

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: APRIL 5, 2013

AGENDA ITEM

D

APRIL 10, 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 MARCH 27, 2013 REGULAR BOARD MEETING MINUTES:
[RECOMMEND APPROVAL]
- D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET
LANDSCAPE MAINTENANCE DISTRICT NO.1 [RECOMMEND APPROVE
RESOLUTION INITIATING PROCEEDINGS]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN *MGL*
 GENERAL MANAGER
 DATE: APRIL 5, 2013

**AGENDA ITEM
 D-1
 APRIL 10, 2013**

HAND WRITTEN CHECKS

**TOTAL COMPUTER CHECKS
 \$231,660.81**

04-10-13	10122	LEE CENTRAL COAST NEWSPAPER	CONSERVATION ADVERTISING	\$1,227.36
04-10-13	10123	FRANK FAZZIO	WASHER REBATE	\$75.00

VOIDS – NONE

COMPUTER GENERATED CHECKS

21740	03/29/13	EMP01 EMPLOYMENT DEVELOP DEPT	B30325	03/25/13	STATE INCOME TAX	03-13	1308.40	1308.40
21741	03/29/13	MID01 RABOBANK-PAYROLL TAX DEPOS	B30325	03/25/13	FEDERAL INCOME TAX	03-13	3838.42	
21741	03/29/13	MID01 RABOBANK-PAYROLL TAX DEPOS	1B30325	03/25/13	FICA	03-13	49.60	
21741	03/29/13	MID01 RABOBANK-PAYROLL TAX DEPOS	2B30325	03/25/13	MEDICARE (FICA)	03-13	969.50	4857.52
21742	03/29/13	MID02 RABOBANK-DIRECT DEPOSIT	B30325	03/25/13	NET PAY	03-13	25004.55	25004.55
21743	03/29/13	PER01 PERS RETIREMENT	B30325	03/25/13	PERS PAYROLL REMITTANCE	03-13	8826.03	8826.03
21744	03/29/13	STA01 CALPERS 457 DEFERRED COMP	B30325	03/25/13	457 DEFERRED COMP	03-13	2205.00	2205.00
021745	04/10/13	ABA01 ABALONE COAST BACTERIOLOG		6854.00	.00	6854.00	1868	LAB TESTS
021746	04/10/13	ADV01 ADVANTAGE ANSWERING PLUS		134.85	.00	134.85	032513	ANSWERING SERVICE
021747	04/10/13	ADV03 ADVANCED FLOW MEASUREMENT		728.00	.00	728.00	B30405	CALIBRATION OF 3 FLOWMETER
021748	04/10/13	AIR01 AIR POLLUTION CONTROL		2592.00	.00	2592.00	15210	ANNUAL PERMITS-GENERATORS
021749	04/10/13	ALX01 ALEXANDER'S CONTRACT SERV		2396.51	.00	2396.51	APR 2013	METER READING SERVICE
021750	04/10/13	AME03 AMERI PRIDE		139.08	.00	139.08	848070	UNIFORMS
				175.06	.00	175.06	852661	UNIFORMS
		Check Total.....		314.14	.00	314.14		
021751	04/10/13	ASA01 ASAP REPROGRAPHICS		306.85	.00	306.85	151632	SWP BP #3
				550.80	.00	550.80	151778	DISTRIB. SERVICES BP 1-3
				997.93	.00	997.93	152780	BP1-3-4 ADDENDA DELIVERY
				230.14	.00	230.14	155690	SWP BP #3
				15.64	.00	15.64	1526741	BP3 & 4 ADDENDA BID SET P
		Check Total.....		2101.36	.00	2101.36		
021752	04/10/13	ATT02 AT&T		152.67	.00	152.67	4212713	TELEPHONE
				23.94	.00	23.94	4212957	TELEPHONE
				170.63	.00	170.63	4213027	TELEPHONE
		Check Total.....		347.24	.00	347.24		
021753	04/10/13	BCP00 B C PUMP SALES & SERVICE		11586.89	.00	11586.89	27607	REPLACEMENT PUMP-MARIA VI
				116.91	.00	116.91	27649	ABS O-RING GASKETS
		Check Total.....		11703.80	.00	11703.80		
021754	04/10/13	BRE02 BRENNTAG PACIFIC INC.		700.60	.00	700.60	BPI290428	SODIUM HYPOCHLORITE
				293.71	.00	293.71	BPI290429	SODIUM HYPOCHLORITE
		Check Total.....		994.31	.00	994.31		
021755	04/10/13	CAL03 CALIFORNIA ELECTRIC SUPPL		613.55	.00	613.55	518319	KNOLLWOOD WELL CONTACT PA
021756	04/10/13	CAN02 CANNON CORPORATION		8401.91	.00	8401.91	54254	WELL NO. 4
021757	04/10/13	CHA02 CHARTER COMMUNICATIONS		204.99	.00	204.99	APR 2013A	SHOP-INTERNET
				204.99	.00	204.99	APR 2013B	OFFICE-INTERNET
		Check Total.....		409.98	.00	409.98		
021758	04/10/13	CLE06 CNSSLO INC		804.17	.00	804.17	16163	ASSISTANT ENGINEERS WORKS
				540.00	.00	540.00	16168	NEW CORE NETWORK SWITCH F
		Check Total.....		1344.17	.00	1344.17		
021759	04/10/13	COR01 CORBIN WILLITS SYSTEMS		750.83	.00	750.83	B303151	COMPUTER SUPPORT
021760	04/10/13	CRY01 CRYSTAL SPRINGS		31.93	.00	31.93	MAR 2013	LAB-DISTILLED WATER
021761	04/10/13	CUS01 CUSTOM PRINTING		295.00	.00	295.00	4486A	PRODUCTION-WASTEWATER SUP
				332.42	.00	332.42	4486B	POSTAGE-WASTEWATER SUP AD
		Check Total.....		627.42	.00	627.42		

