

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



CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

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

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE REGULAR BOARD MEETING MINUTES:
JUNE 27, 2012
JULY 11, 2012 [RECOMMEND APPROVAL]
- D-3) CONSIDER AUTHORIZE PURCHASE OF EASEMENT ON APN 090-291-041
JAUREQUI ETAL, IN AMOUNT OF \$13,200 [RECOMMEND AUTHORIZE]
- D-4) ACCEPT SECOND QUARTER INVESTMENT REPORT [RECOMMEND ACCEPT]
- D-5) APPROVE CONTRACT SALARY INCREASE FOR GENERAL MANAGER
[RECOMMEND APPROVE]
- D-6) CONSIDER OFFER OF EASEMENT DEDICATION, TRACT 2734 DEBLAUW
[RECOMMEND ACCEPT]

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

**AGENDA ITEM
 D-1
 JULY 25, 2012**

**TOTAL COMPUTER CHECKS
 \$147,817.30**

HAND WRITTEN CHECKS

07-25-12	10075	LESLIE FRIEDMAN	WASHER REBATE	\$75.00
07-25-12	10076	SONJA KOZAK	WASHER REBATE	\$75.00
07-25-12	10077	THOMAS BAASCH	WASHER REBATE	\$75.00

VOIDS - NONE

COMPUTER GENERATED CHECKS

20902	07/20/12	EMP01	EMPLOYMENT DEVELOP DEPT	1248.05	.00	1248.05	B20716	STATE INCOME TAX
20903	07/20/12	MID01	RABOBANK-PAYROLL TAX DEPO	3541.11	.00	3541.11	B20716	FEDERAL INCOME TAX
				72.80	.00	72.80	1B20716	FICA
				943.74	.00	943.74	2B20716	MEDICARE (FICA)
			Check Total.....:	4557.65	.00	4557.65		
20904	07/20/12	MID02	RABOBANK-DIRECT DEPOSIT	24727.47	.00	24727.47	B20716	NET PAY
20905	07/20/12	PER01	PERS RETIREMENT	8489.13	.00	8489.13	B20716	PERS PAYROLL REMITTANCE
20906	07/20/12	STA01	CALPERS 457 DEFERRED COMP	2005.00	.00	2005.00	B20716	457 DEFERRED COMP
020907	07/25/12	AEC01	AECOM USA INC	10144.98	.00	10144.98	37251488	SOUTHLAND WWTF UPGRADE
				1867.05	.00	1867.05	60185762	FRONTAGE ROAD UPGRADE
				4548.15	.00	4548.15	60270503	SWP PHASING FEASIBILITY S
			Check Total.....:	16560.18	.00	16560.18		
020908	07/25/12	AME03	AMERI PRIDE	126.91	.00	126.91	671742	UNIFORMS
				156.73	.00	156.73	500676784	UNIFORMS
			Check Total.....:	283.64	.00	283.64		
020909	07/25/12	ASA01	ASAP REPROGRAPHICS	2047.40	.00	2047.40	153376	SOUTHLAND WWTF PLAN SETS
020910	07/25/12	ATT01	AT&T/MCI	185.07	.00	185.07	3517296	TELEPHONE
020911	07/25/12	BIG01	BIG BRAND TIRE & SERVICE	26.87	.00	26.87	198189	04' CHEVY OIL CHANGE
020912	07/25/12	BRE02	BRENNTAG PACIFIC INC.	715.34	.00	715.34	BPI213419	SODIUM HYPOCHLORITE
				643.18	.00	643.18	BPI213420	SODIUM HYPOCHLORITE
			Check Total.....:	1358.52	.00	1358.52		
020913	07/25/12	CAL03	CALIFORNIA ELECTRIC SUPPL	345.55	.00	345.55	490749	SOLENOID VALVE
020914	07/25/12	CAN02	CANNON CORPORATION	1100.00	.00	1100.00	52971	IPPAC ALARMS
				120.00	.00	120.00	52975	WELL #4
			Check Total.....:	1220.00	.00	1220.00		
020915	07/25/12	CLE06	CNSSLO INC	2041.00	.00	2041.00	14968	COMPUTER SUPPORT
020916	07/25/12	CLI02	CLIFFORD MOSS LLC	9336.23	.00	9336.23	175	APRIL OUTREACH
				6177.74	.00	6177.74	189	MAY OUTREACH
			Check Total.....:	15513.97	.00	15513.97		
020917	07/25/12	DEW01	J B DEWAR INC	552.70	.00	552.70	955453	DEEP WELL OIL
020918	07/25/12	FGL01	FGL ENVIRONMENTAL	369.00	.00	369.00	281812A	LAB TEST
020919	07/25/12	LAN02	LANDMARK LANDSCAPE CO INC	162.36	.00	162.36	56894	SPRINKLER/NOZZLE REPAIR
020920	07/25/12	MNS01	MNS ENGINEERS INC	6476.40	.00	6476.40	62292	FRONTAGE ROAD UPGRADE
				7357.50	.00	7357.50	62293	SOUTHLAND WWTF UPGRADE
				720.00	.00	720.00	62294	SOUTHLAND WWTF UPGRADE
			Check Total.....:	14553.90	.00	14553.90		
020921	07/25/12	MOR02	MORE OFFICE SOLUTIONS	188.25	.00	188.25	283459	COPIER MAINTENANCE
020922	07/25/12	MUL01	MULLAHEY FORD	485.69	.00	485.69	61014	07 FORD REPLACED GLOW PLU
020923	07/25/12	OFF01	OFFICE DEPOT	87.58	.00	87.58	4486001	OFFICE SUPPLIES
				131.46	.00	131.46	86517001	OFFICE SUPPLIES
			Check Total.....:	219.04	.00	219.04		

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

AGENDA ITEM
D-1
JULY 25, 2012
PAGE TWO

020924	07/25/12	PO001	POOR RICHARD'S PRESS	203.17	.00	203.17	229078	MAIL-BILLS
				46.46	.00	46.46	229066A	MAIL-LATE NOTICES
				140.85	.00	140.85	229066B	POSTAGE-LATE NOTICES
				1092.22	.00	1092.22	229078B	POSTAGE-BILLS
			Check Total.....:	1482.70	.00	1482.70		
020925	07/25/12	RAB02	RABOBANK PETTY CASH	53.36	.00	53.36	6/30/12A	SUPPLIES
				12.05	.00	12.05	6/30/12B	POSTAGE
				7.63	.00	7.63	6/30/12C	OPERATING SUPPLIES
			Check Total.....:	73.04	.00	73.04		
020926	07/25/12	SHI01	SHIPSEY & SEITZ, INC	8454.10	.00	8454.10	6/30/12	LEGAL SERVICES THRU 6/30/
020927	07/25/12	SIG02	SIGN PLACE-SLO, THE	1334.73	.00	1334.73	SLO 25872	SOUTHLAND PROJECT SIGNS
020928	07/25/12	STA03	STATEWIDE SAFETY & SIGNS	87.00	.00	87.00	3766	MARKING PAINT
020929	07/25/12	TER02	TERRAIN CONSULTING	12230.01	.00	12230.01	471	OUTREACH
020930	07/25/12	THE05	THE CAPRICORN GROUP	187.71	.00	187.71	8218	NYLON TUFTED BRUSH/KIMWIP
020931	07/25/12	WAG01	WAGNER & BONSIGNORE	2785.32	.00	2785.32	07-12-1	GROUNDWATER LITIGATION
				3336.32	.00	3336.32	07-12-2	GENERAL CONSULATION
			Check Total.....:	6121.64	.00	6121.64		
020932	07/25/12	WAL01	WALLACE GROUP	6119.28	.00	6119.28	33638	GIS WATER & SEWER ATLAS
				13097.50	.00	13097.50	33639	GIS MAINTENANCE
				131.25	.00	131.25	33640	FOG OUTREACH & INSPECTION
			Check Total.....:	19348.03	.00	19348.03		
020933	07/25/12	WAT04	WATER ENVIRONMENT FEDERAT	220.00	.00	220.00	120851	MEMBERSHIP RENEWAL-SEVCIK
020934	07/25/12	WIN02	WINN, MICHAEL	623.82	.00	623.82	B20718	MILEAGE REIMBURSEMENT
020935	07/25/12	WSC01	WSC	330.75	.00	330.75	454	CUWCC SUPPORT SERVICES
020936	07/25/12	\A007	ALLEN, MICHAEL P	183.33	.00	183.33	000B20701	MQ CUSTOMER REFUND FOR AL

NIPOMO COMMUNITY SERVICES DISTRICT

D2

Serving the Community Since 1965

REGULAR MINUTES

JUNE 27, 2012, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
ED EBY, **DIRECTOR**
DAN A. GADDIS, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT GENERAL MANAGER**
MERRIE WALLRAVIN, **SECRETARY/CLERK**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DISTRICT ENGINEER**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00 A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the Regular Meeting of June 27, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:46 B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

At Roll Call, all Board members were present.

