

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 9, 2014

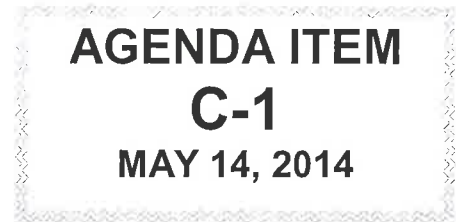


PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) CERTIFICATE OF APPRECIATION PRESENTED TO NIPOMO CSD BY 4TH DISTRICT COUNTY SUPERVISOR CAREN RAY
Receive Presentation and Certificate
- C-2) CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING
Receive Certificate
- C-3) REPORT ON APRIL 23, 2014 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session
- C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from Directors
- C-5) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 9, 2014



**CERTIFICATE OF APPRECIATION PRESENTATION BY
4TH DISTRICT SUPERVISOR CAREN RAY**

ITEM

4th District Supervisor Caren Ray is scheduled to present the Board of Directors and the Nipomo Chamber of Commerce with a Certificates of Appreciation [RECOMMEND RECEIVE PRESENTATION AND CERTIFICATE]

BACKGROUND

For more than a year, the Nipomo Community Services District and the Nipomo Chamber of Commerce have worked together to provide trash pick-up services throughout the community.

The program is funded by NCSD solidwaste franchise fees that are derived from District customers through their garbage service charges. The Chamber administers the program under a grant from the District and contracts with Achievement House to perform services.

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: MAY 9, 2014

AGENDA ITEM
C-2
MAY 14, 2014

**CERTIFICATE OF ACHIEVEMENT FOR
EXCELLENCE IN FINANCIAL REPORTING**

ITEM

Receive Certificate of Achievement for Excellence in Financial Reporting [RECOMMEND RECEIVE CERTIFICATE]

BACKGROUND

District Finance Director Lisa Bognuda prepared and submitted the District's 2012-2013 end of year financial report (audit) in accordance with the Government Finance Officers Associations (GFOA) guidelines for review and consideration for the Association's *Certificate of Achievement for Excellence in Financial Reporting*.

The GFOA's Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting. Attainment of the Certificate represents a significant accomplishment by a government and its management.

The District's comprehensive annual financial report for the fiscal year ending June 30, 2013 was reviewed by the GFOA and recognized with the Certificate for Excellence.

In addition, the GFOA presents an Award of Financial Reporting Achievement to the staff person who is primarily responsible for the Agency having received the Certificate of Excellence. Ms. Bognuda received the Achievement Award for her work in preparing the District's comprehensive annual financial report.

ATTACHMENT

- A. Certificate of Achievement for Excellence in Financial Reporting
- B. Award of Financial Reporting Achievement

MAY 14, 2014

ITEM C-2

ATTACHMENT A



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**Nipomo Community Services District
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2013

Executive Director/CEO

MAY 14, 2014

ITEM C-2

ATTACHMENT B



**The Government Finance Officers Association
of the United States and Canada**

presents this

AWARD OF FINANCIAL REPORTING ACHIEVEMENT

to

Lisa Bognuda

Finance Director

Nipomo Community Services District, California

The award of Financial Reporting Achievement is presented by the Government Finance Officers Association to the individual(s) designated as instrumental in their government unit achieving a Certificate of Achievement for Excellence in Financial Reporting. A Certificate of Achievement is presented to those government units whose annual financial reports are judged to adhere to program standards and represents the highest award in government financial reporting.



Executive Director

A handwritten signature in black ink, appearing to read 'Jeffrey R. Emer'.

Date March 28, 2014

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *ML*
GENERAL MANAGER

DATE: MAY 9, 2014

AGENDA ITEM

C-3

MAY 14, 2014

**APRIL 23, 2014 REGULAR MEETING
CLOSED SESSION REPORT**

ITEM

Announcement of actions, if any, taken during Closed Session at previous Board Meeting [NO ACTION REQUESTED]

BACKGROUND

The April 23, 2014 Regular Meeting Closed Session included:

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
 - a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
 - b) NCSD v Troesh et. al. SLOCSC# CV130175
 - c) Bening v NCSD SLOCSC #14CV-0069

2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):
Significant Exposure to Litigation - 1 case.

Staff will report on closed session action taken, if any.

TO: BOARD OF DIRECTORS

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GENERAL MANAGER

DATE: MAY 9, 2014

AGENDA ITEM

D

MAY 14, 2014

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 APRIL 23, 2014 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]
- D-3) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014-2015 [RECOMMEND APPROVAL]
- D-4) BLACKLAKE WELL #4 PUMP REPLACEMENT PROJECT ACCEPTANCE [RECOMMEND ACCEPT PROJECT]
- D-5) ADOPT RESOLUTION ACCEPTING DEED RESTRICTION FOR 989 CAMINO CABALLO, APN 091-283-014 [RECOMMEND ADOPT RESOLUTION]
- D-6) CONSOLIDATE 2014 DISTRICT ELECTION [RECOMMEND ADOPT RESOLUTION REQUESTING CONSOLIDATION]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN
 GENERAL MANAGER
 DATE: MAY 9, 2014

AGENDA ITEM D-1

MAY 14, 2014

HAND WRITTEN CHECKS

TOTAL COMPUTER CHECKS

\$338,133.16

05-06-14 10248 SLO COUNTY CLERK-RECORDER
 05-14-14 10249 ARTURO MERINO

LIEN RELEASE \$14.00
 WASHER REBATE \$75.00

VOIDS – 23018

COMPUTER GENERATED CHECKS

23013	04/25/14	EMP01	EMPLOYMENT DEVELOP DEPT	B40418	04/18/14	STATE INCOME TAX	04-14	8.59	
23013	04/25/14	EMP01	EMPLOYMENT DEVELOP DEPT	B40421	04/21/14	STATE INCOME TAX	04-14	1289.23	
23013	04/25/14	EMP01	EMPLOYMENT DEVELOP DEPT	1B40418	04/18/14	STATE INCOME TAX	04-14	.00	1297.82
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	B40418	04/18/14	FEDERAL INCOME TAX	04-14	67.71	
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	B40421	04/21/14	FEDERAL INCOME TAX	04-14	4132.76	
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	1B40418	04/18/14	MEDICARE (FICA)	04-14	59.34	
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	1B40421	04/21/14	FICA	04-14	86.80	
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	2B40418	04/18/14	FEDERAL INCOME TAX	04-14	.00	
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	2B40421	04/21/14	MEDICARE (FICA)	04-14	1033.20	
23014	04/25/14	MID01	RABOBANK-PAYROLL TAX DEPOS	3B40418	04/18/14	MEDICARE (FICA)	04-14	2.40	5382.21
23015	04/25/14	MID02	RABOBANK-DIRECT DEPOSIT	B40421	04/21/14	NET PAY	04-14	26133.31	26133.31
23016	04/25/14	PER01	PERS RETIREMENT	B40418	04/18/14	PERS PAYROLL REMITTANCE	04-14	220.31	
23016	04/25/14	PER01	PERS RETIREMENT	B40421	04/21/14	PERS PAYROLL REMITTANCE	04-14	8630.90	
23016	04/25/14	PER01	PERS RETIREMENT	1B40418	04/18/14	PERS PAYROLL REMITTANCE	04-14	11.90	8863.11
23017	04/25/14	STA01	CALPERS 457 DEFERRED COMP	B40421	04/21/14	457 DEFERRED COMP	04-14	2580.00	2580.00
023019	05/02/14	PGE01	P G & E		37905.58	.00	37905.58	APR 2014	ELECTRICITY
23020	05/09/14	EMP01	EMPLOYMENT DEVELOP DEPT		1331.05	.00	1331.05	B40505	STATE INCOME TAX
23021	05/09/14	MID01	RABOBANK-PAYROLL TAX DEPO		4245.00	.00	4245.00	B40505	FEDERAL INCOME TAX
					62.00	.00	62.00	1B40505	FICA
					1046.24	.00	1046.24	2B40505	MEDICARE (FICA)
			Check Total.....		5353.24	.00	5353.24		
23022	05/09/14	MID02	RABOBANK-DIRECT DEPOSIT		26300.28	.00	26300.28	B40505	NET PAY
23023	05/09/14	PER01	PERS RETIREMENT		8624.91	.00	8624.91	B40505	PERS PAYROLL REMITTANCE
23024	05/09/14	STA01	CALPERS 457 DEFERRED COMP		2580.00	.00	2580.00	B40505	457 DEFERRED COMP
023025	05/14/14	ABA01	ABALONE COAST BACTERIOLOG		3761.60	.00	3761.60	2203	LAB TESTS
023026	05/14/14	ADV01	ADVANTAGE ANSWERING PLUS		139.03	.00	139.03	MAY 2014	ANSWERING SERVICE
023027	05/14/14	ALX01	ALEXANDER'S CONTRACT SERV		3378.81	.00	3378.81	MAY 2014	METER READING
023028	05/14/14	AME03	AMERI PRIDE		155.88	.00	155.88	501105433	UNIFORMS
					128.14	.00	128.14	501110161	UNIFORMS
					147.63	.00	147.63	501115684	UNIFORMS
			Check Total.....		431.65	.00	431.65		
023029	05/14/14	ATT01	AT&T		153.47	.00	153.47	5330390	TELEPHONE
					27.25	.00	27.25	5330634	TELEPHONE
					178.02	.00	178.02	5330704	TELEPHONE
			Check Total.....		358.74	.00	358.74		
023030	05/14/14	AWW02	AMERICAN WATER WORKS ASSO		635.00	.00	635.00	B40508	STANDARDS UPDATE-RENEWAL
023031	05/14/14	BEN02	BENTLEY SYSTEMS, INC.		1705.25	.00	1705.25	47591365	COMPUTER SOFTWARE MAINT.
023032	05/14/14	BES01	BEST BEST & KRIEGER		1830.40	.00	1830.40	724370	PERSONNEL MANUAL UPDATE
					2454.40	.00	2454.40	724371	SUPPLEMENTAL WATER PROJEC
					130.00	.00	130.00	724372	MCA VS NCSD
			Check Total.....		4414.80	.00	4414.80		
023033	05/14/14	BOB01	BOB'S RUBBER STAMPS		53.04	.00	53.04	39537	MAXLITE PRE-INKED STAMP
023034	05/14/14	BRE02	BRENTAG PACIFIC INC.		371.04	.00	371.04	BPI408358	SODIUM HYPOCHLORITE
					482.82	.00	482.82	BPI408359	SODIUM HYPOCHLORITE
					371.04	.00	371.04	BPI410772	SODIUM HYPOCHLORITE
					426.92	.00	426.92	BPI410773	SODIUM HYPOCHLORITE
					360.68	.00	360.68	BPI412741	SODIUM HYPOCHLORITE
					433.01	.00	433.01	BPI412742	SODIUM HYPOCHLORITE
			Check Total.....		2445.51	.00	2445.51		