TO: BOARD OF DIRECTORS
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021762	04/10/13	FAR01	FARM SUPPLY COMPANY	253.31	.00	253.31	4549	CALCIUM NITRATE
				253.31	.00	253.31	5010	CALCIUM NITRATE
			Check Total.....	506.62	.00	506.62		
021763	04/10/13	FAR02	FAR WEST EXPRESS	23.00	.00	23.00	MAR 2013	DELIVERY
021764	04/10/13	FGL01	FGL ENVIRONMENTAL	19.80	.00	19.80	380582A	LAB TEST
				396.26	.00	396.26	380583A	LAB TEST
			Check Total.....	416.06	.00	416.06		
021765	04/10/13	GIL01	GLM, INC.	340.00	.00	340.00	MAR 2013	LANDSCAPE MAINTENANCE
021766	04/10/13	GWA01	GWA INC	55.00	.00	55.00	APR 2013A	OFFICE-MONITORING
				87.00	.00	87.00	APR 2013B	SHOP-MONITORING
				87.00	.00	87.00	APR 2013C	UTILITY OFFICE MONITORING
			Check Total.....	229.00	.00	229.00		
021767	04/10/13	IND01	INDUSTRIAL MEDICAL GROUP	140.00	.00	140.00	1554	EMPLOYMENT PHYSICAL/DRUG
021768	04/10/13	IRO01	IRON MOUNTAIN RECORDS MGT	34.49	.00	34.49	GVM8076	SHOP-SHREDDING SERVICE
021769	04/10/13	JOB01	JOBS AVAILABLE INC	724.50	.00	724.50	1307026	PUBLIC NOTICE-WASTEWATER
021770	04/10/13	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	MAR 2013	LANDSCAPE MAINTENANCE DIS
021771	04/10/13	LEE02	LEE CENTRAL COAST NEWSPAP	669.50	.00	669.50	00201249	PUBLIC NOTICE-ORD. 2013-1
				414.00	.00	414.00	00201251	PUBLIC NOTICE-ORD. 2013-1
			Check Total.....	1083.50	.00	1083.50		
021772	04/10/13	MIN02	MINER'S ACE HARDWARE	278.35	.00	278.35	MAR 2013	OPERATING SUPPLIES
021773	04/10/13	MNS01	MNS ENGINEERS INC	450.00	.00	450.00	63113	NIPOMO WATERLINE INTERTIE
				47242.06	.00	47242.06	63114	SOUTHLAND WWTP UPGRADE CM
			Check Total.....	47692.06	.00	47692.06		
021774	04/10/13	NUN01	NUNLEY, MICHAEL K. & ASSO	2965.00	.00	2965.00	4/1/13	BLACKLAKE SEWER MASTER PL
				7664.75	.00	7664.75	3/31/13	SWAEC
			Check Total.....	10629.75	.00	10629.75		
021775	04/10/13	OFF01	OFFICE DEPOT	158.46	.00	158.46	580893001	OFFICE SUPPLIES
				17.15	.00	17.15	581077001	OFFICE SUPPLIES
			Check Total.....	175.61	.00	175.61		
021776	04/10/13	PGE01	P G & E	35187.84	.00	35187.84	B30404	ELECTRICITY
021777	04/10/13	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	MAR 2013	JANITORIAL SERVICES
021778	04/10/13	RAB02	RABOBANK PETTY CASH	80.77	.00	80.77	MAR 2013A	SUPPLIES
				22.34	.00	22.34	MAR 2013B	POSTAGE
			Check Total.....	103.11	.00	103.11		
021779	04/10/13	SAF02	SAFETY CENTER, INC.	1200.00	.00	1200.00	68790	ON-SITE FLAGGER & TRAFFIC
021780	04/10/13	SHE01	SHEPARD BROS. INC.	175.97	.00	175.97	026006	APLET D2 4X1 QUART
021781	04/10/13	SOU01	SOUTH COUNTY SANITARY	38.98	.00	38.98	4041249	GARBAGE SERVICE
				188.70	.00	188.70	4042525	OLDE TOWNE GARBAGE SERVIC
			Check Total.....	227.68	.00	227.68		
021782	04/10/13	SOU03	SAN LUIS GARBAGE COMPANY	1197.00	.00	1197.00	MAR 2013	SOLID WASTE TAX LIENS
021783	04/10/13	SPA01	SPANGO VOICE NETWORKS INC	377.80	.00	377.80	12102	REFRESH VOICEMAIL DIRECT/
021784	04/10/13	SPE02	SPECIAL DISTRICT FINANCI	900.00	.00	900.00	11511	ANNUAL DISCLOSURE REPORT
				750.00	.00	750.00	11512	SOUTHLAND WWTP-ANNUAL DIS
			Check Total.....	1650.00	.00	1650.00		
021785	04/10/13	STA03	STATEWIDE SAFETY & SIGNS	499.19	.00	499.19	4894/3	28" CONE OR/BK 10LB W/6"&
				299.93	.00	299.93	4907/3	2 WAY MARKER BLUE/PREMARK
			Check Total.....	799.12	.00	799.12		
021786	04/10/13	STA07	SRF ACCOUNTING OFFICE	34868.35	.00	34868.35	B30405	STATE REVOLVING FUND LOAN
021787	04/10/13	THE01	THE GAS COMPANY	15.67	.00	15.67	MAR 2013A	SHOP HEAT
				46.21	.00	46.21	MAR 2013B	OFFICE HEAT
			Check Total.....	61.88	.00	61.88		

