

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *mesl*
GENERAL MANAGER

DATE: SEPTEMBER 6, 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 AUGUST 14, 2013 REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVAL]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN *MLB*
 GENERAL MANAGER
 DATE: SEPTEMBER 6, 2013

**AGENDA ITEM
 D-1
 SEPTEMBER 11, 2013**

**TOTAL COMPUTER CHECKS
 \$366,391.45**

HAND WRITTEN CHECKS

09-01-13	10174	PGE	ELECTRICITY	68,312.59
09-11-13	10175	EDWARD FERRARO	WASHER REBATE	75.00
09-11-13	10176	MIREILLE SUPPLE	WASHER REBATE	75.00
09-11-13	10178	GIANNA AUTRY	WASHER REBATE	75.00
09-11-13	10179	REBECCA ROBINSON	WASHER REBATE	75.00
09-11-13	10180	MARIO ULATRE	WASHER REBATE	75.00
09-11-13	10181	BARBARA HUNT	WASHER REBATE	75.00
09-11-13	10182	DEANNA RIDDERING	WASHER REBATE	75.00
09-11-13	10183	WILLIAM PETRICK	WASHER REBATE	75.00
09-11-13	10184	DOUG KUNTZ	CUSTOMER REFUND	233.99
09-11-13	10185	CHP	ACCIDENT REPORT	10.00
VOIDS - 22139, 10177				

COMPUTER GENERATED CHECKS

22199	08/16/13	EMP01	EMPLOYMENT DEVELOP DEPT	B30812	08/12/13	STATE INCOME TAX	08-13	1326.16	1326.16
22200	08/16/13	MID01	RABOBANK-PAYROLL TAX DEPOS	B30812	08/12/13	FEDERAL INCOME TAX	08-13	3885.98	
22200	08/16/13	MID01	RABOBANK-PAYROLL TAX DEPOS	1B30812	08/12/13	MEDICARE (FICA)	08-13	964.04	4850.02
22201	08/16/13	MID02	RABOBANK-DIRECT DEPOSIT	B30812	08/12/13	NET PAY	08-13	24595.47	24595.47
22202	08/16/13	PER01	PERS RETIREMENT	B30812	08/12/13	PERS PAYROLL REMITTANCE	08-13	8679.73	8679.73
22203	08/16/13	STA01	CALPERS 457 DEFERRED COMP	B30812	08/12/13	457 DEFERRED COMP	08-13	2205.00	2205.00
22204	08/30/13	EMP01	EMPLOYMENT DEVELOP DEPT	B30826	08/26/13	STATE INCOME TAX	08-13	1250.08	1250.08
22205	08/30/13	MID01	RABOBANK-PAYROLL TAX DEPOS	B30826	08/26/13	FEDERAL INCOME TAX	08-13	3752.89	
22205	08/30/13	MID01	RABOBANK-PAYROLL TAX DEPOS	1B30826	08/26/13	FICA	08-13	62.00	
22205	08/30/13	MID01	RABOBANK-PAYROLL TAX DEPOS	2B30826	08/26/13	MEDICARE (FICA)	08-13	959.34	4774.23
22206	08/30/13	MID02	RABOBANK-DIRECT DEPOSIT	B30826	08/26/13	NET PAY	08-13	24614.27	24614.27
22207	08/30/13	PER01	PERS RETIREMENT	B30826	08/26/13	PERS PAYROLL REMITTANCE	08-13	8712.21	8712.21
22208	08/30/13	STA01	CALPERS 457 DEFERRED COMP	B30826	08/26/13	457 DEFERRED COMP	08-13	2205.00	2205.00
022209	09/11/13	ABA01	ABALONE COAST BACTERIOLOG		5684.00	.00	5684.00	1997	LAB TESTS
022210	09/11/13	ADV01	ADVANTAGE ANSWERING PLUS		157.56	.00	157.56	SEP 2013	ANSWERING SERVICES
022211	09/11/13	AEC01	AECOM USA INC		10343.70	.00	10343.70	37373540	SOUTHLAND WWTF UPGRADE
022212	09/11/13	ALX01	ALEXANDER'S CONTRACT SERV		3378.79	.00	3378.79	SEP 2013	METER READING SERVICE
022213	09/11/13	AME03	AMERI PRIDE		130.72	.00	130.72	936401	UNIFORMS
					139.12	.00	139.12	941001	UNIFORMS
					122.60	.00	122.60	945682	UNIFORMS
					142.00	.00	142.00	950363	UNIFORMS
					132.62	.00	132.62	955010	UNIFORMS
			Check Total.....:		667.06	.00	667.06		
022214	09/11/13	ATT02	AT&T		186.72	.00	186.72	4590462	TELEPHONE
					153.01	.00	153.01	4634142	TELEPHONE
					26.65	.00	26.65	4634386	TELEPHONE
					167.78	.00	167.78	4634456	TELEPHONE
			Check Total.....:		534.16	.00	534.16		
022215	09/11/13	BAT01	BATTERY SYSTEMS, INC.		150.68	.00	150.68	23-037001	BATTERIES
022216	09/11/13	BES01	BEST BEST & KRIEGER		1372.80	.00	1372.80	708646	DRUG FREE POLICY/CERTIFIC
					92.04	.00	92.04	708647	SLO COUNTY HOUSING ORDINA
					5607.68	.00	5607.68	708648	MCA VS NCSB
			Check Total.....:		7072.52	.00	7072.52		
022217	09/11/13	BIG01	BIG BRAND TIRE & SERVICE		761.56	.00	761.56	214563	07 FORD 4-TIRES
					58.18	.00	58.18	214662	08 FORD OIL CHNG/AIR FILT
					26.90	.00	26.90	214675	09 FORD OIL CHANGE/TIRE R
					26.90	.00	26.90	214685	04 FORD OIL CHANGE/TIRE R
					81.02	.00	81.02	214709	10' FORD OIL CHANGE/TIRE
					26.85	.00	26.85	214731	10' RANGER OIL CHANGE/TIR
					59.12	.00	59.12	214758	13' FORD SYN-OIL CHANGE/T
			Check Total.....:		1040.53	.00	1040.53		
022218	09/11/13	BRE02	BRENNTAG PACIFIC INC.		632.61	.00	632.61	BPI333381	SODIUM HYPOCHLORITE
					807.85	.00	807.85	BPI333382	SODIUM HYPOCHLORITE
					755.84	.00	755.84	BPI338582	SODIUM HYPOCHLORITE
					828.17	.00	828.17	BPI338583	SODIUM HYPOCHLORITE
			Check Total.....:		3024.47	.00	3024.47		
022219	09/11/13	CAL14	CALIFORNA WATER		77.00	.00	77.00	B30821	M. BAUMGARTEN-MEMBERSHIP

