

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: OCTOBER 19, 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 OCTOBER 10, 2012 REGULAR BOARD MEETING MINUTES:  
[RECOMMEND APPROVAL]
- D-3) ACCEPT THIRD QUARTER INVESTMENT REPORT [RECOMMEND ACCEPT]
- D-4) ADOPT RESOLUTION ACCEPTING WATER EASEMENTS FOR TRACT 2734  
[RECOMMEND ADOPT RESOLUTION]

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: OCTOBER 19, 2012

**AGENDA ITEM**  
**D-1**  
**OCTOBER 24, 2012**

**WARRANTS LIST WILL BE DISTRIBUTED ON TUESDAY, OCTOBER 23, 2012.**

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

OCTOBER 10, 2012, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

D2

### 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 October 10, 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.

The following member of the public spoke:

Carl Holloway, NCSD customer, asked the Board to agendize the consideration of an extension of his outside user's agreement for Tract 2642.

Michael LeBrun, General Manager, Peter Sevcik, District Engineer, and Mr. Holloway answered questions from the Board.

President Harrison directed staff to agendize this topic for the next regular Board meeting.

00:06:44

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT FROM SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

Update on recent Committee activities

Kathie Matsuyama, SWAEC voting member and spokesperson, gave an update on the SWAEC recent activities. Michael LeBrun, General Manager, and Ms. Matsuyama answered questions from the Board. The Board thanked Ms. Matsuyama for her report.

##### C-2) REPORT ON SEPTEMBER 26, 2012 REGULAR MEETING CLOSED SESSION

Announcement of Actions, if any, taken in Closed Session

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 NCSD VS COUNTY SLO) in closed session, but took no reportable action.

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

SUBJECT TO BOARD APPROVAL

00:06:44

## C. PRESENTATIONS AND PUBLIC COMMENT (Continued)

C-3) NCS D DISTRICT ENGINEER PETER SEVCIK  
Update Report re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. Mr. Sevcik handed out a Southland WWTF Phase 1 monthly progress report (See Exhibit "A"). The Board thanked Mr. Sevcik for his report.

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 DirectorsDirector Eby

- ◇ September 24-27, Director Eby commented on attending the CSDA Annual Conference in San Diego, California. (See Exhibit "B").
- ◇ October 3-5, Director Eby commented on attending the LAFCO Conference in Monterey, California. (See Exhibit "B")
- ◇ October 17, A Public Forum for candidates for NCS D Board of Directors at 6:00 p.m. at NCS D.
- ◇ October 18, LAFCO will meet and interview 10 public member candidates for LAFCO. The public member seat is voted by the LAFCO members and not the public.

Director Winn

- ◇ October 3, The WRAC hosted a workshop on DWR grant applications at 10:00 a.m. At 1:30 p.m. the WRAC met for their regular monthly meeting.
- ◇ October 3, Director Winn commented on the "Complete Communities" workshop hosted by The SLO County Department of Planning and Building. (See Exhibit "C")
- ◇ October 9, The SLO County Board of Supervisors met and, among other things, discussed the "Complete Communities" workshops.
- ◇ October 11, A WRAC subcommittee will meet and evaluate the various applicants for the Integrated Regional Water Management Plan update.
- ◇ October 13, OctoberFest at the Nipomo Community Park from 10:00 a.m. to 5:00 p.m.

Director Vierheilig

- ◇ October 10, Nipomo Chamber Mixer from 5:00 to 7:00 p.m. at Trendy Sister Salon.
- ◇ November 1, SDRMA will have a webinar on the required Sexual Harassment Prevention Training for Special Districts. It will be free for SDRMA members.

Director Gaddis

- ◇ October 11, Vice Presidential debate.
- ◇ October 13 & 14, Open Studio Tours of local artists. Free books available at Olde Towne Nursery.
- ◇ October 16, Second Presidential debate.
- ◇ October 19 & 20, Nipomo Presbyterian Church rummage sale.
- ◇ October 26, 27, & 28 Jubilee by the Sea Jazz Festival in Pismo Beach.

Director Harrison

- ◇ October 20, At 5:00 p.m. The Rotary Club will host "A Taste of Italy" dinner, at St. Joseph's Church Hall which will benefit the Nipomo High School Drama Club.

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

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 Vierheilg 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 Vierheilg, Gaddis, Winn, Eby, and Harrison	None	None

01:12:19

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE JULY 25, 2012 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.

Item D-1

Upon motion of Director Vierheilg and seconded by Director Winn, the Board unanimously approved the warrants.  
Vote 5-0.

