQ CUSTOMER REFUND FOR OC
021130	09/26/12	\T005	TJN DOZER,	488.95	.00	488.95	000B20701	MQ CUSTOMER REFUND FOR TJ

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

SEPTEMBER 12, 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 BOGNUA, 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

Vice President Vierheilig called the Regular Meeting of September 12, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:40 B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

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

The following members of the public spoke:

Liz Lopez Byrnes, People's Self Help Housing Coordinator, requested a \$50.00 fee be waved for use of the District Board Room on Tuesday, September 18, 2012.

Director Eby agreed to open and close the District Board Room so the \$50.00 fee would be waved for People's Self Help Housing.

Robert Lorance, Consultant to Trincon, Inc., handed out a table of contents and addressed the Board.

Vice President Vierheilig announced that San Luis Obispo County Sheriff Commander James Taylor is in attendance.

Commander Taylor answered questions from the Board.

Director Eby clarified that he asked the previous speaker (Robert Lorance) for details of a contract and not documents.

Robert Lorance, Consultant to Trincon, Inc., addressed the Board.

Eric Benham, Trincon, Inc., addressed the Board and requested to be on a future Agenda.

00:18:14 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON AUGUST 8, 2012 REGULAR MEETING CLOSED SESSION
Announcement of Actions, if any, taken in Closed Session

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 NCSO VS COUNTY SLO) in closed session, but took no reportable action.

Item C-1 (Continued)

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

C-2) NCSD DISTRICT ENGINEER PETER SEVCIK
Update Report re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

C-3) NCSD UTILITIES SUPERINTENDENT TINA GRIETENS
Update Report re: Recent Activities (written report only)

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

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND
REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS,
CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from DirectorsDirector Gaddis

- ◇ September 24, 2012 – SCAC will meet at 6:30 p.m. at NCSD.

Director Eby

- ◇ September 5, 2012 – Supplemental Water Alternatives Evaluation Committee Meeting met.
- ◇ September 20, 2012 – LAFCO will meet. At issue is the refusal of the City of Pismo Beach to honor its written agreement to indemnify and defend LAFCO from a lawsuit by the developer of Los Robles Del Mar. If funds are not paid by Pismo Beach, all LAFCO agencies will be invoiced for the balance.
- ◇ Director Eby will not attend the next Board meeting, due to the CSDA Conference in San Diego.

Director Winn

- ◇ September 5, 2012 – The WRAC met in San Luis Obispo. The next meeting will be on October 3, 2012.
- ◇ September 11, 2012 – Santa Maria Valley Groundwater Lawsuit, appeal hearing in San Jose. No decision was rendered at that time.
- ◇ September 18, 2012 – Cal Poly classes start.

Director Vierheilig

- ◇ September 12, 2012 – Nipomo Chamber of Commerce Mixer at Wells Fargo Bank open to the public from 5:30 – 7:00 p.m.

Nipomo Community Services District
REGULAR MEETING
MINUTES

C-5) 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 Winn and seconded by Director Eby, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 4-0.

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

00:41:35

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE BOARD MEETING MINUTES:

- AUGUST 8, 2012 REGULAR MEETING
- AUGUST 14, 2012 SPECIAL MEETING

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 Eby and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda as amended.
Vote 4-0.

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

Item D-2

August 14, 2012, Special Meeting Minutes - Director Winn abstained since he did not attend the meeting.

E. ADMINISTRATIVE ITEMS

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:47:51

- E-1) RECEIVE PRESENTATION FROM SAN LUIS OBISPO COUNTY STAFF REGARDING DRAFT UPDATE TO MEMORANDUM OF UNDERSTANDING ADDRESSES INTEGRATED REGIONAL WATER MANAGEMENT COORDINATION

Courtney Howard, San Luis Obispo County Public Works Department, gave an overview of the County's Integrated Regional Water Management Program. Ms. Howard answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously thanked staff for the presentation and directed staff to sign the Memorandum of Understanding.

Vote 4-0.

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

01:26:03

- E-2) CONSIDER AECOM CONTRACT AMENDMENT IN AMOUNT OF \$219,619 FOR SUPPLEMENTAL WATER PROJECT PHASE 1 FINAL DESIGN AND CONSIDER REVISED PROJECT SCHEDULE. REVIEW FUNDING SOURCES

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Mr. Sevcik answered questions from the Board.

There was no public comment.

Director Eby stated that the phased pipeline project the District is proposing to proceed with does not increase property taxes like the Assessment District would have.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved the contract amendment in the amount of \$89,976 with AECOM, bringing the total AECOM contract amount to \$219,619, and directed staff to open a discussion with the other water purveyors to get assistance with the funding.

Vote 4-0.

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

The Board took a break from 10:50 to 11:05 a.m.

The Board considered Item E-4 next.

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:49:15

- E-4) CONSIDER PROPOSAL BY NIPOMO CHAMBER OF COMMERCE AND OLDE TOWNE NIPOMO ASSOCIATION FOR CLEANUP AND MAINTENANCE OF NIPOMO COMMUNITY COMMON AREAS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Rudy Stowell, Nipomo Chamber of Commerce President, and Jacqueline Frederick, Olde Towne Nipomo Association, provided a presentation. Mike Seitz, District Deputy Legal Counsel, Mr. LeBrun, Mr. Stowell, and Ms. Frederick answered questions from the Board. The Board thanked Mr. Stowell and Ms. Frederick for their presentation.

There was no public comment.

The Board directed staff to put this item on the next agenda with more detailed information.

02:44:25

- E-3) RECEIVE UPDATE REGARDING SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

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.

The Board took no action.

- I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, 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

Vice President Vierheilig adjourned to closed session at 12:15 p.m.

03:01:27

- L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:00 p.m.

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed items 1 and 2 listed above for closed session but took no reportable action.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

03:01:45

E-5) CONSIDER CHANGES TO CONFLICT OF INTEREST CODE

Mike Seitz, Deputy District Legal Counsel, reviewed the report as presented in the Board packet. Mr. Seitz answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously adopted a revised conflict of interest code, Resolution 2012-1276.
Vote 4-0.

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

RESOLUTION NO. 2012-1276

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A CONFLICT OF INTEREST CODE

03:09:03

F. GENERAL 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 was no public comment.

03:32:10

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis

- ◊ Requested staff to contact Chief Bill Fisher to attend the next regular Board meeting for information on weed abatement.

Director Winn

- ◊ Suggested that the County Fire Marshall, Battalion Commander Paul Lee, would be the CalFire person most involved with policy questions.

Director Vierheilg

- ◊ Requested staff to look into the solid waste rate deferrals.

ADJOURN

Vice President Vierheilg adjourned the meeting at 1:40 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.40
Closed Session	1.00
TOTAL HOURS	5.40