

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: MAY 17, 2013

AGENDA ITEM

D

MAY 22, 2013

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 MAY 8, 2013 REGULAR BOARD MEETING MINUTES:
[RECOMMEND APPROVAL]
- D-3) APPROVE MAY 10, 2013 SPECIAL BOARD MEETING MINUTES [RECOMMEND
APPROVAL]
- D-4) APPROVE VARIANCE TO DISTRICT REQUIREMENT FOR 627 STORY STREET,
APN 092-153-021, TO CONNECT DISTRICT SEWER [RECOMMEND ADOPT
RESOLUTION APPROVING VARIANCE]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN *MSL*
 GENERAL MANAGER
 DATE: MAY 17, 2013

**AGENDA ITEM
 D-1
 MAY 22, 2013**

**TOTAL COMPUTER CHECKS
 \$221,772.92**

HAND WRITTEN CHECKS

05-08-13	10134	MORE OFFICE SOLUTIONS	COPIER	\$227.09
05-16-13	10136	FIRST AMERICAN TITLE	ESCROW #434446 (LINDA VISTA)	\$115,381.00
05-22-13	10137	LEE CENTRAL COAST NEWSPAPER	PUBLICATIONS	\$1,395.26
05-22-13	10138	KERRY SANNER	WASHER REBATE	\$75.00
05-22-13	10139	JESSICA DIGGONS	WASHER REBATE	\$75.00
VOIDS - 10135				

COMPUTER GENERATED CHECKS

21885	05/10/13	EMP01	EMPLOYMENT DEVELOP DEPT	1458.02	.00	1458.02	B30506	STATE INCOME TAX
21886	05/10/13	MID01	RABOBANK-PAYROLL TAX DEPO	4344.49	.00	4344.49	B30506	FEDERAL INCOME TAX
				224.84	.00	224.84	1B30506	FICA
				1072.16	.00	1072.16	2B30506	MEDICARE (FICA)
			Check Total.....:	5641.49	.00	5641.49		
21887	05/10/13	MID02	RABOBANK-DIRECT DEPOSIT	27564.55	.00	27564.55	B30506	NET PAY
21888	05/10/13	PER01	PERS RETIREMENT	9149.72	.00	9149.72	B30506	PERS PAYROLL REMITTANCE
21889	05/10/13	STA01	CALPERS 457 DEFERRED COMP	2305.00	.00	2305.00	B30506	457 DEFERRED COMP
021890	05/22/13	ACO01	ACORN MEDIA	1069.43	.00	1069.43	32117	FLAMMABLE CABINET
021891	05/22/13	AIR01	AIR POLLUTION CONTROL	1440.00	.00	1440.00	15251	EQUIP RENEWAL PERMIT FOR
021892	05/22/13	AME03	AMERI PRIDE	162.87	.00	162.87	875995	UNIFORMS
				130.72	.00	130.72	880704	UNIFORMS
			Check Total.....:	293.59	.00	293.59		
021893	05/22/13	AME09	AMERICAN CRANE TRAINING &	450.00	.00	450.00	CCO747739	AUTO CRANE TRAINING
021894	05/22/13	ATT02	AT&T	186.72	.00	186.72	4340476	TELEPHONE
021895	05/22/13	AWW02	AMERICAN WATER WORKS ASSO	561.00	.00	561.00	B30516	STANDARDS UPDATE-RENEWAL
021896	05/22/13	BIG01	BIG BRAND TIRE & SERVICE	219.66	.00	219.66	210287	08' TIRE/OIL CHANGE
				26.90	.00	26.90	210301	02' TOYOTA OIL CHANGE
				26.90	.00	26.90	210357	07' FORD OIL CHANGE
				-28.16	.00	-28.16	B30510C	FLEET DISCOUNT & F/C WROT
			Check Total.....:	245.30	.00	245.30		
021897	05/22/13	BLA02	BLAIR, ROBERT L	822.95	.00	822.95	B30516	REIMBURSEMENT-LEGISLATIVE
021898	05/22/13	BRE02	BRENNTAG PACIFIC INC.	518.02	.00	518.02	BPI303969	SODIUM HYPOCHLORITE
				830.86	.00	830.86	BPI303970	SODIUM HYPOCHLORITE
			Check Total.....:	1348.88	.00	1348.88		
021899	05/22/13	CAN02	CANNON CORPORATION	8078.54	.00	8078.54	54533	WELL NO. 4
021900	05/22/13	CLE06	CNSSLO INC	270.00	.00	270.00	16323	UPS FOR NETWORK GEAR AT Y
021901	05/22/13	CON03	CONTROLCO	521.45	.00	521.45	70155	CABLE CLAMPS FOR TRANSDUC
021902	05/22/13	COR04	CORIX WATER PRODUCTS (US)	537.52	.00	537.52	731308069	METER GASKET/HAND SAW/MIL
				34.38	.00	34.38	731308427	WATER METER GASKETS
			Check Total.....:	571.90	.00	571.90		
021903	05/22/13	CRY01	CRYSTAL SPRINGS	46.61	.00	46.61	APR 2013	LAB-DISTILLED WATER
021904	05/22/13	CUS01	CUSTOM PRINTING	535.68	.00	535.68	123723	CONSUMER CONFIDENCE REPOR
021905	05/22/13	ELE02	ELEMENTS	93.75	.00	93.75	214537	WEBSITE-OPT OUT PROBLEM
021906	05/22/13	FGL01	FGL ENVIRONMENTAL	91.00	.00	91.00	381322A	LAB TEST
021907	05/22/13	FIS01	FISHER PUMP SERVICE	21942.00	.00	21942.00	2788	ER-SUNDALE MOTOR REPLACEM
021908	05/22/13	LEB02	LeBRUN, MICHAEL	65.00	.00	65.00	MAY 2013	CELL PHONE REIMBURSEMENT
021909	05/22/13	LEE02	LEE CENTRAL COAST NEWSPAP	506.00	.00	506.00	00881388	ADVERTISING-WASTEWATER SU
021910	05/22/13	LIN02	LINC DELIVERY	264.00	.00	264.00	APR 2013	DELIVERY