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023035	05/14/14	CAL03	CALIFORNIA ELECTRIC SUPPL	146.09	.00	146.09	26-563970	RELAY HEATER/TEFFT L/S
023036	05/14/14	CHA02	CHARTER COMMUNICATIONS	204.99 245.01	.00 .00	204.99 245.01	MAY 2014A MAY 2014B	INTERNET-SOUTHLAND INTERNET-WILSON
			Check Total.....:	450.00	.00	450.00		
023037	05/14/14	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B404151	COMPUTER SUPPORT
023038	05/14/14	CRO03	CROSNO CONSTRUCTION INC	69970.48	.00	69970.48	REQUEST 2	PROGRESS PAYMENT #2
023039	05/14/14	CRY01	CRYSTAL SPRINGS	39.45	.00	39.45	APR 2014	DISTILLED WATER
023040	05/14/14	CUS01	CUSTOM PRINTING	479.71	.00	479.71	128762	DISCONTINUANCE FORMS
023041	05/14/14	DEE02	DEERE & COMPANY	12149.68	.00	12149.68	113569314	JOHN DEERE GATOR XUV 625I
023042	05/14/14	DEP02	DEPT OF CONSUMER AFFAIRS	115.00	.00	115.00	B40508	CERTIFICATE RENEWAL-SEVCI
023043	05/14/14	DEP03	DEPT OF HEALTH SERVICES	60.00 80.00	.00 .00	60.00 80.00	B40508 B40508A	MALDONADO-WATER GRADE 2 C CALLEJA-WATER GRADE 2 CER
			Check Total.....:	140.00	.00	140.00		
023044	05/14/14	ENV05	ENVIRONMENTAL RESOURCE AS	534.57	.00	534.57	720704	PH/RESIDUAL CHLORINE/SETT
023045	05/14/14	FAR01	FARM SUPPLY COMPANY	16.93	.00	16.93	16022	1/2 BALL VALVE THREADED S
023046	05/14/14	FAR02	FAR WEST EXPRESS	35.00	.00	35.00	APR 2014	DELIVERY
023047	05/14/14	FER01	FERGUSON ENTERPRISES INC	736.70 374.04	.00 .00	736.70 374.04	0586120 464922-1A	DBL SWITCH 24V SUPPL WATER MATERIALS
			Check Total.....:	1110.74	.00	1110.74		
023048	05/14/14	FGL01	FGL ENVIRONMENTAL	417.70 68.48 79.20 660.00	.00 .00 .00 .00	417.70 68.48 79.20 660.00	480870A 481065A 481184A 481246A	LAB TESTS LAB TESTS LAB TESTS LAB TESTS
			Check Total.....:	1225.38	.00	1225.38		
023049	05/14/14	GIL01	GLM, INC.	340.00	.00	340.00	APR 2014	LANDSCAPE MAINTENANCE
023050	05/14/14	GOV01	GOVERNMENT FINANCE OFFICE	160.00	.00	160.00	B40506	BOGNUDA-MEMBERSHIP DUES
023051	05/14/14	GRA01	GRANDFLOW, INC.	323.50	.00	323.50	127710	LASER A/P CHECKS
023052	05/14/14	GWA01	GWA INC	87.00 55.00 137.00	.00 .00 .00	87.00 55.00 137.00	MAY 2014A MAY 2014B MAY 2014C	ALARM-SHOP ALARM-WILSON ALARM-509 SOUTHLAND
			Check Total.....:	279.00	.00	279.00		
023053	05/14/14	HOD03	HODGE CONSULTING	1023.75	.00	1023.75	2595	CONSULTING-SW BID 3
023054	05/14/14	JOB01	JOBS AVAILABLE INC	390.00	.00	390.00	1409029	PUBLIC NOTICE-WASTEWATER
023055	05/14/14	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	61628	LANDSCAPE MAINTENANCE
023056	05/14/14	LEE02	LEE CENTRAL COAST NEWSPAP	417.33 997.07	.00 .00	417.33 997.07	APR 2014 APR 2014A	EMPLOYMENT ADS WORKSHOP ADS
			Check Total.....:	1414.40	.00	1414.40		
023057	05/14/14	MIN02	MINER'S ACE HARDWARE	185.84	.00	185.84	APR 2014	SUPPLIES
023058	05/14/14	MNS01	MNS ENGINEERS INC	2044.50	.00	2044.50	64291	SUPPLEMENTAL WATER PROJEC
023059	05/14/14	MOR02	MORE OFFICE SOLUTIONS	150.19	.00	150.19	645098	COPIER MAINTENANCE
023060	05/14/14	NEW05	NEWTON GEO-HYDROLOGY CONS	6383.95	.00	6383.95	APR 2014	LITIGATION SUPPORT
023061	05/14/14	NEX03	NEXTRAQ	408.50	.00	408.50	AT1030609	GPS SERVICE
023062	05/14/14	NIP08	NIPOMO CSD	278.21	.00	278.21	B40508	LANDSCAPE MAINT DISTRICT
023063	05/14/14	NUN01	NUNLEY, MICHAEL K. & ASSO	1075.00 130.00 3655.00	.00 .00 .00	1075.00 130.00 3655.00	223 229 230	PCIA-697 W. TEFFT SEWER CAD REVIEW GIS SERVICES
			Check Total.....:	4860.00	.00	4860.00		
023064	05/14/14	OFF01	OFFICE DEPOT	145.91 434.53	.00 .00	145.91 434.53	25336001 507434001	OFFICE SUPPLIES OFFICE SUPPLIES
			Check Total.....:	580.44	.00	580.44		
023065	05/14/14	ONE02	101 BLUEPRINT & COPY	21.87	.00	21.87	14-0686	SCAN/DVD-PARCEL MAP

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023066	05/14/14	PO001	POOR RICHARD'S PRESS	193.90	.00	193.90	259548	READING WATER METER BROCH
				566.80	.00	566.80	259423A	NEWSLETTERS
				1369.68	.00	1369.68	259423B	POSTAGE FOR NEWSLETTERS
			Check Total.....:	2130.38	.00	2130.38		
023067	05/14/14	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	247	JANITORIAL
023068	05/14/14	RAU01	RAUCH COMMUNICATION CONSU	2695.00	.00	2695.00	APR-1405	PROGRESS PMT-STRATEGIC PL
				4991.25	.00	4991.25	APR-1405A	OUTREACH PROGRAM
			Check Total.....:	7686.25	.00	7686.25		
023069	05/14/14	RIC01	RICHARDS, WATSON, GERSHON	550.00	.00	550.00	195441	GROUNDWATER LITIGATION
023070	05/14/14	SHI01	SHIPSEY & SEITZ, INC	18704.00	.00	18704.00	MAR 2014	LEGAL SERVICES THRU 3/31/
023071	05/14/14	SOU01	SOUTH COUNTY SANITARY	188.70	.00	188.70	4463653	WASTE COLLECTION-OLDE TOW
				185.06	.00	185.06	4464250	WASTE COLLECTION-SOUTHLAN
			Check Total.....:	373.76	.00	373.76		
023072	05/14/14	SOU03	SAN LUIS GARBAGE COMPANY	891.27	.00	891.27	APR 2014	SOLID WASTE TAX LIENS
023073	05/14/14	SPI01	SPIESS CONSTRUCTION CO.	25293.75	.00	25293.75	3	SUPP WATER PROGRESS PMT#3
023074	05/14/14	SPI02	RABOBANK	1331.25	.00	1331.25	3	SUPPL WATER RETENTION PMT
023075	05/14/14	TAF01	TAFT ELECTRIC	262.50	.00	262.50	31188-03	ANNUAL REPAIRS-TEFFT LS
023076	05/14/14	TES01	TESCO CONTROLS, INC.	7250.00	.00	7250.00	054128-IN	PROGRESS BILLING-WWTF UPG
023077	05/14/14	THE01	THE GAS COMPANY	26.39	.00	26.39	APR 2014	HEAT-WILSON
023078	05/14/14	THE02	THE TRIBUNE SLO CO NEWSPAP	725.29	.00	725.29	7049202	PUBLIC NOTICE-RES 2014-13
023079	05/14/14	TUC01	TUCKFIELD & ASSOCIATES	1890.00	.00	1890.00	374	DROUGHT RATE PROGRESS PAY
				4370.74	.00	4370.74	375	RATE PROGRESS PAYMENT
			Check Total.....:	6260.74	.00	6260.74		
023080	05/14/14	USA01	USA BLUEBOOK	838.49	.00	838.49	314745	PUMP/PIPET/SLIDES/PH BUFF
				108.28	.00	108.28	320927	AMMONIA TEST STRIPS/NITRI
				839.21	.00	839.21	333031	POLY DRIVE TRUCK/STAND
				202.50	.00	202.50	333128	HEADGEAR/SIGNS/FACE SHIEL
				196.70	.00	196.70	333151	CAUTION SIGN/FIRE EXTINGU
			Check Total.....:	2185.18	.00	2185.18		
023081	05/14/14	USB01	US BANK (VISA)	294.25	.00	294.25	42214A	WEBSITE SERVICES
				166.83	.00	166.83	42214B	MEETINGS
				799.80	.00	799.80	42214C	WORKSHOP ROOM RENTAL
				810.75	.00	810.75	42214D	TRAVEL-EDUCATION COURSE
				102.43	.00	102.43	42214E	OFFICE SUPPLIES
				1177.70	.00	1177.70	42214F	PUBLIC NOTICE-EMPLOYMENT
				1521.13	.00	1521.13	42214G	AIR COMPRESSOR
			Check Total.....:	4872.89	.00	4872.89		
023082	05/14/14	VER01	VERIZON	48.74	.00	48.74	B40425	TELEPHONE
023083	05/14/14	VER03	VERIZON WIRELESS	296.85	.00	296.85	24045312	CELL SERVICE
023084	05/14/14	WAL01	WALLACE GROUP	37.75	.00	37.75	36666	FOG PERMIT AND INSPECTION
				1254.55	.00	1254.55	36949	FOG PERMIT AND INSPECTION
			Check Total.....:	1292.30	.00	1292.30		
023085	05/14/14	YOU01	YOUR PEOPLE PROFESSIONALS	5700.00	.00	5700.00	MAY 2014	MAY DEPOSIT-EMPLOYMENT AG
023086	05/14/14	\M012	MANUFACTURE HOME SALES OF	484.40	.00	484.40	000B40401	MQ CUSTOMER REFUND FOR MA
023087	05/14/14	\S011	SANSONE CO. INC,	500.00	.00	500.00	000B40401	MQ CUSTOMER REFUND FOR SA
023088	05/14/14	\S012	SUNWOOD MARIA VISTA ESTAT	479.20	.00	479.20	000B40401	MQ CUSTOMER REFUND FOR SU
023089	05/14/14	\T007	THOMAN, ROGER	241.07	.00	241.07	000B40401	MQ CUSTOMER REFUND FOR TH

