

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

MARCH 8, 2006 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
ED EBY, **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 of March 8, 2006, of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

00:00:52

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:10

C. PUBLIC COMMENT PERIOD PUBLIC COMMENT

C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION

Commander Martin Basti reviewed the sheriff activities in the Nipomo area during the past month:

- Two arrests at Nipomo Swap Meet for counterfeit recordings.
- New radio repeater be placed out Hwy 166 for better communication.
- Five-year staffing plan in process with SLO County to increase number of deputies on patrol.
- Tuesday, June 13, 2006, Annual Law Enforcement Torch Run to benefit Special Olympics. Runners will be running through the Nipomo area (Pomeroy Rd. to Tefft St.) around 10:00 a.m. to 12:00 noon. About \$95,000 was raised last year for special athletes of San Luis Obispo County. Donations are welcome and everyone is encouraged to come out and cheer the runners on.

The Board thanked Commander Basti for his report.

C-2) DAN ANDERSON, CDF BATTALION CHIEF, CA DEPARTMENT OF FORESTRY Commander Basti stated that CDF would not be present at today's meeting because they were responding to an accident on Hwy. 166.

The following members of the public spoke:

Daniel Diaz, NCSO resident – stated that there is a water pipe in the culvert on Mallagh Street that is causing silt to obstruct the flow of water and catching debris; he asked when this could be remedied.

Michael LeBrun, District General, stated that he has left messages with Dale Ramey at SLO County to discuss the steel encased pipeline that was initially laid below ground. The land around the pipe has been scoured and a portion of the pipe is exposed.

Director Trotter stated that lowering a pipeline is a major undertaking.

Dan Migliazzo, District Utility Supervisor, stated that the NCSO main is above the grade of the culvert. There is another pipe that is an old abandoned irrigation pipeline.

00:14:56

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
 Regular meeting February 22, 2006
- D-3) RE-APPLICATION FOR SERVICE APN 092-130-071 [RECOMMEND APPROVAL]
 Re-issue an Intent-to-Serve letter pursuant to District's updated Policies and Charges for on-going 4-way lot split single family residential development project.

Director Eby asked if the project of Item D-3 is subject to the supplemental water fees. Michael LeBrun, District General Manager, answered yes. If a project's fees have not been paid yet, then it would be subject to the supplemental water fees.

There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. (Minutes - Item M typo.) Vote 5-0

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

00:19:40

E. ADMINISTRATIVE ITEMS

- E-1) PROJECT UPDATE: INTER-TIE PIPELINE WITH SANTA MARIA, POLICY ISSUES

Director Eby reported on the Ad Hoc Environmental Review Committee meeting March 3rd and 6th. The committee reviewed an administrative draft for the Santa Maria pipeline EIR. They discussed and developed project objectives. The committee expects to have a Draft EIR presented to the NCSD Board no earlier than the May 24, 2006, meeting. There will be a 45-day public comment period. The committee expects the final EIR no earlier than October 2006.

Bruce Buel, NCSD Projects Assistant, outlined the current policy issues related to the Inter-Tie Pipeline Project with Santa Maria. He presented the proposed objectives for the Project.

There was much Board discussion. Director Trotter suggested that since NCSD is the driving force in this project, the project title should have NCSD's name.

The following members of the public spoke:

Greg Nester, NCSD Customer/local builder/developer – NCSD has the ability to affect 3,000 acre feet of water but maybe not affect the balance of the capacity of the pipeline. He recognizes that NCSD cannot predict the future water needs, but he thinks 1,000 acre feet should be set aside for future development. The City of Santa Maria currently charges a reservation fee of \$4,000 per acre-foot of water. He asked that the Board consider the financial aspect when contracting for additional acre feet. The Home Builders Association has been working with Supervisor Achadjian in support of an area-wide standard to require all new development to contribute to the supplemental water project.

There was more Board discussion. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to receive staff's report, receive the Ad Hoc Committee's report; discuss relevant policy issues; amend the Project Objectives, as appropriate, and lead with Objective 5, 6 & 7; adopt additional policy determinations, as appropriate; and direct staff to forward Board actions to the Environmental

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-1) PROJECT UPDATE: INTER-TIE PIPELINE WITH SANTA MARIA, POLICY ISSUES
(continued)

Consultant for incorporation into the Draft EIR. The Board would like to have information back to the Board by April 12th to give the public ample time to comment. Vote 5-0.

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

President Vierheilig re-formed the Ad Hoc Supplemental Water Committee to continue working on this project.

01:03:27

E-2) PROJECT UPDATE: INTER-TIE PIPELINE WITH SANTA MARIA, TIMELINE REVIEW

Bruce Buel, NCSD Projects Assistant – presented an update on the status of the Nipomo Community Services District pipeline project and a draft Strategic Plan Outline and Request for Proposal (RFP). A revised CEQA timeline was presented to the Board and is available for viewing in the office copy of the Board Packet.

