

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: AUGUST 9, 2013



## PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS  
Receive Announcements and Reports from Directors
  
- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: AUGUST 8, 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 JULY 24, 2013 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL S. LEBRUN *MSL*  
 GENERAL MANAGER  
 DATE: AUGUST 9, 2013

**AGENDA ITEM  
 D-1  
 AUGUST 14, 2013**

**TOTAL COMPUTER CHECKS  
 \$362,861.79**

**HAND WRITTEN CHECKS**

07-24-13 10167 SAN LUIS GARBAGE COMPANY  
 07-30-13 10169 BABE FARMS  
 08-01-13 10170 PGE  
 08-14-13 10171 LESTER KVECK  
 08-14-13 10172 CRAIG GRANT  
 08-14-13 10173 RICHARD DELL  
 VOIDS - 10168

TAX LIENS \$1,196.00  
 RIGHT OF ENTRY AGREEMENT \$22,716.00  
 ELECTRICITY \$74,826.21  
 WASHER REBATE \$75.00  
 WASHER REBATE \$75.00  
 WASHER REBATE \$75.00

**COMPUTER GENERATED CHECKS**

22129	08/02/13	EMP01	EMPLOYMENT DEVELOP DEPT	33.00	.00	33.00	B30729	STATE INCOME TAX
				1292.61	.00	1292.61	1B30729	STATE INCOME TAX
			Check Total.....:	1325.61	.00	1325.61		
22130	08/02/13	MID01	RABOBANK-PAYROLL TAX DEPO	125.00	.00	125.00	B30729	FEDERAL INCOME TAX
				14.50	.00	14.50	1B30729	MEDICARE (FICA)
				3870.47	.00	3870.47	2B30729	FEDERAL INCOME TAX
				62.00	.00	62.00	3B30729	FICA
				982.08	.00	982.08	4B30729	MEDICARE (FICA)
			Check Total.....:	5054.05	.00	5054.05		
22131	08/02/13	MID02	RABOBANK-DIRECT DEPOSIT	25226.74	.00	25226.74	B30729	NET PAY
22132	08/02/13	PER01	PERS RETIREMENT	.00	.00	.00	B30729	PERS PAYROLL REMITTANCE
				8679.73	.00	8679.73	1B30729	PERS PAYROLL REMITTANCE
			Check Total.....:	8679.73	.00	8679.73		
22133	08/02/13	STA01	CALPERS 457 DEFERRED COMP	2205.00	.00	2205.00	B30729	457 DEFERRED COMP
022134	08/14/13	ABA01	ABALONE COAST BACTERIOLOG	6373.00	.00	6373.00	1971	LAB TESTS
022135	08/14/13	ADV01	ADVANTAGE ANSWERING PLUS	134.85	.00	134.85	AUG 2013	ANSWERING SERVICE
022136	08/14/13	AEC01	AECOM USA INC	6547.50	.00	6547.50	37364431	SOUTHLAND WWTF UPGRADE
022137	08/14/13	AIR01	AIR POLLUTION CONTROL	195.00	.00	195.00	B30807	APPLICATION FEE-GENERATOR
022138	08/14/13	ALX01	ALEXANDER'S CONTRACT SERV	2375.13	.00	2375.13	AUG 2013	METER READING SERVICE
022139	08/14/13	AME01	AMERICAN GROUND WATER TR	130.72	.00	130.72	500936401	UNIFORMS
022140	08/14/13	AME03	AMERI PRIDE	120.85	.00	120.85	927298	UNIFORMS
				139.12	.00	139.12	931834	UNIFORMS
			Check Total.....:	259.97	.00	259.97		
022141	08/14/13	AQU01	AQUA-METRIC SALES CO.	11823.63	.00	11823.63	48573-IN	1" & 5/8" METERS
022142	08/14/13	ATT02	AT&T	153.35	.00	153.35	4548892	TELEPHONE
				26.33	.00	26.33	4549136	TELEPHONE
				171.25	.00	171.25	4549206	TELEPHONE
			Check Total.....:	350.93	.00	350.93		
022143	08/14/13	AWW02	AMERICAN WATER WORKS ASSO	238.00	.00	238.00	B30806	SEVCIK-MEMBERSHIP DUES
022144	08/14/13	BEN02	BENTLEY SYSTEMS, INC.	1680.00	.00	1680.00	47535595	WATER/SEWER GEMS SUBSCRIP
022145	08/14/13	BES01	BEST BEST & KRIEGER	1380.60	.00	1380.60	706611	CONSTRUCTION DOCUMENTS
				67.08	.00	67.08	706612	SLO COUNTY HOUSING ORDINA
				33430.36	.00	33430.36	706613	MCA VS NCSD
			Check Total.....:	34878.04	.00	34878.04		
022146	08/14/13	BRE02	BRENNTAG PACIFIC INC.	2078.99	.00	2078.99	BPI326555	CITRIC ACID
				520.75	.00	520.75	BPI326556	SODIUM HYPOCHLORITE
				810.09	.00	810.09	BPI326557	SODIUM HYPOCHLORITE
				312.77	.00	312.77	BPI329691	SODIUM HYPOCHLORITE
				647.34	.00	647.34	BPI329692	SODIUM HYPOCHLORITE
			Check Total.....:	4369.94	.00	4369.94		
022147	08/14/13	BUN01	BUNYON BROS TREE SERVICE	550.00	.00	550.00	9092	GRIND 3 STUMPS
022148	08/14/13	CAI03	CALIFORNIA ELECTRIC SUPPL	26.55	.00	26.55	532466	MINATURE FUSE
022149	08/14/13	CAL21	CALLEJA, DEREK				B30806	CALLEJA-WASTEWATER EXAM R