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021788	04/10/13	THE02	THE TRIBUNE	396.00	.00	396.00	7015183	PUBLIC NOTICE-WASTEWATER
				698.17	.00	698.17	7016573	PUBLIC NOTICE-ORD. 2013-1
				387.42	.00	387.42	7016574	PUBLIC NOTICE-ORD. 2013-1
			Check Total.....:	1481.59	.00	1481.59		
021789	04/10/13	TUC01	TUCKFIELD & ASSOCIATES	2370.00	.00	2370.00	0337	COP OFFICIAL STATEMENT AS
021790	04/10/13	USA01	USA BLUEBOOK	500.56	.00	500.56	919621	SHOE COVERS/COVERALLS
021791	04/10/13	USB01	US BANK (VISA)	130.43	.00	130.43	032213A	MEETINGS
				259.78	.00	259.78	032213B	TRAVEL/MILEAGE
				307.09	.00	307.09	032213C	COMPUTER EXPENSE
				1087.17	.00	1087.17	032213D	EDUCATION/TRAINING
				99.70	.00	99.70	032213E	OPERATING SUPPLIES
				115.23	.00	115.23	032213F	OFFICE SUPPLIES
				475.00	.00	475.00	032213G	WASTEWATER SUP-ADVERTISIN
				255.47	.00	255.47	032213H	WASHER REBATE SIGNS
			Check Total.....:	2729.87	.00	2729.87		
021792	04/10/13	VER01	VERIZON	45.60	.00	45.60	B30404	TELEPHONE
021793	04/10/13	YOU01	YOUR PEOPLE PROFESSIONALS	3000.00	.00	3000.00	APR 2013	APR DEPOSIT-EMPLOYMENT AG