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

Item D-2

Michael LeBrun, General Manager, read aloud a small paragraph that President Harrison added to Item C-2 on the September 26, 2012 Regular meeting minutes. The Board made two small corrections.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board unanimously approved the minutes of September 26, 2012, as amended.  
Vote 4-0.

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

Director Eby didn't vote due to not attending the September 26, 2012 Board meeting.

*The Board took a break from 10:20 to 10:30 a.m.*

E. ADMINISTRATIVE ITEMS

01:20:07

E-1) RECEIVE FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2011-2012

Robert Crosby, Certified Public Accountant, of Crosby Company, reviewed the report as presented in the Board packet. Lisa Bognuda, NCS D Finance Director, Michael LeBrun, General Manager, and Mr. Crosby answered questions from the Board.

There was no public comment.

Upon motion of Director Vierheilg and seconded by Director Gaddis, the Board unanimously approved to accept and file the Audit Report for Fiscal Year 2011-2012. Vote 5-0.

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

01:53:40

E-2) CONSIDER GRANT REQUEST FROM NIPOMO CHAMBER OF COMMERCE IN AMOUNT OF \$6,556 FOR SOLID WASTE REMOVAL IN NIPOMO COMMUNITY COMMON AREAS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Rudy Stowell, Nipomo Chamber of Commerce President, and Mike Seitz, District Deputy Legal Counsel, answered questions from the Board.

There was no public comment.

On condition of making several changes in the Chamber contract, upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved the grant proposal, directed staff to execute a grant agreement with the Nipomo Chamber of Commerce, and disburse the grant funds accordingly. Vote 5-0.

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

President Harrison directed staff to agendize an update for the middle of December.

02:12:48

E-3) CONSIDER UPDATES AND CHANGES TO PERSONNEL POLICIES AND PROCEDURES TO ESTABLISH A JOB DESCRIPTION AND SALARY RANGE FOR ASSISTANT ENGINEER, AUTHORIZE STAFF TO ADVERTISE AND RECRUIT AN ASSISTANT ENGINEER

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 Vierheilg and seconded by Director Gaddis, the Board unanimously adopted Resolution 2012-1278, approving Assistant Engineer job description and salary range, and authorized staff to recruit an Assistant Engineer, as amended.

Item E-3 (Continued)

Vote 5-0.

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

RESOLUTION NO. 2012-1278

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY TO  
INCLUDE AN ASSISTANT ENGINEER JOB DESCRIPTION

02:26:20

E-4) CONSIDER UPDATES AND CHANGES TO PERSONNEL POLICIES AND PROCEDURES TO ESTABLISH A JOB DESCRIPTION AND SALARY RANGE FOR PUBLIC INFORMATION ASSISTANT, AUTHORIZE STAFF TO RECRUIT AN PUBLIC INFORMATION ASSISTANT

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 Vierheilig, the Board unanimously adopted Resolution 2012-1279, approving a Public Information Assistant (a part-time contract position) job description and salary range, and authorize staff to recruit a Public Information Assistant, as amended.

Vote 5-0.

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

RESOLUTION NO. 2012-1279

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY TO  
INCLUDE A PUBLIC INFORMATION ASSISTANT JOB DESCRIPTION

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

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:45 a.m.

02:37:51

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

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

Mike Seitz, Deputy District Legal Counsel, announced that the Board discussed 1, 2, and 3, listed above for Closed Session but took no reportable action.

02:38:34

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.

02:48:11

G. COMMITTEE REPORT

- September 24, 2012 Supplemental Water Alternatives Evaluation Committee Meeting Minutes
- October 2, 2012 Personnel Committee Meeting Minutes
- October 2, 2012 Finance and Audit Committee Meeting Minutes

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

02:52:33

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◊ Requested staff to provide the Board a copy of the Groundwater Adjudication Appellate Court ruling, when available.

Director Eby

- ◊ Requested staff to look into the feasibility of gas digesters.

Director Winn

- ◊ Commented on giving staff an update on the Round 2 Prop 84 IRWM Program Grant.

Director Harrison

- ◊ Confirmed the Agenda setting meeting for Monday, October 15, 2012, at 2:00 p.m.

ADJOURN

President Harrison adjourned the meeting at 1:25 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	3.10
Closed Session	1.15
TOTAL HOURS	4.25

OCTOBER 10, 2012

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

# **Nipomo Community Services District**



## **Southland WWTF Improvements Phase 1 Project Monthly Progress Report**



Prepared By:  
MNS Engineers, Inc.