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022220	09/11/13	CAL16	CALPERS	28600.00	.00	28600.00	SEPT 2013	QTRLY OPEB CONTRIBUTION
022221	09/11/13	CAS01	CASSIA LANDSCAPE	1487.00	.00	1487.00	81301	LANDSCAPE MAINTENANCE
				284.00	.00	284.00	81312	INSTALL DRIP TUBING
			Check Total.....	1771.00	.00	1771.00		
022222	09/11/13	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	SEP 2013A	INTERNET-OFFICE
				204.99	.00	204.99	SEP 2013B	INTERNET-SHOP
			Check Total.....	409.98	.00	409.98		
022223	09/11/13	CLE06	CNSSLO INC	2119.00	.00	2119.00	16872	COMPUTER SUPPORT
022224	09/11/13	COR01	CORBIN WILLIITS SYSTEMS	750.83	.00	750.83	B308151	COMPUTER SUPPORT
022225	09/11/13	DEP01	DEPARTMENT-HEALTH SERVICE	60.00	.00	60.00	B30822	M. BAUMGARTEN-CERTIFICATI
022226	09/11/13	DWI01	DWIGHT'S AUTOMOTIVE	12.83	.00	12.83	B30906	TIRE REPAIR
022227	09/11/13	EHW01	E.H. WACHS COMPANY	794.06	.00	794.06	088034	MUFFLER/CANNISTER FILTER/
022228	09/11/13	FAR01	FARM SUPPLY COMPANY	198.73	.00	198.73	9057	TANK HORZ LEG WHT/T PLUG/
				94.99	.00	94.99	9399	BLWWP-CALCIUM NITRATE/SS
				.43	.00	.43	9473	IRRITROL DIA.
			Check Total.....	294.15	.00	294.15		
022229	09/11/13	FAR02	FAR WEST EXPRESS	24.00	.00	24.00	AUG 2013	DELIVERY
022230	09/11/13	FED01	FED EX	58.97	.00	58.97	237173562	SHIPPING
022231	09/11/13	FER01	FERGUSON ENTERPRISES INC	58.20	.00	58.20	9614022	CONCRETE LID
				1315.45	.00	1315.45	9673536	FLG BALL/ANGLE VALVE/PVC
			Check Total.....	1373.65	.00	1373.65		
022232	09/11/13	FGL01	FGL ENVIRONMENTAL	396.26	.00	396.26	382171A	LAB TESTS
022233	09/11/13	FOR01	FORMS 2020	1674.30	.00	1674.30	5462	#10 WINDOW ENVELOPES
				807.99	.00	807.99	5467	#9 RETURN ENVELOPES
			Check Total.....	2482.29	.00	2482.29		
022234	09/11/13	GIL01	GLM, INC.	340.00	.00	340.00	AUG 2013	LANDSCAPE MAINTENANCE
022235	09/11/13	GWA01	GWA INC	87.00	.00	87.00	SEP 2013A	MONITORING-SHOP
				87.00	.00	87.00	SEP 2013B	MONITORING-UTILITY OFFICE
				55.00	.00	55.00	SEP 2013C	MONITORING-OFFICE
			Check Total.....	229.00	.00	229.00		
022236	09/11/13	HAC01	HACH COMPANY	502.57	.00	502.57	8418152	BUFFER SOLN RED, YELLOW, BL
				11.49	.00	11.49	8420313	PIPET TIP
			Check Total.....	514.06	.00	514.06		
022237	09/11/13	HAM02	HAMNER JEWELL & ASSOCIATE	1059.26	.00	1059.26	6434	WATERLINE INTERTIE
022238	09/11/13	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	AUG 2013	LANDSCAPE MAINTENANCE
022239	09/11/13	LEE02	LEE CENTRAL COAST NEWSPAP	959.55	.00	959.55	10540	EMPLOYMENT ADS
				332.36	.00	332.36	11959	WATER CONSERVATION AD
			Check Total.....	1291.91	.00	1291.91		
022240	09/11/13	LIN02	LINC DELIVERY	24.00	.00	24.00	AUG 2013	DELIVERY
022241	09/11/13	MIN02	MINER'S ACE HARDWARE	298.94	.00	298.94	AUG 2013	OPERATING SUPPLIES
022242	09/11/13	MNS01	MNS ENGINEERS INC	47707.94	.00	47707.94	63549	SOUTHLAND WWTP UPGRADE-CM
				56050.00	.00	56050.00	63550	SUPPLEMENTAL WATER PROJEC
			Check Total.....	103757.94	.00	103757.94		
022243	09/11/13	MOR02	MORE OFFICE SOLUTIONS	95.05	.00	95.05	476569	B&W/COLORED COPIES
022244	09/11/13	MUN03	MUNICIPAL MAINTENANCE EQU	461.59	.00	461.59	84493	PENDANT CONTROL W/VAC BRE
				-63.83	.00	-63.83	C81289C	VAC CON-TOGGLE SWITH/HAND
			Check Total.....	397.76	.00	397.76		
022245	09/11/13	NEW05	NEWTON GEO-HYDROLOGY CONS	3693.38	.00	3693.38	AUG 13-1	LITIGATION SUPPORT
				925.00	.00	925.00	AUG 13-2	GWI UPDATE
			Check Total.....	4618.38	.00	4618.38		
022246	09/11/13	NEX01	NEXTEL COMMUNICATIONS	459.39	.00	459.39	AUG 2013	CELLULAR SERVICES
022247	09/11/13	NEX03	NEXTRAQ	308.50	.00	308.50	SEP 2013	GPS SERVICE