Dick Mobraaten, NCSD resident, stated that Mr. Buel presented a good review of the overlay of the Project. He suggested that the inspector should be full time.

Greg Nester, local builder/developer, stated that the design is critical. He suggested that there be an inspection team as well as a design team.

No action is required for this item. Director Eby suggested that Mr. Buel bring a revised RFP to the March 22, 2006, meeting for Board approval.

10:43 a.m. The Board took a break.

10:55 a.m. The Board reconvened.

01:43:08

E-3) COUNTY RURAL PLANNED DEVELOPMENT POLICY COMMENT LETTER

The Board discussed the letter drafted to Mr. John Nall, Senior Environmental Planner for the San Luis Obispo County Planning and Building Department, commenting on the proposed County Rural Planned Development Ordinance. The only suggestion was to change the word “discontinue” to “abandon” in paragraph two of the proposed letter. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved sending the letter with the suggested change. Vote 5-0

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

01:47:49

E-4) GENERAL MANAGER JOB DESCRIPTION

The Personnel Sub-Committee (President Vierheilig and Director Wirsing) reported on their meeting concerning the job description for a new General Manager. Board discussion ensued.

The following members of the public spoke:

Dick Mobraaten, NCSD resident – stated that a “headhunter” has a greater scope of candidates for the job. He suggested that the Board consider combining administration and engineering.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-4) GENERAL MANAGER JOB DESCRIPTION (continued)

Director Winn made a motion that the chair of the Personnel Sub-Committee work with staff to recast a description of the position, including comments of today's discussion, with a dual purpose and bring back the information to the next meeting:

1. To give direction to a potential recruiter (should the Board decide to use one), or
2. To consider publishing the description, if the Board chooses not to hire a recruiter.

Director Eby seconded the motion. Vote 5-0.

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

02:38:20

E-5) INTERIM-GENERAL MANAGER PROCESS UPDATE

Michael LeBrun, General Manager, reviewed the search for an interim-General Manager. The Board discussed the matter. There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board approved the description, as presented in the Board packet, with minor changes and empowering the Personnel Committee to work with staff to continue the search.

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

03:02:36

I. CLOSED SESSION ANNOUNCEMENTS

At 12:18 p.m. Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session.

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 NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
3. CONFERENCE WITH LEGAL COUNSEL Initiation of Litigation GC§54956.9 ACTION TO RECOVER DAMAGES FROM ARB INC. RESULTING FROM BROKEN WATER MAIN.
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSD CASE NO. CV 040877

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session items.

K. ADJOURN TO CLOSED SESSION

The Board took a short break at 12:20 p.m. before re-convening into Closed Session.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

03:05:00

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:42 p.m.

Jon Seitz, District Legal Counsel, reported out of Closed Session.

The Board heard an update on the items announced above. There was no reportable action on Items 1, 2 and 4.

Item 3 – On a 5-0 vote, the Board authorized legal counsel to initiate recovery of damages.

03:06:39

E-6) SOUTHLAND FACILITY UPDATE REQUEST FOR ENGINEERING SERVICES

Michael LeBrun reviewed the draft Request for Engineering Services (RFP) to provide an upgrade to the Southland Wastewater facility. The Board was given a revised copy of the RFP notice (revised copy available in the office copy of the Board packet). Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously approved the amended Request for Proposals and directed staff to circulate. There was no public comment. Vote 5-0.

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

Jon Seitz, District Legal Counsel, and Director Trotter left the meeting.

03:15:20

F. MANAGER’S REPORT

Michael LeBrun, General Manager, reviewed the Manager’s Report. He presented the Board with some information the Conservation/Compliance Specialist is getting out to the public (copy in board packet in office). There was no public comment.

03:17:32

G. COMMITTEE REPORTS

Conservation Committee plans to meet March 13, 2006, with the Conservation/Compliance Specialist.

Finance Committee - Met March 1, 2006, with staff. They looked at some items for the 2006/2007 budget year. The committee gave input to prioritize capital improvement projects, and outsourcing of preventative maintenance and a possible professional salary survey to be added to the budget.

03:22:15

I. DIRECTOR’S COMMENTS

Director Winn commented on the following:

- The District needs a representative to the WRAC. He would like that on the next agenda.
- He will be meeting soon with SLO County about parks, etc.

Director Eby reported:

- March 13, 2006, 6:30 p.m. – Nipomo Community Advisory Counsel Candidates Forum
- March 20, 2006, 6:30 p.m. – NCAC elections
- NCAC will be called South County Advisory Counsel after the election. The new web site will be SCAC.ca.gov.

Director Wirsing asked when the water lines were flushed last. She is not satisfied with the water quality at her house.

President Vierheilig – March 10, 11 & 12 Central Coast Orchid Show. March 10 is a benefit for the Alzheimer’s Association.

03:31:19

ADJOURN

President Vierheilig adjourned the meeting at 2:08 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS MARCH 22, 2006.**