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN
 GENERAL MANAGER
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AGENDA ITEM
D-1
MAY 22, 2013
PAGE TWO

021911	05/22/13	MIN02	MINER'S ACE HARDWARE	218.27	.00	218.27	APR 2013	OPERATING SUPPLIES
021912	05/22/13	MOR02	MORE OFFICE SOLUTIONS	91.36 212.66	.00 .00	91.36 212.66	426943 432067	B & W/COLORED COPIES B&W/COLORED COPIES
			Check Total.....:	304.02	.00	304.02		
021913	05/22/13	MUL01	MULLAHEY FORD	19.40 200.55	.00 .00	19.40 200.55	17269 69743	FORD ESCAPE WINDSHIELD WI 09' FORD REPLACED SERPENT
			Check Total.....:	219.95	.00	219.95		
021914	05/22/13	MUN03	MUNICIPAL MAINTENANCE EQU	63.83 1301.71	.00 .00	63.83 1301.71	81289-IN 81691-IN	VAC CON PARTS ANNUAL MAINT./HYDRAULIC F
			Check Total.....:	1365.54	.00	1365.54		
021915	05/22/13	NEX03	NEXTRAQ	250.00	.00	250.00	SV006603	DE-RE-INSTALL GPS FOR NEW
021916	05/22/13	NIP08	NIPOMO CSD	513.17	.00	513.17	4/30/13	LANDSCAPE MAINTENANCE DIS
021917	05/22/13	NUN01	NUNLEY, MICHAEL K. & ASSO	4542.00	.00	4542.00	5/3/13	BLACKLAKE SEWER MASTER PL
021918	05/22/13	NUT01	NU TECH PEST MGMT	265.00 75.00	.00 .00	265.00 75.00	97986 97987	PEST CONTROL RODENT CONTROL
			Check Total.....:	340.00	.00	340.00		
021919	05/22/13	OFF01	OFFICE DEPOT	67.81	.00	67.81	695056001	OFFICE SUPPLIES
021920	05/22/13	PAT01	PAT PHELAN CONSTRUCTION	9245.00	.00	9245.00	23495	RIP/DISC/MOW RETENTION PO
021921	05/22/13	POO01	POOR RICHARD'S PRESS	36.78 149.50 292.57 1189.10	.00 .00 .00 .00	36.78 149.50 292.57 1189.10	252691A 252691B 252803A 252803B	MAIL LATE NOTICES POSTAGE-LATE NOTICES MAIL-BILLS POSTAGE-BILLS
			Check Total.....:	1667.95	.00	1667.95		
021922	05/22/13	POS02	FRANCOTYP-POSTALIA, INC.	554.06	.00	554.06	101535398	POSTAGE MACHINE
021923	05/22/13	PRI02	PRICE, POSTEL & PARMA, LL	7395.19	.00	7395.19	112533	SWP-RIGHT-OF-WAY
021924	05/22/13	QUI03	QUINN COMPANY	33.63	.00	33.63	PC0302263	GENERATOR COOLANT