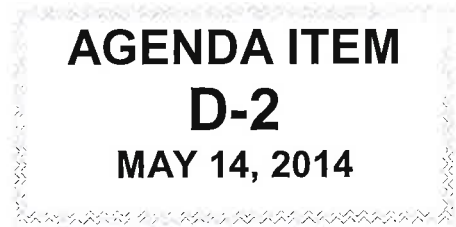
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FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR
SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT

Cushman Contracting	Period 4/1/14 to 4/30/14	\$701,583.21
First Republic Bank	Period 4/1/14 to 4/30/14	\$36,925.43
	TOTAL	\$738,508.64

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
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APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

ITEM

Approve action minutes from previous Board meetings. [RECOMMENDED APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve minutes as part of Consent Agenda.

ATTACHMENT

- A. April 23, 2014 draft Board Meeting Minutes

MAY 14, 2014

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

APRIL 23, 2014 AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

CRAIG ARMSTRONG, PRESIDENT
JAMES HARRISON, VICE PRESIDENT
LARRY VIERHEILIG, DIRECTOR
DAN GADDIS, DIRECTOR
BOB BLAIR, DIRECTOR

PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
MICHAEL W. SEITZ, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
NITA WINDSOR, BOARD CLERK

Mission Statement: To provide its customers with reliable, quality, and cost-effective services now and in the future.
--

00:00

A. CALL TO ORDER AND FLAG SALUTE

President Armstrong called the Regular Meeting of April 23, 2014 to order at 9:00 a.m. and led the flag salute.

Michael LeBrun, General Manager, announced that the audio recorder was not operational for today's meeting.

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

At Roll Call, all Directors were present.

The Board took public comment.

Art Cocks, NCSD Customer, commented on our High Efficiency Washer rebate program, and encouraged the District to provide rebates for new water efficient sprinkler equipment.

00:08

C. PRESENTATIONS AND REPORTS

C-1) SAN LUIS OBISPO COUNTY SHERIFF COMMANDER JAY DONOVAN Update Report re: South County Law Enforcement and Department News

San Luis Obispo County Sheriff Commander Jay Donovan gave an update on criminal activity in the area, and answered questions from the Board. The Board thanked Commander Donovan for his report.

C-2) CAL FIRE BATTALION CHIEF PAUL VAN GERWEN Update Report re: South County Cal Fire Activity and Department News

Chief Van Gerwen was not in attendance, and there was no representative from Cal Fire present.

00:35

C-3) DIRECTOR OF ENGINEERING AND OPERATIONS RE: Written Summary of Activities

Michael LeBrun, General Manager, reviewed the report on behalf of Peter Sevcik, Director of Engineering and Operations, who was on vacation. Mr. LeBrun answered questions from the Board. The Board thanked Mr. LeBrun for the report.

00:40

Subject to Board Approval

C. PRESENTATIONS AND REPORTS (CONTINUED)

- C-4) REPORT ON APRIL 9, 2014 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session

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

Mr. Seitz reported that the Board discussed Item One (b) (NCSD v. Troesh, et al.) in closed session, but took no reportable action.

Mr. Seitz reported that the Board discussed Item Two (Conference with Legal Counsel pursuant to Govt. Code §54956.9(d)(2)&(e)(1) in closed session, but took no reportable action.

- C-5) 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

- ◇ *Attended the Personnel Committee meeting on April 11*
- ◇ *Attended the NMMA Meeting on April 14*
- ◇ *Attended a Candidates Forum at Nipomo High School with candidates for the San Luis Obispo County 4th District Supervisorial seat on April 16*

Director Harrison

- ◇ *Attended the Central Coast Greenhouse Growers Open House on April 12*
- ◇ *Attended the NMMA Meeting on April 14*
- ◇ *Attended the Board Officer Coordination meeting on April 14*
- ◇ *Attended the San Luis Obispo County Board of Supervisors meeting on April 22*
- ◇ *Planning to attend the SCAC meeting on April 28*

Director Vierheilig

- ◇ *Attended the Black Lake Management Association meeting on April 15*
- ◇ *Commented on a newspaper article regarding Cambria looking to establish a desalination plant*
- ◇ *Will attend the Black Lake Management Association meeting on May 5*

Director Blair

- ◇ *Attended the San Luis Obispo County Board of Supervisors meeting on April 22*

Director Armstrong

- ◇ *Attended a meeting with the San Luis Obispo County Planning Department and San Luis Obispo County 4th District Supervisor Caren Ray on April 14*
- ◇ *Attended the Black Lake Management Association meeting on April 15*

C. PRESENTATIONS AND REPORTS (CONTINUED)

- C-6) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

John Snyder, Nipomo resident, commented on the brevity of the reports.

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

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

00:45

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE APRIL 9, 2014 REGULAR BOARD MEETING MINUTES
- D-3) RECEIVE QUARTERLY INVESTMENT REPORT
- D-4) RECEIVE THIRD QUARTER FINANCIAL REPORT
- D-5) ADOPT RESOLUTION RE-APPROVING WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN – AFFIRM ACTION TAKEN ON APRIL 9, 2014

President Armstrong asked if any Directors desired to pull items from the Consent Agenda or had any questions. No items were pulled from the Consent Agenda. Director Vierheilig noted one correction to the Resolution (Item D-5). Director Harrison requested clarification on warrants.

There was no public comment.

Upon the motion of Director Gaddis and seconded by Director Blair, the Board unanimously approved the Consent Agenda, as amended. Vote 5-0.

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

RESOLUTION 2014-1336
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
 COMMUNITY SERVICES DISTRICT REAPPROVING A WATER
 SHORTAGE RESPONSE AND MANAGEMENT PLAN PURSUANT
 TO WATER CODE § 375.

00:50

E. ADMINISTRATIVE ITEMS

E-1) CONSIDER SOLID WASTE GRANT PROPOSAL FROM NIPOMO CHAMBER OF COMMERCE IN AMOUNT OF \$1,980.00

Richard Malvarose, President of the Nipomo Chamber of Commerce, reviewed the proposal as presented in the Board packet, and answered questions from the Board.

The following members of the public spoke:

Wally Crooks, NCSD Customer, spoke in favor of the Grant Request.

Bill Kenzel, NCSD Customer, commented on expenditure of government funds and his Blume Street project.

Upon the motion of Director Harrison and seconded by Director Gaddis, the Board unanimously voted to approve the Grant request not to exceed \$2,000.00, and directed Staff to work with the Nipomo Chamber of Commerce to extend the boundaries of the clean-up area.

Vote 5-0.

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

01:00

E-2) ADOPT RESOLUTION DECLARING DROUGHT STAGE II IN ACCORDANCE WITH WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

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

The following members of the public spoke:

John Snyder, Nipomo resident, expressed concerns regarding the data used to draft the Water Shortage Response and Management Plan. Michael Seitz, District Legal Counsel, responded to Mr. Snyder's concerns.

Ed Eby, NCSD Customer, commented in favor of adopting the Resolution, and brought to the Board's attention that a copy of the proposed Resolution was not included in the Board packet.

The Board took a break from 10:15 a.m. to 10:24 a.m.

Copies of the proposed Resolution were made available to the Board and public (see Exhibit "A"). After review, the Board took additional public comment.

John Snyder, Nipomo resident, expressed his disagreement with the Resolution.

Ed Eby, NCSD Customer, commented in favor of the Resolution.

E. ADMINISTRATIVE ITEMS (CONTINUED)
ITEM E-2 (CONTINUED)

*Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board voted to adopt the Resolution declaring a Stage II Drought in accordance with the Water Shortage Response and Management Plan.
Vote 4-1.*

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

RESOLUTION 2014-1337
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
COMMUNITY SERVICES DISTRICT DECLARING THAT THE
GROUNDWATER BASIN UNDERLYING THE DISTRICT IS IN A
STAGE II WATER SHORTAGE CONDITION.

01:30

E-3) REVIEW DRAFT EMPLOYEE HANDBOOK (EMPLOYEE POLICIES MANUAL)

Director Gaddis, Chairman of the Personnel Committee, reviewed the report as presented in the Board packet. He noted one correction to the Draft Employee Handbook. Michael LeBrun, General Manager, answered questions from the Board.

There was no public comment.

The Board directed Staff to make the one correction, and distribute the Draft Employee Handbook to the District employees for their review and comment for future final review and approval by the Board.

