

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

JULY 26, 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.

00:00:47

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:01

C. PUBLIC COMMENT PERIOD PUBLIC COMMENT

The following members of the public spoke:

Jesse Hill, NCSD resident – stated that he was on the TDC Review Committee. The TDC may affect the NCSD rules. He suggested that the Board take a look at that. Next – he stated that the Board may want to consider what Cambria is doing with a referendum. Next – he stated that the fire flow fees and the capacity charges are making funding difficult for some projects, such as mixed use. He stated that the extra fire flow charges are going to prevent those types of projects in Olde Towne from being built.

00:06:05

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Approve minutes of July 12, 2006, Regular meeting.

D-3) AUTHORIZE PROCESSING OF REQUEST FOR PROPOSAL FOR WATER AND SEWER MASTER PLAN UPDATE

D-4) REVISE FY2006-07 BUDGET TO ADJUST LAFCO CONTRIBUTION

D-5) SET SPECIAL BOARD MEETING FOR 8AM ON WEDNESDAY AUGUST 16, 2006 REGARDING TOUR OF VENTURA RIVER HDD CROSSING IN OJAI

D-6) AUTHORIZE PRESIDENT TO EXECUTE PHASE II AMENDMENT TO SERVICES AGREEMENT WITH BOYLE ENGINEERING FOR SOUTHLAND WWTF UPGRADE PROJECT

D-7) ADOPT RESOLUTION OF ACCEPTANCE FOR FOUR LOT SUBDIVISION AT THE SOUTHWEST CORNER OF LIVE OAK RIDGE ROAD AND AMBER WAY (APN 091-296-001) PATRICK WHEELER

The Board discussed Item D-4. Mr. Buel explained the distribution of NCSD's contribution to LAFCo. Item E from the Minutes of the July 12, 2006, meeting (Item D-2) was corrected to include yes votes from all directors. President Vierheilig asked for a word change in the Water and Sewer Master Plan Update RFP (Item D-3). In the Background information for Item D-6, it should have stated "The Board, on April 12, 2006, selected Boyle Engineering" rather than in March 2006.

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D. CONSENT AGENDA (continued)

Upon motion of Director Winn, seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. There was no public comment. Vote 5-0

**RESOLUTION NO. 2006-991
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR APN 091-296-001 (Patrick Wheeler)**

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

E. ADMINISTRATIVE ITEMS

00:25:41

E-1) PROVIDE POLICY DIRECTION TO STAFF ON WATER CONSERVATION ISSUES AND APPROVE SELECT WATER CONSERVATION PROGRAMS

Ms. Madonna Dunbar, NCSD Conservation Specialist, presented information on the proposed Water Conservation Program.

The following members of the public spoke:

Bonnie Eisner, SCAC member – asked how many people attended the workshops held at the NCSD. *Answer 14 at first workshop and 28 at the second.*

Bob Blair, NCSD customer – stated that he understands the need for conservation. His second residence uses no outside water. He suggested that the oil company uses approx. 25% of the water in the area and that water could be recycled.

President Vierheilig stated that the District will be meeting with Conoco-Phillips on a desalinization effort using their discharged water which is a little worse than sea water. The Board discussed the report and had suggestions. The Board directed staff to have their comments and corrections incorporated, to verify statistical numbers, and bring the item back to the August 23rd Board meeting.

The Board took a break at 10:56 a.m. and returned at 11:12 a.m.

01:56:30

E-2) SELECT CONCEPT FOR DESIGN OF SOUTHLAND SHOP UPGRADE AND AUTHORIZE STAFF TO INITIATE ENVIRONMENTAL REVIEW

Bruce Buel, Projects Administrator, reviewed the five design concepts for the Southland shop. An environmental review is necessary.

Dan Migliazzo, NCSD Utility Supervisor – stated the Option # 5 would be the most useful.

The following members of the public spoke:

Bob Blair, NCSD customer – stated that the Board should listen to the maintenance staff as they know what would work best for them.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to choose Option 5 as the preferred option and to direct staff to take the necessary steps for the environmental review. Vote 5-0

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

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02:07:56

E-3) CREATE STANDING PARKS COMMITTEE AND DIRECT COMMITTEE TO DEVELOP RECOMMENDATIONS REGARDING POTENTIAL PARKS FACILITIES

President Vierheilig explained the reason for creating a Standing Parks Committee. It was discussed that a Parks Master Plan could possibly be developed. Director Winn was in favor of the committee. Director Eby was in favor of the committee but had some questions for establishing park powers. Director Trotter asked what kind of tax revenue would be available from property owners outside District boundaries if NCSD takes the parks as a project.

Jon Seitz, District Legal Counsel, answered that LAFCo will be the one to answer. NCSD must have a financial plan before powers are enacted.

Director Wirsing was in favor of a committee to research the project.

The following members of the public spoke:

Bonnie Eisner, SCAC member and member of the committee working for the Park Master Plan – stated that she is a proponent for parks. She asked how much staff time will be allowed. *Answer: Time will be determined at a later time.*

Bill Nelson, NCSD resident – stated that the last place he lived formed a special district for parks. There were plenty of Quimby fees available for acquiring property for parks but no money available for running the park programs.