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

Cushman Contracting	Period 3/1/13 to 3/31/13	\$544,815.56
First Republic Bank	Period 3/1/13 to 3/31/13 Retention	\$28,674.50
	TOTAL	\$573,490.06

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 27, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

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, **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 March 27, 2013, to order at 9:00 a.m. and led the flag salute.

00:00:38

B. ROLL CALL

At Roll Call, all Board members were present.

President Harrison announced that the Board will pull item D-3 off of the Consent Agenda.

Upon the motion of Director Vierheilig, and seconded by Director Armstrong the Board unanimously pulled Item D-3 off the Consent Agenda and put it at the front of the Agenda.

Vote 5-0.

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

The Board considered Item D-3 next.

D-3) ADOPT RESOLUTION OF APPRECIATION FOR SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously adopted Resolution 2013-1297, A Resolution of appreciation to members of the Supplemental Water Alternatives Evaluation Committee for service to the Nipomo Community Services District.

Vote 5-0.

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

RESOLUTION NO. 2013-1297

**A RESOLUTION OF APPRECIATION TO MEMBERS
OF SUPPLEMENTAL WATER ALTERNATIVES EVALUATION
COMMITTEE FOR SERVICE TO THE NIPOMO COMMUNITY
SERVICES DISTRICT**

The Board considered Item C-1 next.

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

C-1) PRESENT RESOLUTION OF APPRECIATION TO SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

Vice President Vierheilig presented Dennis Graue, Kathie Matsuyama, and Sam Saltoun with Resolutions of appreciation.

The Board, staff, and the audience gave the committee a round of applause.

There was no public comment.

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

Upon the motion of Director Blair and seconded by Director Harrison, the Board unanimously directed staff to agendize a Resolution of appreciation for Michael Nunley, SWAEC Chairman, and Peter Sevcik, SWAEC Vice Chair, for outstanding work on the SWAEC.

Vote 5-0.

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

PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

There was no public comment.

00:12:08

C. PRESENTATIONS AND PUBLIC COMMENT

C-2) REPORT ON MARCH 13, 2013 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session

Mike Seitz, District Deputy Legal Counsel, announced that the Board heard an update from Legal Counsel for 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 heard an update from Legal Counsel for Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9, Whitlow/NCSD) in closed session, but took no reportable action.

The Board heard an update from Legal Counsel for Item Three (Conference with Legal Counsel pursuant to GC §54956.9, Anticipated litigation) in closed session, but took no reportable action.

The Board heard an update from Legal Counsel and provided direction for staff for Item 4 (Conference with Legal Counsel re: pending litigation pursuant to GC Section 54956.9; NCSD vs. County SLO, ET AL) in closed session, but there was no reportable action.

C-3) UTILITIES SUPERINTENDENT
RE: Summary of recent activities.

Tina Grietens, Utilities Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

SUBJECT TO BOARD APPROVAL

00:29:58

- 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 Gaddis

- ◇ March 25, South County Advisory Council met and the new council was seated. Dan Woodson will be Chairman for the first 6 months and Richard Wright will be Chairman for the following 6 months.

Director Blair

- ◇ Commented on the State change in the Gas Tax.