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun announced that the District will hold two public workshops regarding the Water Shortage Response and Management Plan, Supplemental Water Rates and Drought Rates on May 5, 2014. The first workshop will be held at 3:00 p.m. in the Black Lake Conference Room, and the second workshop will be held at 6:30 p.m. in the NCS D Board Room. Mr. LeBrun and Lisa Bognuda, Finance Director, answered questions from the Board.

There was no public comment.

G. COMMITTEE REPORTS

Michael LeBrun, General Manager, reviewed the minutes of the April 11, 2014 Personnel Committee Meeting. Mr. LeBrun answered questions from the Board.

There was no public comment.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

It was announced that there will be an SCAC Meeting on April 28, 2014 at 6:30 p.m. in the NCSD Board Room.

Director Gaddis will attempt to attend both public workshops on May 5. Director Vierheilig will attend the public workshop at 3:00 p.m. on May 5. Director Blair will attend the public workshop at 6:30 p.m. on May 5, and Director Harrison will attend the 3:00 p.m. workshop and will attempt to attend the workshop at 6:30 p.m. as well.

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

- a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- b) NCSD v Troesh, et al. SLOCSC# CV130175
- c) Bening v NCSD SLOCSC #14CV-0069

2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):
Significant Exposure to Litigation - 1 case.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

01:52 K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 10:52 a.m.

03:24 L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

Michael Seitz, District Legal Counsel, announced that the Board discussed Items 1(a) and 1(c) listed above under closed session announcements, but took no reportable action.

Mr. Seitz reported that the Board discussed Item 1(b) in closed session, and that the Board voted 4-0-0 approving settlement of the matter at a cost of \$100,000.00. Director Blair abstained.

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

L. OPEN SESSION (CONTINUED)

Mr. Seitz reported that the Board did not discuss Item 2 in closed session.

ADJOURN

President Armstrong adjourned the meeting at 12:30 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 58 minutes
Closed Session	1 hour 32 minutes
TOTAL HOURS	3 hours 30 minutes

APRIL 23, 2014

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT DECLARING THAT THE
GROUNDWATER BASIN UNDERLYING THE DISTRICT IS IN A
STAGE II WATER SHORTAGE CONDITION**

WHEREAS, the Nipomo Community Services District (“District”) is formed under the Community Services District Law (Govt. Code §61100 et seq.); and

WHEREAS, one of the powers of the District is to provide water service within the District’s water service area pursuant to Govt. Code §61100(a) of the Community Services District Law; and

WHEREAS, at the April 9, 2014, meeting of the District, the Board adopted a Water Shortage Response and Management Plan pursuant to Water Code § 375; and

WHEREAS, on April 23, 2014, the Board adopted environmental findings related to the adoption of the Water Shortage Response and Management Plan; and

WHEREAS, the District is a party to groundwater adjudication, *Santa Maria’s Valley Water Conservation District v. City of Santa Maria, et al., Case No. CV770219* (“Groundwater Litigation”); and

WHEREAS, pursuant to § VI D(1) of the 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, Nipomo Mesa Management Area Technical Group declared that a potentially severe water shortage condition has existed within the Nipomo Mesa Management Area since spring of 2008; and

WHEREAS, a potentially severe water shortage condition is defined as Stage II under the District’s Water Shortage Response and Management Plan.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, does resolve as follows:

1. The above recitation of facts and findings is true and correct and incorporated herein.
2. The Board finds that the condition of the groundwater basin based upon the last report of the Nipomo Mesa Management Area Technical Group is in Stage II Water Shortage under the District Water Shortage Response and Management Plan.
3. The General Manager is directed to implement all Stage II Response Actions in accordance with the Water Shortage Response and Management Plan.

Upon motion by Director ____, seconded by Director ____, on the following roll call vote, to wit:

AYES:

NOES:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this 23 day of April, 2014.

CRAIG ARMSTRONG
President of the Board

ATTEST:

APPROVED:

MICHAEL S. LeBRUN
Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN
GENERAL MANAGER
DATE: MAY 8, 2014

**AGENDA ITEM
D-3**

MAY 14, 2014

**APPROVAL OF THE ENGINEER'S LEVY REPORT AND
DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR
FISCAL YEAR 2014-2015**

ITEM

Approval of resolutions granting approval of the engineer's levy report and declaration of intention to levy annual assessments for the Street Landscape Maintenance District No. 1 for Fiscal Year 2014-2015. [RECOMMEND APPROVE RESOLUTIONS]

BACKGROUND

On April 9, 2014, the Board of Directors adopted Resolution 2014-1334 entitled:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014-2015 PURSUANT TO THE PROVISIONS OF PART 2 OF THE DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Peter Sevcik, District Engineer, was directed to prepare the annual levy report (attached). Pursuant to Proposition 218 and the Petition Requesting Formation of the Street Landscape Maintenance District, the annual levy may be increased by a percentage equal to or less than the Consumer Price Index (CPI) without conducting a Protest Vote. The actual amount to be assessed is based on the annual budget and may be less or more than the CPI. Property owners within the assessment district must approve any proposed assessment that exceeds the adjusted maximum rate based on the CPI (via a Proposition 218 Protest Vote).

It is recommended that the assessment remain the same amount of \$330.00 for fiscal year 2014-2015 (See Page 4 of Engineer's Levy Report). The computed Maximum Assessment Allowable is \$433.40; however, the budgeted expenditures for fiscal year 2014-2015 do not warrant assessing the full Maximum Assessment Allowable.

With the proposed assessment amount, the Maintenance District is projected to have an approximate surplus of \$710 in 2014-2015 and reserve balance at the end of FY 2014-2015 of \$20,010. The Cash Reserve Goal is \$20,000. As the history of the Maintenance District's annual levy (below) shows, the levy can be lowered in the future when reserves are adequate.

Period Covered	Amount Assessed per Parcel
Fiscal Year 2003-2004(first year of assessment)	\$345.00
Fiscal Year 2004-2005	\$346.96
Fiscal Year 2005-2006	\$354.94
Fiscal Year 2006-2007	\$365.34
Fiscal Year 2007-2008	\$365.34
Fiscal Year 2008-2009	\$387.74
Fiscal Year 2009-2010	\$301.78
Fiscal Year 2010-2011	\$303.57
Fiscal Year 2011-2012	\$303.57
Fiscal Year 2012-2013	\$315.00
Fiscal Year 2013-2014	\$330.00

RECOMMENDATION

Staff recommends your Honorable Board, by motion and roll call vote, approve two resolutions.

ATTACHMENTS

- A. Resolution Declaring Intention to Levy Annual Assessment
- B. Resolution Approving Engineer's Report

MAY 14, 2014

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO
LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014-2015**

WHEREAS, the Board of Directors of the Nipomo Community Services District (“NCS D”) has, by previous Petition and Resolutions, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as “Street Landscape Maintenance District No. 1”) and initiated proceedings for Fiscal Year 2006/07 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as “Act”) that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the maintenance and services of all improvements and facilities related thereto; and

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

WHEREAS, the NCS D has appointed Peter Sevcik, District Engineer, for the purpose of assisting with the Annual Levy of the District and to prepare and file a Report in accordance with the Act, and that said Report has been prepared, filed, and presented to the Board of Directors.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT, FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT AS FOLLOWS:

SECTION 1 Intention: The NCS D hereby declares that it intends to seek the Annual Levy of the District pursuant to the Act, over and including the land within the Street Landscape Maintenance District No. 1 boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, and servicing of landscaping and all appurtenant facilities and operations related thereto.

SECTION 2 Description of Improvements and Any Substantial Changes Proposed: The improvements within the Street Landscape Maintenance District No. 1 include: the maintenance and operation of and the furnishing of services and materials for landscaping which includes trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems within the Street Landscape Maintenance District No. 1. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.

SECTION 3 Boundaries and Designation: The boundaries of the Street Landscape Maintenance District No. 1 are described as the boundaries previously defined in the formation documents of the original Street Landscape Maintenance District No. 1.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014-2015**

SECTION 4 Increase in Assessments: The assessment is proposed to remain the same as in the previous year (\$330.00).

SECTION 5 Engineers Report: The Report is on file with the Secretary of NCSD Board of Directors and contains a full and detailed description of the improvements, the boundaries of Street Landscape Maintenance District No. 1, and the proposed assessments upon assessable lots and parcels of land within Street Landscape Maintenance District No. 1.

SECTION 6 Notice: Pursuant to Section 22626 of the 1972 Act and 6061 of the Government Code, the NCSD shall give notice of the time and place of the Public Hearing to all property owners within Street Landscape Maintenance District No. 1 by causing the publishing of this Resolution once in the Santa Maria Times not less than ten (10) days before the date of the public hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the NCSD for the posting of notices.

SECTION 7 Time of Public Hearing: Notice is hereby given that a public hearing will be held by the Board of Directors of the Nipomo Community Services District on June 11, 2014, at 9:00 a.m. in the Regular Meeting Room located within the District Offices located at 148 South Wilson Street, Nipomo. California 93444.

SECTION 8 Incorporation of Recitals: The above Recitals are true and correct and incorporated herein by reference.

SECTION 9 Other Actions: The Board of Directors and such employees of the NCSD as are appropriate are authorized and directed to execute such other documents and take such further action as shall be consistent with the intent and purpose of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 14th day of May 2014.

AYES:
NOES:
ABSTAIN:
ABSENT:

CRAIG ARMSTRONG
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

MAY 14, 2014

ITEM D-3

ATTACHMENT B

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE STREET
LANDSCAPE AND MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2014-2015**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("NCS D") has, by Resolution, ordered the preparation of an Engineer's Annual Levy Report by Peter Sevcik, District Engineer (hereinafter referred to as "Report") for the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "Act"); and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the NCS D has now been presented with the Report as required by Section 22566 of said Act; and

WHEREAS, the NCS D has carefully examined and reviewed the Report as presented and is satisfied with the budget items and documents as set forth therein and is satisfied that the proposed assessments have been spread in accordance with the Petition for Street Landscape Maintenance District No. 1 and with benefits received from the improvements, operation, maintenance, and services to be performed within Street Landscape Maintenance District No. 1 as set forth in said Report.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT, NIPOMO, CALIFORNIA FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 AS FOLLOWS:

SECTION 1: That the above recitals are all true and correct and incorporated herein by reference.