021925	05/22/13	RBA01	R BAKER, INC	8495.65 8328.42 15152.77	.00 .00 .00	8495.65 8328.42 15152.77	0413-7074 0413-7075 0513-7100	REPAIR 2 1" WATER SERVICE ER WATER LEAK REPAIR-AVOC LA MIRADA PUMP REPLACEMEN
			Check Total.....:	31976.84	.00	31976.84		
021926	05/22/13	SHE01	SHEPARD BROS. INC.	287.09	.00	287.09	SOI027262	HAND SANITIZER
021927	05/22/13	SHI01	SHIPSEY & SEITZ, INC	14310.80	.00	14310.80	APR 2013	LEGAL SERVICES
021928	05/22/13	SLO02	DIV OF ENVIRON HEALTH	2110.63	.00	2110.63	IN0085660	CROSS CONNECTIONS SEPT 12
021929	05/22/13	SOU01	SOUTH COUNTY SANITARY	38.98 188.70	.00 .00	38.98 188.70	4073196 4074473	GARBAGE SERVICE OLDE TOWNE GARBAGE SERVIC
			Check Total.....:	227.68	.00	227.68		
021930	05/22/13	STA07	SRF ACCOUNTING OFFICE	42180.25	.00	42180.25	B30516	STATE REVOLVING FUND LOAN
021931	05/22/13	TAP01	TAFT ELECTRIC	190.00 570.00	.00 .00	190.00 570.00	31058-5 31058-6	CONNECT PUMP 2-LA MIRADA LA MIRADA L/S
			Check Total.....:	760.00	.00	760.00		
021932	05/22/13	TEC01	TECHNOFLO SYSTEMS	2605.91	.00	2605.91	11366	VIA CONCHA-FLOW METER REP
021933	05/22/13	TOT01	TOTALLY WIRELESS GPS	282.67	.00	282.67	12868	DE/RE-INSTALL CB RADIOS I
021934	05/22/13	TOW01	TOWN & COUNTRY FENCING	388.00	.00	388.00	3395	REPLACED WHEELS ON GATE-U
021935	05/22/13	TUC01	TUCKFIELD & ASSOCIATES	2733.75	.00	2733.75	339	COP OFFICIAL STATEMENT AS
021936	05/22/13	USA01	USA BLUEBOOK	490.23	.00	490.23	950229	LIFTING SLINGS & CHAINS
021937	05/22/13	WAG01	WAGNER & BONSIGNORE	6878.66	.00	6878.66	5-13-1	GROUNDWATER LITIGATION
021938	05/22/13	WAL01	WALLACE GROUP	1000.11 1655.38	.00 .00	1000.11 1655.38	35009 35010	FOG OUTREACH & INSPECTION NIPOMO CSD SSMP AUDIT
			Check Total.....:	2655.49	.00	2655.49		
021939	05/22/13	WSC01	WSC	645.75	.00	645.75	653	CUWCC SUPPORT SERVICES
021940	05/22/13	\E003	DOUG ENLOE DRILLING	500.00	.00	500.00	000B30501	MQ CUSTOMER REFUND FOR EN
021941	05/22/13	\S010	SOUTHERN CALIFORNIA GAS,	500.00	.00	500.00	000B30501	MQ CUSTOMER REFUND FOR SO