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**PAGE TWO**

022150	08/14/13	CAN02	CANNON CORPORATION	1012.49	.00	1012.49	54891	STANDPIPE BID SUPPORT
022151	08/14/13	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	AUG 2013A	INTERNET-SHOP
				204.99	.00	204.99	AUG 2013B	OFFICE-INTERNET SERVICE
			Check Total.....:	409.98	.00	409.98		
022152	08/14/13	CIT01	CITY NATIONAL BANK	79848.25	.00	79848.25	B30807	A/D 93-1 DEBT SERVICE PAY
022153	08/14/13	CON03	CONTROLCO	2531.70	.00	2531.70	75522	VENTED CABLE
022154	08/14/13	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B307151	COMPUTER SUPPORT
022155	08/14/13	CRY01	CRYSTAL SPRINGS	47.64	.00	47.64	JUL 2013	LAB-DISTILLED WATER
022156	08/14/13	CUS01	CUSTOM PRINTING	540.00	.00	540.00	124626	WASTEWATER RECRUITMENT FL
022157	08/14/13	FAR02	FAR WEST EXPRESS	23.00	.00	23.00	JUL 2013	DELIVERY
022158	08/14/13	FED01	FED EX	143.70	.00	143.70	234223898	SHIPPING
022159	08/14/13	FER01	FERGUSON ENTERPRISES INC	22881.38	.00	22881.38	9539322	CLA VALVE PARTS-STANDPIPE
				263.98	.00	263.98	9612313	PVC BLUE PIPE
			Check Total.....:	23145.36	.00	23145.36		
022160	08/14/13	FGL01	FGL ENVIRONMENTAL	396.26	.00	396.26	381795A	LAB TEST
				19.80	.00	19.80	382161A	LAB TEST
				63.53	.00	63.53	382170A	LAB TEST
				132.83	.00	132.83	382581A	LAB TEST
				132.83	.00	132.83	382582A	LAB TEST
				272.50	.00	272.50	382583A	LAB TESTS
				153.70	.00	153.70	382684A	LAB TEST
			Check Total.....:	1171.45	.00	1171.45		
022161	08/14/13	FIS01	FISHER PUMP SERVICE	72428.00	.00	72428.00	2872	VIA CONCHA PUMP REPAIR
022162	08/14/13	GIL01	GLM, INC.	340.00	.00	340.00	JUL 2013	LANDSCAPE MAINTENANCE
022163	08/14/13	GWA01	GWA INC	87.00	.00	87.00	AUG 2013A	MONITORING-SHOP
				87.00	.00	87.00	AUG 2013B	MONITORING-UTILITY OFFICE
				55.00	.00	55.00	AUG 2013C	MONITORING-OFFICE
			Check Total.....:	229.00	.00	229.00		
022164	08/14/13	HAM01	HAMON OVERHEAD DOOR CO	110.99	.00	110.99	56809	DOOR REPAIR
022165	08/14/13	HAM02	HAMNER JEWELL & ASSOCIATE	1385.16	.00	1385.16	6389	WATERLINE INTERTIE
022166	08/14/13	IDE01	IDEATE, INC	845.00	.00	845.00	B30806	JGARCIA-AUTOCAD FUNDAMENT
022167	08/14/13	IRO01	IRON MOUNTAIN RECORDS MGT	34.49	.00	34.49	HKU1912	ON SITE SHREDDING SERVICE
022168	08/14/13	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	JUL 2013	LANDSCAPE MAINTENANCE
022169	08/14/13	LEB01	LeBRUN, MICHAEL	756.46	.00	756.46	B30805	REIMBURSEMENT-GM CONFEREN
022170	08/14/13	LEB02	LeBRUN, MICHAEL	65.00	.00	65.00	AUG 2013	CELL PHONE REIMBURSEMENT
022171	08/14/13	LEE02	LEE CENTRAL COAST NEWSPAP	546.58	.00	546.58	8371	EMPOLYMENT AD
				332.36	.00	332.36	9284	WATER CONSERVATION AD
				332.36	.00	332.36	10073	WATER CONSERVATION AD
			Check Total.....:	1211.30	.00	1211.30		
022172	08/14/13	MIN02	MINER'S ACE HARDWARE	262.31	.00	262.31	JUL 2013	OPERATING SUPPLIES
022173	08/14/13	MOR02	MORE OFFICE SOLUTIONS	214.56	.00	214.56	472373	COPIES
022174	08/14/13	NEW05	NEWTON GEO-HYDROLOGY CONS	2682.66	.00	2682.66	2013-2	LITIGATION SUPPORT
				4255.00	.00	4255.00	2013-3	GWI UPDATE
			Check Total.....:	6937.66	.00	6937.66		
022175	08/14/13	NEX01	NEXTEL COMMUNICATIONS	458.15	.00	458.15	JUL 2013	CELLULAR SERVICE
022176	08/14/13	NEX03	NEXTRAQ	308.50	.00	308.50	AUG 2013	GPS SERVICE
022177	08/14/13	NIP05	NIPOMO CHAMBER OF COMMERC	1507.00	.00	1507.00	B30805	CHAMBER OF COMMERCE GRANT
022178	08/14/13	NUN01	NUNLEY, MICHAEL K. & ASSO	9709.74	.00	9709.74	7	BL SEWER MASTER PLAN
022179	08/14/13	NUT01	NU TECH PEST MGMT	75.00	.00	75.00	99814	RODENT CONTROL
				112.00	.00	112.00	100035	PEST CONTROL
			Check Total.....:	187.00	.00	187.00		