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022248	09/11/13	NIP05	NIPOMO CHAMBER OF COMMERCE	1925.00	.00	1925.00	B30905	CHAMBER OF COMMERCE GRANT
022249	09/11/13	NUN01	NUNLEY, MICHAEL K. & ASSO	4853.70	.00	4853.70	8	BL SEWER MASTER PLAN
022250	09/11/13	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	99812	PEST CONTROL
				157.00	.00	157.00	100037	PEST CONTROL
			Check Total.....:	422.00	.00	422.00		
022251	09/11/13	OFF01	OFFICE DEPOT	190.25	.00	190.25	19283001	OFFICE SUPPLIES
				48.32	.00	48.32	20341001	OFFICE SUPPLIES
				137.56	.00	137.56	357974001	OFFICE SUPPLIES
				125.70	.00	125.70	733128001	OFFICE SUPPLIES
			Check Total.....:	501.83	.00	501.83		
022252	09/11/13	PER04	PERRY'S ELECTRIC MOTORS	6544.14	.00	6544.14	15638	SUNDALE WELL MOTOR
022253	09/11/13	POO01	POOR RICHARD'S PRESS	1049.99	.00	1049.99	254388A	MAIL NEWSLETTER
				822.17	.00	822.17	254388B	POSTAGE-NEWSLETTER
				59.08	.00	59.08	254451A	MAIL LATE NOTICES
				240.12	.00	240.12	254451B	POSTAGE-LATE NOTICE
				208.93	.00	208.93	254488A	MAIL BILLS
				781.72	.00	781.72	254488B	POSTAGE-BILLS
			Check Total.....:	3162.01	.00	3162.01		
022254	09/11/13	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	239	JANITORIAL SERVICES
022255	09/11/13	PRI02	PRICE, POSTEL & PARMA, LL	1481.16	.00	1481.16	113387	SWP-RIGHT OF WAY
022256	09/11/13	RBA01	R BAKER, INC	16277.75	.00	16277.75	7-13-7158	LEAK REPAIR-W TEFPT
022257	09/11/13	RIC01	RICHARDS, WATSON, GERSHON	67.50	.00	67.50	191406	WATER RIGHTS ADJUDICATION
022258	09/11/13	SHI01	SHIPSEY & SEITZ, INC	15345.00	.00	15345.00	JUL 2013	LEGAL SERVICES
022259	09/11/13	SOU01	SOUTH COUNTY SANITARY	38.98	.00	38.98	4203470	GARBAGE SERVICE-OFFICE
				188.70	.00	188.70	4204737	GARBAGE SERVICE-OLDE TOWN
			Check Total.....:	227.68	.00	227.68		
022260	09/11/13	SPE01	SPECIAL DISTRICT RISK	2096.64	.00	2096.64	44930	WORKERS' COMP OCT-DEC 201
022261	09/11/13	SPI01	SPIESS CONSTRUCTION CO.	28306.20	.00	28306.20	21333-01	PROGRESS PAYMENT #1-BID#4
022262	09/11/13	STA03	STATEWIDE SAFETY & SIGNS	158.03	.00	158.03	56233	2 WAY MARKER BLUE
022263	09/11/13	TAF01	TAFT ELECTRIC	3482.00	.00	3482.00	31120	BLWWTP-INSTALL CONDUCTIVI
022264	09/11/13	THE01	THE GAS COMPANY	16.40	.00	16.40	AUG 2013A	HEAT-SHOP
				17.30	.00	17.30	AUG 2013B	HEAT-OFFICE
			Check Total.....:	33.70	.00	33.70		
022265	09/11/13	THE02	THE TRIBUNE	844.00	.00	844.00	7025778	PUBLIC NOTICE-WASTEWATER
022266	09/11/13	THE05	THE CAPRICORN GROUP	355.54	.00	355.54	9522	CIRCLE FILTERS & PIPETS
				35.68	.00	35.68	9554	CHLORINE REAGENT SAMPLE P
			Check Total.....:	391.22	.00	391.22		
022267	09/11/13	USA01	USA BLUEBOOK	348.58	.00	348.58	128262	GLASS FIBER FILTERS
022268	09/11/13	USB01	US BANK (VISA)	188.41	.00	188.41	082213A	MEETINGS
				2125.00	.00	2125.00	082213B	EDUCATION/TRAINING
				275.00	.00	275.00	082213C	PUBLIC NOTICE-EMPLOYMENT
				299.00	.00	299.00	082213D	UNIFIED COMMUNICATIONS CE
			Check Total.....:	2887.41	.00	2887.41		
022269	09/11/13	VER01	VERIZON	46.56	.00	46.56	B30830	TELEPHONE
022270	09/11/13	WAL01	WALLACE GROUP	416.98	.00	416.98	35161	NIPOMO CSD SSMP AUDIT
				1214.24	.00	1214.24	35481	FOG OUTREACH & INSPECTION
			Check Total.....:	1631.22	.00	1631.22		
022271	09/11/13	WAT04	WATER ENVIRONMENT FEDERAT	228.00	.00	228.00	B30822	P. SEVCIK-MEMBERSHIP RENE
022272	09/11/13	WSC01	WSC	2031.75	.00	2031.75	727	CUWCC SUPPORT SERVICES
022273	09/11/13	YOU01	YOUR PEOPLE PROFESSIONALS	3200.00	.00	3200.00	SEP 2013	SEP DEPOSIT-EMPLOYMENT AG
022274	09/11/13	\B003	BARNARD FAMILY TRUST,	226.36	.00	226.36	000B30701	MQ CUSTOMER REFUND FOR BA
022275	09/11/13	\P012	PACIFIC GAS & ELECTRIC,	483.14	.00	483.14	000B30701	MQ CUSTOMER REFUND FOR PG
022276	09/11/13	\T006	TJN DOZER & BACK		.00		000B30701	MQ CUSTOMER REFUND FOR TJ