The Board considered Item C-1 next.

C-1) PRESENT RESOLUTION OF APPRECIATION TO RETIRED UNDERSHERIFF MARTIN BASTI

President Harrison presented a Resolution of Appreciation to retired Undersheriff Martin Basti and thanked him for his years of service.

There was no public comment.

00:04:05 C. PRESENTATIONS AND PUBLIC COMMENT

C-2) NCSD SUPERINTENDENT TINA GRIETENS
Update Report re: Utility Division Activities

Tina Grietens, Utility Superintendent, reviewed the report as presented in the Board packet. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ June 19, 2012 – The San Luis Obispo County Board of Supervisors met and approved a sub-division on the south edge of the Mesa, but failed to notice the District and mention the eventual need to assess a Supplemental Water in-lieu fee when a building permit is pulled.
- ◇ July 9, 2012 – WRAC will meet at 1:30 p.m. This is a special meeting due to the Fourth of July holiday.

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
MINUTES

DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (Continued)

Director Eby

- ◇ June 25, 2012 – SCAC met and discussed a nursery located on Viva Way at Camino Cabillo and heavy truck traffic associated with that operation.
- ◇ June 29, 2012 – NMMA TG will meet at 10:00 a.m. at NCSD.

Director Vierheilig

- ◇ Added his comments to Director Eby's comments on the nursery's heavy truck traffic.

Director Gaddis

- ◇ June 25, 2012 – SCAC met and discussed the reported daily high level of 18 wheeler truck traffic through adjoining residential streets from and to a nursery which neighbors believe has now turned into a distribution center on Viva Way in Nipomo.

Director Harrison

- ◇ June 14, 2012 – Attended a Gyro meeting along with the General Manager, where they answered questions about NCSD and what the District does. It was a well received presentation.
- ◇ June 20, 2012 – Nipomo Olde Towne Association met and discussed moving the proposed Jim O. Miller Park to the south side of Tefft Street.
- ◇ June 25, 2012 – Attended the Water Resource Policy Committee Meeting and observed.
- ◇ July 12, 2012 – Fire Safe Council will meet and discuss funding for the next year's chipping event.

C-4) 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 Eby, the Board unanimously approved to receive and file the presentations and reports.
Vote 5-0.

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

00:35:14

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE JUNE 13, 2012 REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT EASEMENTS 751 WIDOW LANE
- D-4) APPROVE APPLICATION OF SAINT JOSEPH'S CHURCH FOR SEWER SERVICE UNDER AN EXISTING OUTSIDE USER AGREEMENT

President Harrison pulled Items D-3 and D-4 for separate consideration.

Nipomo Community Services District
REGULAR MEETING
MINUTES

Item D (Continued)

- D-1) APPROVE WARRANTS
- D-2) APPROVE JUNE 13, 2012 REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT EASEMENTS 751 WIDOW LANE
- D-4) APPROVE APPLICATION OF SAINT JOSEPHS CHURCH FOR SEWER SERVICE UNDER AN EXISTING OUTSIDE USER AGREEMENT

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.
Vote 5-0.

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

Item D-3

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Jon Seitz, District Legal Counsel, answered questions from the Board. The Board asked for an update on this situation in the near future.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously adopted Resolution No. 2012-1269, 2012-1270, 2012-1271, 2012-1272, and 2012-1273 (Widow Lane easements).
Vote 5-0.

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

RESOLUTION NO. 2012-1269

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE AND SEWER PIPELINE
EASEMENT FROM FANNIE MAE
APN 092-351-033

RESOLUTION NO. 2012-1270

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE AND SEWER PIPELINE
EASEMENT FROM JOSEPH AND JOSEPHINE KELLEY
APN 092-351-017

RESOLUTION NO. 2012-1271

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE AND SEWER PIPELINE
EASEMENT FROM JOHN PERKINS AND JEREMY PERKINS
APN 092-351-007

RESOLUTION NO. 2012-1272

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE AND SEWER PIPELINE
EASEMENT FROM RAQUEL CASTELLANOS
APN 092-351-010

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

Item D-3 (Continued)

RESOLUTION NO. 2012-1273

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE AND SEWER PIPELINE
EASEMENT FROM ARMADO AND LYDIA MANRIQUEZ
APN 092-351-004

Item D-4

Michael LeBrun, General Manager, Peter Sevcik, District Engineer, and Jon Seitz, District Legal Counsel, answered question from the Board.

There was no public comment.

Upon the motion Director Winn and seconded by Director Vierheilg, the Board unanimously approved the outside user sewer service application, subject to LAFCO review.

Vote 5-0.

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

The Board took a break from 10:10 to 10:25 a.m.

E. ADMINISTRATIVE ITEMS

- E-1) CONDUCT A HEARING TO ADOPT ORDINANCE 2012-117 AFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR NEW WATER SERVICE AND INTENT TO SERVE LETTERS, REPEALING CHAPTER 3.05 OF DISTRICT CODE AND ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AND DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

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

The following member of the public spoke:

Greg Nester, NCSD customer and developer, commented on not understanding the relationship between supplemental water funding measure failure and repealing fee phasing Ordinance.

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:08:19

Item E-1 (Continued)

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved to read Ordinance 2012-117 by title only.
Vote 5-0.

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

Upon the motion of Director Eby and seconded by Director Winn, the Board adopted Ordinance 2012-117.
Vote 4-1.

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

ORDINANCE NO. 2012-117

A ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS, SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.52 AS ESTABLISHED BY DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.53 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

01:28:01

E-2) REVIEW CURRENT INTENT-TO-SERVE POLICY FOR WATER SERVICE AND ASSOCIATED WATER ALLOCATION

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

The following member of the public spoke:

Greg Nester, NCS D customer and developer, commented on a developer's investment in a project increasing significantly over the life of an Intent-to-Serve letter.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously directed staff to do the following:

- Give notice to the three Intent-to-Serve applicants with up-coming expiration dates.
- Revisit this Item on the 2nd meeting in October 2012.
- Bring back an action plan for the three applicants in the "other category" on the active development project summary.
- Clarify how the action effects outside user agreements.

Vote 5-0.

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

Item E-2 (Continued)

President Harrison re-opened public comment on this item.

There following member of the public spoke:
Bill Kengel, NCS D customer, had concerns with paying the fees in these hard economic times.

President Harrison closed public comment on this item.

Director Winn commented on Mr. Kengel's comments.

2:11:30

E-3) REVIEW CURRENT WILL-SERVE POLICY FOR WATER SERVICE AND ASSOCIATED WATER CAPACITY RESERVATION

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

The following member of the public spoke:
Greg Nester, NCS D customer and developer, commented that NCS D would be crossing the line taking water rights away from already issued Will-Serve letters.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously directed staff to revisit this item in February 2013 and review the Will-Serve policy with District Legal Counsel, for possible limitations on previous issued Will-Serve letters. Vote 5-0.

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

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD 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 RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCS D VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCS D (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
4. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

Nipomo Community Services District
REGULAR MEETING
MINUTES

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

The following member of the public spoke:

Greg Nester, NCSD customer, requested an application for the citizen's sub-committee to evaluate Supplemental Water alternatives.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:55 a.m.

02:39:56

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

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

Jon Seitz, District Legal Counsel, announced that the Board discussed Items 1, 2, and 3 listed above for closed session but took no reportable action. The Board discussed Item 4 listed above for closed session and will continue this item at the next Regular Board meeting.