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022180	08/14/13	OFF01	OFFICE DEPOT	239.73	.00	239.73	667036331	OFFICE SUPPLIES
				130.69	.00	130.69	668371748	OFFICE SUPPLIES
				64.48	.00	64.48	668375217	OFFICE SUPPLIES
			Check Total.....:	434.90	.00	434.90		
022181	08/14/13	POL01	POLLARD WATER.COM	4108.80	.00	4108.80	1359241	FIRE FLOW TEST KIT
022182	08/14/13	POO01	POOR RICHARD'S PRESS	1845.49	.00	1845.49	253844	WATER CONSERVATION POSTCA
022183	08/14/13	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	JUL 2013	JANITORIAL SERVICES
022184	08/14/13	QUI03	QUINN COMPANY	282.18	.00	282.18	WON3-184	BL WATER #3-SEMI ANNUAL I
				200.18	.00	200.18	WON3-185	MAR VISTA L/S SEMI ANNUAL
				194.18	.00	194.18	WON3-186	SOUTHLAND #6-SEMI ANNUAL
				238.18	.00	238.18	WON3-187	MOBILE #9-SEMI ANNUAL INS
				282.18	.00	282.18	WON3-188	MOBILE #4-SEMI ANNUAL, INS
				282.18	.00	282.18	WON3-189	MOBILE #5-SEMI ANNUAL, INS
				326.18	.00	326.18	WON3-190	SUNDALE-SMI ANNUAL, INSPEC
				900.00	.00	900.00	WON3-191	TEFFT L/S 2HR LOAD BANK T
				233.18	.00	233.18	WON3-192	TEFFT L/S SEMI ANNUAL INS
				282.18	.00	282.18	WON3-193	SOUTHLAND SEMI ANNUAL INS
				1050.00	.00	1050.00	WON3-194	SOUTHLAND WWTP-2HR LOAD B
			Check Total.....:	4270.62	.00	4270.62		
022185	08/14/13	RAB02	RABOBANK PETTY CASH	29.30	.00	29.30	8-2013 1	POSTAGE
				61.32	.00	61.32	8-2013 2	OFFICE SUPPLIES
				74.25	.00	74.25	8-2013 3	SUPPLIES
			Check Total.....:	164.87	.00	164.87		
022186	08/14/13	SAG02	SAGE DESIGNS, INC	395.00	.00	395.00	1307368	SCADA RENEWAL SOFTWARE MA
022187	08/14/13	SLO04	SAN LUIS OBISPO AUDITOR	21231.30	.00	21231.30	B30806	LAFCO 2013-14 DUES
022188	08/14/13	SLO08	SAN LUIS OBISPO COUNTY	1373.00	.00	1373.00	B30807	ANNUAL ENCROACHMENT PERMI
022189	08/14/13	SOU01	SOUTH COUNTY SANITARY	38.98	.00	38.98	4170948	OFFICE-GARBAGE SERVICE
				188.70	.00	188.70	4172219	OLDE TOWNE-GARBAGE SERVIC
			Check Total.....:	227.68	.00	227.68		
022190	08/14/13	STA08	STAPLES	54.85	.00	54.85	561185001	OFFICE SUPPLIES
022191	08/14/13	TAF01	TAFT ELECTRIC	3952.49	.00	3952.49	31101	LA MIRADA L/S INSTALL REL
				304.04	.00	304.04	31101A	LA MIRADA L/S SAFE PAK RE
			Check Total.....:	4256.53	.00	4256.53		
022192	08/14/13	THE01	THE GAS COMPANY	15.81	.00	15.81	JUL 2013A	HEAT-UTILITY OFFICE
				20.85	.00	20.85	JUL 2013B	HEAT-MAIN OFFICE
			Check Total.....:	36.66	.00	36.66		
022193	08/14/13	UND01	UNDERGROUND SERVICE ALERT	218.70	.00	218.70	13070649	UNDERGROUND SERVICE ALERT
022194	08/14/13	UPS01	UPS STORE #6031	62.34	.00	62.34	3105	SHIPPING
022195	08/14/13	USA01	USA BLUEBOOK	299.73	.00	299.73	7916	3/4" METER ADAPTER/FITTIN
				167.69	.00	167.69	7996	METER GASKET RUBBER 1"63/
			Check Total.....:	467.42	.00	467.42		
022196	08/14/13	USB01	US BANK (VISA)	495.00	.00	495.00	7-13 A	EMPLOYMENT AD
				322.35	.00	322.35	7-13 B	OFFICE SUPPLIES
				106.00	.00	106.00	7-13 C	MEETING SUPPLIES
			Check Total.....:	923.35	.00	923.35		
022197	08/14/13	VER01	VERIZON	47.17	.00	47.17	B30806	TELEPHONE
022198	08/14/13	YOU01	YOUR PEOPLE PROFESSIONALS	2700.00	.00	2700.00	AUG 2013	AUG DEPOSIT-EMPLOYMENT AG

**FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR  
 SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT**

Cushman Contracting	Period 7/1/13 to 7/31/13	\$1,190,986.50
First Republic Bank	Period 7/1/13 to 7/31/13 Retention	\$62,683.50
	<b>TOTAL</b>	<b>\$1,253,670.00</b>

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: AUGUST 8, 2013



## **APPROVE MINUTES OF PREVIOUS BOARD MEETINGS**

### **ITEM**

Approve action minutes from previous Board meetings. [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. July 24, 2013 draft Regular Board Meeting Minutes

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR DRAFT MINUTES

JULY 24, 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.

00:00:00

#### A. CALL TO ORDER AND FLAG SALUTE

*President Harrison called the Regular Meeting of July 24, 2013, to order at 9:00 a.m. and led the flag salute.*

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

*At roll call, all Board members were present.*

*Kevin Beauchamp, NCSD customer, asked the Board for relief on his bill due to a leak on his irrigation meter*

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

*The Board directed staff to review the current policy with the Conservation Committee and return with information within 30 days.*

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) SHERIFF COMMANDER JAMES TAYLOR

Update Report re: South County Law Enforcement and Department News

*Sargent Anthony Perry in place of Sheriff Commander James Taylor gave an update of the law enforcement activities in South County. Sargent Perry answered questions from the Board. The Board thanked Sargent Perry for his report.*

##### C-2) CAL FIRE BATTALION CHIEF

Update Report re: South County Cal Fire Activity and Department News

*Battalion Chief was unable to attend this meeting.*

##### C-3) DIRECTOR OF ENGINEERING AND OPERATIONS

RE: Summary of recent activities

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.*

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

- 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 Directors

Director Armstrong

- ◇ July 22, South County Advisory Council met and had concerns about a new housing development in Guadalupe impacting the groundwater basin and the proposed project at the Phillips 66 Refinery.

Director Gaddis

- ◇ July 12, Attended Nipomo Mesa Management Area Technical Group meeting and discussed the key well index.