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

Cushman Contracting	Period 8/1/13 to 8/31/13	\$978,113.81
First Republic Bank	Period 8/1/13 to 8/31/13 Retention	\$51,479.67
	TOTAL	\$1,029,593.48

FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR
SUPPLEMENTAL WATER PROJECT PHASE 1 – BID PACKAGE #1

ARB, Inc.	Period 8/1/13 to 8/31/13	\$477,952.13
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TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *msl*
GENERAL MANAGER
DATE: SEPTEMBER 6, 2013

**AGENDA ITEM
D-2
SEPTEMBER 11, 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. August 14, 2013 draft Regular Board Meeting Minutes

SEPTEMBER 11, 2013

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

AUGUST 14, 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**
MICHAEL W. 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 August 14, 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.

There was no public comment.

C. PRESENTATIONS AND PUBLIC COMMENT

00:02:34

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

Director Vierheilig

- ◇ *August 7, Water Resources Advisory Committee met and discussed the Laetitia recirculated revised draft EIR.*
- ◇ *August 12, Attended Nipomo Mesa Management Area Technical Group meeting.*
- ◇ *The Dana Adobe Draft EIR is available for comment.*

Director Gaddis

- ◇ *August 17, Wings over Camarillo Air Show.*

Director Harrison

- ◇ *Commented on the Paul Teixeira's benefit BBQ raising over \$20,000.*
- ◇ *August 12, Attended Nipomo Mesa Management Area Technical Group meeting.*

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:06:46

- C-2) 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 Gaddis, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 5-0.*

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

Michael LeBrun, General Manager, announced that there are added attachments for Item E-2 at the back of the room.

