

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

DECEMBER 14, 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**

Mission Statement: The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

- 00:00:00 A. CALL TO ORDER AND FLAG SALUTE  
President Vierheilig called the meeting to order at 9:00 a.m. and led the flag salute.
- 00:00:40 B. ROLL CALL  
At Roll Call, all Board members were present.
- 01:01:02 C. PUBLIC COMMENT PERIOD  
COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION  
Commander Basti reported on sheriff activities in the Nipomo area. Two robbery attempts were thwarted and the property was returned to the owners. The new spike strips placed in each patrol vehicle were used twice in the past month, significantly slowing down chased cars. Extra staff will be on hand for the holiday weekends. Cmdr. Basti alerted people to take extra care during this time of year. He wished everyone a safe and happy holiday.  
The Board thanked Commander Basti for his report.  
There was no other public comment.
- 00:02:00 D. CONSENT AGENDA  
D-1) WARRANTS  
D-2) BOARD MEETING MINUTES  
Regular meeting November 30, 2005  
D-3) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS  
TRACT 2381 (VISTA ROBLE LLC)  
**RESOLUTION 2005-957**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING THE WATER AND SEWER IMPROVEMENTS**  
**FOR THE FOR TRACT 2381 (VISTA ROBLE LLC)**  
D-4) ACCEPTANCE OF SEWER IMPROVEMENTS APN 090-093-024 (SOUZA)  
**RESOLUTION 2005-958**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING THE SEWER IMPROVEMENTS**  
**FOR THE FOR APN 090-093-024 (SOUZA)**

D. CONSENT AGENDA (continued)

Director Eby asked that Item D-5 be pulled for separate consideration. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1 through D-4 on the Consent Agenda. Vote 5-0

YES VOTES	NO VOTES
Directors Trotter, Eby, Wirsing, Winn and Vierheilig	None

00:22:43

D-5) RESOLUTION ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING REQUIREMENT FOR FUTURE RETIREES UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE

The Board discussed the proposed resolution concerning new employee medical benefits. There was no public comment. Upon motion of Director Winn, seconded by Director Trotter, the Board unanimously approved Item D-5 of the Consent Agenda. Vote 5-0.

YES VOTES	NO VOTES
Directors Trotter, Eby, Wirsing, Winn and Vierheilig	None

**RESOLUTION 2005-959  
 A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 ELECTING TO ESTABLISH A HEALTH BENEFIT VESTING REQUIREMENT FOR FUTURE  
 RETIREES UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT**

00:23:09

E. ADMINISTRATIVE ITEMS

E-1) ELECTION OF BOARD OFFICERS

Jon Seitz, District Legal Counsel, presented some information to the Board concerning new State legislation affecting Board of Directors of special districts. This legislation will be effective January 1, 2006.

There was no public comment.

Director Winn nominated President Vierheilig for President of the Board for 2006. Director Wirsing seconded the nomination. There were no other nominations for President. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved the nomination Larry Vierheilig for President. Vote 5-0.

Director Wirsing nominated Director Eby for Vice President.

Director Trotter nominated Director Winn for Vice President.

Votes for Director Eby: Directors Wirsing and Eby

Votes for Director Winn: Directors Trotter, Winn, Vierheilig, and Eby voted for Director Winn for Vice President of the Board.

Director Wirsing voted no.

Upon motion of Director Trotter and seconded by Director Vierheilig, the Board approved Director Winn for Vice President. Vote 4-1

YES VOTES	NO VOTES
Directors Trotter, Eby, Winn and Vierheilig	Wirsing

01:02:40 E-2) BASIN MONITORING CONTRACT

The Board discussed the proposed contract for engineering services in support of Nipomo Mesa Groundwater management. Upon motion of Director Trotter, seconded by Director Eby, the Board unanimously approved the draft Scope of Work with Science Applications International Corporation to perform monitoring services in the Nipomo Mesa Management Area of the Nipomo Mesa. There was no public comment. Vote 5-0.

YES VOTES	NO VOTES
Directors Trotter, Eby, Wirsing, Winn and Vierheilig	None

01:41:00 F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reviewed his report to the Board. There was no public comment.

01:54:04 G. COMMITTEE REPORTS

There was no Committee Report.

01:54:24 H. DIRECTOR'S COMMENTS

Director Winn:

- Urban Water Management Plan  
Please get a copy to the Nipomo Farm Bureau
- Sealing Hermreck Well
- Nipomo Mutual Water Co.
- Trash receptacles in process of being placed. Hopefully, they will be placed in the West Tefft corridor as well.
- WRAC meeting Wednesday, January 4, 2006
- Holiday Open House  
LAFCo, Dec. 15  
Board of Supervisors, Dec. 16

Director Eby:

- Board of Supervisors meeting Dec. 20  
Level III Severity for Nipomo Area Water resources

President Vierheilig:

- Will meet with Director Winn, Supervisor Achadjian, NCAC members December 15
- Dec. 29 meeting at District office to discuss County's Transfer of Development Credit program

02:04:15 K. 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

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- 3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
NCS D 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. NCS D CASE NO. CV 050920
- 5. PUBLIC EMPLOYEE APPOINTMENT AND CONTRACT NEGOTIATIONS GOV'T  
CODE §54957 - ASSISTANT TO GENERAL MANAGER

02:05:00

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session items.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:07 a.m.

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 each item above and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 12:10 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS JANUARY 11, 2006.