SECTION 2: That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for fiscal year 2014-2015.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S
LEVY REPORT FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2014-2015

PAGE TWO

SECTION 3: The Report is hereby approved and ordered to be filed in the Nipomo Community Services District Offices as a permanent record and to remain open to public inspection.

SECTION 4: That the NCSD General Manager shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Annual Levy Report.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services this 14th day of May, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CRAIG ARMSTRONG

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN

Secretary to the Board

MICHAEL W. SEITZ

District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015

=====

Introduction

Nipomo Community Services District ("NCSD") annually levies and collects special assessments to maintain improvements within Street Landscape Maintenance District No. 1 ("District"). The District was formed and annual assessments are established pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "1972 Act").

This Engineer's Annual Report ("Report") describes the District and the proposed assessments for the fiscal year 2014-2015. The assessments are based on the historical and estimated future costs to maintain the improvements that provide a direct and special benefit to properties within the District.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor Parcel Number by the San Luis Obispo County Assessor's Office. The San Luis Obispo County Auditor/Controller uses Assessor Parcel Numbers and specific Fund Numbers to identify properties assessed for special district benefit assessments on the tax roll.

Effect of Proposition 218

In November 1996, California voters approved Proposition 218 that established specific requirements for the on-going imposition of taxes, assessments and fees. The provisions of the Proposition are now contained in the California Constitutional Articles XIII C and XIII D.

All assessments described in this Report and approved by the Board of Directors are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIII D.

The assessments adopted include the District's annual inflationary adjustment to the maximum assessment rate. This annual inflationary adjustment to the maximum assessment rate is provided in this Report.

Description of the District and Services

The District (formed on April 9, 2003) provides and ensures the continued maintenance, servicing, administration and operation of landscaping located within a portion of the public rights-of-way and dedicated landscape easements in Tract 2409, a 28 lot subdivision commonly known as Vista Verde Estates, located off of West Tefft across from Dana Elementary School.

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015

=====

Improvements within the District include the maintenance and operation and the furnishing of services and materials for landscaping which include trees, shrubs, grasses and other ornamental vegetation, and appurtenant facilities, including irrigation systems.

The landscape maintenance obligation is limited to the following:

- Landscaping bordering the frontage of lots 1 through 6 on Tefft Street
- Landscaping bordering the frontage of lots 1, 15, 16, and 28 on Tejas Place
- Landscaping bordering the southwest and northwest sides of lot 29 (drainage basin) on Tejas Place
- The pathway between lots 4 and 5 between Tefft Street and Vista Verde

Method of Apportionment

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The formula used for calculating assessments of the District therefore reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on the benefits to each parcel.

Benefit Analysis

The associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the California Constitution and 1972 Act. The improvements associated with the District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties, and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore,

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015

=====

the improvements and the annual costs of ensuring the maintenance and operation of the improvements are of direct and special benefit to the properties.

The method of apportionment (method of assessment) is based on the premise that each assessed parcel within the District receives special benefit from the improvements provided by the District. The desirability of properties is enhanced by the presence of local improvements in close proximity to those properties.

The special benefits associated with landscaped improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties providing a positive representation of the area.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control.
- Increased sense of pride in ownership of property within the District resulting in well-maintained improvements associated with the properties.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings.

Based on the preceding special benefits, it has been determined that the improvements provided through the District and for which parcels are assessed, contribute to aesthetic value and desirability of those properties. It has further been determined that these improvements, either individually or collectively are provided for the special benefit and enhancement of properties within the District and provide no measurable general benefit to properties outside the District or to the public at large.

Assessment Methodology

The maximum annual assessment that may be levied each fiscal year includes an annual inflationary adjustment to the maximum assessment rate based on the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers in San Francisco/San Jose for February 28 of the current year over the previous year's index on the same date. Although the maximum rate for the District may increase each year, the actual amount to be assessed is based on the annual budget and may be less than the maximum rate. The property owners must approve any proposed assessment that exceeds the adjusted maximum rate before it can be imposed.

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015

=====

The maximum assessment that may be levied in a fiscal year is increased annually by the following formula

(Prior Year's Annual Maximum Assessment x CPI) Plus Prior Year's Annual Maximum Assessment	}	= Current Year's Annual Maximum Assessment
--	---	---

The percentage change used is the annual change for the preceding 12 months. The annual inflation factor applied for the fiscal year 2014-2015 is based on the percentage change from February 2014 to February 2013 and has been identified as 2.03% (annual percentage change currently available).

MAXIMUM ALLOWABLE ASSESSMENT PER PARCEL (APPLYING INFLATIONARY ADJUSTMENT)	
2013-2014 Maximum Assessment	(A) \$433.40
X CPI (2.03%)	(B) \$8.79

Maximum Assessment Allowable 2014-2015	(A) + (B) \$442.19 =====
Proposed 2014-2015 Annual Assessment	\$330.00 =====

Fiscal Year 2014-2015 District Budget

DESCRIPTION		2014-2015 BUDGET
Beginning Estimated Fund Balance (July 1, 2014)		\$19,300
Proposed Assessment Levy		\$9,240
Estimated Interest Income		\$70
Estimated Expenditures		
Contract Landscape Maintenance	(\$2,600)	
Plant attrition and normal loss	(\$1,000)	
Water	(\$3,600)	
Electricity	(\$150)	
Public Notifications	(\$750)	
Administration	(\$500)	
Total Estimated Expenditures		(\$8,600)
Estimated Ending Fund Balance (1) (June 30, 2015)		\$20,010

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015

=====

- (1) In accordance with the Reserve Policy adopted by the Nipomo Community Services District Board in 2012, the target fund balance reserve for Street Landscape Maintenance District No. 1 is \$20,000. Reserve is for anticipated increases in water rates, landscaping repair/replacement and irrigation system repair/replacement.

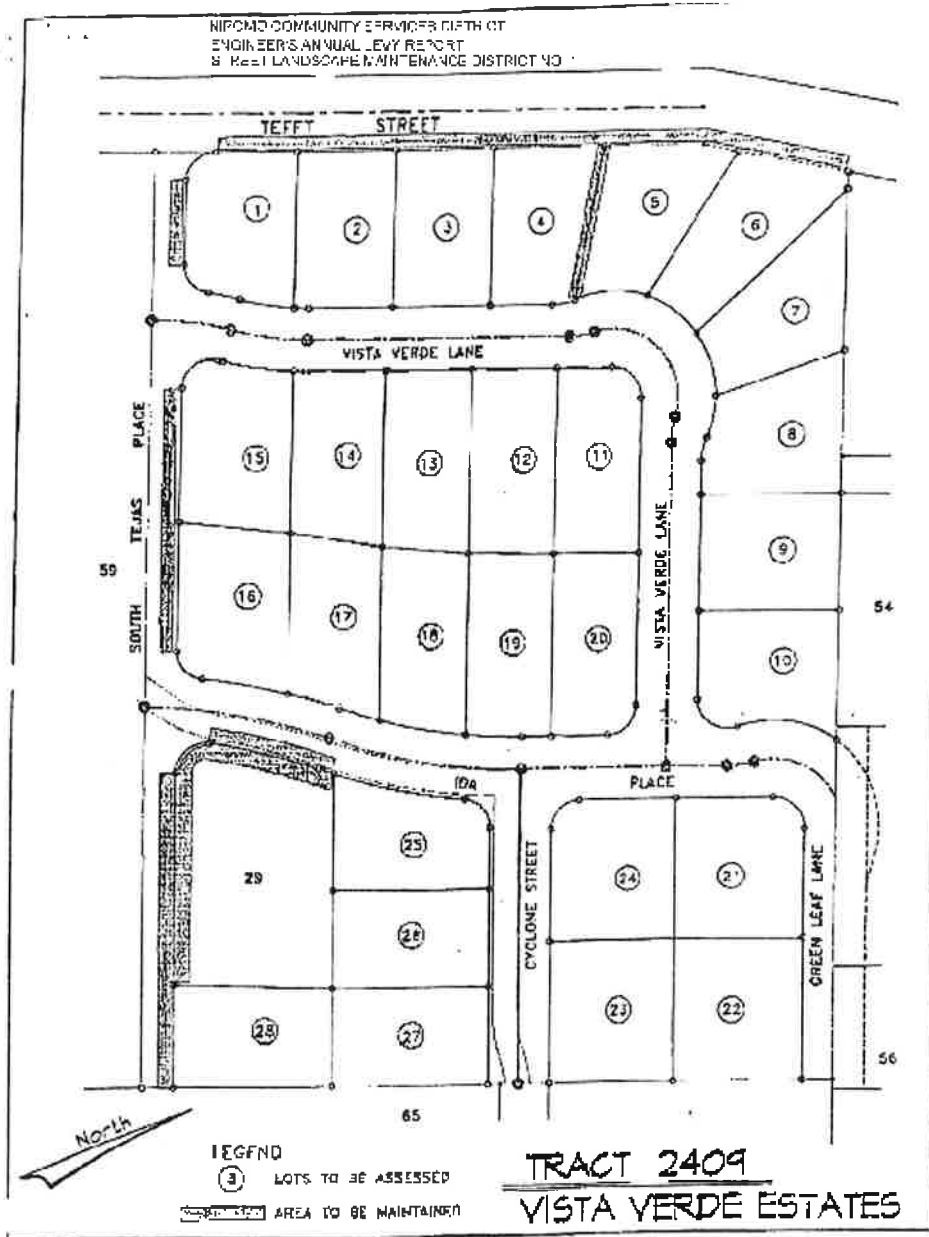
NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015

Lot Number	Assessor Parcel Number	Annual Assessment
1	092-512-001	\$330.00
2	092-512-002	\$330.00
3	092-512-003	\$330.00
4	092-512-004	\$330.00
5	092-512-005	\$330.00
6	092-512-006	\$330.00
7	092-512-007	\$330.00
8	092-512-008	\$330.00
9	092-512-009	\$330.00
10	092-512-010	\$330.00
11	092-512-011	\$330.00
12	092-512-012	\$330.00
13	092-512-013	\$330.00
14	092-512-014	\$330.00
15	092-512-015	\$330.00
16	092-512-016	\$330.00
17	092-512-017	\$330.00
18	092-512-018	\$330.00
19	092-512-019	\$330.00
20	092-512-020	\$330.00
21	092-512-021	\$330.00
22	092-512-022	\$330.00
23	092-512-023	\$330.00
24	092-512-024	\$330.00
25	092-512-025	\$330.00
26	092-512-026	\$330.00
27	092-512-027	\$330.00
28	092-512-028	\$330.00
	TOTAL	\$9,240.00



Peter V. Sevcik
PETER V. SEVCIK, P.E.
DISTRICT ENGINEER

NIPOMO COMMUNITY SERVICES DISTRICT
ENGINEER'S ANNUAL LEVY REPORT
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FISCAL YEAR 2014-2015



TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF ENGINEERING
& OPERATIONS

DATE: MAY 8, 2014

**AGENDA ITEM
D-4
MAY 14, 2014**

**BLACKLAKE WELL 4 PUMP REPLACEMENT PROJECT
ACCEPTANCE**

ITEM

Accept Work Performed by Sansone Company, Inc. for Blacklake Well 4 Pump Replacement Project and Authorize Staff to File Notice of Completion. [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ACCEPT PROJECT AND DIRECT STAFF TO FILE NOTICE OF COMPLETION].