Director Vierheilig

- ◇ March 26, Attended Supplemental Water Alternatives Evaluation Committee Meeting.
- ◇ March 26, Attended Blacklake Management Association Meeting.
- ◇ April 3, Water Resource Advisory Council will meet at 1:30 p.m. at the San Luis Obispo Library.
- ◇ April 5, Orchid Show Preview Benefit for the Guadalupe-Nipomo Dunes Center. Contact Director Vierheilig for Tickets.
- ◇ April 6 and 7, Central Coast Orchid Show at the South County Regional Center.
- ◇ April 13, Central Coast Greenhouse Association Open House.

00:41:05

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

There was no public comment.

*Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted.
 Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS

- D-2) APPROVE MARCH 13, 2013 REGULAR BOARD MEETING MINUTES

Michael LeBrun, General Manager, announced one correction to the March 13, 2013, minutes.

There was no public comment.

*Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved items D-1 and D-2, as amended.
 Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

00:43:05

E-1) HEARING REGARDING PROPOSED RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY INTERESTS FOR THE WATERLINE INTERTIE PROJECT DURLEY ASSESSOR'S PARCEL NUMBERS 090-331-005, 006, 008 AND 090-341-019

Mike Seitz, Deputy District Legal Counsel, announced the process of the public hearing.

President Harrison opened the public hearing.

There was no public comment.

President Harrison closed the public hearing.

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations and Mr. LeBrun answered questions from the Board.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board adopted the Resolution 2013-1298, Resolution of Necessity and authorized and directed staff that eminent domain proceedings be filed to acquire the subject property, as amended.

Vote 4-1.

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

RESOLUTION NO. 2013-1298

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING NCERTAIN REAL PROPERTY NECESSARY FOR THE CONSTRUCTION OF THE WATERLINE INTERTIE PROJECT AND AUTHORIZING THE ACQUISITION THEREOF (KATHERINE P. DURLEY, TRUSTEE OF THE ANNIE PREISKER LIFE TRUST, APNS 090-331-005, 006, 008, and 090-341-019

00:55:23

E-2) HEARING REGARDING PROPOSED RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY INTERESTS FOR THE WATERLINE INTERTIE PROJECT, TROESH ASSESSOR'S PARCEL NUMBERS 090-341-002, 023, 033

Mike Seitz, Deputy District Legal Counsel, announced the process of the public hearing.

President Harrison opened the public hearing.

There was no public comment.

President Harrison closed the public hearing.

Item E-2 Continued

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board adopted the Resolution 2013-1299, Resolution of Necessity and authorized and directed staff that eminent domain proceedings be filed to acquire the subject property, as amended.

Vote 4-1

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

RESOLUTION NO. 2013-1299

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DECLARING CERTAIN REAL PROPERTY NECESSARY
FOR THE CONSTRUCTION OF THE WATERLINE INTERTIE
PROJECT AND AUTHORIZING THE ACQUISITION THEREOF
(TROESH PROPERTIES & INVESTMENTS, LLC, APNS 090-341-002,
023, and 033)

00:58:39

- E-3) APPROVE LICENSE AGREEMENT WITH SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR ACCESSING SANTA MARIA RIVER LEVEE IN SUPPORT OF CONSTRUCTING SUPPLEMENTAL WATER PROJECT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board approved the License Agreement, as amended.
Vote 4-1.

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

01:15:39

- E-4) AUTHORIZE PURCHASE AGREEMENT WITH LINDA VISTA FARMS IN AMOUNT OF \$113,500 TO ACQUIRE EASEMENTS AND FEE TITLE PROPERTY (APN 090-291-039, -040, -043, & -044) IN SUPPORT OF CONSTRUCTING SUPPLEMENTAL WATER PROJECT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Item E-4 Continued

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board approved the easement purchase for \$113,500 with Linda Vista Farms Association Inc. Vote 4-1.

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

01:22:01

E-5) CONSIDER FORMATION OF A SOLID WASTE COMMITTEE

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

There was no public comment.

Upon the motion of Director Gaddis and seconded by Director Blair, the Board unanimously approved the formation of a Solid Waste Committee. Vote 5-0.

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

Upon the motion of Director Harrison and seconded by Director Armstrong, the Board unanimously appointed Director Gaddis as the Chairperson of the Solid Waste Committee and Director Blair as the member of the Solid Waste Committee.