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 17, 2013

AGENDA ITEM
D-2
MAY 22, 2013

APPROVE MINUTES OF PREVIOUS BOARD MEETING

ITEM

Approve action minutes from previous Board meeting. [RECOMMENDED APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve minutes as part of Consent Agenda.

ATTACHMENT

- A. May 8, 2013 draft Board Meeting Minutes

MAY 22, 2013

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MAY 8, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
DAN GADDIS, **DIRECTOR**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
MERRIE WALLRAVIN, **BOARD CLERK**

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 May 8, 2013, to order at 9:05 a.m. and led the flag salute.

00:00:36
B. ROLL CALL

At roll call, all board members were present.

President Harrison announced a moment of silence in memory of District Legal Counsel, Jon Seitz.

President Harrison also announced that the Board will go into closed session now and will reconvene to open session at 10:00 a.m.

00:02:13
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 PURSUANT TO GOVT. CODE §54956.9(b):
Anticipated litigation - 1 case: Mesa Community Alliance

3. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

The following members of the public spoke:

Ed Eby, NCSD customer, commented on Director Blair recusing himself from closed session due to being part of the Mesa Community Alliance.

Bill Morrow, NCSD customer, stated he was against District customers paying for the plaintiff's legal fees for the law suit.

Mike Seitz, District Deputy Legal Counsel announced that he talked with Director Blair and Mr. Blair denies being part of the Mesa Community Alliance.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 9:10 a.m.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

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

The Board came back into Open Session at 10:15 a.m.

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Item One, Two, and Three listed above under closed session announcements, but took no reportable action.

00:04:04

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON APRIL 24, 2013 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 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: anticipated litigation pursuant to GC §54956.9 MCA VS. NCSD) in closed session and authorized retention of Harriet Steiner from the Law Firm of Best Best & Krieger to represent the District in regards to the anticipated litigation.

The following members of the public spoke:

Ed Eby, NCSD customer, questioned how long the Santa Maria Valley Groundwater litigation will go on and commented on the District logging all expenses as a result of MCA litigation, for District customer's information.

John Snyder, Nipomo resident, commented on the Santa Maria Valley Groundwater litigation and on water being pumped unlawfully in the basin.

00:11:36

C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from Directors

Director Gaddis

- ◇ *Commented on attending the May 4 and 5, Planes for Fame Air Show at the Chino Airport.*

Director Vierheilig

- ◇ *May 1, Attended the Water Resources Advisory Council meeting.*
- ◇ *May 11 and 12, Spring Fair at the Halcyon Store.*

Director Blair

- ◇ *Commented on missing the Special Meeting on May 10.*

Director Harrison

- ◇ *May 7, Attended the Santa Barbara County Board of Supervisors meeting, with a 3-1-1 vote the County Board approved the Right-of-Way for the Supplemental Water Project.*
- ◇ *May 7, Attended the City of Santa Maria Council meeting, with a 5-0 vote the City Council approved the Wholesale Water Supply Agreement with the District.*
- ◇ *Commented on meeting with a Mr. Kengel regarding connection to the District's sewer system.*

Copy of document found at www.NoNewWipTax.com

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:16:10

- C-3) 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 Vierheilig and seconded by Director Blair, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Blair, Armstrong, Gaddis, and Harrison	None	None

