

**NIPOMO COMMUNITY SERVICES DISTRICT
SPECIAL MEETING
MINUTES**

JUNE 28, 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

EDWARD KREINS, **INTERIM GEN. MANAGER**
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
BRUCE BUEL, **PROJECTS ASSISTANT**

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.

00:00:42

B. ROLL CALL

At Roll Call, all Board members were present.

00:00:57

RESOLUTION OF COMMENDATION TO ERNIE THOMPSON AS HE RETIRES FROM NCSD

President Vierheilig presented a resolution and best wishes to Ernest Thompson upon his retirement of 16+ years with the District.

**RESOLUTION NO. 2006-987
A RESOLUTION OF COMMENDATION TO
ERNEST THOMPSON
AS HE RETIRES FROM 16 YEARS OF SERVICES TO
NIPOMO COMMUNITY SERVICES DISTRICT**

00:06:14

C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT

There was no public comment.

00:06:17

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

APPROVE MINUTES OF JUNE 14, 2006, REGULAR MEETING.

D-3) NOTICE OF APPOINTMENT DIRECTOR WINN TO SERVE ON AD HOC CITY OF SANTA MARIA NEGOTIATIONS COMMITTEE

D-4) ADOPT RESOLUTION ESTABLISHING PROCEDURES FOR RETENTION OF CONTRACTORS FOR SMALL PROJECTS BY STANDARD AGREEMENT AND TASK ORDER

**RESOLUTION NO. 2006-988
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING THE POLICIES AND PROCEDURES FOR EXECUTING
TASK ORDERS FOR RETENTION OF CONTRACTORS
TO CONSTRUCT SMALL PROJECT WORKS**

D-5) AUTHORIZE SUBMITTAL OF VOTE FOR DIRECTOR EBY TO FILL OPEN LAFCo ALTERNATE SEAT

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D. CONSENT AGENDA (continued)

The Board discussed some changes in the Minutes in Item E-1 and a small change in the Resolution in Item D-4 (change intends to shall). The Board agreed to change the name of the Ad Hoc Committee to "NCSD/City of Santa Maria Supplemental Water Negotiations Committee". There was no public comment.

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

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

00:18:50

E. ADMINISTRATIVE ITEMS

E-1) CONSIDER PROPOSED WATER CONSERVATION PROGRAM, POLICY, AND BUDGET

Madonna Dunbar, NCSD Conservation Specialist, presented the Board with a comprehensive Conservation Program Outline. There was much Board discussion. There was no public comment. Upon motion of Director Eby, seconded by Director Winn, the Board unanimously approved the budget for the Water Conservation Program and reserved the details of the goals to a future date. Vote 5-0

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

Upon motion of Director Winn, seconded by Director Eby, the Board agreed to thank staff for the preparation of the report and direct staff to revise the goals as suggested by the Board and come back at a later date for adoption. Vote 5-0

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

10:30 a.m. President Vierheilig called for a break. The Board returned at 10:42 a.m.

01:29:30

E-2) AUTHORIZE EXTENSION OF TERM OF THE FRANCHISE AGREEMENT WITH SOUTH COUNTY SANITARY THROUGH JUNE 19, 2008 TO COINCIDE WITH TERMS OF AGREEMENT WITH COUNTY (NO RATE INCREASE)

The Board discussed the extension of the term of the Franchise Agreement with South County Sanitary Service, Inc.

Tom Martin, South County Sanitary, answered questions from the Board.

Jon Seitz, District Legal Counsel, reviewed the extension.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved Resolution 2006-989, as amended. Vote 5-0

**RESOLUTION NO. 2006-989
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING EXTENSION OF TERM OF FRANCHISE AGREEMENT**

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

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01:46:15

E-3) DETERMINE CLOSURE DATE FOR RECEIPT OF COMMENTS ON WATERLINE INTERTIE PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT

Jon Seitz, District Legal Counsel, reviewed the recommendation to extend the closure date for receipt of comments by thirty days as requested by the SCAC Land Use Committee.

The following members of the public spoke:

Jim Harrison, South County Advisory Committee member – stated that he would like SCAC to have a copy of the DEIR and would like to be on the mailing list for notification.

Bonnie Eisner, SCAC Land Use Chair – thanked the front office for all the help given to her and others on the SCAC. She stated that she would like to be on the mailing list also.