BACKGROUND

At the February 23, 2013 Board meeting, the Board approved a contract with Sansone Company, Inc. for construction of the Blacklake Well 4 Pump Replacement Project. The approved contract amount was \$202,086.25 and the Board also authorized a construction contingency of \$10,000. Change Orders in the total amount of \$9895.61 were issued during the construction of the project from the construction contingency authorized by the Board. The final contract amount was \$211,981.86.

Construction has been completed and all inspections have been completed. Cannon is in the process of preparing record drawings based on the contractor's and construction manager's notes documenting actual field conditions.

FISCAL IMPACT

The FY 13-14 Budget included funding for construction of the Blacklake Well 4 Pump Replacement Project in Fund 805, Water Funded Replacement.

STRATEGIC PLAN

Goal 2 – FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT – Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

RECOMMENDATION

Staff recommends that your Honorable Board accept the project and authorize the General Manager to file a Notice of Completion for the project.

ATTACHMENTS

None

TO: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF ENGINEERING
AND OPERATIONS

DATE: MAY 8, 2014

**AGENDA ITEM
D-5
MAY 14, 2014**

**ADOPT RESOLUTION ACCEPTING DEED RESTRICTION
FOR 989 CAMINO CABALLO, APN 091-283-014**

ITEM

Consider adoption of resolution accepting deed restriction for 989 Camino Caballo, APN 091-283-014 [RECOMMEND ADOPT RESOLUTION].

BACKGROUND

A deed restriction is required for 989 Camino Caballo, APN 091-283-014, a proposed two lot residential development on Camino Caballo, in accordance with the District's standard conditions. The deed restriction prohibits the use of any wells to provide water service to the project and prohibits the use of self-regenerating water softeners within the project. In accordance with the District's requirements, the developer is required to provide the deed restriction to the District before a Will-Serve letter can be issued. The property owner has offered the attached deed restriction to the District. The deed restriction needs to be formally accepted by the Board before it can be recorded.

FISCAL IMPACT

Budgeted staff time was used to prepare this staff report.

RECOMMENDATION

Staff recommends that the Board adopt Resolution 2014-XXXX 989 Camino Caballo Deed Restriction.

ATTACHMENTS

- A. Resolution 2014-XXXX 989 Camino Caballo Deed Restriction
- B. Deed Restriction – Resolution Exhibit A

MAY 14, 2014

ITEM D-5

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING DEED RESTRICTION FROM
KIM ASLANIDIS FOR 989 CAMINO CABALLO
APN 091-283-014**

WHEREAS, Kim Aslanidis (herein the "Owner") is the owner of certain real property identified as Assessor Parcel Number 091-283-014 (herein the "Property"). The Property is situated within the Nipomo Community Services District (the "District") and is located at 989 Camino Caballo, Nipomo, California; and

WHEREAS, Owner is subdividing said Property into two (2) parcels and is requesting District water service for each of the parcels; and

WHEREAS, as a condition of District water service, Owner has offered to the District deed restriction for 989 Camino Caballo, Nipomo, that prohibits the use of any wells to provide water service to the Property and prohibits the use of self-regenerating water softeners within the Property (EXHIBIT A).

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 deed restriction dated April 23, 2014 is hereby accepted and staff is ordered to record the attached deed restriction (Exhibit A).

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 14th day of May 2014.

CRAIG AMSTRONG
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
General Manager and Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

MAY 14, 2014

ITEM D-5

ATTACHMENT B

EXHIBIT "A"

107
0117
108

RECORDING REQUESTED BY:
NIPOMO COMMUNITY SERVICES DISTRICT

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

APN #: 091-283-014

DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY

Exhibits Incorporated by Reference:

Exhibit "A" – Real Property Legal Description

THIS DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY (herein "Agreement") is entered into _____, 2014, by and between Kim E. Aslanidis, (herein "Grantor") and the Nipomo Community Services District, a political subdivision of the State of California, (herein "Grantee" or "District") with reference to the following Recitals:

A. Grantor owns certain real property (herein "Real Property") located within the Nipomo Community Services District, County of San Luis Obispo, more particularly described in Exhibit "A".

B. Grantor is subdividing said Real Property into two (2) parcels and is requesting District water service for each of the parcels.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged the parties hereto agree as follows:

1. DEED RESTRICTIONS

A. Grantor agrees and acknowledges that the use of existing well(s) to provide domestic water service to Real Property or any portion thereof is prohibited.

B. Grantor agrees and acknowledges that the use of self-regenerating water softeners is not allowed for any parcel within the project.

2. MISCELLANEOUS

A. This Agreement contains the entire agreement between the parties. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

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

C. The obligations of Grantor shall be considered for all purposes to be both covenants and conditions that shall run with the land and be binding on the successors and assigns of the Grantor and shall inure to the benefit of District and its successors and assigns.

D. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

E. This Deed Restriction and Agreement Affecting Real Property shall be recorded in the Official Records in the County Recorder's Office, San Luis Obispo County.

F. Recitals A through B are incorporated herein by reference as though set forth at length.

G. The Agreement shall be governed by the laws of the State of California. Any litigation regarding the Agreement 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.

3. **AUTHORITY TO EXECUTE.**


All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement 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 that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Furthermore, by entering into this Agreement, Grantor(s) hereby warrants that Grantor(s) shall not have breached the terms or conditions of any other contract or Agreement to which Grantor(s) is obligated, which breach would have a material effect hereon.

////

////

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective the date the District executes the Certificate of Acceptance.

GRANTOR(S):


[Signature must be Notarized]

[Signature must be Notarized]

Kim E Aslanichis
[Type or print name]

[Type or print name]

Date: 04-23-2014

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Kings

On 04-23-2014 before me, George R Watson, Notary Public
(Here insert name and title of the officer)

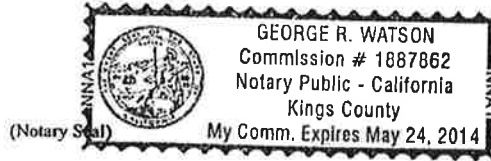
personally appeared Kim E. Aslanidis

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.

George R. Watson
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- Individual (s)
 Corporate Officer

(Title)

- Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

**CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY
MIN 100657608960030074**

NOTICE: THIS CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO THE TERMS, COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE FOREGOING INSTRUMENT.

The undersigned, beneficiary under that certain deed of trust recorded ✓
MAY 19, 2011, as Document No. 2011023797, in Book
N/A Page N/A, Official Records of the County of
San Luis Obispo, does hereby join in, and consent to, each and all of the terms
and provisions of the within instrument, and does hereby subordinate its
interests to the entire effect of this instrument. In this regard, the undersigned
does hereby agree upon request of any insuring title company to direct the
trustee under said deed of trust to execute and deliver to County in recordable
form acceptable to such insuring title company partial reconveyances as to any
rights granted and to be granted to County pursuant to this instrument.

"MERS" is a Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of 1901 E Voorhees Street, Suite C, Danville, IL 61834, P.O. Box 2026, Flint, Michigan 48501-2026 tel. (888) 679-MERS.

Dated: 4-18-14

TRUST DEED BENEFICIARIES
AND/OR MORTGAGES


Lisa Rothwell, Asst Secretary
Mortgage Electronic Registration
Systems, Inc. as nominee for Heritage
Oaks Bank

STATE OF: NEW JERSEY)
COUNTY OF: Burlington)

On the 18 day of April in 2014 before me, Dorothy J. DeMarco the undersigned,
personally appeared Lisa Rothwein as Asst. Secretary, on behalf of Mortgage Electronic
Registration Systems, Inc. as nominee for Heritage Oaks Bank.



Notary Signature **Dorothy J. DeMarco**
Notary Expires: 11/15/17



**CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY
MIN 100657608960030074**

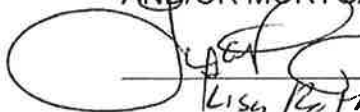
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Dated: 4-18-14

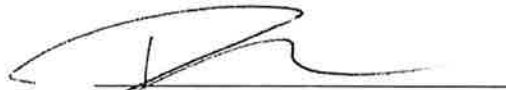
TRUST DEED BENEFICIARIES
AND/OR MORTGAGES



Lisa Rothwell, Asset Sec. mtg. off.
Mortgage Electronic Registration
Systems, Inc. as nominee for Heritage
Oaks Bank

STATE OF: NEW JERSEY)
COUNTY OF: Burlington)

On the 18 day of April in 2014 before me, Dorothy J. DeMarco the undersigned,
personally appeared Lisa Rothwein as Asst. Secretary, on behalf of Mortgage Electronic
Registration Systems, Inc. as nominee for Heritage Oaks Bank.