02:40:58

E-4) AUTHORIZATION FOR THE SUPPLEMENTAL WATER POLICY COMMITTEE TO FORM A CITIZENS SUB-COMMITTEE TO REVIEW SUPPLEMENTAL WATER PROJECT ALTERNATIVES

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

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Vierheilg the Board unanimously approved the Bylaws for Supplemental Water Alternatives Evaluation Committee (SWAEC), as amended.
Vote 5-0.

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

03:33:39

E-5) CONSIDER CA SPECIAL DISTRICT ASSOCIATION BOARD OF DIRECTORS BALLOT

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 Vierheilg, the Board unanimously approved to nominate Steve Esselman for the CSDA Board of Directors, Region Four.
Vote 5-0.

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

The Board took a break from 2:25 to 2:30 p.m.

03:37:06

E-6) CONSIDER POLICY FOR PUBLISHING PUBLIC NOTICES IN NEWSPAPERS

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

There was no public comment.

Upon the motion of Director Winn and seconded by Director Gaddis, the Board adopted Resolution No. 2012-1274.

Vote 4-1.

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

RESOLUTION NO. 2012-1274

A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 DESIGNATING A NEWSPAPER OF GENERAL CIRCULATION
 FOR PUBLICATION OF DISTRICT BUSINESS

03:42:30

F. 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

MINUTES OF JUNE 11, 2012 WATER RESOURCES POLICY COMMITTEE

The report was as presented. There was no public comment.

04:10:40

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- ◇ Requested staff to request the organizations appointing the Nominate Committee to identify their selections.
- ◇ Requested staff make contact with the potential Chair.
- ◇ Confirmed who was attending the NMMA TG meeting on June 29, 2012.

Director Winn

- ◇ Questioned when the next County CSDA chapter meeting is.
- ◇ Questioned if Deputy District Legal Counsel will attend the next County CSDA chapter meeting.
- ◇ Requested staff to revisit the in-lieu fee for County Ordinance §3090.
- ◇ Requested staff to schedule a Water Conservation Committee meeting before July 5, 2012.
- ◇ Requested a list of NCSD's outside users.

Nipomo Community Services District
REGULAR MEETING
MINUTES

Item H (Continued)

- ◇ Requested staff to post the County year-to-date precipitation and production data graphs along with District data on the District website.
- ◇ Consider not selling water to outside users (except for those properties with outside user agreements).
- ◇ Requested staff to explore ways to receive and post pumping logs from private well owners on the Mesa.

Director Harrison

- ◇ Discussed the availability of web ethics training for the Board members who needed this training and did not attend the training in Templeton.

ADJOURN

President Harrison adjourned the meeting at 3:15 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.45
Closed Session	1.30
TOTAL HOURS	6.15

NIPOMO COMMUNITY SERVICES DISTRICT

D2

Serving the Community Since 1965

REGULAR DRAFT MINUTES

JULY 11, 2012, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
ED EBY, **DIRECTOR**
DAN A. GADDIS, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT GENERAL MANAGER**
MERRIE WALLRAVIN, **SECRETARY/CLERK**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DISTRICT ENGINEER**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00

A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the Regular Meeting of July 11, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:40

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

At Roll Call, all Board members were present.

There was no public comment.

00:02:09

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) NCSD DISTRICT ENGINEER PETER SEVCIK Update Report re: Recent Activities

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

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

Commander Taylor gave an update of the law enforcement activities in South County and Commander Taylor answered questions from the Board. The Board thanked Commander Taylor for his report.

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

Receive Announcements and Reports from Directors

Director Gaddis

- ◇ July 15, 2012 – Red Skunk Band will be performing in the Arroyo Grande Village at 1:00 p.m. for summer Concerts in the Village.

SUBJECT TO BOARD APPROVAL

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

Item C-2 (Continued)

Director Vierheilig

- ◇ July 17, 2012 – The SLO County Board of Supervisors will meet and will hear a report on the Economic Effects of Smart Growth.

Director Eby

- ◇ July 19, 2012 - LAFCO will meet.

Director Winn

- ◇ July 9, 2012 – WRAC held a special meeting.
- ◇ July 20, 2012 – The SLO County Chapter of CSDA will meet at the Wallace Group in San Luis Obispo.
- ◇ July 26, 2012 – The SLO County Planning Commission will meet at 9:00 a.m. and discuss proposed County ordinances in response to the Paso Robles Groundwater Basin Resource Capacity Study.
- ◇ August 14, 2012 – The SLO County Board of Supervisors will meet and discuss a Greenbuild Ordinance.

Director Harrison

- ◇ July 16, 2012 – Agenda setting meeting with General Manager and Director Vierheilig.
- ◇ July 27, 2012 – Southland WWTF Phase I Groundbreaking at 3:00 p.m. and BBQ/Open House at 4:00 p.m.

C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There was no public comment.

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

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

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

00:32:59

D. CONSENT AGENDA

D-1) WARRANTS

D-2) CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL GENERAL ELECTION

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 Winn and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda as submitted.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:35:47

E-1) CONSIDER REQUEST FROM CITY OF ARROYO GRANDE FOR A LETTER FROM DISTRICT SUPPORTING CITY'S GROUNDWATER MODELING GRANT APPLICATION

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

President Harrison announced that the Board will continue this item at the foot of the agenda.

The Board took a break from 10:05 to 10:15 a.m.

01:04:55

E-2) CONSIDER EXTENDING DEFERRAL OF SOLID WASTE RATE INCREASE

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 Winn and seconded to Director Eby, the Board unanimously approved extending the deferral of solid waste rate increase for a year.

Vote 5-0.

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

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

01:14:20

E-3) REVIEW SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE MEMBER QUALIFICATIONS AND APPLICATION

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

The following member of the public spoke:

Robert McGill, NCSD customer, was in support of this committee and stated that it will be great for this community.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved the following:

- Posting the application form, by-laws, and qualifications on the District web-site, as amended.
- Sending a press release and advertising the application process in local newspapers.
- Continue gathering candidates for the nominating committee to consider.
- Setting the application deadline for the close of business August 3, 2012.
- All applications compiled will be delivered to the nominating committee after the August 3, 2012 deadline.

Item E-3 (Continued)

Vote 5-0.

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

02:05:52

E-4) APPOINT FOUR PERSONS TO NINE MEMBER NOMINATING COMMITTEE FOR THE SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

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

The following member of the public spoke:

Robert McGill, NCSD customer, questioned if the committee will conduct interviews.

Director Winn answered Mr. McGill's question.

The Board eliminated Jacqueline Fredrick, Dan Woodson, and Ian Wallace, but added Mike Winn and Dan Hall to the list of potential Nomination Committee appointees presented in the Board packet.

Michael LeBrun, General Manager, handed the ballots to the Board. President Harrison instructed the Board to pick the top six people they would like to nominate by assigning numbers one through six, with six being the top nominee.

Mr. LeBrun and Mr. Seitz tabulated the votes. Mr. LeBrun announced the results as follows:

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

Mike Winn, Bob McGill, Dan Hall, and Michael LeBrun, will be the four appointees to the Nomination Committee for Supplemental Water. (See Attachment "A")

Mr. LeBrun handed out new ballots for the alternate position.

Mr. LeBrun and Mr. Seitz tabulated the votes. Mr. LeBrun announced the results as follows:

Dan Gaddis, Ken Shamordola, and Stan Liechty all tied. (See Attachment "B")

The Board took a break from 12:00 to 12:05 p.m.

Mr. LeBrun handed out new ballots for the alternate position.

Mr. LeBrun and Mr. Seitz tabulated the votes. Mr. LeBrun announced the results as follows:

Dan Gaddis and Ken Shamordola tied again. (See Attachment "C")

Mr. LeBrun took a hand vote for the alternate position between Dan Gaddis and Ken Shamordola.

Item E-4 (Continued)

Directors Gaddis, Eby, and Vierheilig voted for Dan Gaddis.

Directors Harrison and Winn voted for Ken Shamordola.

Mr. LeBrun announced that the alternate will be Dan Gaddis.

President Harrison announced that Bob McGill will be the Interim Chair for the Nomination Committee, which will choose its permanent Chair in its first meeting.

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; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. 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)
4. 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 12:10 p.m.