Director Vierheilig

- ◇ Water Resources Advisory Council subcommittee met and discussed the Laetitia recirculated revised draft EIR.
- ◇ July 23, Blacklake Management Association met. In September they will be discussing drought tolerant plants/landscaping.
- ◇ August 7, WRAC will meet at 1:30 p.m. at the San Luis Obispo City Library.

Director Blair

- ◇ Commented on the water table in the Santa Maria Valley.
- ◇ July 19, Attended CSDA meeting. Commented on smart growth in Nipomo.

Director Harrison

- ◇ July 17, Attended Olde Towne Nipomo Association meeting.
- ◇ July 18, Fire Safe Council met. The chipping event had lower participants this year and the Fire Safe Council was awarded \$300,000 to make Nacimiento more fire safe.
- ◇ July 19, Attended California Special District Association meeting.
- ◇ July 27, Benefit BBQ for Paul Teixeira at Miner's parking lot. \$10 tickets.
- ◇ Questioned a meter that was installed incorrectly and was reading incorrectly.

- C-5) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

*The following member of the public spoke:*

*Kathy Kubiak, Nipomo resident, questioned District Engineer about more pipeline breaks on Tefft Street and requested the District patch Tefft Street nicely.*

*Michael LeBrun, General Manager, commented on Ms. Kubiak's request.*

*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



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

00:55:14

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE JULY 10, 2013 REGULAR BOARD MEETING MINUTES

D-3) RECEIVE QUARTERLY INVESTMENT REPORT

*At the request of Director Vierheilig, President Harrison pulled item D-3 for separate consideration*

There was no public comment.

*Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board unanimously approved Items D-1 and D-2.*

*Vote 5-0.*

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

**ITEM D-3**

*Lisa Bognuda, Finance Director, answered questions from the Board.*

There was no public comment.

*Upon the motion of Director Blair and seconded by Director Armstrong, the Board unanimously approved Item D-3.*

*Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

01:04:11

E-1) UPDATE ON DEVELOPMENT OF JIM O. MILLER PARK

*Michael LeBrun, General Manager, reviewed the report as presented in the Board Packet. Caryn Maddalena, San Luis Obispo County Real Property Services, Mike Seitz, District Legal Counsel, Kathy Kubiak, Olde Towne Nipomo Association President, and Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*Ruth Brackett, NCSD customer, spoke in support of the proposed park.*

*Upon the motion of Director Blair and seconded by Director Armstrong, the Board unanimously supports Olde Towne Nipomo Association and directed the Parks Committee members to meet with San Luis Obispo County and Olde Towne Nipomo Association.*

*Vote 5-0.*

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

01:13:37

**THE BOARD TOOK A BREAK FROM 10:30 TO 10:45 A.M.**

- E-2) CONSIDER SERVICE REQUEST - 530 HILL STREET, APN 092-577-002, 20 MULTI-FAMILY UNIT RESIDENTIAL DEVELOPMENT

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board Packet.*

*The following members of the public spoke:*

*Bill Kengel, NCSD customer and project developer, handed the Board documents (See Exhibit "A") and commented on other issues with his development.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved the Intent-To-Serve letter with all terms and conditions outlined in the staff report including the transfer of project water allocation credit from the previous Intent-To-Serve letter to the new one.*

*Vote 5-0.*

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

01:50:43

- E-3) REVIEW SERVICE WATER ALLOCATION PROCEDURES AND WATER CONNECTION MORATORIUM STATUS

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

*The following members of the public spoke:*

*Bill Kengel, NCSD customer, commented on the upfront costs.*

*Ed Eby, NCSD customer, suggested that the Board revisit the allocation Ordinance.*

*Jim Davis, Nipomo resident, commented on the impact of no water supply on his property value.*

*Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board unanimously directed staff to review the current allocation procedure with the Water Conservation Committee and return to the Board with a recommendation for changes.*

*Vote 5-0.*

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

*Upon the motion of Director Blair and seconded by Director Harrison, the Board considered repeal of the suspended Ordinance restricting new District water connections. Vote 2-3. Motion failed and the Ordinance remains in a state of suspension.*

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

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

02:24:33

E-4) CONSIDER DAVIS OUTSIDE USER REQUEST FOR WATER SERVICE

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Jim Davis, Property owner, Peter Sevcik, Director of Engineering and Operations, Mike Seitz, Legal Counsel, and Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:  
Bill Kengel, NCSD customer, commented on private wells.*

*Ed Eby, NCSD customer, handed the Board a parcel map (See Exhibit "B) and commented on District not having excess water resource capacity.*

