

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

NOVEMBER 30, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### **BOARD of DIRECTORS**

LARRY VIERHEILIG, **PRESIDENT**  
ED EBY, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**

### **PRINCIPAL STAFF**

MICHAEL LEBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

- 00:00:00 A. CALL TO ORDER AND FLAG SALUTE  
President Vierheilig called the meeting of November 30, 2005, to order at 9:00 a.m. and led the flag salute.
- 00:01:04 B. ROLL CALL  
At Roll Call, all Board members were present.
- 00:01:40 C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT  
The following member of the public spoke:  
Larissa Van Beurden-Doust, Staff Writer for The Tribune—introduced herself to the Board.
- 00:02:12 D. CONSENT AGENDA  
D-1) WARRANTS [RECOMMEND APPROVAL]  
D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting November 16, 2005  
D-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]  
All-staff safety meeting, November 17, 2005  
D-4) ENGINEERING SERVICES CONTRACT [RECOMMEND APPROVAL]  
Blacklake water plant engineering services contract  
There was no public comment.  
Upon motion of Director Eby and seconded by Director Winn, the Board approved the Consent Agenda. Vote 5-0  
**RESOLUTION 2005-956**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**AWARDING A CONTRACT TO BOYLE ENGINEERING CORP**  
**FOR ENGINEERING SERVICES IN SUPPORT**  
**BLACKLAKE WATER PLANT IMPROVEMENTS**
- 00:09:04 E. ADMINISTRATIVE ITEMS  
E-1) AUDIT REPORT FOR FISCAL YEAR 2004-2005  
Auditor, Carlos Reynoso, CPA, presented the District's Audit Report for Fiscal Year 2004-2005. The Board discussed the report with Mr. Reynoso. There was no public comment.  
Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to accept and file the report and extend appreciation to Mr. Reynoso and Staff for a job well done. Vote 5-0

- 00:47:19 E-2 BOARD REVIEW AND CONSIDERATION OF DRAFT 2005 SLO COUNTY RESOURCE MANAGEMENT SYSTEM REPORT
- This item was added to the agenda as a Special Meeting and was considered at the same time as the regular meeting.
- Michael LeBrun, District General Manager, discussed a letter drafted to John Hand of the San Luis Obispo County Planning Department, outlining the District's position on the County's Draft 2005 Resource Management System Summary Report. The Board discussed the letter and made suggestions for some additions to the letter. There was no public comment. Upon motion of Director Eby and seconded by Director Trotter, the Board agreed to direct Staff to edit the letter with the revisions suggested and send the letter to the Board of Supervisors in time for their December meeting. Vote 5-0.
- 01:28:22 F. MANAGER'S REPORT
- Mr. LeBrun suggested a revision to the health care benefit package for new employees which would include vesting. A resolution will be forthcoming. The resolution will not affect current employees. He reviewed the Manager's Report as presented in the Board letter. The Board had questions about some of the items. There was no public comment.
- 01:59:21 G. COMMITTEE REPORTS
- Director Eby and President Vierheilig (Annexation/Supplemental Water Committee) met with Supervisor Achadjian, Mr. Holloway and others to discuss the proposed annexation. Supervisor Achadjian recommended that Mr. Holloway talk to Greg Nester for information on the process.
- 02:03:10 H. DIRECTOR'S COMMENTS
- Director Winn stated that he attended an all-day workshop organized by the Regional Water Quality Control Board in San Luis Obispo on November 19<sup>th</sup> discussing a development concept named Low Impact Development. Among other things the Low Impact approach encourages recharge of the water and therefore is of some interest to the District. The District should encourage the County to adopt these standards in the Nipomo area.
- Director Trotter also attended part of the workshop and thought it was excellent.
- Director Wirsing suggested adding wording such as "within the District boundaries" to the response to the requests for exemption to mandatory garbage service.
- Director Eby – Nipomo Native Garden needs people to help plant on December 3<sup>rd</sup> at 9:00 a.m.
- President Vierheilig reminded the Board that the next meeting will include election of Board officers.
- AB 1234 – Ethics training early next year.
- Garbageman's Ball December 9<sup>th</sup>. He will not be able to attend.
- He stated that at other public agency meetings the directors still wear the cloak of the NCSD Board. Position of the Board should be stated accurately. If personal opinion is voiced, it should be stated that it is a personal opinion.

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

02:L13:35

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following items:

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSD CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 CITIZENS AGAINST UNLAWFUL FEES vs. NCSD CASE NO. CV 050920

02:14:55

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

The Board took a short break at 11:12 a.m. before adjourning to Closed Session.

02:15:00

K. ADJOURN TO CLOSED SESSION

Director Trotter left the meeting at 12:10 p.m.

02:15:00

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session. Jon Seitz, District Legal Counsel, announced that the Board heard an update on all the items on the Closed Session agenda but took no reportable action.

2:15:17

ADJOURN

President Vierheilg adjourned the meeting at 12:20 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS DECEMBER 14, 2005.**