Director Eby expressed his concern over delaying the project but agrees to grant the request to prevent litigation that would extend the project even further.

Director Wirsing asked how SCAC would pay for the DEIR book.

Director Eby stated that SCAC has a library fund.

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to extend the closure date to August 16, 2006, and directed staff to publish in the Santa Maria Times and the SLO Tribune. Vote 5-0

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

02:02:07

E-4) CREATE STANDING COMMITTEE TO TRACK PREPARATION OF WATERLINE INTERTIE PROJECT PRE-DESIGN

The Board discussed the formation of a standing committee to track preparation of Waterline Intertie Project pre-design. The committee would conduct at least one public meeting. The committee is subject to the Brown Act. The committee would provide a status report on a regular basis. The committee would make a recommendation to the full Board where the waterline will be located. The committee would follow the project to completion except for the financial part and would work to assist the Project Manager in parallel with the Finance Committee. There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to create a new Standing Committee comprised of Directors Trotter and Eby to track the development of the Design effort and to formulate recommendations to the Board regarding selection of a project and to be empowered to visit sites where Horizontal Directional Drilling (HDD) projects have been completed and to interact with HDD firms. Vote 5-0

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

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02:10:24

F. MANAGER'S REPORT

The Board discussed the Manager's Report.

Bruce Buel, Projects Manager, reviewed the "Projects Update" report. The Board discussed the report. Director Wirsing asked about the Pomeroy to Aden Way project. Mr. Buel answered that the County has not acted on this project and there is no further information.

02:32:25

G. COMMITTEE REPORTS

The Personnel Committee reported that there have been seven résumés received for the General Manager position as of June 21, 2006.

02:34:41

H. DIRECTOR'S COMMENTS

Director Wirsing asked to have this statement on the record. She stated, "I declined to be President because I work full time and it takes a lot more scheduling from my place of business to be President. So that is when I nominated Mr. Vierheilig to be President, which we all agreed. So I want to make that clear somewhere in the public record."

Director Eby stated that SCAC would like to use a cabinet in the NCSD Board room to store library materials. They would like to have a lock on it. SCAC would pay for the lock. Jon Seitz, District Legal Counsel, stated that the NCSD would not be responsible for the cabinet's contents.

Director Winn - SCAC meeting Monday June 26th One of the items discussed was changing standards for secondary dwellings .

Planning Commission met June 22nd . One item discussed, which relates to NCSD, was conversions, such as apartments into condominiums, etc. It seemed the Commission did not consider the increased costs related to water fees. He suggested that NCSD provide some information to the Commission.

A historic monument, the Nipomo Barbershop, may be changing ownership. He asked what the costs will be for splitting the land and what policy options the Board had for setting a rate..

Board of Supervisors meeting June 27th – TDC subject was discussed.

There will be no WRAC meetings in July or August.

July 6th LAFCo meeting' agenda include discussion of the possible dissolution of the Los Osos CSD.

President Vierheilig stated that the first printing of the Board packet that was printed double-sided was liked by most of the Board.

The Nipomo Native Gardens workday will be Saturday, July 1 at 9:00 a.m. Bring tools, gloves and water.

Discussion of the SLO County proposal for conversions of mobile home parks etc. - OCSD and OCAC provided input.

02:49:01

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214
AND ALL CONSOLIDATED CASES.

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- 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 GOVT. CODE §54956.9 – JESSE HILL (IN PRO PER) V. NCSD CV 060325 AND RELATED LIABILITY CLAIM PURSUANT TO GOVT. CODE §54961.
- 4. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOVT. CODE §54956.9 - NCSD V. SO. CALIFORNIA GAS CO. ET AL. LC066128
- 5. 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)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:50:42

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:04 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Director Trotter left the meeting at 12:20 p.m.

The Board came back into Open Session. Jon Seitz, District Legal Counsel, reported the following.

The Board heard an update on the items listed above. There was no reportable action on Items 1, 2, 3, and 5.

Item 4 Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to accept a settlement of \$8,750 for the pending litigation.

ADJOURN

President Vierheilg adjourned the meeting at 12:45 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JULY 12, 2006.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- NCS D Public Finance Corporation Annual Meeting
- Water Quality Testing Laboratory Selection