00:07:31

D. CONSENT AGENDA

- D-1) WARRANTS

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

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 Vierheilig and seconded by Director Blair, the Board unanimously approved the Consent Agenda.
Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

00:15:48

- E-1) REVIEW DISTRICT DEVELOPMENT PROCESS AND FEE COLLECTION POLICY

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:

Bob Wisenburg, Nipomo resident, commented on the increased costs of water.

The Board gave staff suggested changes for the Development Service Procedure Summary.

00:43:26

E-2) HILLSIDE TERRACE APARTMENT PROJECT STATUS

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:

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

Mr. Kengel answered questions from the Board.

Mr. Seitz answered questions from the Board.

The Board took no action.

THE BOARD TOOK A BREAK FROM 10:45 TO 11:00 A.M.

01:45:50

E-3) CONSIDER DAVIS OUTSIDE USER REQUEST FOR WATER SERVICE

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 members of the public spoke:

Bob Wisenburg, Nipomo resident, spoke in support of the request for water service.

Jim Davis, Nipomo resident, spoke in support of his request and questioned the 3,200 acre feet of supplemental water.

Ed Eby, NCSD customer, spoke in opposition of the request for water service.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board denied the Davis outside user request for water service.

Vote 4-1.

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

02:15:43

E-4) CONSERVATION COMMITTEE REPORT AND SCOPE EXPANSION

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

The following member of the public spoke:

David Castro, Nipomo resident, commented on water conservation and the community.

Nipomo Community Services District
**REGULAR MEETING
 MINUTES**

E-4) CONSERVATION COMMITTEE REPORT AND SCOPE EXPANSION (CONTINUED)

Upon the motion of Director Vierheilg and seconded by Director Gaddis, the Board unanimously approved expanding the Water Conservation Committee's scope to include general water resources topics and policy and renaming the committee to the Water Resources Committee.

Vote 5-0.

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

E-5) CONSIDER LAETITIA AGRICULTURAL CLUSTER SUBDIVISION DRAFT ENVIRONMENTAL IMPACT REPORT

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

The following member of the public spoke:

Ed Eby, NCS D customer, commented on the WRAC's comments.

Upon the motion of Director Vierheilg and seconded by Director Blair, the Board unanimously directed staff to send a letter supporting the WRAC's comments and distribute to all interested parties.

Vote 5-0.

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

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMWCD VS. NCS D (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. CONFERENCE WITH LEGAL COUNSEL RE: LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; TRINCON/BENING CLAIM AGAINST
4. CONFERENCE WITH LEGAL COUNSEL RE: LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; MARIA VISTA ESTATES/ROBERT LORANCE CLAIM AGAINST NCS D
5. 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.

Copy of document found at www.NoNewWipTax.com

SUBJECT TO BOARD APPROVAL

02:32:40

Nipomo Community Services District
REGULAR MEETING
MINUTES

02:49:13

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:05 p.m.

00:00:00

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.

Items Three and Four listed above under closed session announcements, the Board rejected the claims and directed the General Manager to sign the rejected claims and mail them.

Item Five listed above under closed session announcements, the Board completed the General Managers evaluation.

E-6) ADOPT DRUG-FREE AWARENESS

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

There was no public comment.

*Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board unanimously adopted Resolution 2013-1321, A Resolution approving and authorizing a drug free workplace policy and certification.
Vote 5-0.*

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

RESOLUTION 2013-1321

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT APPROVING
AND AUTHORIZING A DRUG FREE WORKPLACE POLICY
AND CERTIFICATION**

00:05:09

E-7) REVIEW FISCAL 2012-2013 ACCOMPLISHMENTS AND 13-14 GOALS

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

There was no public comment.

The Board took no action.

Nipomo Community Services District
REGULAR MEETING
MINUTES

00:18:57

E-8) STRATEGIC PLAN DEVELOPMENT

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 approved to proceed with the request for proposal for strategic planning facilitator and strategic plan development, as amended.

Vote 5-0.

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

00:23:53

F. GENERAL MANAGER'S REPORT

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.

There was no public comment.

G. COMMITTEE REPORT

There were no committee reports.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- Requested an informal Water Resources Committee meeting date.

ADJOURN

President Harrison adjourned the meeting at 2:35 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	4 hours 10 minutes
Closed Session	1 hour 25 minutes
TOTAL HOURS	5 hours 35 minutes

AUGUST 14, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

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Agreement for Road Construction

Recitals

Whereas, Mesa Dunes Investments, Inc., a California corporation. (hereafter, Mesa Dunes), and 691 West Tefft Street LLC, a California Limited Liability Company, (hereafter, 691), are owners of adjoining parcels of real property in Nipomo, California, an unincorporated area of San Luis Obispo County; and,

Whereas, Mesa Dunes' property is currently assigned an APN of 092-130-13, and is more particularly described as follows:

The Easterly 210 feet of Lot 4 of the Resubdivision of the Westerly part of Lot 25 of H.C. Ward's Subdivision of the Nipomo Rancho, in the County of San Luis Obispo, State of California, according to map recorded November 12, 1887 in Book A at page 19 of Maps, in the Office of the County Recorder of said County.