## **SEPTEMBER 2012**

# Schedule and Budget Summary

## Schedule Summary

Notice to Proceed	July 30, 2012
Original Contract Days	645
Contract Days Added	00
Revised Contract Days	645
Elapsed Time (Days)	(62)
Remaining Time (Days)	583
Contract Completion Date	May 6, 2014
Time Elapsed to Date	1%
Work Completed to Date	5%
Approved Change Orders	00

## Budget Summary

Original Contract Amount	\$10,224,900.00
Approved Change Orders	\$0.00
Revised Contract Amount	\$10,224,900.00
Previous Payments	\$307,876.00
Current Month Pay Request	\$249,916.50
Total Work Completed	\$557,792.50
Work Remaining	\$9,667,107.50

# **Progress Summary**

## **Mobilization**

### **Summary of Work:**

Biological and archaeological surveys were completed prior to the start of construction. Cushman began mobilization on July 30, the effective date of the Notice to proceed. They started mobilization by removing the debris and eucalyptus logs from the site. After clearing and grubbing the staging area, relocating the entrance fence and grading a new entrance road for construction, all under the observation of the biological, archaeological and Native American monitor, the office trailers for MNS Engineers and Cushman were moved onto site and temporary facilities including power and internet service were set up.

### **Pictures:**



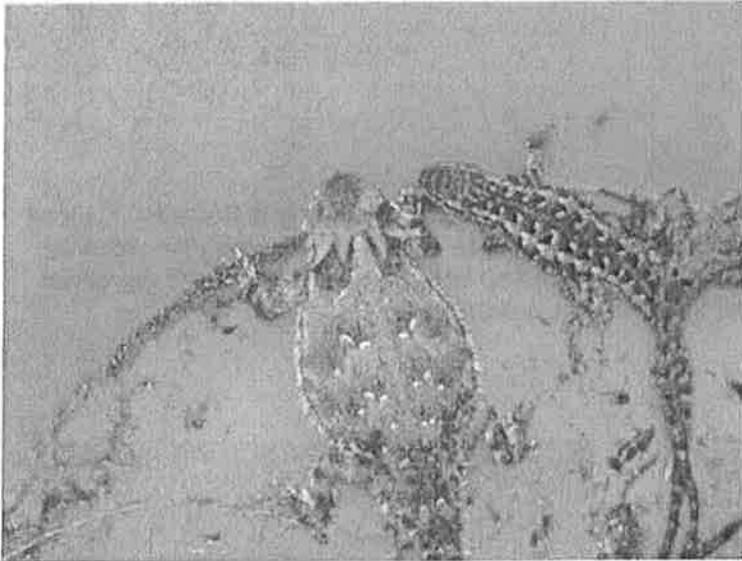
Removing eucalyptus logs and debris from the site



New entrance road and temporarily relocated fence



Prepping staging area for trailers, parking and equipment



**Five horned lizard relocated by Rincon with several fence lizards**



**MNS Engineers and Cushman field office trailers**

## **Site Work**

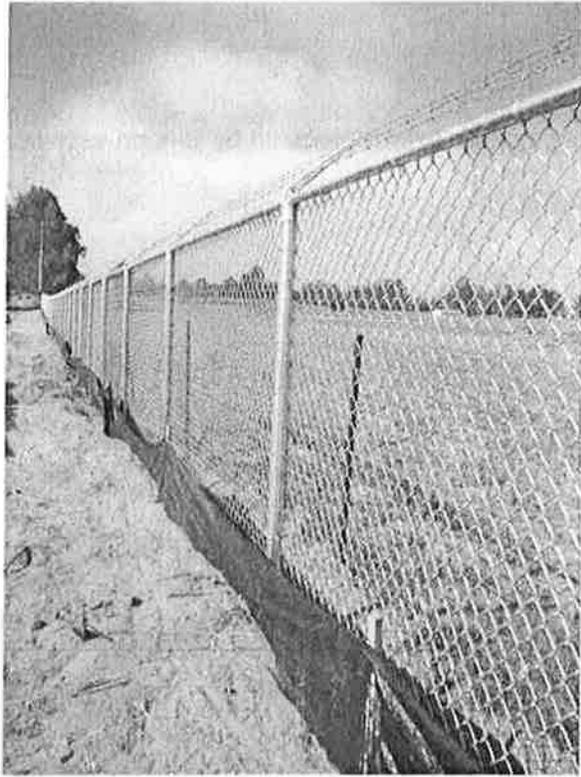
### **Summary of Work:**

Cushman relocated the Pond #1 electrical service, installed temporary piping to Pond #2, cleared and grubbed Areas B & C, removed the existing fence in Areas A, B & C, relocated the aerators from Pond #1, drained Pond #1 and removed the sludge and liner, bypassed Pond #1, surveyed the fence line and installed new chain link fence and exclusionary fence.