Notary Signature

Notary Expires: 11/15/17

Dorothy J. DeMarco

Exhibit A

A portion of Parcel A of lot 30 of the Los Berros Tract, in the county of San Luis Obispo, State of California, as shown on Record of Survey Map Recorded May 28, 1963 in book 13, page 30 of Records of Surveys, in the Office of the County Recorder of said County.

**CERTIFICATE OF ACCEPTANCE
GOVERNMENT CODE §2781**

This is to certify that the Nipomo Community Services District, Grantee, herein, by Board action on _____, 2014, accepts the foregoing Deed Restriction and Agreement, dated _____, 2014, from Grantors, and consents to the recordation thereof.

Nipomo Community Services District

By: _____
Name: Craig Armstrong
Title: President

ATTEST:

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

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN
GENERAL MANAGER

DATE: MAY 9, 2014

AGENDA ITEM

D-6

MAY 14, 2014

REQUEST CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL GENERAL ELECTION

ITEM

Request Consolidation of District Board Election with Fall General Election [Adopt Resolution]

BACKGROUND

On April 28, 2014 the Office of the County Clerk-Recorder contacted the District and requested the District:

1. File a Notice of Offices to be Filled;
2. Provide a map of District Boundary; and
3. Provide a Resolution requesting consolidation with the November 4, 2014 General Election.

The draft Resolution provides for the election of the District's Board of Directors to be included on the ballot with the County-wide General Election.

The Notice and Map are due back to the County by July 2, 2014. The Resolution must be adopted and provide to the County Clerk Recorder no later than August 8, 2014.

RECOMMENDATION

Adopt attached Resolution approving consolidation of Board election with General Election and direct staff to submit all election related material to the County Clerk Recorder no later than July 2, 2014.

ATTACHMENTS

- A. Draft Resolution
- B. Copy of Notice and Map
- C. Special District Calendar of Events for the November 6, 2012 Consolidated General Election

MAY 14, 2014

ITEM D-6

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE
A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 4, 2014,
WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE
SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE**

WHEREAS, the Board of Directors of the Nipomo Community Services District has called a District Election to be held on November 4, 2014, for the purpose of the election of three members of the Board of Directors for full terms of four years, and

WHEREAS, pursuant to Section 10555 of the Elections Code, said election may be consolidated with other elections to be held on the same day pursuant to Chapter 3, Part 3, Division 10 of the Elections Code (commencing with Section 10400); and

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of the local agency adopt regulations pertaining to the materials prepared by any candidate for election, including the costs of the candidate's statement; and

WHEREAS, the Board of Directors of the Nipomo Community Services District desires to request the San Luis Obispo County Board of Supervisors to consolidate the District's General Election with the Statewide General Election to be held on the same date.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That pursuant to the requirements of Section 10403 of the Election Code, the Board of Supervisors of the County of San Luis Obispo is hereby requested to consent and agree to consolidate the District's General Election with the Statewide General Election to be held on Tuesday, November 4, 2014, for the purpose of the election of three members to the Nipomo Community Services District Board of Directors.

- A. This request is made pursuant to Section 10555 and 10400, et seq of the Election Code.
- B. That the County Election Department is authorized to canvas the returns of the District election.
- C. That the District recognizes that additional costs will be incurred by the County by reasons of this consolidation and agrees to reimburse the County for the additional costs.
- D. The Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election.

Section 2. The Notice to County Election Official attached hereto as Exhibit "A" provides that the candidate will pay for the printing and handling of the Statement of Qualifications is hereby approved and adopted.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE
A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 4, 2014,
WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE
SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

Section 3. The Secretary to the Board is hereby directed to file a certified copy of this Resolution, with attachments, with the Board of Supervisors and the County Elections Department of the County of San Luis Obispo.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services this 14th day of May, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

CRAIG ARMSTRONG
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

MICHAEL W. SEITZ
District Legal Counsel

T:\BOARD MATTERS\RESOLUTIONS\RESOLUTIONS 2014\2014-XXXX CONSOLIDATE ELECTION . DOCX

MAY 14, 2014

ITEM D-6

ATTACHMENT B

**NOTICE TO COUNTY ELECTIONS OFFICIAL
ELECTIVE OFFICES TO BE FILLED
MAP OF DISTRICT BOUNDARIES
PAYMENT OF CANDIDATE STATEMENT OF
QUALIFICATIONS**

Elections Code §10509 & 10522

Nipomo Community Services District
Name of District

TO THE COUNTY ELECTIONS OFFICIAL OF SAN LUIS OBISPO COUNTY:

1. Notice is hereby given that the elective offices of the district to be filled at the Consolidated General Election on November 4, 2014 are as follows:

NUMBER OF DIRECTORS TO BE ELECTED

Three

TERM OF OFFICE

Four Year Term

Two Year Term

2. The qualifications of a nominee and of an elective office of the District are as follows:

SHALL BE A REGISTERED ELECTOR RESIDING IN THE DISTRICT

3. Pursuant to Elections Code §10522, a map showing the boundaries of the district is attached.

Have the boundaries changed since 2012?

YES _____

NO X

4. Please indicate whether the DISTRICT or the CANDIDATE will pay for the printing and handling of the Statement of Qualifications, per Elections Code §13307

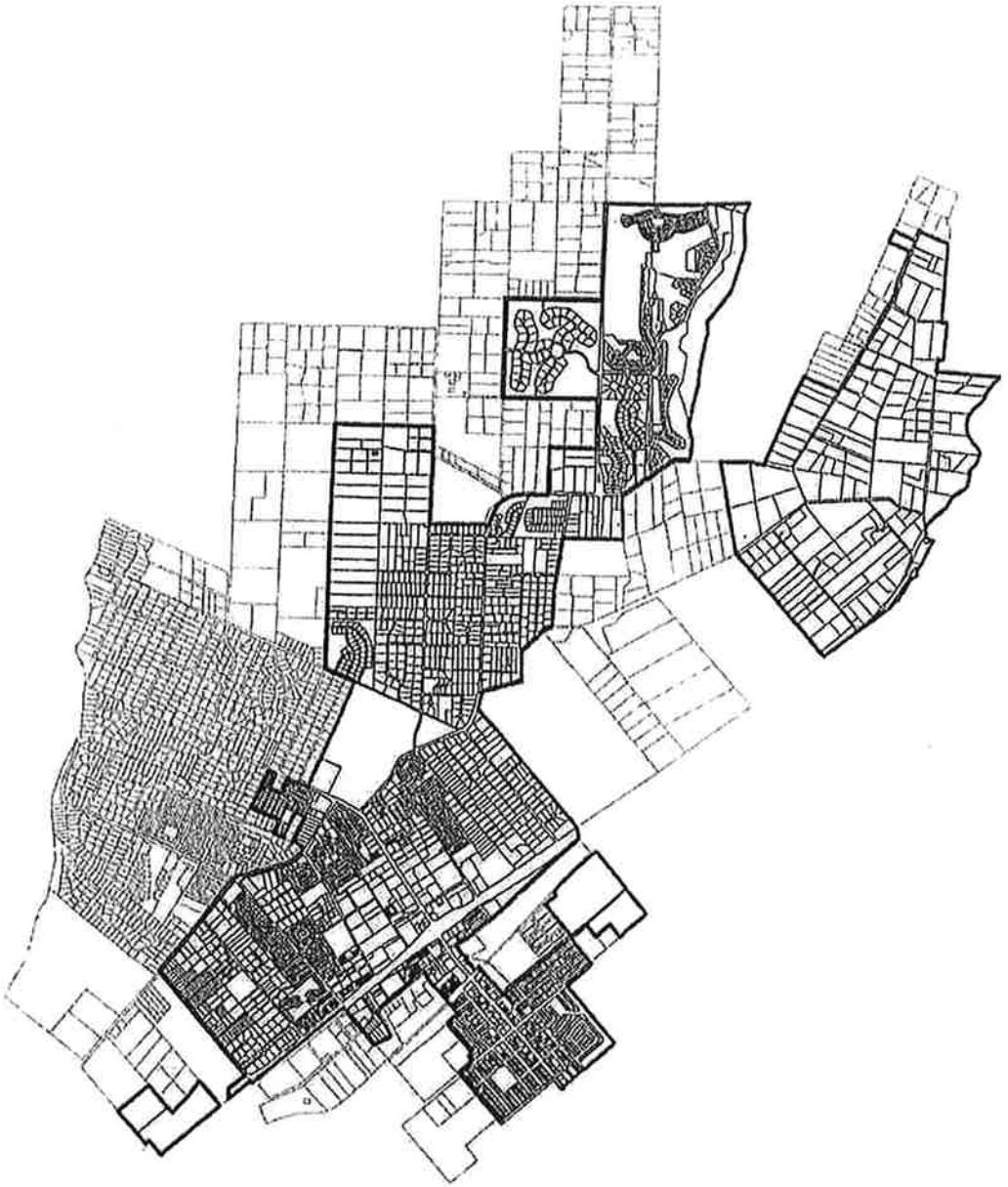
DISTRICT _____

CANDIDATE X

Signed: Michael LeBrun

Dated: 5/8/2014

Print Name and Title: Michael S. LeBrun
General Manager



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

MAY 14, 2014

ITEM D-6

ATTACHMENT C

SPECIAL DISTRICT CALENDAR OF EVENTS

NOVEMBER 4, 2014 CONSOLIDATED GENERAL ELECTION

DATE/DEADLINE	EVENT
<p>July 2, 2014 125 days EC §10509, 10522</p>	<p>District Secretary completes and delivers to the County Elections Official, the Notice of Elective Offices to be filled, along with the map of the district's boundaries.</p>
<p>JULY 7 - AUG 6, 2014 120-90 Days EC Code §12112 EC §12113</p>	<p>County Elections Official shall publish the Notice of Election for each district containing:</p> <ol style="list-style-type: none"> 1. The date of the election 2. The office for which candidates may file 3. The qualifications for office 4. Location where candidates may file for office and the deadlines 5. Statement regarding appointments EC §10515 <p>In addition, County Elections official, shall, by a general press release, set forth the offices to be filled and a telephone number to call for information.</p> <p>County Elections Official shall deliver a copy of all published notices to the District Secretary for posting in the district office.</p>
<p>JULY 14 - AUG 8, 2014 113-88 Days EC §10510, 10603 EC §10515</p>	<p>Nomination period - Candidates file declaration of candidacy forms and other related nomination documents with the County Elections Official. No person may file papers for more than one district office at the same election.</p> <p>Candidates for Harbor Commissioner must file nomination papers signed by 25 to 50 registered voters within the District.</p> <p>Insufficient Nominees - if by the close of nominations for a given office, there are insufficient or no nominees, and a petition requesting an election has not been filed, the district will not hold an election. Those candidates who filed Declarations of Candidacy will be appointed in-lieu of election by the Board of Supervisors. Upon recommendation of the District, the Board of Supervisors will make appointments where no candidates filed the requisite papers.</p>
<p>AUG 8, 2014 88 Days EC §10403,</p>	<p>Last day for districts to file their resolutions requesting consolidation of their election with the November 4, 2014 General Election with the County Elections Official</p>