Excepting therefrom that portion of said land described in deed to the County of San Luis Obispo recorded January 3, 1991 as Document No. 332 in Book 3629 at page 370 of Official Records.

Whereas, 691's property is currently assigned an APN of 092-130-12; and is more particularly described as follows:

The west ½ of Lot 5, in the County of San Luis Obispo, State of California, according to a map entitled Map of the Resubdivision of the Westerly Part of Lot 25 of H.C. Ward's Subdivisions of the Nipomo Rancho, the property of Ellseo Dana, partly surveyed and map drawn by George Story, County Surveyor, February 1887 and recorded in Book A, page 19 of Maps, in the office of the County Recorder of said County.

Whereas, a new street, referred to as Blume Street, is to be constructed and centered along the property line shared by Mesa Dunes' parcel and 691's parcel, to run

1 perpendicular to and accessible by the existing Tefft Street, in Nipomo, on one end and,
2 on the other end, running perpendicular to and accessible by another street, currently
3 unnamed (hereafter, "X" Street), proposed to be constructed south of and running
4 parallel to Tefft Street; and,
5

6
7 Whereas, Mesa Dunes and 691 each dedicate or grant sufficient land from their
8 property for the construction of the proposed Blume Street, to the benefit of each party
9 and their properties, respectively; and,
10

11 Whereas, it is the desire and intent of Mesa Dunes and 691 to provide for the
12 sharing of the costs of construction of Blume Street;
13

14
15 **THE UNDERSIGNED AGREE, FOR THEMSELVES, THEIR AGENTS AND**
16 **EMPLOYEES, AND FOR THEIR HEIRS, ASSIGNS, TRANSFEREES, AND ALL**
17 **OTHER SUCCESSORS-IN-INTEREST, AS FOLLOWS:**

18 (1) Mesa Dunes and 691 agree that a new street, currently designated Blume
19 Street, shall be constructed along and centered on the property line shared by Mesa
20 Dunes's parcel (APN 092-130-13) and 691's parcel (APN 092-130-12). The road shall
21 be constructed in conformity with and as delineated on the plans approved by San Luis
22 Obispo County for Tracts 2689 and 2690.
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25 (2) Mesa Dunes and 691 shall equally share all costs of constructing Blume
26 Street, including labor and materials, except as follows:
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- a) 691 shall timely provide, free on site, all fill dirt necessary to complete construction of Blume Street, per approved plans, including that necessary to connect Blume Street to Tefft Street, on the north, and to connect Blume Street to the proposed street (Street "X") on the south.
- b) 691 and Mesa Dunes shall share equally all costs, including labor and materials, of relocating power, television, and telephone facilities now existing in the proposed Blume Street right-of-way.
- c) Notwithstanding subsection (2)(a), above, Mesa Dunes shall pay for all costs, including labor and materials, for installing any utilities or utility lines along Blume Street the sole purpose for which is to serve additional property owned by Mesa Dunes south of proposed street "x". Said utilities shall be extended to such a point that no newly installed asphalt or concrete need be disturbed in an effort to "tie-in" to the utilities at a later date. The same requirement is to prevail for commonly-used utilities described below.
- d) 691 and Mesa Dunes shall share equally all costs, including labor and materials, for installing any utilities (i) required by code for the 691 property or (ii) to be used in any way to serve the 691 property. 691, however, shall assume all costs, including labor and materials, for any approved deviation from the approved plans that 691 may designate for its purposes, including upgrading, oversizing, or installing utilities at any specific location.
- e) Mesa Dunes shall pay all costs, including design, materials, and labor, associated with the construction of systems to accommodate drainage off Blume Road onto its property; 691 shall pay all costs, including design, materials, and labor, associated with the construction of systems to accommodate drainage off Blume Road onto its property.

(3) All work contemplated hereunder for street construction and appurtenant details for which the costs are to be shared between Mesa Dunes and 691 shall be undertaken by a licensed contractor agreed upon by Mesa Dunes and 691. Prior to the selection of a contractor, the parties shall obtain bids for the work from three licensed contractors. The bidding contractors are to be instructed to provide bids sufficiently

Agreement for Road Construction

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itemized to facilitate the parties' assessing and apportioning their costs. The contractor to be hired shall be selected from among the three from which bids are obtained, and shall be instructed to invoice with sufficient detail to facilitate the parties' assess and apportioning their costs. In the event the parties do not agree on the contractor to undertake the work, Mesa Dunes and 691 shall each reject, in writing, one of the three contractors submitting bids. The one contractor then not disqualified shall be hired to undertake the work.