*Upon the motion of Director Harrison and seconded by Director Gaddis, the motion was to deny the application.  
Vote 2-3. Motion failed.*

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

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board directed staff to research the rules and regulations, and the pros and cons of water service for outside users and revisit this item at the next Board meeting.  
Vote 4-1.*

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

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(a):  
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
3. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

*President Harrison adjourned to closed session at 12:25 p.m.*

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

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

*The Board came back into Open Session at 1:30 p.m.*

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

*Item Three listed above under closed session announcements, the Board made edits to the written evaluation of the General Manager and will continue this on the next agenda for final completion.*

03:11:02 E-5) AUTHORIZATION TO PURCHASE REPLACEMENT GENERATOR FOR SOUTHLAND WASTEWATER TREATMENT FACILITY

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the purchase of a new replacement generator for the Southland WWTF from Quinn Power Systems in the amount of \$114,732.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Gaddis, Blair, Vierheilig, and Harrison</i>	<i>None</i>	<i>None</i>

03:20:01 E-6) CONSIDER BALLOT FOR CALIFORNIA SPECIAL DISTRICT ASSOCIATION 2013 BOARD ELECTIONS

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

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously agreed to support Director Blair for the CSDA Board election and directed staff to file completed ballot with CSDA no later than August 2, 2013.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Vierheilig, Blair, Gaddis, and Harrison</i>	<i>None</i>	<i>None</i>

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

**E-7) CONSIDER BALLOT FOR SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY  
2013 BOARD OF DIRECTORS ELECTION**

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

*There was no public comment.*

*Upon the motion of Director Harrison and seconded by Director Armstrong, the Board unanimously agreed to support Muril Clift, Jean Bracy, and David Aranda for the SDRMA Board and adopted Resolution 2013-1320.*

*Vote 5-0.*

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

A RESOLUTION OF THE GOVERNING BODY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT FOR THE  
ELECTION OF DIRECTORS TO THE SPECIAL DISTRICT  
RISK MANAGEMENT AUTHORITY BOARD OF DIRECTORS

**THE BOARD TOOK A BREAK FROM 1:55 TO 2:00 P.M.**

03:33:02

**A. PRESIDENT HARRISON ADJOURN TO NCSD PUBLIC FACILITIES CORPORATION**

**ROLL CALL**

*At roll call, all Board members were present.*

**PUBLIC COMMENT ON AGENDA ITEMS**

*There was no public comment.*

**A. NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING**

**Approve Minutes**

- JULY 25, 2012
- MAY 8, 2013
- JUNE 12, 2013

*Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved the minutes of July 25, 2012.*

*Vote 3-0. (Directors Armstrong and Blair were not qualified to vote.)*

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

*Upon the motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved the minutes of May 8, 2013.*

*Vote 5-0.*

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



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

**ITEM A (CONTINUED)**

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the minutes of June 12, 2013.  
Vote 4-0. (Director Vierheilig was not qualified to vote.)*

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

**PRESIDENT HARRISON ADJOURNED TO NCSD REGULAR MEETING**

03:37:02

**F. GENERAL MANAGER'S REPORT**

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

*There was no public comment.*

**G. COMMITTEE REPORT**

*There were no committee reports.*

**H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS**

*There were no Directors' request to staff.*

03:58:15

**ADJOURN**

*President Harrison adjourned the meeting at 2:30 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	4 hours 25 minutes
Closed Session	1 hour 5 minutes
<b>TOTAL HOURS</b>	<b>5 hours 30 minutes</b>

JULY 24, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

SHIPSEY & SEITZ, INC.

JON S. SEITZ  
MICHAEL W. SETIZ

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

JOHN L. SEITZ  
(1924-1984)

GERALD W. SHIPSEY  
(RETIRED)

October 8, 2009

Via E-mail & 1<sup>st</sup> Class Mail

John W. Belsher  
**BELSHER & BECKER**  
Attorneys at Law  
412 Marsh Street  
San Luis Obispo, CA 93401

Re: Kengel

Dear John;

Please accept the following as Nipomo Community Services District's (District) response to your faxed transmittal of September 24, 2009.

With reference to this response you will please find appended to this letter the following Exhibits:

1. A November 18, 2006, application for Intent-to-Serve letter/Will-Serve letter signed by Bill Kengel,
2. A depiction of a Tentative vested Parcel Map CO 06-0225,
3. Water Year 2006/2007 Water Allocation Accounting Summary, and
4. December 11, 2006, Intent-to-Serve letter.