02:41:42

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

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

Jon Seitz, District Legal Counsel, announced that the Board discussed items 1, 2, and 3, listed above for closed session but took no reportable action. For Item 4 listed above for closed session, The Board, on a 5-0 vote issued the following statement:

“During the past six months, Mr. LeBrun has consistently met or exceeded all of the Boards expectations for the position of the General Manager.”

02:42:02

E-5) REVIEW DISTRICT EMERGENCY WATER SHORTAGE REGULATIONS

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

There was no public comment.

The Board directed staff to agendize this item again after the Water Conservation Committee has met.

03:11:11

E-6) REVIEW DISTRICT POLICY ON WATER SALES OUTSIDE OF THE DISTRICT BOUNDARY

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

There was no public comment.

The Board directed staff to do the following:

- Review the status of Resolution 419, if it remains active, then agendize it for discussion and review.
- Review outside users rate charges.

Nipomo Community Services District
REGULAR MEETING
DRAFT MINUTES

E-7) REVIEW STATUS OF PROPOSED JIM O MILLER PARK AND COUNTY PARK AND RIDE

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

There was no public comment.

The Board received the report and took no action.

Item E-1 (Continued)

Jon Seitz, District Legal Counsel, answered questions from the Board.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board approved the draft letter of support for the City of Arroyo Grande, as amended. Vote 4-1.

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

03:51:52

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.

G. COMMITTEE REPORT
MINUTES OF JUNE 25, 2012 WATER RESOURCES POLICY COMMITTEE

The report was as presented. There was no public comment.

04:02:35

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

◇ Commented on appraisals previously commissioned by the District.

ADJOURN

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

MEETING SUMMARY	HOURS
Regular Meeting	4.30
Closed Session	1.00
TOTAL HOURS	5.30

ATTACHMENT "A"

7/11/12 Nomination Committee Appointee Ballot

Jim

Person	"X" to vote
Bob McGill	6
Dan Gaddis	
Dan Hall	4
Dieter Thiel	1
Ken Shamordola	3
Michael LeBrun	
Mike Winn	5
Stan Liechty	2

7/11/12 Nomination Committee Appointee Ballot

Carvy

Person	"X" to vote
Bob McGill	6
Dan Gaddis	4
Dan Hall	5
Dieter Thiel	5
Ken Shamordola	3
Michael LeBrun	
Mike Winn	2
Stan Liechty	

ATTACHMENT "A"

Mike

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote
Bob McGill	5
Dan Gaddis	
Dan Hall	1
Dieter Thiel	4
Ken Shamordola	2
Michael LeBrun	
Mike Winn	6
Stan Liechty	3

7/11/12 Nomination Committee Appointee Ballot

Ed Eby

Person	"X" to vote
Bob McGill	
Dan Gaddis	5
Dan Hall	3
Dieter Thiel	1
Ken Shamordola	2
Michael LeBrun	6
Mike Winn	4
Stan Liechty	

ATTACHMENT "A"

7/11/12 Nomination Committee Appointee Ballot

DAN

Person	"X" to vote
Bob McGill	4
Dan Gaddis	1
Dan Hall	3
Dieter Thiel	2
Ken Shamordola	
Michael LeBrun	6
Mike Winn	5
Stan Liechty	

ATTACHMENT "A"

Handwritten signature

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					Total
	EE	MD	JH			
Bob McGill	4	6	5	6		21 0
Dan Gaddis	1	4	5			10 5/6
Dan Hall	3	5	3	1	4	16 0
Dieter Thiel	2	1	1	4	1	9 0
Ken Shamordola		3	2	2	3	10 6/6
Michael LeBrun	6		6			12 4
Mike Winn	5	2	4	6	5	22 0
Stan Liechty				3	2	5 0

Primary

JS

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					Total
Bob McGill	4	6	5	5	6	21 2
Dan Gaddis	1	4	3	5		10 6
Dan Hall	3	5	4	3	1	16 3
Dieter Thiel	2	1	2	1	4	9 1
Ken Shamordola		3	2	2	2	10 5
Michael LeBrun	6		2	6		12 4
Mike Winn	5	2	4	4	6	22 1
Stan Liechty				3	2	5

ATTACHMENT "B"

7/11/12 Nomination Committee Appointee Ballot

Jim

Person	"X" to vote
Bob McGill	
Dan Gaddis	1
Dan Hall	
Dieter Thiel	2
Ken Shamordola	3
Michael LeBrun	
Mike Winn	
Stan Liechty	4

7/11/12 Nomination Committee Appointee Ballot

Leary

Person	"X" to vote
Bob McGill	✓
Dan Gaddis	4 ✓
Dan Hall	✓
Dieter Thiel	1
Ken Shamordola	3 ✓
Michael LeBrun	✓
Mike Winn	✓
Stan Liechty	2

ATTACHMENT "B"

7/11/12 Nomination Committee Appointee Ballot

Mike

Person	"X" to vote
Bob McGill	XXXX
Dan Gaddis	
Dan Hall	
Dieter Thiel	2 XXXX
Ken Shamordola	3
Michael LeBrun	
Mike Winn	X X
Stan Liechty	4

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote
Bob McGill	
Dan Gaddis	4
Dan Hall	
Dieter Thiel	2
Ken Shamordola	3
Michael LeBrun	
Mike Winn	
Stan Liechty	1

Ed Eby

ATTACHMENT "B"

7/11/12 Nomination Committee Appointee Ballot

DAM

Person	"X" to vote
✓ Bob McGill	
Dan Gaddis ✓	4
✓ Dan Hall	
Dieter Thiel	3
Ken Shamordola ✓	1
✓ Michael LeBrun	
✓ Mike Winn	
Stan Liechty	2

ATTACHMENT "B"

ACTS

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					
Bob McGill						
Dan Gaddis	4	4	4	1	13	
Dan Hall						
Dieter Thiel	3	1	2	2	2	10
Ken Shamordola	1	3	3	3	3	13
Michael LeBrun						
Mike Winn						
Stan Liechty	2	2	4	1	4	13

ACTS

JS

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					
Bob McGill						
Dan Gaddis	4	4	4	1	13	
Dan Hall						
Dieter Thiel	3	1	2	2	2	10
Ken Shamordola	1	3	3	3	3	13
Michael LeBrun						
Mike Winn						
Stan Liechty	2	2	4	1	4	13

ATTACHMENT "C"

JIM

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote
Dan Gaddis	1
Ken Shamordola	2
Stan Liechty	3

7/11/12 Nomination Committee Appointee Alternates Ballot

Larry

Person	"X" to vote
Dan Gaddis	3
Ken Shamordola	2
Stan Liechty	(

ATTACHMENT "C"

Mike

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote
Dan Gaddis	
Ken Shamordola	3
Stan Liechty	2

7/11/12 Nomination Committee Appointee Alternates Ballot

Ed Eby

Person	"X" to vote
Dan Gaddis	3
Ken Shamordola	2
Stan Liechty	1

ATTACHMENT "C"

7/11/12 Nomination Committee Appointee Alternates Ballot

DM

Person	"X" to vote
Dan Gaddis	<i>3</i>
Ken Shamordola	<i>1</i>
Stan Liechty	<i>2</i>

ATTACHMENT "C"

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote				
Dan Gaddis	3	3	3	1	
Ken Shamordola	3	2	1	2	2
Stan Liechty	2	1	2	1	3

10

10

9

3

Hand
Vote / DG, EE, LV
MW abstain
Shamordola

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote				
Dan Gaddis	0	3	3	3	1
Ken Shamordola	3	2	1	2	2
Stan Liechty	2	1	2	1	3

10

10

9

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: JULY 20, 2012

AGENDA ITEM
D-3
JULY 25, 2012

**CONSIDER AUTHORIZE PURCHASE OF EASEMENT ON
APN 090-291-041 JAUREQUI ETAL, IN AMOUNT OF \$13,200**

ITEM

Consider easement purchase. [RECOMMEND APPROVE]

BACKGROUND

On December 14, 2011, your Board approved a Real Property Purchase Agreement, Easement Deed and Covenants Running with the Land, and Memorandum of Agreement for Easement Purchase on APN 090-291-041 in the amount \$13,200.

The District has invested significant resources defining and negotiating the purchase of this easement which would be lost if the approved Purchase Agreement is allowed to expire.