00:16:48

D. CONSENT AGENDA

- D-1) WARRANTS

- D-2) APPROVE APRIL 24, 2013 REGULAR BOARD MEETING MINUTES

- 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 2013-2014

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 Armstrong and seconded by Director Gaddis, the Board unanimously approved the Consent Agenda as submitted. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Armstrong, Blair, Gaddis, and Harrison	None	None

RESOLUTION NO. 2013-1304

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT GRANTING APPROVAL OF THE ANNUAL ENGINEER'S REPORT FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014

RESOLUTION NO. 2013-1305

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 2013-2014

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER AND REFUNDING PROJECT) SERIES 2013:

- AUTHORIZE SALE OF UP TO \$9,500,000 IN REVENUE CERTIFICATES AND APPROVE THE FOLLOWING SALE DOCUMENTS:
 - A TRUST AGREEMENT
 - AN INSTALLMENT SALE AGREEMENT
 - AN AGENCY AGREEMENT
 - AN ESCROW DEPOSIT AND TRUST AGREEMENT
 - A CONTINUING DISCLOSURE AGREEMENT
 - A PRELIMINARY OFFICIAL STATEMENT
 - A BOND PURCHASE AGREEMENT

ADJOURN TO PUBLIC FACILITIES CORPORATION

- A) ROLL CALL NEXT RESOLUTION 2013-06
- B) APPROVAL OF DOCUMENTS IN CONNECTION WITH THE SALE, EXECUTION AND DELIVERY BY NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT PHASE 1) SERIES 2013

ADOPT A RESOLUTION APPROVING

- A TRUST AGREEMENT
- AN INSTALLMENT SALE AGREEMENT
- AN ASSIGNMENT AGREEMENT
- AN AGENCY AGREEMENT
- AN ESCROW DEPOSIT AND TRUST AGREEMENT
- A PRELIMINARY OFFICIAL STATEMENT

ADJOURN TO NCSD REGULAR MEETING

Mike Seitz, District Deputy Legal Counsel, recommended that the Board continue this inclusive item on a future agenda.

The following members of the public spoke:

John Snyder, Nipomo resident, commented on continuing item E-1 and questioned who's doing the illegal pumping.

Ed Eby, NCSD customer, questioned when the Board will consider this item and commented on the Special Meeting on Friday.

*Upon the motion of Director Vierheilg and seconded by Director Blair, the Board unanimously approved to continue this inclusive item on a future agenda.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Blair, Armstrong Gaddis, and Harrison	None	None

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:24:18 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.

00:33:04 G. COMMITTEE REPORT

The committee reports were as presented. There was no public comment.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There were no Director's request to staff.

At 10:45 a.m., President Harrison announced that the Board will take a recess and reconvene at 1:00 p.m. for Item E-2.

E-2) 2013-2014 FISCAL YEAR BUDGET DEVELOPMENT WORKSHOP

Michael LeBrun, General Manager, reviewed the report as presented in the board packet. Lisa Bognuda, Finance Director, and Mr. LeBrun answered question from the Board.

There was no public comment.

The Board directed staff to make minor edits and set Wednesday, June 12, 2013, at 9 a.m. the Public Hearing to consider adoption of the Fiscal Year 2013-2014 Budget.

ADJOURN

President Harrison adjourned the meeting at 1:35 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	1.15
Closed Session	1.05
TOTAL HOURS	2.20

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 17, 2013



APPROVE MINUTES OF PREVIOUS BOARD MEETING

ITEM

Approve action minutes from previous Board meeting. [RECOMMENDED APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve minutes as part of Consent Agenda.

ATTACHMENT

- A. May 10, 2013 draft Special Board Meeting Minutes

MAY 22, 2013

ITEM D-3

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

SPECIAL MEETING MINUTES

MAY 10, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
DAN GADDIS, **DIRECTOR**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
MIKE SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
MERRIE WALLRAVIN, **BOARD CLERK**

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.
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00:00:00 1. CALL TO ORDER, FLAG SALUTE

President Harrison called the Special Meeting of May 10, 2013, to order at 9:00 a.m. and led the flag salute.