### **Pictures:**



Pond No. 1 bypass



New chain link fence with exclusionary fence



Removing sludge from Pond No. 1



Liner removed and continued removal of sludge from Pond No. 1

## **Process 50 – Secondary Clarifier No. 1**

### **Summary of Work:**

Cushman's subcontractor, Switzer Grading, started excavation for both the clarifiers. Excavation is approximately 75% complete.

### **Pictures:**



Starting excavation for Clarifiers No. 1 & 2



Continued excavation of Clarifiers No 1 & 2



Continued excavation for Clarifiers No. 1 & 2, approximately 65% complete



Excavation approximately 75% complete

## **Process 90 – Sludge Drying Beds**

### **Summary of Work:**

The sludge drying beds were excavated to subgrade and compacted for placement of aggregate base material.

### **Pictures:**



Excavation of sludge drying beds



Sludge drying bed subgrade compacted and ready for aggregate base

## **Potential Change Orders**

### **1. Extra Surveying**

Cushman's surveyor, Above Grade, discovered the control called for in the Contract Documents was in error and set control points to be used for construction based on known points on site. Cost is estimated to be \$3,900.

### **2. Extra work at Pond #1**

In order to bypass Pond #1, Cushman had to plug a defective telescoping valve at Pond #3 and modify piping between Ponds #3 and 4. Cost is estimated to be approximately \$15,000.

### **3. Fencing Changes**

Modifications were made to the site fencing to protect permanent fencing from damage if the District elects to do Alternative X and also to remove existing fence which is no longer needed. This resulted in a credit change order to the District estimated to be \$20,000.

### **4. Remove buried debris**

While Cushman was preparing to excavate for the clarifiers, they discovered buried debris on the site which included concrete, pipe, metals, old asphalt and miscellaneous trash. In order to reduce disposal costs, the debris was separated from the sand by using a "Grizzly". The debris was hauled from the site and disposed of while the remaining sand was stockpiled on site and will be used under landscape areas or berms. The estimated cost is approximately \$24,000.

#### **Pictures:**



Separating debris from sand with Grizzly



Debris to be hauled from site



Remaining sand material after buried debris was separated out

OCTOBER 10, 2012

REGULAR BOARD MEETING MINUTES

EXHIBIT "B"

## **CSDA Conference in San Diego 9/24 to 9/27**

### **Chula Vista Desal Plant Tour**

Sweetwater (water) Authority, 30,000 connections

Most water is reservoir water from rainfall, but desal is run at full time

Drought backup often needed

Richard A. Reynolds Groundwater Desalination Facility

Intake is fossil brackish water from 6 wells, 400-800 feet below sea level at 87°F

Produces 4,500-5,500 AFY

Cost \$14M in 1999

Surface discharge up to 10,000 ppm into Sweetwater Creek

"This discharge would never be allowed today."

### **Brown Act**

Posting agendas not required (but recommended)

Advisory committees now subject to Brown Act if appointed by agency

### **AB 340**

New pension rules – Jan 1 2013

### **Rate Rollback**

Raising rates to boost reserves to improve bond rating OK

Case history – Forest Hill Public Utility Agency

Bottom line – good public relations

### **Local Investing using County Treasurer-Tax Collectors**

County Pools mandated by state law

8-10 basis points fee

Higher yield than LAIF

Rated where LAIF is not

## **LAFCO Conference in Monterey 10/3 to 9/5**

Salinas Plain has massive seawater intrusion from groundwater overpumping for agriculture.

Wastewater Recycling Plant provides 12,000 acres of farmland sole source of irrigation. Groundwater is too salty to use.

20M gallons per day recycled for irrigation. 100% used on farmland in summer, excess dumped into Monterey bay in winter.

Wastewater from Pacific Grove, Monterey, Marina, Salinas, Castroville and Moss Landing

OCTOBER 10, 2012

REGULAR BOARD MEETING MINUTES

EXHIBIT "C"

Wednesday, 3 October 2012

In response to the SLO County "Complete Communities" survey, County planners that desire an accurate and realistic view of Nipomo must do several things:

- 1) Recognize that Nipomo residents prefer:
  - a. homes on larger lots
  - b. a horse-friendly community
  - c. as little high-density urban development as possible
  - d. no "big box" stores (even though their taxes are attractive)
  - e. driving to work and to shopping in their own vehicles
  - f. either slow growth or no growth
- 2) Although the western and northern edges of the Mesa have a special relationship with Arroyo Grande, Nipomo is primarily a bedroom community for Santa Maria.
- 3) Think regionally beyond the County line that separates Nipomo from its urban core in Santa Maria.