Director Gaddis left the meeting at 10:47 a.m.

01:31:03

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.

G. COMMITTEE REPORT

There were no committee reports.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◇ *Commented on recognizing BLMA for their efforts to reduce water use.*

Director Blair

- ◇ *Requested staff agendize CO 06-0225 (Kengel).*
- ◇ *Questioned the District fees and the collection of fees for connecting to the Districts water and sewer systems.*

Peter Sevcik, Director of Engineering and Operations answered questions from the Board.

Nipomo Community Services District
REGULAR MEETING
MINUTES

I. CLOSED SESSION ANNOUNCEMENTS

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

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:00 a.m.

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

The Board came back into Open Session at 12:24 p.m.

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Items one, two three, and four listed above for closed session, but took no reportable action.

ADJOURN

President Harrison adjourned the meeting at 12:25 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	2.00
Closed Session	1.25
TOTAL HOURS	3.25

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: APRIL 5, 2013

AGENDA ITEM

D-3

APRIL 10, 2013

**INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1**

ITEM

Resolution initiating proceedings for annual levy of Street Landscape Maintenance District No. 1
[RECOMMEND ADOPT RESOLUTION]

BACKGROUND

In 2003, the Board of Directors formed Street Landscape Maintenance District No. 1 to provide the street landscape maintenance for Tract 2409 (Sculpture Homes located on Vista Verde and Ida Street). The Street Landscape Maintenance District formed under Government Code Section 61601.20 and the Landscaping and Lighting Act of 1972.

Annually, the District follows the procedures outlined in the Government Code and Prop. 218 to levy the assessment on each of the 28 property owners served by the Landscape Management District. In order to proceed, the attached Resolution should be adopted to initiate the proceedings and appoint Director of Engineering and Operations, Peter Sevcik as the Assessment Engineer.

RECOMMENDATION

Staff recommends adoption of Resolution 2013-lmd initiation

ATTACHMENT

- A. Resolution 2013-LMD Initiation

APRIL 10, 2013

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2013-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2013-2014 PURSUANT TO THE PROVISIONS OF PART 2 OF
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

WHEREAS, the Nipomo Community Services District Board of Directors ("NCSD") has, by previous Petition and Resolution, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") pursuant to the provisions of Government Code §61601.20 and the Landscaping and Lighting Act of 1972 (hereinafter referred to as the "Act") that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the installation, planting and maintenance of landscaping within public streets, right of ways or easements within the Nipomo Community Services District; and

WHEREAS, Street Landscape Maintenance District No. 1 and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the NCSD has appointed Peter Sevcik, a registered engineer, as assessment engineer for the purpose of assisting with the Annual Levy of the Street Landscape Maintenance District No. 1 and to prepare and file a report in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Nipomo Community Services District for the Nipomo Street Landscape Maintenance District No. 1, as follows:

SECTION 1: The NCSD hereby initiates proceedings for annual levy of assessments for Street Landscape Maintenance District No. 1 for Fiscal Year 2013-2014 pursuant to the provisions of the Act.

SECTION 2: The improvements within Street Landscape Maintenance District No. 1 include: trees, shrubs, grass, other ornamental vegetation, and appurtenant facilities, including irrigation system within the Street Landscape Maintenance District No. 1. The Board of Directors does not anticipate new improvements or substantial changes in existing improvements.

SECTION 3: Engineer's Annual Levy Report: The NCSD Board of Directors hereby orders that Peter Sevcik, District Director of Engineering and Operations and a registered professional engineer in CA, prepare the Engineer's Annual Levy Report concerning the levy of assessments for Street Landscape Maintenance District No. 1 in accordance with *Chapter 3, Section 22622* of the Act.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 10th day of April, 2013, by the following vote:

AYES: Directors
NOES:
ABSENT:
ABSTAIN:

James Harrison, President
Board of Directors
Nipomo Community Services District

ATTEST:

APPROVED:

Michael S. LeBrun, Board Secretary
Nipomo Community Services District

Michael W. Seitz, District Legal Counsel
Nipomo Community Services District