(4) There shall be no changes to or deviation from the approved plans regarding the road construction contemplated herein, unless such changes are delineated in a writing signed by both Mesa Dunes and 691 and are approved by all relevant supervisory agencies.

(5) All work contemplated by this Agreement to be performed shall in fact be undertaken promptly after execution of this Agreement and pursued expeditiously and to completion. The work contemplated by this Agreement shall not be deferred in any way or substituted by bonding.

(6) In the event any disputes develop between the parties, including any successors-in-interest thereto, arising from or related to this Agreement, the dispute shall first be submitted to mediation. Mediation shall be conducted by an attorney-mediator with membership in the San Luis Obispo County Bar Association's Alternative Dispute Resolution Section. Mediation shall be commenced within thirty (30) days of a party to the dispute under this Agreement requesting mediation pursuant to this paragraph to address the dispute. A party hereto shall request mediation by giving

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written notice of the request to the other party to the dispute, mailed by first-class mail to the addresses set forth below or to such other address as a party may designate in writing. (Notice to a successor-in-interest may be given to the usual business or home address provided for the successor-in-interest.) The costs of mediation shall be equally divided among the parties to the mediation.

(7) In the event of litigation, the prevailing party shall recover reasonable attorney fees, but shall be entitled to recover attorney fees under this paragraph only if the prevailing party timely participated in mediation under paragraph 6 of this Agreement.

(8) Any notices or correspondence related to this Agreement shall be sent first-class mail to the following addresses:

691 West Tefft Street LLC
ATTN: Terrence Flatley
1248 E. Grand Avenue
Arroyo Grande, CA 93420.

Mesa Dunes Investments, Inc.
ATTN: William G. Kengel
Post Office Box 267
Avila Beach, CA 93424

(8) This Agreement and its covenants shall run with the land to which it relates, in accordance with California Civil Code §1462, and shall inure to the benefit of the heirs, assigns, devisees, transferees, and all other successors-in-interest of the parties herein.

(9) Any party hereto may record this Agreement, or a short-form version, in the Office of the Recorder for San Luis Obispo County.

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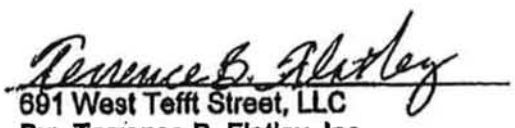
(10) Each signatory below warrants their capacity and authority to enter into this Agreement.

(11) This Agreement constitutes the entire agreement between the parties. The terms of this Agreement may be modified only by another writing executed by the parties hereto, or by their successors-in-interest.

Dated: August 5, 2007


Mesa Dunes Investments, Inc.
By: William G. Kengel
Corporate President

Dated: August , 2007


891 West Tefft Street, LLC
By: Terrence B. Flatley, Inc.
Managing Member
Terrence B. Flatley
Corporate President

Dated: August 7, 2007


891 West Tefft Street, LLC
By: Hugh B. Thorson
Managing Member

Recording Requested By:

William G. Kengel

Return to:

William G. Kengel
Mesa Dunes Investments, Inc.
P.O. Box 267
Avila Beach, CA 93424

JULIE RODEWALD
San Luis Obispo County - Clerk/Recorder
Recorded at the request of
Public

AM
6/12/2008
12:16 PM

DOC#: **2008030713**



Titles: 1 Pages: 4

Fees	16.00
Taxes	0.00
Others	0.00
PAID	\$16.00

Document Title(s)

Notice of Agreement for Road Construction

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NOTICE OF AGREEMENT FOR ROAD CONSTRUCTION

Notice is hereby given that on or about August 15, 2007, an Agreement for Road Construction was made by and between the following parties:

(1) Mesa Dunes Investment, Inc., a California corporation.

(2) 691 West Tefft Street, LLC, a California Limited Liability Company

The Agreement for Road Construction contemplates construction of a road between, and affects and involves, the following adjacent two parcels of real property, located in the County of San Luis Obispo:

(1) APN 092-130-13, owned by Mesa Dunes Investments, Inc., and more particularly described as:

The Easterly 210 feet of Lot 4 of the Resubdivision of the Westerly part of Lot 25 of H.C. Ward's Subdivision of the Nipomo Rancho, in the County of San Luis Obispo, State of California, according to map recorded November 12, 1887 in Book A at page 19 of Maps, in the office of the County Recorder of said County.

Excepting therefrom that portion of said land described in deed to the County of San Luis Obispo recorded January 13, 1991 as Document No. 332 in Book 3629 at page 370 of Official Records.

2) APN 092-130-12, owned by 691 West Tefft Street, LLC, and more particularly described as:


The west ½ of Lot 5, in the County of San Luis Obispo, State of California, according to a map entitled Map of the Resubdivision of the Westerly Part of Lot 25 of H.C. Ward's Subdivisions of the Nipomo Rancho, the property of Eliseo Dana, partly surveyed and map drawn by George Story, County Surveyor, February 1887 and recorded in Book A, page 19 of Maps, in the office of the County Recorder of said County.