Santa Maria is indeed a "complete community" and has the following essentials that Nipomo depends on (but generally would prefer not to have here):

- a. a large regional hospital with thousands of medical specialists
- b. an airport
- c. a State-accredited community college
- d. "big box" stores such as Costco, Home Depot, Target, Foods Co, Food 4 Less, Smart & Final, Walmart, Farm Supply, Orchard Supply Hardware, La Vallarta, the Santa Maria Mall (containing stores such as Sears and May Company)
- e. an annual County Fair
- f. overlying the majority of the Santa Maria Groundwater Basin
- g. 47% of the entire CCWA State water allocation (with excess water for growth & export)
- h. over 100,000 population, with a large variety of jobs
- i. a major supply of high-density, workforce housing
- j. a robust and well developed transportation network
- k. many sports fields in public parks
- l. large unattractive car lots along the freeway
- m. a local landfill requiring low mileage for dump trucks

# NIPOMO: STATUS OF EXISTING COMMUNITY FACILITIES

FACILITY STATUS IS ASSESSED ON A SCALE OF VERY COMPLETE TO VERY INCOMPLETE.



COMMUNITY FEATURES	STATUS	NOTES
<b>Infrastructure</b>		
Water Supply <sup>1</sup>	A	Existing supply is adequate to meet existing demand
Water System*	D	Very high per capita cost of needed improvements
Sewer System*	B	High per capita cost of needed improvements
Storm Drainage*	B	High per capita cost of needed improvements
Solid Waste	A	Landfill capacity until 2059 (Cold Canyon)
<b>Transportation</b>		
Street Maintenance	A	Pavement Condition Index (PCI) of 67 percent (within the "good roads" category)
Street & Highway System*	B	Moderate per capita cost of needed improvements
Bike Lanes and Paths	C	The bike system is 23 percent complete
Transit	B	One bus route with four stops
Park-N-Ride Lots	D	No park-n-ride lot
Sidewalks	C	The sidewalk system is 23 percent complete
Streetscape Facilities*	A	Low per capita cost of needed improvements
<b>Public Facilities</b>		
Public Safety Buildings (Fire)	A	Adequate existing facilities
Public Safety Buildings (Police)	B	Small report center only; no Sheriff patrol station
Community/Neighborhood Parks	B	Parks provided at 51 percent of County standard
Trails	B	Four trails
Libraries	B	Library space provided at 43 percent of County standard
Community & Civic Facilities	D	No community facility
Public Services Buildings	A	Four public service facilities
Schools <sup>2</sup>	D	At or in excess of capacity

<sup>1</sup> The water supply in the Santa Maria Groundwater Basin is in serious condition.

<sup>2</sup> Based on San Luis Obispo County 2008 Annual Summary Report. 2012 information being prepared by the school district.

\* It is difficult to measure existing conditions quantitatively for these facilities. In these cases, "cost per capita for near-term improvements" is used to determine the facility's "status." The per capita costs for these facilities range from "low" being less than \$180 per capita and "very high" being greater than \$939 per capita. It should be noted that cost per capita is used for comparative purposes only and does not represent any proposed costs or fees to individuals or households.

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL S. LEBRUN *MSL*  
 GENERAL MANAGER  
 DATE: OCTOBER 19, 2012

**AGENDA ITEM  
 D-3  
 OCTOBER 24, 2012**

**INVESTMENT POLICY – THIRD 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 September 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-THIRD QUARTER REPORT 9/30/12**

Investment	Institution	Amount of Deposit 9/30/12	Rate of Interest	Quarterly Interest Earned or Accrued 9/30/12	Amount of Deposit 9/30/11	Rate of Interest	Quarterly Interest Earned or Accrued 9/30/11
Money Market	Rabobank (1)	\$211,540.08	N/A	\$0.00	\$249,346.95	N/A	\$0.00
Savings	Rabobank	\$927.70	0.06%	\$0.12	\$927.24	0.05%	\$0.12
Pooled Money Investment	Local Agency Investment Fund (LAIF)	\$21,319,071.14	0.35%	\$18,911.61	\$21,348,615.25	0.38%	\$20,633.65
Certificate of Deposit Account Registry Service (CDARS)	Mission Community Bank	\$1,173,921.63	0.09%	\$300.38	\$2,070,667.76	0.31%	\$1,618.22