FISCAL IMPACT

The funds for this easement purchase are included the overall budget for supplemental water development.

STRATEGIC PLAN

Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

Staff recommends that the Board approve the easement purchase for \$13,200 and escrow fees of \$655 (total expenditure of \$13,855) and direct staff to authorize fund disbursement.

ATTACHMENT

- A. Request for Funds Disbursement
- B. Legal Description of Easement

JULY 25, 2012

ITEM D-3

ATTACHMENT A

REQUEST FOR FUNDS DISBURSEMENT

TO: Michael LeBrun General Manager	PROJECT: Supplemental Water Project
EMAIL: mlebrun@ncsd.ca.gov	APN: 090-291-041
	OWNER: Jaurequi, et al.

CLAIMANT: Jaurequi et al.

FOR: Property acquisition for Nipomo Community Services District, Supplemental Water Project

PROJECT ADDRESS: Santa Maria River bluff (APN 090-291-041)

DISBURSEMENTS:

TYPE OF CLAIM: Property Acquisition, per Agreement dated 10/28/2011 \$13,200

TOTAL DISBURSEMENT REQUESTED: \$13,855

(see attached estimated escrow closing statement)

PAYMENT INSTRUCTIONS:

Please prepare check in the amount of \$13,855 payable to: First American Title Company (Reference Escrow No. 2491945A)

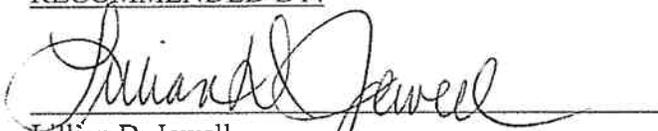
When check is ready, please call Valerie Bond at (805) 773-1459 to schedule a pick up.

Direct any questions to Valerie Bond at (805) 773-1459 or vbond@hammer-jewell.com.

PREVIOUS CLAIMS PAID: None

IS THIS A FINAL CLAIM? Yes X No _____

RECOMMENDED BY:


Lillian D. Jewell
Hamner, Jewell & Associates

DATE: 7/6/12

DISBURSEMENT AUTHORIZED:

Michael LeBrun, General Manager

DATE: _____



First American Title Company

899 Pacific Street • San Luis Obispo, CA 93401

Buyer's Estimated Settlement Statement

Property: Easement purchase, Nipomo, CA

File No: 2491945A

Officer: Lisa Bertrand/LB

New Loan No:

Estimated Settlement Date:

Disbursement Date:

Print Date: 02/13/2012, 10:55 AM

Buyer: Nipomo Community Services District

Address: c/o Hamner, Jewell & Assoc., 340 James Way, Ste. 150, Pismo Beach, CA 93449

Seller: David Jaurequi, Martha Jaurequi; Jose L. Pacheco, Esperanza Pacheco; Maria Magdalena; Cidronio & Justina Garcia Rev Liv Trust

Address: 1122 Kingston Drive, Santa Maria, CA 93468

Charge Description	Buyer Charge	Buyer Credit
Consideration:		
Total Consideration	13,200.00	
Title/Escrow Charges to:		
Escrow Fee to First American Title Company	655.00	
Disbursements Paid:		
Prepaid prelin report to First American Title POC-B 5395.00		
Cash (X From) (To) Borrower		13,855.00
Totals	13,855.00	13,855.00

Notice - This Estimated Settlement Statement is subject to changes, corrections or additions at the time of final computation of Escrow Settlement Statement.

Buyer(S):

Nipomo Community Services District

By: Michael LeBrun, General Manager

JULY 25, 2012

ITEM D-3

ATTACHMENT B

EXHIBIT "B"

LEGAL DESCRIPTION

Over a portion of APN: 090-291-041 (County of San Luis Obispo)

PARCEL "A" (Permanent Easement Area)

Being that portion of Santa Maria Vista Road lying within Lot 3 of Tract No. 2034 in the County of San Luis Obispo, State of California, according to the map filed in Book 18 at Page 78 of Maps in the Office of the County Recorder of said County.

Containing 43,896 square feet more or less.

PARCEL "B" (Temporary Easement Area)

Being the southeasterly five feet of Lot 3 of Tract No. 2034 in the County of San Luis Obispo, State of California, according to the map filed in Book 18 at Page 78 of Maps in the Office of the County Recorder of said County, and lying within Alta Vista Lane as shown on said map.

Excepting therefrom any portion lying within the above described Parcel "A".

Containing 4,094 square feet more or less.

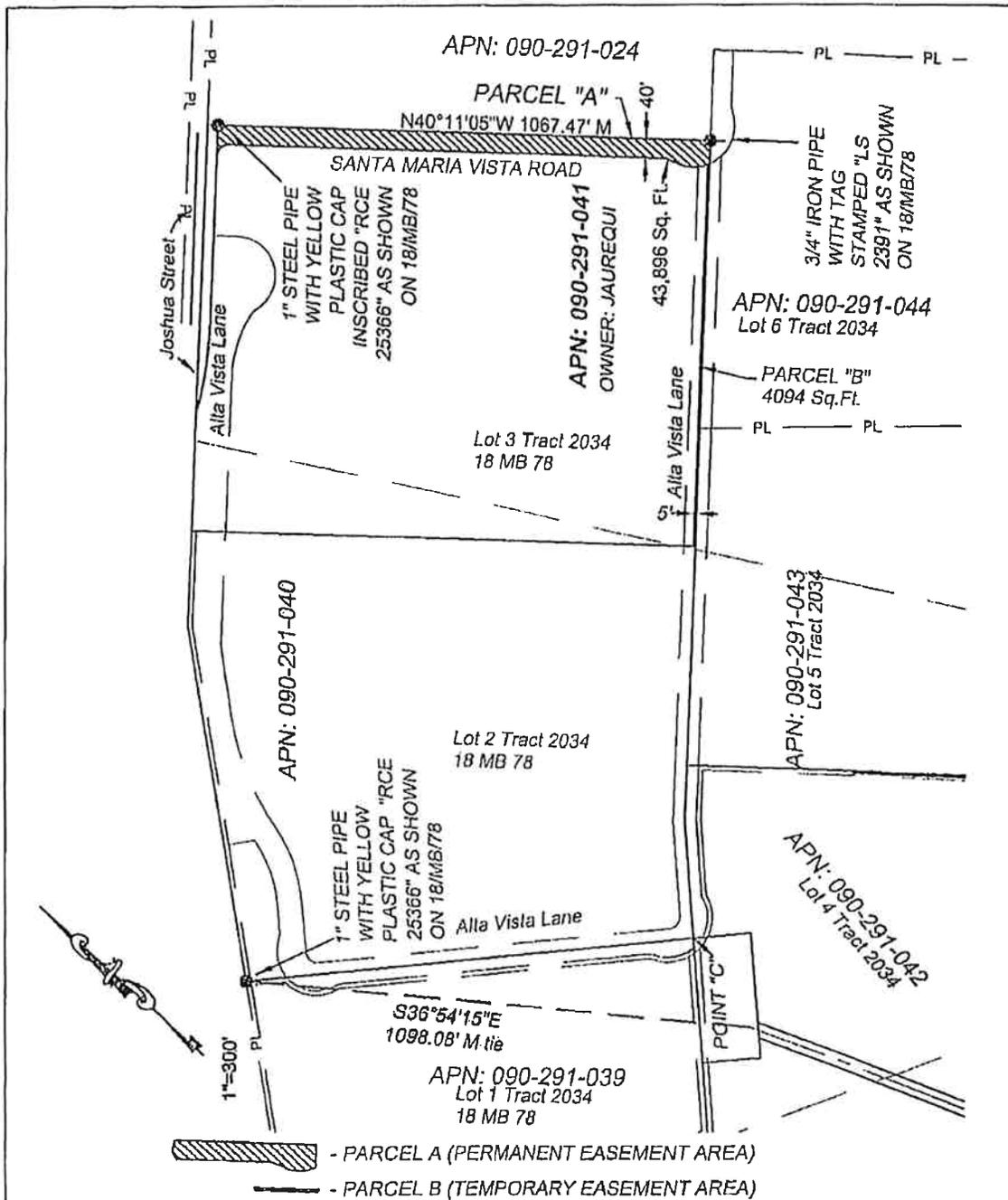
The above described strips of land are graphically shown on the Exhibit "C" attached hereto and made a part hereof.