10603b	Last day for a candidate to withdraw their Declaration of Candidacy.
AUG 9 - AUG 13, 2014 87-83 Days EC §10604	Extended Filing Period- If an incumbent officer does not file a declaration of candidacy by August 8, any person other than the incumbent, may file between these dates. The extension is not applicable if there is no incumbent to be elected.
AUG 11, 2014 85 Days EC §13307	Last Day for a candidate to withdraw their Statement of Qualifications. Once filed, the statement cannot be changed, only withdrawn. If the office has a filing extension, the last day to withdraw the statement of qualifications is August 14.
DEC 5, 2014 EC §10554	Term of Office begins. Prior to taking office, each elective officer shall take the official Oath of Office.
JAN 5, 2014 HNC §6050, 6055, 6056	Term of Office for Harbor Commissioners begins at noon. Prior to taking office, each commissioner shall take the official oath and execute any bond required by the principal act.

SAN LUIS OBISPO COUNTY ACTIVITY SCHEDULE FOR PLACING A MEASURE ON THE BALLOT FOR THE NOVEMBER 4, 2014 CONSOLIDATED GENERAL ELECTION

NOTE: THE DEADLINES FOR SUBMITTAL OF ARGUMENTS, IMPARTIAL ANALYSIS AND OTHER DOCUMENTS FOR ACTUAL MEASURES WILL BE DETERMINED ONCE A MEASURE IS PLACED ON THE BALLOT. THE CALENDAR FOR EACH BALLOT MEASURE WILL BE POSTED ON THE WEBSITE.

<p>July 23, 2014 (E-104) EC Sec 9140, 9342</p>	<p>LAST DAY for Governing Boards to submit their resolutions calling for and placing a measure on the General Election ballot. The resolutions must contain the FULL TEXT OF THE MEASURE and the EXACT FORM OF THE QUESTION as it is to appear on the ballot. If the question is the Full Text of the Measure, this needs to be stated in the resolution. File the original resolution with the Elections Official</p>
<p>TBD EC Sec 9190, 9380</p>	<p>PUBLIC EXAMINATION PERIOD – Ten day examination period begins the day after the adoption of the resolution by the Governing Board.</p>
<p>TBD EC Sec 9163, 9316</p>	<p>BY THIS DATE the Elections Official shall send the Notice Calling for Submission of arguments FOR or AGAINST the measure to be published.</p>
<p>August 8, 2014 (E-88) EC Sec 10402-10403)</p>	<p>LAST DAY for Governing Boards to file the resolution requesting consolidation of their election with the November 6, 2012 Consolidated General Election. File the original with the Elections Official. This resolution must set forth the exact form of the question of any measure to appear on the ballot.</p>
<p>TBD EC Sec 9161-9163, 9315-9316, 9501-9503, 9600-9601</p>	<p>PRIMARY ARGUMENTS DUE – The dates for Impartial Analysis, Statements, Arguments and Rebuttals will be established once a resolution is filed with the County Elections Official. LAST DAY for proponent(s) to change or withdraw Primary Arguments.</p>
<p>TBD EC Sec 9160, 9313, 9401, 9500</p>	<p>IMPARTIAL ANALYSIS DUE from County Counsel. FISCAL IMPACT STATEMENT DUE from Auditor (if directed by B.O.S.) TAX RATE STATEMENT DUE (Bond Measures only)</p>
<p>TBD EC Sec 9190, 9380, 9509</p>	<p>PUBLIC EXAMINATION PERIOD - Primary Arguments, Analysis. Tax Rate Statement & Fiscal Impact Statement.</p>
<p>TBD EC Sec 9167, 9317, 9504, 9600-9601</p>	<p>REBUTTAL ARGUMENTS DUE - File with the County Elections Official. LAST DAY for proponent(s) to change or withdraw Rebuttal Arguments.</p>
<p>TBD</p>	<p>PUBLIC EXAMINATION PERIOD - For Rebuttals Only.</p>
<p>September 25, 2014 (E-40)</p>	<p>SAMPLE BALLOT BOOKLETS MAILED</p>
<p>October 6, 2014 (E-29) EC Sec 3001</p>	<p>VOTE BY MAIL BALLOTS PERIOD BEGINS</p>

October 20, 2014
(E-15) EC Sec 2107

CLOSE OF REGISTRATION

election be held for the offices has not been presented to the officer conducting the election, appointment will be made as prescribed by Section 5328.

The provisions of this section and Section 5328 shall also apply to elections for membership on a county board of education.

Education Code §5328. If pursuant to Section 5326 a district election is not held, the qualified person or persons nominated shall be seated at the organizational meeting of the board, or if no person has been nominated or if an insufficient number is nominated, the governing board shall appoint a qualified person or persons, as the case may be, at a meeting prior to the day fixed for the election, and such appointee or appointees shall be seated at the organizational meeting of the board as if elected at a district election.

COMMUNITY SERVICES DISTRICT DIRECTORS

DISTRICT	# OF TERMS	INCUMBENT	TERM BEGINS	TERM ENDS
Avila Beach Community Services District	3 Full Terms	Pete Kelley Richard Rowe Stephen Hinds Waldron	12/5/14	12/7/18
	1 Short Term	Shanna Richards	12/5/14	12/2/16
California Valley Community Services District	2 Full Terms	George Ayres Ruth Joyce Legaspi	12/5/14	12/7/18
Cambria Community Services District	2 Full Terms	Jim Bahringer Mike Thompson	12/5/14	12/7/18
Creston Hills Ranch Community Services District	3 Full Terms	Kevin Bradley Anderson Sharon Michelucci Paul L. Wolfe	12/5/14	12/7/18
Ground Squirrel Hollow Community Services District	2 Full Terms	Pamela Fulmer Catherine E. Turner	12/5/14	12/7/18
	1 Short Term	Frank Allen Duckworth	12/5/14	12/2/16
Heritage Ranch Community Services District	3 Full Terms	Ralph Allison Bill Barker Marylyn Breland	12/5/14	12/7/18
Independence Ranch Community Services District	2 Full Terms	Donald Duke Mark Kenyon	12/5/14	12/7/18
Linne Community Services District	3 Full Terms	Ellen Frost Gary Hubbard W. Miller Newlon	12/5/14	12/7/18
Los Osos Community Services District	3 Full Terms	Craig Baltimore Leonard Moothart Jon-Erik Storm	12/5/14	12/7/18
Nipomo Community Services District	3 Full Terms	Dan Gaddis James Harrison Lawrence Vierheilig	12/5/14	12/7/18
Oceano Community Services District	2 Full Terms	Lori Angello Karen White	12/5/14	12/7/18
	1 Short Term	Jennifer Blackburn	12/5/14	12/2/16
San Miguel Community Services District	2 Full Terms	Gilbert Buckman Connie Jarvis	12/5/14	12/7/18

San Simeon Community Services District	2 Full Terms	Ralph N Mc Adams Kaushik Patel	12/5/14	12/7/18
Squire Canyon Community Services District	2 Full Terms 1 Short Term	Lara Lehmer Michael Nunno Christopher Johnson	12/5/14 12/5/14	12/7/18 12/2/16
Templeton Community Services District	2 Full Terms	John Gannon Gregory O'Sullivan	12/5/14	12/7/18

SPECIAL DISTRICT DIRECTORS

DISTRICT	# OF TERMS	INCUMBENT	TERM BEGINS	TERM ENDS
Port San Luis Harbor District	2 Full Terms	Drew Brandy Brian Kreowski	1/5/15	1/7/19
Cayucos Fire Protection District	1 Full Term	Bill Shea	12/5/14	12/7/18
Santa Margarita Fire Protection District	2 Full Terms	Elizabeth Gorrill Joel Switzer	12/5/14	12/7/18
Garden Farms Community Water District	3 Full Terms	Jay Jamison Michael LaBarbera Charron Sparks	12/5/14	12/7/18
Cambria Community Healthcare District	3 Full Terms	Frank Fratto Michael McLaughlin Robert Putney	12/5/14	12/7/18
Cayucos Sanitary District	3 Full Terms	Dan Chivens Michael Foster Shirley Lyon	12/5/14	12/7/18

INSUFFICIENT NOMINEES AND APPOINTMENT OF CANDIDATES- §10515. If, by 5 p.m. on the 83rd day prior to the day fixed for the election, the number of candidates does not exceed the number of seats available for that contest, and if a petition signed by 10 percent of the voters or 50 voters, whichever is the smaller number, requesting that the general district election be held has not been presented to the officer conducting the election, he or she shall submit a certificate of these facts to the supervising authority and request that the supervising authority appoint to the office or offices the person or persons, if any, who have filed declarations of candidacy. The contests for which candidates are appointed pursuant to this code will not be on the ballot.

CITY OFFICES

City candidates file with the appropriate City Clerk's Office.

CITY	TERMS UP	CITY	TERMS UP
Arroyo Grande	1 Mayor 2 Council Members	Paso Robles	1 Mayor 2 Council Members
Atascadero	1 Mayor 2 Council Members 1 City Clerk 2 City Treasurer	Pismo Beach	1 Mayor 2 Council Members