N/A – Not Applicable

(1) Account placed on Analyzed Services

**ATTACHMENTS**

None

TO: MICHAEL S. LEBRUN *msl*  
GENERAL MANAGER

FROM: PETER V. SEVCIK  
DISTRICT ENGINEER

DATE: OCTOBER 19, 2012

**AGENDA ITEM  
D-4  
OCTOBER 24, 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 & Exhibit B
- C. Vicinity Map

OCTOBER 24, 2012

ITEM D-4

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 24<sup>th</sup> day of October 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

OCTOBER 24, 2012

ITEM D-4

ATTACHMENT B

RECORDING REQUESTED BY:  
Nipomo Community Services District

WHEN RECORDED RETURN TO:

Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

---

A.P.N.: 091-292-001

**EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY**

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,  
Cheryl Diane 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.

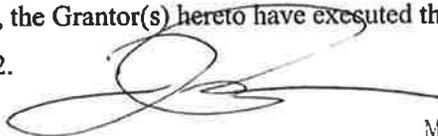
## **AUTHORITY TO EXECUTE**

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.

Republic of Costa Rica  
Province & City of San José  
Embassy of the United States of America 15

IN WITNESS WHEREOF, the Grantor(s) hereto have executed this Easement

on August 6th, 2012.



MY COMMISSION EXPIRES:  
INDEFINITELY

GRANTORS(S):

*Cheryl Diane DeBlauw*

(Signature must be Notarized)

Cheryl Diane DeBlauw

*Frank Romero*  
Consular Associate  
United States of America

Date: 8/6/2012

**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:

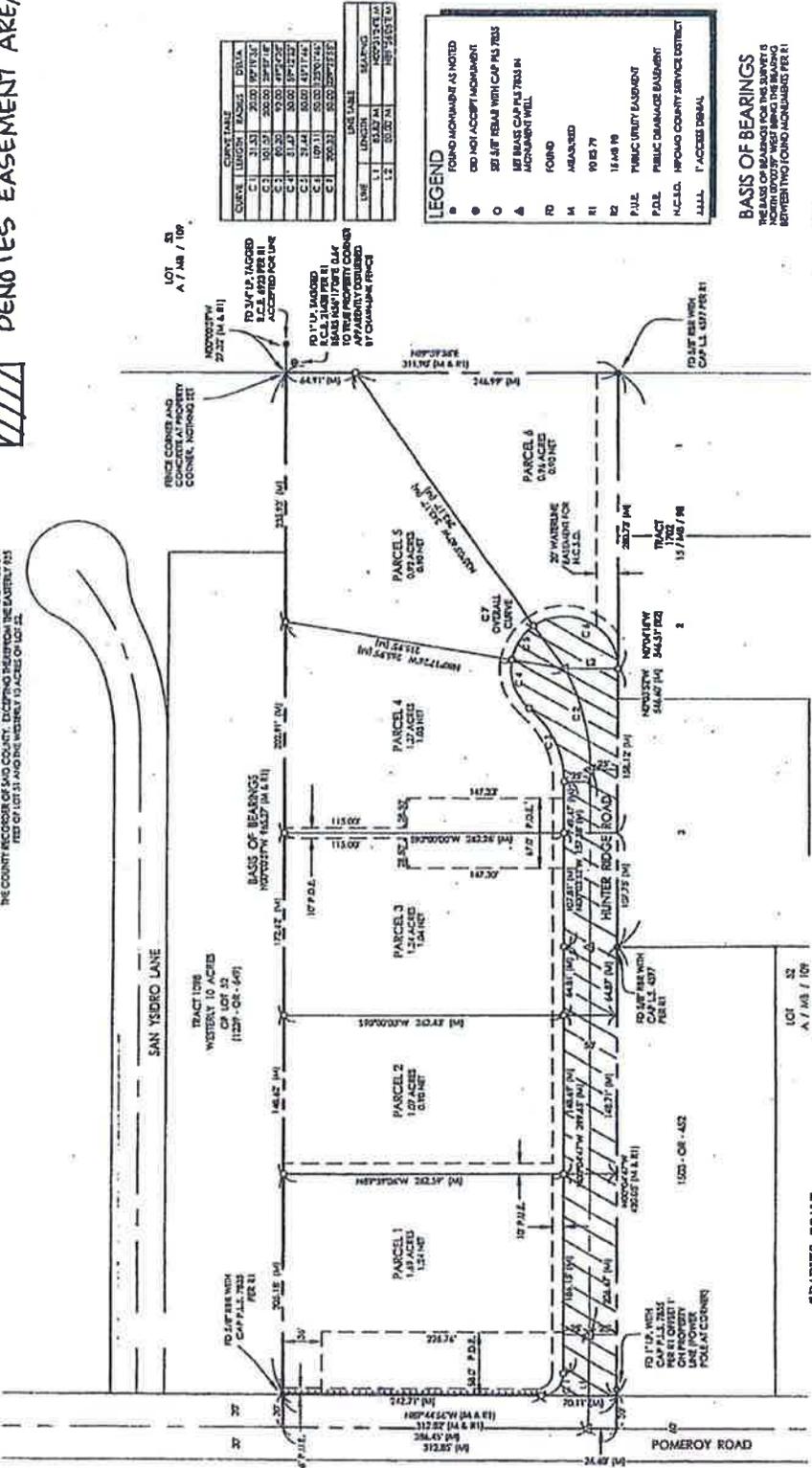
\_\_\_\_\_  
Michael S. LeBrun, General Manager and Secretary  
Nipomo Community Services District