00:00:38 ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

At Roll Call, Directors Armstrong, Gaddis, Vierheilig, and Harrison were present. Director Blair was not present.

00:00:52 2. CONSIDER ALTERNATIVE FINANCING PLAN FOR SUPPLEMENTAL WATER PROJECT PHASE 1

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

The following member of the public spoke:

Ed Eby, NCSD customer, spoke in support of the alternate financing plan for Supplemental Water Project Phase I.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved the alternate financing plan for Supplemental Water Project Phase 1. Vote 4-0.

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

ADJOURN

President Harrison adjourned the meeting at 9:10 a.m.

MEETING SUMMARY	HOURS
Special Meeting	.17
Closed Session	.00
TOTAL HOURS	.17

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 17, 2013



APPROVE VARIANCE TO DISTRICT REQUIREMENT FOR 627 STORY STREET, APN 092-153-021, TO CONNECT TO DISTRICT SEWER

ITEM

Approve a variance request, thereby allowing 627 Story Street, Nipomo CA to be exempted from Ordinance 2005-105 [RECOMMEND ADOPT RESOLUTION APPROVING VARIANCE]

BACKGROUND

APN 092-153-021, 627 Street, Nipomo, is connected to District water and utilizes a septic system for wastewater disposal. The Property lies within the septic tank prohibition area established by the CA Regional Water Quality Control Board (Regional Board) by their Basin Plan Resolution 78-02.

District Ordinance 2005-105, is founded on the Regional Boards policy and requires all homes within the septic tank prohibition area to connect to District sewer upon change of ownership. 627 Story, Nipomo is being sold.

The Regional Board granted 627 Story, Nipomo an exemption to Basin Plan Resolution 78-02. The property owner has applied for a variance to Ordinance 2005-105.

FISCAL IMPACT

The applicant provided a \$900 deposit along with their application for variance. These funds will cover staff time preparing these items.

RECOMMENDATION

Adopt Resolution 2013- Variance.

ATTACHMENTS

- A. Resolution 2013-Variance

MAY 22, 2013

ITEM D-4

ATTACHMENT A

RESOLUTION NO. 2013-Variance

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING A VARIANCE FOR CONNECTION OF 627 STORY ROAD
(APN 092-153-021) TO DISTRICT'S SEWER SYSTEM LOCATED WITHIN THE REGIONAL
WATER QUALITY CONTROL BOARD'S PROHIBITION ZONE**

WHEREAS, Gail Kemble, Agent for Northridge Neurological Medical Group, Inc., has applied to the Nipomo Community Services District ("District") for an exemption to connect 627 Story Road (APN 092-153-021) to the District's sewer system that is located within the District's boundaries and within the Regional Water Quality Control Board's (RWQCB) Prohibition Zone, as established pursuant to Resolution 78-02 adopted by the RWCQB on March 17, 1978; and

WHEREAS, pursuant to the Variance Policies adopted by District Ordinance No. 2002-92, Gail Kemble ("Applicant") has applied for a variance of District's requirements and regulations to connect to the District's sewer system; and

WHEREAS, based on the staff report, the application for a variance, staff presentation, Applicant's presentation and other public testimony taken at the public hearing, the District Board finds as follows:

1. District Ordinance 2005-105 states as follows:
All parcels within the Prohibition Zone where any part of the parcel is within fifty (50) feet of the District sewer main shall connect to the District sewer main prior to the "Change of Ownership"
2. Resolution 78-02 adopted by the RWQCB states as follows:
BE IT FURTHER RESOLVED THAT, the Regional Board may grant an exemption to these prohibitions for (1) new individual sewage disposal systems that will not individually or collectively result in a pollution or nuisance, and (2) existing individual sewage disposal systems in a particular area that will not, individually or collectively, directly or indirectly, adversely affect water quality.
3. On May 14, 2013, the Central Coast Regional Water Quality Control Board approved an exemption from the Basin Plan Prohibition for an existing onsite system Located at 627 Story Street, Nipomo, San Luis Obispo (Exhibit "A").