END DESCRIPTION

Joseph T. Morris

Joseph T. Morris, PLS 6192 7/06/11





612 CLARION COURT
 SAN LUIS OBISPO, CA 93401
 T 805 544-4011
 F 805 544-1294
 www.wallacegroup.us

EXHIBIT C PERMANENT & TEMPORARY EASEMENTS PORTIONS OF ALTA VISTA LANE AND SANTA MARIA VISTA ROAD IN THE COUNTY OF SAN LUIS OBISPO, CA

PROJECT NO. 0532-0024

532-0024 Lega-10.dwg

SURVEYED BY: EMR 10-12/2008

DRAFTED BY: ML 7-6-2011

CHECKED BY: JTM 7-6-2011

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

**AGENDA ITEM
 D-4
 JULY 25, 2012**

INVESTMENT POLICY – SECOND QUARTER REPORT

The Board of Directors have adopted an Investment Policy for NCSD which states that the Finance Officer shall file a quarterly report that identifies the District's investments and their compliance with the District's Investment Policy. The quarterly report must be filed with the District's auditor and considered by the Board of Directors.

Below is the June 30, 2012 Quarterly Report for your review. The Finance Officer is pleased to report to the Board of Directors that the District is in compliance with the Investment Policy.

As District Finance Officer and Treasurer, I am pleased to inform the Board of Directors that the District is in compliance with the 2012 Investment Policy and that the objectives of safety, liquidity, and yield have been met. The District has the ability to meet cash flow requirements for the next six months.

After Board consideration and public comment, it is recommended that your Honorable Board accept the quarterly report by motion and minute order.

INVESTMENT POLICY-SECOND QUARTER REPORT 6/30/12

Investment	Institution	Amount of Deposit 6/30/12	Rate of Interest	Quarterly Interest Earned or Accrued 6/30/12	Amount of Deposit 6/30/11	Rate of Interest	Quarterly Interest Earned or Accrued 6/30/11
Money Market	Rabobank (1)	\$143,504.40	N/A	\$0.00	\$106,243.59	N/A	\$0.00
Savings	Rabobank	\$927.58	0.04%	\$0.11	\$927.12	0.05%	\$0.12
Pooled Money Investment	Local Agency Investment Fund (LAIF)	\$20,892,325.54	0.36%	\$27,298.64	\$21,537,895.09	0.51%	\$25,720.16
Certificate of Deposit Account Registry Service (CDARS)	Mission Community Bank	\$1,473,590.89	0.09%	\$497.82	\$2,069,068.07	0.31%	\$1,299.82

N/A – Not Applicable

(1) Account placed on Analyzed Services

ATTACHMENTS

None

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



**CONSIDER CONTRACT SALARY INCREASE FOR DISTRICT
GENERAL MANAGER**

ITEM

Consider salary increase, by contract, for District General Manager [RECOMMEND APPROVE]

BACKGROUND

On June 2, 2011 your Board approved and entered into an employment contract hiring Michael LeBrun as the District General Manager.

Section 5. A. of the contract sets the General Manager's annual salary at \$134,700. Section 5.B. states; "Commencing on the 366th day from Effective Date (June 2, 2011), and upon a successful evaluation evidencing that the General Manager meets or exceeds the Board's expectations, the annual base salary shall be adjusted, on a one-time basis, to 5% greater than the base salary (unweighted) of the then highest paid District employee other than the General Manager.

On February 8, 2012, your Board completed its initial 6-month evaluation of the General Manager and made a unanimous finding that; "During this evaluation period you (being the General Manager) have met and generally exceeded the expectations of the Board. You have demonstrated a high level of competence and motivation in implementing Districts projects. The District is thriving under your leadership of District staff".

On July 11, 2012, your Board completed its evaluation of the General Manager and made a unanimous finding that; "During the past six months, Mr. LeBrun has consistently met or exceeded all of the Boards expectations for the position of the General Manager".

As of July 2012, the District Engineer's annual base salary is \$135,984 making this position the highest paid District employee other than the General Manager. A base salary of \$142,783 is 5% above the District Engineer's salary; therefore, by contract, your Board is obligated to increase the General Manager's base salary from \$134,700 to \$142,783.

FISCAL IMPACT

The \$8,083 increase in base salary of the General Manager is included in the 2012-2013 Budget.

STRATEGIC PLAN

Strategic Plan Goal 4.1 – Retain and attract new employees.

RECOMMENDATION

Staff recommends you approve setting the General Manager's salary, as of July 12, 2012, at \$142,783.

TO: MICHAEL S. LEBRUN
GENERAL MANAGER

FROM: PETER V. SEVCIK
DISTRICT ENGINEER

DATE: JULY 20, 2012

MSL

AGENDA ITEM
D-6
JULY 25, 2012

**ADOPT RESOLUTION ACCEPTING WATERLINE
EASEMENTS FOR TRACT 2734**

ITEM

Consider adoption of resolution accepting waterline easements for Tract 2734 [RECOMMEND ADOPT RESOLUTION].

BACKGROUND

Two waterline easements are required for Tract 2734, a six lot single family residential development on Pomeroy Road. In accordance with the District's requirements, the developer is required to provide the easements to the District before a Will-Serve letter can be issued. The property owners have offered the two attached easements to the District. The easements need to be formally accepted by the Board before they can be recorded.

FISCAL IMPACT

Budgeted staff time was used to prepare this staff report.

RECOMMENDATION

Staff recommends that the Board adopt Resolution 2012-XXXX Accepting Tract 2734 Easements.

ATTACHMENTS

- A. Resolution 2012-XXXX Accepting Tract 2734 Easements
- B. Easement Deed – Resolution Exhibit A
- C. Easement Deed – Resolution Exhibit B
- D. Vicinity Map

JULY 25, 2012

ITEM D-6

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2012-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE EASEMENT FROM
RICHARD DEBLAUW AND CAROLYN DEBLAUW FOR TRACT 2734
APN 091-292-001**

WHEREAS, Richard DeBlauw and Carolyn DeBlauw (herein the "Owners") are the owners of certain real property identified as Assessor Parcel Number 091-292-001 (herein the "Property"). The Property is situated within the Nipomo Community Services District (the "District") and is located on Pomeroy Road at Hunter Ridge Road as shown on Vesting Tentative Tract Map 2734, Nipomo, California; and

WHEREAS, Owners have offered to the District two water pipeline easements ("Easements") for Tract 2734 (EXHIBITS A and B).

NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

1. The above recitals and findings are true and correct and incorporated herein by reference.
2. That the attached easement dated May 21, 2012 for a waterline easement over and under Hunter Ridge Road as shown on Vesting Tentative Tract Map 2734 is hereby accepted and staff is ordered to record the attached easement (Exhibit A).
3. That the attached easement dated May 21, 2012 for a waterline easement over and under Parcel 6 as shown on Vesting Tentative Tract Map 2734 is hereby accepted and staff is ordered to record the attached easement (Exhibit B).

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

AYES:
NOES:
ABSENT:
CONFLICT:

the foregoing resolution is hereby adopted this 25th day of July 2012.

JIM HARRISON
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel

JULY 25, 2012

ITEM D-6

ATTACHMENT B

Exhibit A

RECORDING REQUESTED BY:
Nipomo Community Services District

WHEN RECORDED RETURN TO:
Nipomo Community Services District
P. O. Box 326
Nipomo, CA 93444

APN 091-292-001

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Richard P. DeBlauw and Carolyn J. DeBlauw, referred to hereinafter as "Owner(s) or Grantor(s)", hereby grants to the NIPOMO COMMUNITY SERVICES DISTRICT, referred to hereinafter as "District", on this July 5, 2012, a water line easement herein "Easement or Easement Area" over and under the below described streets:

The street Hunter Ridge Road as shown on Vesting Tentative Tract Map No. 2734, lying in the County of San Luis Obispo, State of California

The location of the easement is further described in the drawing attached hereto as Exhibit "A".