In providing this response the District recognizes that there are ambiguities with reference to the four attached documents. However, from the District's prospective it is clear that in November 2006, Mr. Kengel was in the process of developing a three lot subdivision (see Exhibit 2). In order to begin processing the subdivision, the County required an Intent-to Serve letter evidencing that the NCSD was willing to provide water service to the three lots. With respect to the application for the Intent-to-Serve letter (Exhibit 1) I note that both paragraphs 11 that reflect the type of project and number of dwelling units are left blank and there is no record that the Mr. Kengel provided a Water Demand Certification as required by paragraph 14. The water allocated pursuant to the December 11, 2006 Intent-to-Serve letter reflects that water was allocated under single-family residential as opposed to multi-family (Exhibit 3):

RECEIVED

OCT 12 2009

NIPOMO COMMUNITY  
SERVICES DISTRICT

Kengel  
October 8, 2009  
Page 2

The District does note that under the General Conditions of the Intent-to-Serve letter there is language that this letter is void if land used for other than multi-family residential.

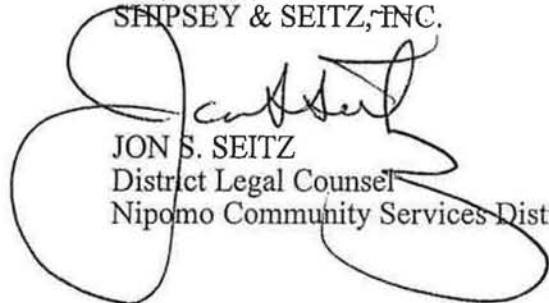
In reviewing the current status of the project we understand that Mr. Kengel is now processing the project as creating two parcels as opposed to the original three with one of the parcels having existing water service provided by the District. Both parcels are required to connect to the District's sewer system.

The District can take the position that either the most recent Intent-to-Serve letter supersedes the prior December 11, 2006, Intent-to-Serve letter or to provide additional water for the project pursuant to the Allocation Summary (Exhibit 2).

As an accommodation the District is willing to serve the project with an additional 0.69 AFY of water pursuant to District Code Section 3.05.030E.

If you should have questions, please do not hesitate to give me a call.

Very truly yours,  
SHIPSEY & SEITZ, INC.



JON S. SEITZ  
District Legal Counsel  
Nipomo Community Services District

JSS:ga  
Enclosures

cc: Peter Sevcik



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website: nipomocsd.com

Office use only:  
Date and Time  
Complete  
Application and  
fees received:

## INTENT-TO-SERVE/WILL-SERVE APPLICATION

1. This is an application for:  Sewer and Water Service  Water Service Only
2. SLO County Planning Department/Tract or Development No.: CO 06-0225
3. Attach a copy of SLO County application.  
*Note: District Intent-to-Serve letters expire eight (8) months from date of issue, unless the project's County application is deemed complete.*
4. Project location: 719 W. Tefft Street
5. Assessor's Parcel Number (APN) of lot(s) to be served: 092-130-012
6. Owner Name: Mesa Dunes Investment Inc, c/o Bill Kengel
7. Mailing Address: P O Box 267, Avila Beach, CA 93424
8. Email: N/A
9. Phone: (805) 627-2168 FAX: \_\_\_\_\_
10. Agent's Information (Architect or Engineer):  
Name: Westland Engineering, Inc.  
Address: 3480 S. Higuera Street, Ste 130, San Luis Obispo, CA 93401  
Email: telder@westlandengr.com  
Phone: (805) 541-2394 FAX: (805) 541-2439
11. Type of Project: (circle as applicable)  
Single Family Residence    Duplex    Secondary (a.k.a Granny) Unit  
Multi-Family (under single roof)    Commercial    Mixed-Use (commercial & residential)
11. Number of Dwelling Units \_\_\_\_\_ Number of Low Income units \_\_\_\_\_
12. Does this project require a sub-division?  Yes (yes/no)  
If yes, number of new lots created 3
13. Site Plan:  
For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:
  - more than four dwelling units
  - property requiring sub-divisions
  - higher than currently permitted housing density
  - commercial developments

*All other projects, submit two (2) standard size (24" x 36") and one reduced copy (8½" x 11").*

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.