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

1. Applicant's request for a variance for exemption to connect to the District's sewer system is approved pursuant the approval by the Central Coast Regional Water Control Board, dated May 14, 2013.

RESOLUTION NO. 2013-Variance

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING A VARIANCE FOR CONNECTION OF 627 STORY ROAD
(APN 092-153-021) TO DISTRICT'S SEWER SYSTEM LOCATED WITHIN THE REGIONAL WATER QUALITY
CONTROL BOARD'S PROHIBITION ZONE

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

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby passed, approved, and adopted by the Board of Directors of the Nipomo Community Services District this 22nd day of May 2013.

JAMES HARRISON
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

MICHAEL W. SEITZ
Deputy District Legal Counsel

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EXHIBIT "A"



Central Coast Regional Water Quality Control Board

May 14, 2013

Dr. Robert Cohenour
Northridge Neurological Medical Group, Inc.
Employee Profit Sharing Plan
18433 Roscoe Boulevard, Suite 108
Northridge, CA 91325

Dear Dr. Cohenour:

APPROVAL FOR EXEMPTION FROM BASIN PLAN PROHIBITION FOR AN EXISTING ONSITE SYSTEM LOCATED AT 627 STORY STREET, NIPOMO, SAN LUIS OBISPO COUNTY

Central Coast Water Board staff received and reviewed your application requesting an exemption to the Nipomo Prohibition Area, established by Basin Plan Resolution No. 78-02, for the residence located at 627 Story Street in Nipomo. The information you provided on April 23, 2013, included information specific to the residence location, the new septic tank, plot maps, photos, as well as the April 17, 2013 County of San Luis Obispo letter supporting an exemption from the prohibition. According to your submitted information, we understand that the subject property is 1.04 acres in size and that a new septic tank was installed in January 2013. In addition, the soils are silty sand overlying brown coarse sand. Based on this information, it appears that the 627 Story Street residence and associated wastewater disposal system meets general Basin Plan criteria for existing individual wastewater disposal systems.

In accordance with Resolution No. R3-1978-0002, "the regional board may grant a conditional exemption to these prohibitions where an authorized public agency provides satisfactory assurance to the Regional Board that individual disposal systems in a particular area will be appropriately designed, located, sized, spaced, constructed, and maintained to protect water quality; protect beneficial uses; and prevent nuisance, pollution, and contamination."

An exemption from Resolution No. R3-1978-0002 is hereby approved for the 627 Story Street property and existing wastewater disposal system.

JEFFREY S. YOUNG, CHAIR | KENNETH A. HARRIS JR., INTERIM EXECUTIVE OFFICER

895 Arroyo Vista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast/



EXHIBIT "A"

627 Story Street
Nipomo Area Prohibition Exemption

- 2 -

May 14, 2013

The Central Coast Water Board appreciates your cooperation and patience in this matter. If you have any questions regarding this letter, please contact **David LaCaro** at **(805) 549-3892** or at dlacaro@waterboards.ca.gov.

Sincerely,



Digitally signed by Kenneth A
Harris Jr
DN: cn=Kenneth A Harris Jr,
o=CCRWQCB, ou=Interim
Executive Officer,
email=kharris@waterboards.ca.g
ov, c=US
Date: 2013.05.14 16:59:37 -0700'

Kenneth A. Harris, Jr.
Interim Executive Officer

Mr. Michael LeBrun, General Manager, Nipomo CSD [mlebrun@ncsd.ca.gov]
Mr. Barry Tolle, San Luis Obispo County [btolle@co.slo.ca.us]
Ms. Gail Kemble, Century 21 Realty [gailkemble@aol.com]
Mr. Nick Paulicano [npaulicano@homemotors.net]
Ms. Becky Crowe, Keller Williams Realty [beckycrowekw@gmail.com]

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