The Easement granted herein shall be subject to the following:

PURPOSE

The purpose of the Easement is the present and future construction, reconstruction, operation, repair, and maintenance of District facilities, including, water pipelines, and other utilities operated by the District, from and after said utilities are dedicated and accepted by the District (herein "District Facilities"), in such manner and size and with such accessory parts and structures, as the District or its successors in interests from time to time deem necessary.

MAINTENANCE AND REPAIR OF DISTRICT FACILITIES

The District's obligation for maintenance and repair of the Easement Area is limited to that portion of the Easement that is affected by the District reconstruction, operation, repair and maintenance of District Facilities.

MISCELLANEOUS

A. The Easement granted herein shall run with the land and be binding on the successors and assigns of the Grantor(s) and shall inure to the benefit of the District and its successors and assigns.

B. This Easement shall be governed by the laws of the State of California. Any litigation regarding the Easement or its contents shall be filed in the County of San Luis Obispo, if in state court, or in the federal court nearest to San Luis Obispo County, if in federal court.

C. This Easement shall be recorded in the Official Records of the County Recorder's Office, San Luis Obispo County.

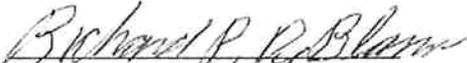
D. In the event of any controversy or claims relating to this Easement or breach thereof the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

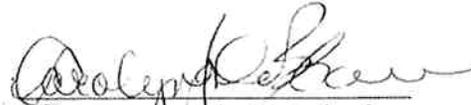
AUTHORITY TO EXECUTE

All parties to this Easement warrant and represent that they have the power and authority to grant and accept this Easement and its terms and conditions in the names, titles, and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and all formal requirements necessary or required by any state and/or federal law in order grant this Easement have been fully complied with. Furthermore, by granting this Easement, Grantor(s) hereby warrants that Grantor(s) shall not have breached the terms or conditions of any other contract or Easement to which Grantor(s) is obligated, which breach would have a material effect hereon.

IN WITNESS WHEREOF, the Grantor(s) hereto have executed this Easement
on 7-6-12, 2012.

GRANTORS(S):


(Signature must be Notarized)
Richard P. DeBlauw


(Signature must be Notarized)
Carolyn J. DeBlauw

Date: 7-6-12

Date: 7-16-12

**CERTIFICATE OF ACCEPTANCE
GOVERNMENT CODE §2781**

This is to certify that the Nipomo Community Services District, Grantee, herein,
by Board action on _____, 2012, accepts for public purposes the real
property, or interest described in the foregoing Easement and Agreement dated
_____, 2012, from Grantors, and consents to the recordation thereof.

Nipomo Community Services District

By: _____

Name: James Harrison
Title: President

ATTEST:

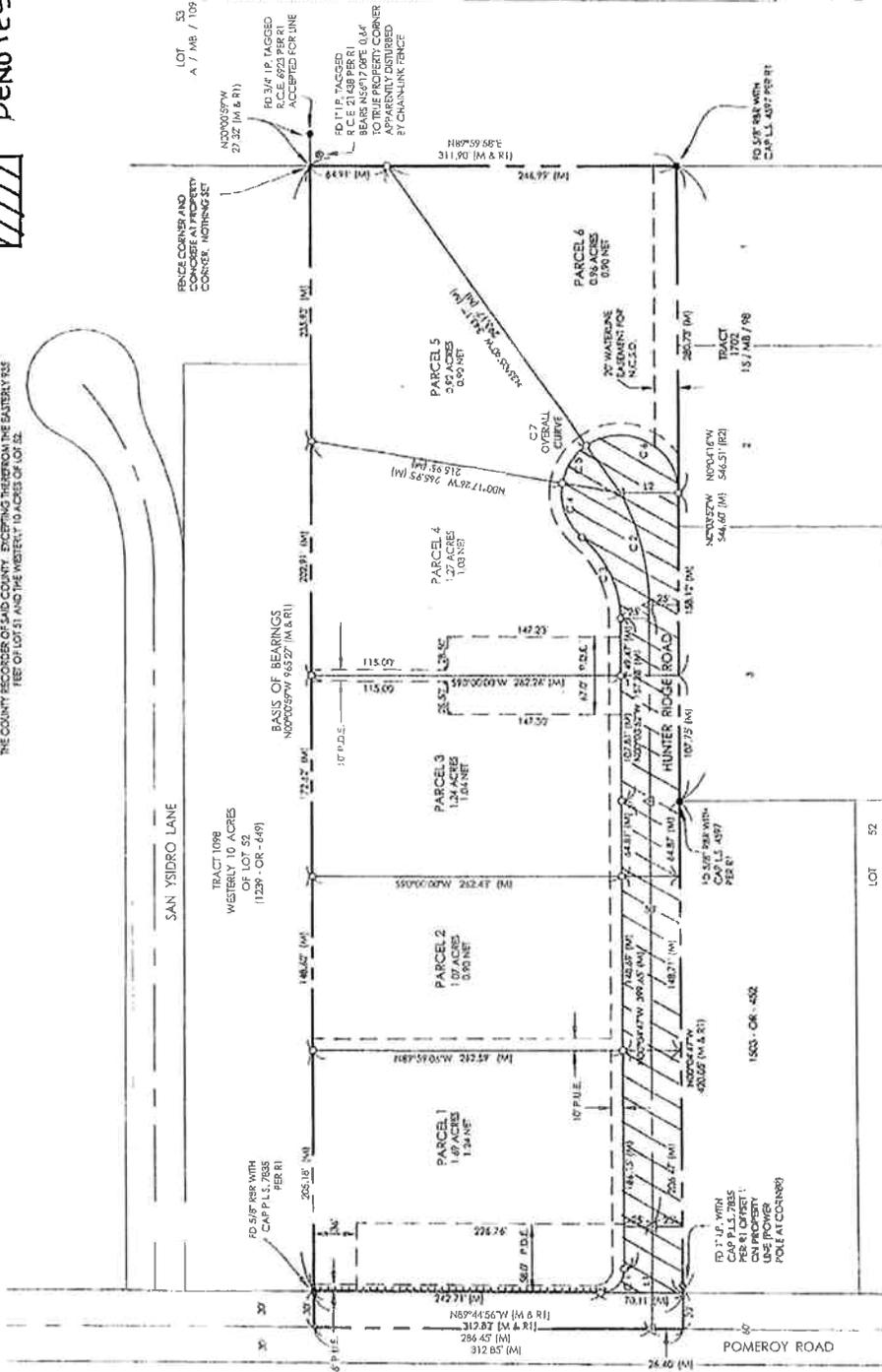
Michael S. LeBrun, General Manager and Secretary
Nipomo Community Services District

EXHIBIT "A"

PENOTES EASEMENT AREA

TRACT 2734

BEING A SUBDIVISION OF THE WESTERLY 1/3 OF THE FOLLOWING DESCRIBED TRACT, TO-WIT: TRACT 1099, WESTERLY 1/3 ACRES OF LOT 52, 11229 - OR - 649, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 150 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPTING THEREFROM THE EASTERLY 2/3 FEET OF LOT 51 AND THE WESTERLY 10 ACRES OF LOT 52.



CURVE	LENGTH	PACHIS	DELTA
C-1	31.53	20.00	90°19'23\"/>

LINE	LENGTH	BEARING
L-1	85.83	N69°51'14\"/>
L-2	202.21	N89°38'13\"/>

LEGEND
 FOUND MONUMENT AS NOTED
 ○ DO NOT ACCEPT MONUMENT
 ○ SET 5\"/>

BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH DIRECTION BEING THE BEARING BETWEEN TWO FOUND MONUMENTS PER 1

AS REGISTERED BY
DEBLAUW BUILDERS, INC.
 APR. 09, 2023



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

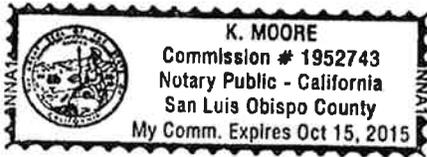
State of California

County of San Luis Obispo

On 7.6.2012 before me, K. Moore Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Richard P. DeBlauw & Carolyn J. DeBlauw
Name(s) of Signer(s)

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.