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Notice is further given that the Agreement for Road Construction, by its express terms, runs with the lands to which it relates, as described above, pursuant to Civil Code §1462, and inures to the benefit of the heirs, assignees, devisees, transferees, and all other successors-in-interest of the parties to said Agreement for Road Construction.

This notice is recorded in compliance with the express terms of the Agreement for Road Construction.

Dated: June 11, 2008


WILLIAM G. KENGEL
President
Mesa Dunes Investments, Inc.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Luis Obispo

On June 11, 2008 before me, SARA HOCKADAY, Notary Public

personally appeared William George Kengel



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Notice of Agreement for Road Construction

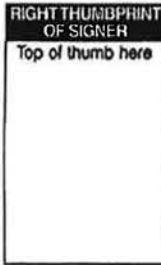
Document Date: June 11, 2008 Number of Pages: 3

Signer(s) Other Than Named Above: none

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

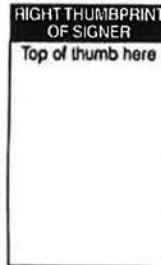
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

END OF DOCUMENT

WESTLAND ENGINEERING, INC.



LETTER OF TRANSMITTAL

DATE	9/17/2009	JOB NO.	6.005
ATTENTION Peter Sevcik			
RE: Mylar Water & Sewer As-Built Plans			
Parcel Map CO 06-0225 / Mesa Dunes Investment			
Bill Kengel			

TO: Nipomo Community Service District
148 S. Wilson Street
Nipomo, CA 93444

WE ARE SENDING YOU ATTACHED UNDER SEPARATE COVER VIA: Hand-Delivered

- Originals Prints CD
 Plans Copy of Letter

Copies	Date	No.	Description
1 Set		5 Sheets	Engineer & Cal-Fire Signed Set of Mylar As-Built Plans
1 Set		5 Sheet	Copy of Mylar As-Built Plans

THESE ARE TRANSMITTED as checked below:

- For approval For your file For checking
 For your use As requested For review and comment
 Signature

REMARKS

Please accept the attached Water & Sewer As-Built Plans for your review and approval.

If you have any questions please call us at 541-2394.

Thank You,

COPY TO: _____

SIGNED: Terry Orton / Terri Etteddgue

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
MICHAEL WINN, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
ED EBY, DIRECTOR

STAFF

LISA BOGNUDA, ACTING GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, P.E., DISTRICT ENGINEER

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

LETTER OF TRANSMITTAL

TO: Westland Engineering, Inc.
3480 S Higuera Street, Suite 130
San Luis Obispo, CA 93401

DATE: November 18, 2009
PROJECT: CO 06-0225
ATTN: Terry Orton

WE ARE SENDING YOU THE FOLLOWING ITEMS:

Copies	Date	Description
1		Approved Improvement Plans

THESE ARE TRANSMITTED AS CHECKED BELOW:

- For Review & Comment Approved as Submitted Submit Mylar for Signature
 Returned for Corrections Resubmit 3 Copies for Review
 For Your Use Submit 3 Sets of Approved Construction Plans
 Other:

COMMENTS: _____

COPY TO: _____

SIGNED: Peter V. Sevcik DATE: 11/18/2009

T:\ADMINISTRATIVE-OFFICE\FORMS\TRACT BOOKS\TRANSMITTAL FORM ELECTRONIC.DOC

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EXHIBIT "A"

TEFFT STREET

50'

20'

30'

20'

20' OFFER OF DEDICATION PER 3629 OR 370

20' OFFER OF DEDICATION PER INST. NO. 1991-7651

POB

S55°35'19"W

PARCEL 1
59 PM 83

PTN LOT 4
A MAPS 19

S34°18'56"E 344.10'

BLUME STREET

N34°18'56"W 395.74'

LOT 5
A MB 19

PARCEL 2
59 PM 83

$\Delta = 89^{\circ}54'20''$
 $r = 20.00'$
 $r = 31.38'$

S34°24'36"E
50.00'

S55°35'24"W

N34°18'56"W

N55°35'24"E

LOT 6

PLAT

PORTION OF LOT 4&5 OF H.C. WARD'S
SUBDIVISION OF RANCHO NIPOMO AS
RECORDED IN BOOK A OF MAPS AT
PAGE 19 IN THE COUNTY OF SAN
LUIS OBISPO, STATE OF CALIFORNIA
PREPARED BY:

WESTLAND ENGINEERING, INC.

3480 S. HIGUERA, SUITE 130,
SAN LUIS OBISPO, CA 93401
(805)-541-2394

AUGUST 2008 JOB NO. 06.005
SHEET 2 OF 2

PARCEL 3
59 PM 83

SCALE: 1" = 60'



Location of easement