# SAN LUIS OBISPO COUNTY HEALTH AGENCY

## PUBLIC HEALTH

### *Environmental Health Services Division*

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
805-781-5544 • FAX 805-781-4211

March 17, 2009

Westland Engineering, Inc.  
3480 S. Higuera St. Suite 130  
San Luis Obispo, CA 93401

*Jeff Hamm*  
Health Agency Director

*Penny Borenstein, M.D., M.P.H.*  
Health Officer/Public Health Administrator

*Curtis A. Batson, R.E.H.S.*  
Director of Environmental Health

ATTN: TERRI ETTEDDGUE  
RE: EVIDENCE OF WATER AND SEWER, 719 W. TEFFT STREET, NIPOMO  
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT PROJECT

#### Water Supply and Wastewater Disposal

This office is in receipt of an "Intent-To-Serve" letter from Nipomo Community Services District for the above mentioned project for the supply of domestic water, fire protection water and sewer service. This document is dated September 9, 2008. Be advised that although this document would be satisfactory for demonstrating "preliminary evidence of water" the conditions and restrictions on the water to be delivered are not acceptable for the proposed development as it is understood by this office at this time. Water and sewer services must be provided without interruption and in perpetuity at the time of development.

In addition, please note that any existing agricultural well(s) which may remain for irrigation purposes should be equipped with a backflow device once community water is brought to the parcel.

Should you have any questions I can be reached at (805) 781-5551.

Sincerely,

LESLIE A. TERRY, R.E.H.S.  
Environmental Health Specialist  
Land Use Section

c: NCSD



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

March 9, 2009

Bill Kengel  
PO Box 267  
Avila Beach, CA 93424  
Subject: **2<sup>nd</sup> Response to January 20, 2009 letter regarding NCSD Intent-to-Serve letter**

Dear Mr. Kengel:

This letter is a second response to your letter to our office dated January 20, 2009 regarding the Intent-to-Serve Water and Sewer Service letter dated September 9, 2008 from the Nipomo Community Services District. You have focused your question on whether you can record a final map for CO-06-0225 based on this letter.

Final Map Recordation

The subject Intent-to-Serve letter is problematic for several reasons for filing the final map for Parcel Map CO-06-0225. First, the letter needs to identify which parcel(s) the NCSD is intending to serve. Second, the County cannot accept a "conditional" intent-to-serve letter. The subject letter includes conditions that would potentially alter the project description included in the original approval of the parcel map by the Subdivision Review Board on August 4, 2008, including a phasing schedule for a future development into the year 2017.

Another problematic condition of the letter is that the NCSD states they reserve the right to revoke the Intent-to-Serve letter at any time. This provision renders the Intent-to-Serve letter to one that cannot be reasonably relied upon as sufficient evidence showing adequate water for the proposed parcel(s).

If you have any questions concerning the information in this letter, please contact me at (805) 788-2788 or by email at [bpedrotti@co.slo.ca.us](mailto:bpedrotti@co.slo.ca.us).

Sincerely,

Brian Pedrotti, AICP  
Inland Planning and Permitting

cc: Terry Orton, Westland Engineering

MAR 11 2009



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

---

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

---

May 4, 2009

Mr. William G. Kengel  
PO Box 267  
Avila Beach, CA 93424

**Subject: Recordation of Parcel Map CO 06-0225**

Thank you for your letter dated April 22, 2009 (submitted April 29, 2009) requesting that the County of San Luis Obispo Department of Public Works and Transportation (Department) address the *Intent to Serve Water and Sewer Service* letter dated September 9, 2008, addressed to you from the Nipomo Community Services District, and its implications upon the recordation of your approved tentative parcel map CO 06-0225.

The Real Property Division Ordinance, 21.06.030, requires that when all tentative map conditions of approval have been met, and when a final or parcel map that is substantial in conformance with the design of the tentative map has been submitted, the County Surveyor shall transmit the map with his approval and certification to the County Clerk for the Board's approval to record the map.

The County Surveyor defers certain verifications of tentative map condition compliance unto the respective regulatory County Departments and Agencies. With respect to your Nipomo Community Services District *Intent to Serve* letter the County's Public Health Department (specifically the Division of Environmental Health Services) is that regulatory agency. You are responsible for providing them the necessary documentation to satisfy the water and sewer tentative map conditions of approval and they, in turn, are responsible to provide the County Surveyor written verification of condition compliance.

Therefore, the County Surveyor cannot recommend map approval until all tentative map conditions have been satisfied. Please feel free to contact me if you have any questions.

Sincerely,

Glenn D. Marshall, PE  
Development Services Engineer

Cc: Terry Orton, Westland Engineering, 3480 S Higuera St, Suite 130, San Luis Obispo, CA 93401  
Glen Priddy, County Surveyor  
Leslie Terry, County Environmental Health Services

File: CO 06-0225

C:\Documents and Settings\GDMarshall\Desktop\20090430 Kengel.doc

JULY 24, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "B"

37 Parcels Between Hetrick and Pomeroy Not in NCSD Boundaries