Bob Blair, NCSD customer – suggested that houses be built on the open space available in the newer tracts and use the fees to fund the parks. He suggested partnering with the school district rather than the County Parks Department.

Greg Nester, Nipomo resident – thanked the Board for considering parks for the public benefit. He gave an update on the slow progress of the Kaminaka property. He stated that he would like to work with NCSD’s Standing Committee to perhaps consider this park as a pilot project.

Director Trotter asked if the District can collect taxes beyond its boundaries for parks.

Jon Seitz, District Legal Counsel, stated that with the cooperation of the County and other agencies, it is possible to collect taxes outside NCSD boundaries to fund parks that benefit the community

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to create a standing committee regarding future park facilities and directed staff to provide support for that committee. Vote 5-0. President Vierheilig appointed Directors Trotter and Wirsing with Director Trotter as Chair of the committee.

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

02:40:08

E-4) AWARD SALARY SURVEY AND AUTHORIZE PRESIDENT TO EXECUTE SERVICES

Ed Kreins, District Interim General Manager, reviewed the process taken to recommend Koff & Associates. Inc. to perform a salary and benefits survey. The Board discussed the report.

The following member of the public spoke:

Bob Blair, rural Arroyo Grande resident – stated that the salary for an entry level employee at SLO County starts at the same salary as the highest level at NCSD. NCSD needs to bring NCSD staff up to that level or NCSD will be a training ground for other agencies.

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E-4) AWARD SALARY SURVEY AND AUTHORIZE PRESIDENT TO EXECUTE SERVICES (continued)

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to authorize the General Manager to execute an agreement with Koff & Associates, Inc. to perform Salary and Benefits Survey on a time and materials basis with a not-to-exceed expense of \$12,900 and approve a budget adjustment of \$7,900 to be funded from operating reserves. Vote 5-0.

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

02:46:10

Bob Blair, Summit Station and rural Arroyo Grande resident, asked if he could comment on Item 4 of the Closed Session so he could leave. President Vierheilg allowed the comment. Mr. Blair stated that he would like to see NCSD end the lawsuit with the County. The cost of building materials has gone up and still rising. He would like to see a decision made.

02:47:03

F. MANAGER'S REPORT

Mr. Kreins presented the Manager's Report to the Board. The Board asked questions about the Report.

Bruce Buel, Projects Administrator, reviewed some information about the selection process for the Waterline Intertie Project.

02:58:00

G. COMMITTEE REPORTS

- Minutes of July 19, 2006 Waterline Intertie Project Design Committee Meeting
Director Trotter, who chaired the meeting, stated that the meeting went very well.

President Vierheilg stated that the Personnel Committee (Directors Wirsing and Vierheilg) met and spoke to Mr. Bacchetti of Ralph Andersen Company. As of this date, there are 28 applicants for the General Manager position. There are 5 applicants for further consideration. Tentative date for interviews with applicants including the full Board is August 15, 2006. It will be a Closed Session.

03:08:15

H. DIRECTOR'S COMMENTS

Director Winn

Project on ballot to exempt Dalidio Project from an EIR. Would like to have this subject on a subsequent agenda for discussion. This will be Prop J in the November election.

SLO County has subject of converting apartments to condos in line to be considered.

Oso Flaco TDC - Comments due by Aug. 3, 2006, for the total maximum daily loads .

Nipomo Hills project is continuing ahead.

Parks and Recreation meeting July 27 in San Luis Obispo

SCAC will be holding a an information-only meeting Aug 14 at Nipomo High School

SCAC will discuss parks at the August 25th meeting.

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03:13:54

I. CLOSED SESSION ANNOUNCEMENTS

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 NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOVT. CODE §54956.9 – JESSE HILL (IN PRO PER) V. NCSO CV 060325 AND RELATED LIABILITY CLAIM PURSUANT TO GOVT. CODE §54961.
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION GC 54956.9 NCSO VS. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT
5. CONFERENCE WITH LEGAL COUNSEL RE: PERSONNEL PURSUANT TO GOVERNMENT CODE SECTION 54957; PUBLIC EMPLOYMENT; GENERAL MANAGER

03:15:10

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment other than Mr. Blair’s earlier comment.

03:15:19

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:30 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

After the Closed Session, the Board came back into Open Session. Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items above and had no reportable.

ADJOURN

President Vierheilg adjourned the meeting at 1:10 p.m.

- **THE NEXT REGULAR BOARD MEETING IS AUGUST 9, 2006. TENTATIVELY SCHEDULED ITEMS INCLUDE:**
 - Update on Waterline Intertie Project Pre-Design
 - Select Firm to Perform Hetrick Construction Management
- **THE BOARD MAY CONDUCT A SPECIAL MEETING AT 8AM ON WEDNESDAY AUGUST 16, 2006, TO TOUR THE VENTURA RIVER CROSSING IN OJAI**