Place Notary Seal Above

Signature [Signature]
Signature of Notary Public

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: Easement & Agreement affecting real property

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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: _____

JULY 25, 2012

ITEM D-6

ATTACHMENT C

Exhibit B

RECORDING REQUESTED BY:
NIPOMO COMMUNITY SERVICES DISTRICT

AND WHEN RECORDED RETURN TO:

Nipomo Community Services District
PO Box 326
Nipomo, CA 93444

APN 091-292-001

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Richard P. DeBlauw and Carolyn J. BeBlauw,
husband and wife, referred to hereinafter as "Owner(s)", hereby grants to the NIPOMO
COMMUNITY SERVICES DISTRICT, referred to hereinafter as "District", on this July
5, 2012, the following real property easement in the County of San Luis Obispo, State of
California:

That certain easement shown as 20' Waterline Easement to Nipomo Community Services
District over a portion of Parcel 6 of Vesting Tentative Tract Map No. 2734, lying in the
County of San Luis Obispo, State of California.

The location of the easement is further described in the drawing attached hereto as
Exhibit "A".

It is anticipated by the parties that repair and/or replacement work will be
performed by District on District facilities that are contained within said easement.
Therefore, Owner(s) covenants and promises as follows:

- a. The Owner(s) shall not construct any improvements such as retaining
walls, driveways, patios and sidewalks which could obstruct District's
access to the easement or cause damage to District facilities contained
within the easement without first obtaining a recordable encroachment
permit from the District.

- b. Owner(s) shall remove improvements constructed in violation of subparagraph "a" immediately at Owner's expense. If Owner(s) does not remove the improvements District is authorized to enter the property and remove them. District shall charge all costs, including administrative costs, for the removal of said improvements to Owner(s).
- c. Owner(s) is allowed to construct improvements which do not damage District facilities or prevent District access to the easement such as wooden fences and landscaping;
- d. In non-emergency situations, Owner(s) shall remove all improvements described in subparagraph "c" above without cost to District upon 30 days written notice. If Owner(s) does not remove the improvements, District is authorized to enter the property and remove them. Owner(s) is responsible to District for all costs, including administrative cost, for the removal of said improvements by District.
- e. In emergency situations, Owner(s) shall remove the improvements described in subparagraph "c" with less notice from District. If circumstances dictate, District shall have the right to enter the property immediately without notice and remove the improvements. Owner(s) is responsible to District for all costs, including administrative cost, for the removal of said improvements by District.
- f. The Owner(s) shall hold District, its agents and employees, harmless and to indemnify District for any damages occurring to the easement and/or any adjacent real or personal property due to District's exercise of its rights to remove improvements pursuant to subparagraphs "b", "d" and "e" above.
- g. The District has the right to enforce all reimbursement remedies described in subparagraphs "b", "d" and "e" above by all means available to the District including those remedies and enforcement procedures stated in Government Code Section 61621 et. seq;
- h. Owner(s) further agree to indemnify, defend and hold harmless District, its agents and employees, from any claims, suits or losses of any kind

(including attorneys fees and court costs) arising out of the maintenance of the easement or the removal of the improvements described in paragraphs "a" and "c" above.

- i. These covenants shall run with the land and will be binding on the successors and assigns of the Owner(s) and shall inure to the benefit of District and its successors and assigns.
- j. If any action at law or inequity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this easement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which that party may be entitled.
- k. Owner(s) shall provide District, its employees and agents, with reasonable access to the easement for the purposes of inspection and maintenance.
- l. This easement shall be recorded in the Official Records in the County Recorder's Office, San Luis Obispo County, and a reference to this easement shall be included in the first deed from the Owner(s) to any subsequent purchaser of the property affected by this easement.

Date: JULY 6, 2012

Richard P. DeBlauw
Richard P. DeBlauw

Date: July 6, 2012

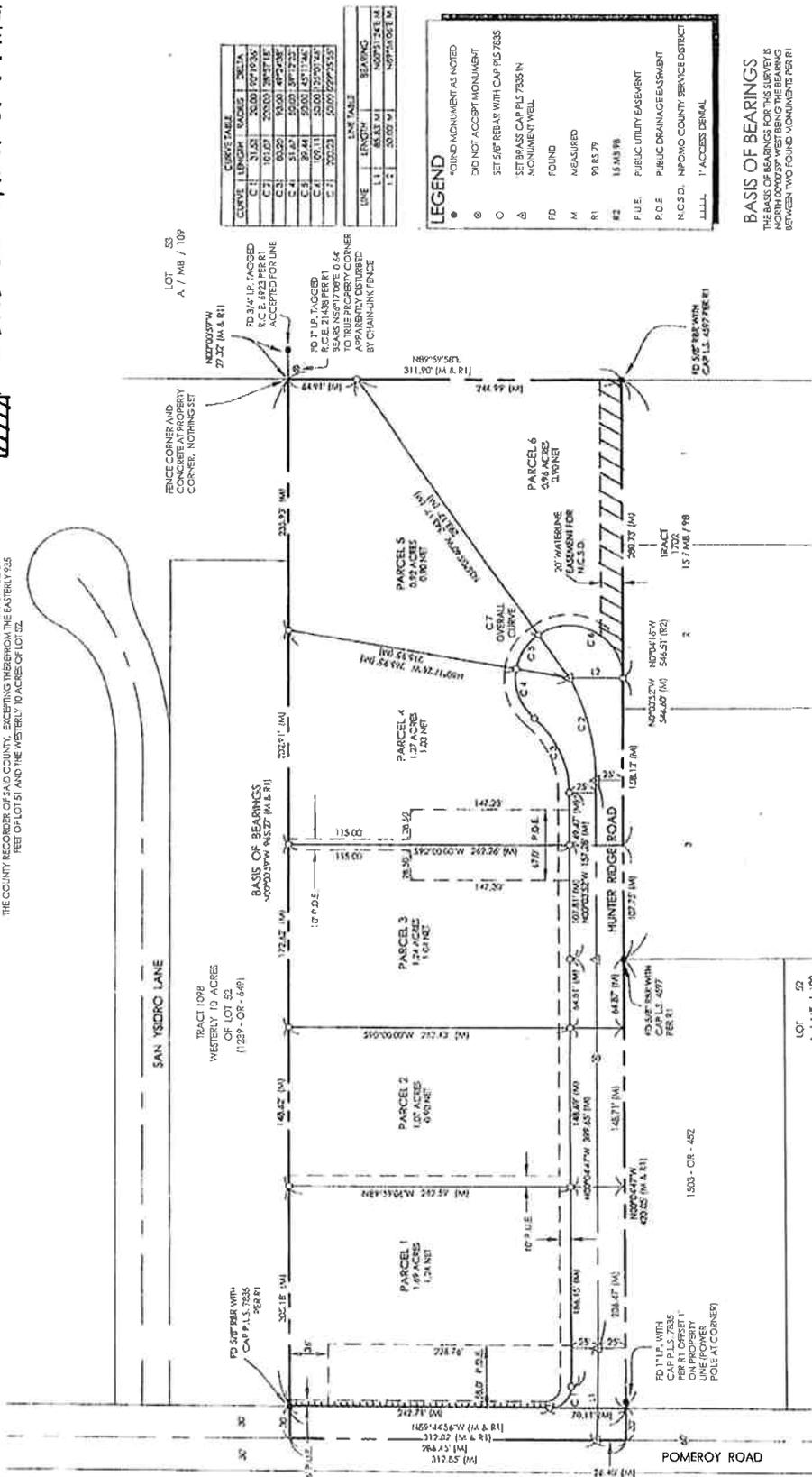
Carolyn J. DeBlauw
Carolyn J. DeBlauw

EXHIBIT "A"

DENOTES EASEMENT AREA

TRACT 2734

BEING A SUBDIVISION OF THE WESTERLY 1/2 OF THE FOLLOWING DESCRIBED TRACT 1978 WESTERLY 1/2 ACRES OF LOT 52 TRACT 1978 WESTERLY 1/2 ACRES OF LOT 52 OF LOS BARRIOS TRACT IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED IN BOOK A, PAGE 179 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, EXCEPTING THEREFROM THE EASTERLY 735 FEET OF LOT 51 AND THE WESTERLY 10 ACRES OF LOT 52.



JULY 25, 2012

ITEM D-6

ATTACHMENT D

VICINITY MAP APN 091-292-001