# EXHIBIT "A"

/// DENOTES EASEMENT AREA

TRACT 2734

BEING A SUBDIVISION OF THE WESTERN 1/3 OF THE FOLLOWING DESCRIBED PROPERTY, LOT 31 AND 32 OF DIVISION 17 OF TOWNSHIP 28 NORTH OF RANGE 10 WEST ACCORDING TO MAP RECORDED IN BOOK A, PAGE 108 OF SALES IN THE OFFICE OF THE COUNTY RECORDER OF SAO COUNTY, DECEPTIVE FROM THE BATTERY 813 REE OF LOT 31 AND THE WESTERN 1/3 ACRES OF LOT 32.



CURVE	CHORD	BEARING	DATA
C-1	31.51	200.00	90°15'45"
C-2	101.50	200.00	27°07'52"
C-3	80.20	92.00	47°07'52"
C-4	31.70	200.00	17°25'22"
C-5	101.11	200.00	15°17'46"
C-6	101.11	200.00	15°17'46"
C-7	200.33	200.00	20°22'27.15"

LINE	LINE TYPE	BEARING	DATA
L-1	100.00	200.00	90°15'45"
L-2	100.00	200.00	90°15'45"

**LEGEND**  
 FOUND MONUMENT AS NOTED  
 ○ DID NOT ACCEPT MONUMENT  
 ● SET SURVEY WITH CAP HAS TIES  
 △ SET BASE CAP HAS TIES IN MONUMENT WELL  
 RD FOUND  
 M ABLAND  
 R1 10 15 79  
 R2 11 14 19  
 P.U.E. PUBLIC UTILITY EASEMENT  
 P.D.E. PUBLIC DRAINAGE EASEMENT  
 N.C.E.D. NIPOMO COUNTY SERVICE DISTRICT  
 A.C.C.E.S. ACCESS EASEMENT

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS THE MERIDIAN OF THE STATE OF CALIFORNIA AS SHOWN BETWEEN TWO FOUND MONUMENTS PER R1

AS REQUESTED BY:  
**DEBLAUW BUILDERS, INC.**  
 APR 10, 2024 11:00 AM '24



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,  
Cheryl Diane DeBlauw, 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:

8/6/2012

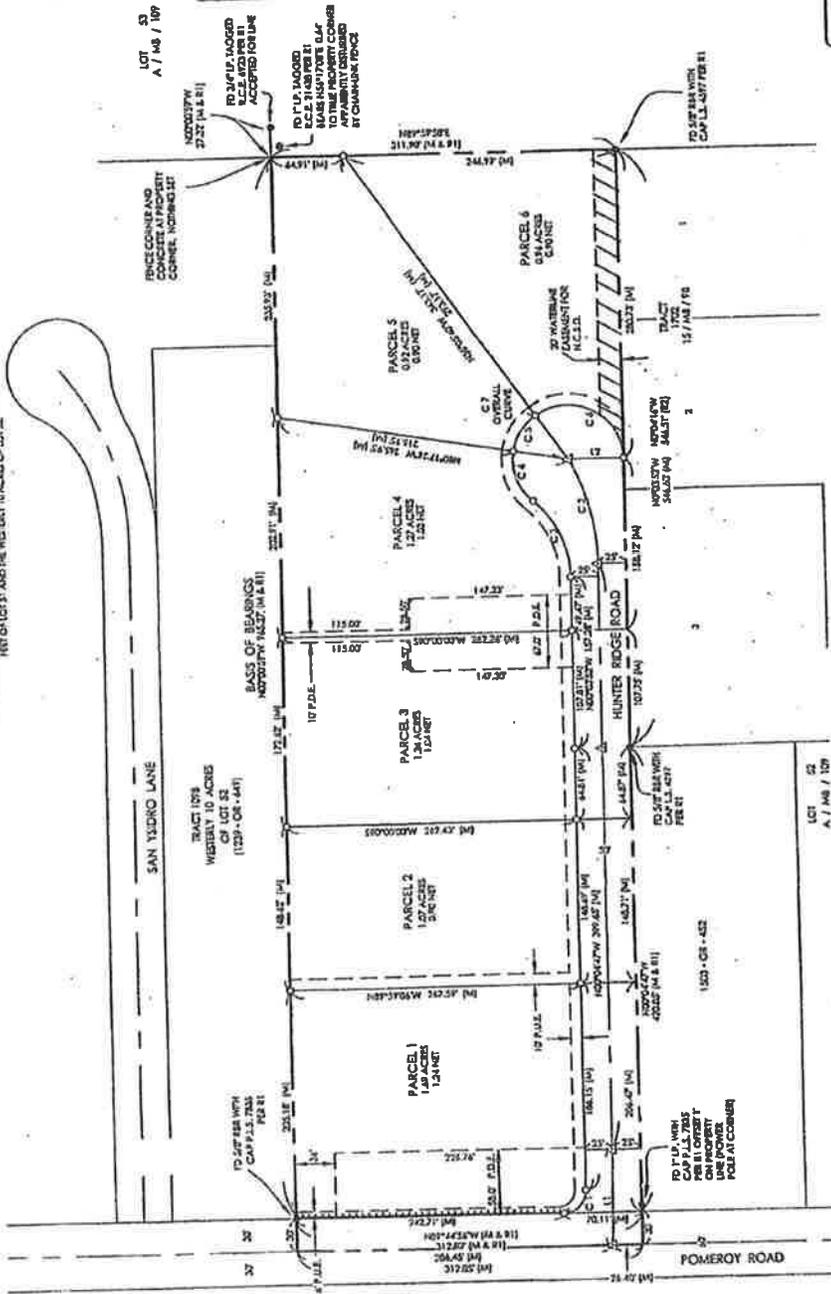
Cheryl Diane DeBlauw  
Cheryl Diane DeBlauw

# EXHIBIT "A"

/// DENOTES EASEMENT AREA

TRACT 2734

BEING A SUBDIVISION OF THE WESTERN 1/2 OF THE FOLLOWING DESCRIBED  
 PARCELS, LOTS 31 AND 32 OF SECTION 17, OF TOWNSHIP 35 NORTH, RANGE 10  
 OF LOS ANGELES COUNTY, CALIFORNIA, AS SHOWN ON THE PLAT OF THE  
 COUNTY RECORDER OF LAND COUNTY, EXCEPT WHERE SHOWN OTHERWISE  
 HEREON, TO ACRES OF LOT 31.



CURVE	LENGTH	RADIUS	CHORD
C-1	31.51	20.00	20.00
C-2	19.02	20.00	19.02
C-3	19.02	20.00	19.02
C-4	19.02	20.00	19.02
C-5	19.02	20.00	19.02
C-6	19.02	20.00	19.02
C-7	200.31	20.00	200.31

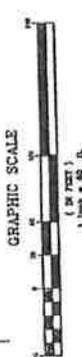
  

LINE	LENGTH	BEARING
L-1	63.83	N00°21'54"E
L-2	20.00	N89°31'06"W

- LEGEND**
- FOUND MONUMENT AS NOTED
  - DO NOT ACCEPT MONUMENT
  - SET 5/8" IRON WITH CAP PLATES
  - SET 5/8" IRON WITH CAP PLATES IN MONUMENT WELL
  - RD FOUND
  - MA MEASURED
  - RT TO RT 79
  - RS 15 1/4" IR
  - P.U.L. PUBLIC UTILITY EASEMENT
  - P.D.E. PUBLIC UTILITY EASEMENT
  - N.C.L.D. NIPOMO COUNTY SERVICE DISTRICT
  - L.L.L. ACCESS CANAL

**BASIS OF BEARINGS**  
 NORTH BY THE SURVEY IS  
 BETWEEN TWO FOUND MONUMENTS PER 1)

AS REQUESTED BY:  
**DEBLAU BUILDERS, INC.**  
 JOB NO. 00-00  
 DATE: 07-27-01  
 SHEET 2 OF 3



OCTOBER 24, 2012

ITEM D-4

ATTACHMENT C

VICINITY MAP APN 091-292-001

