

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

AUGUST 9, 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 ADMINISTRATOR**

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 9:01 a.m. and led the flag salute.

00:00:40

- B. ROLL CALL
At Roll Call, all Board members were present.

- C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT

00:01:12

- C-1) COMMANDER BASTI OF SOUTH COUNTY SHERIFF'S STATION

Commander Martin Basti reviewed the Sheriff activities on the Nipomo Mesa for the past month. There were problems in Oceano but it was seemingly quiet in Nipomo except routine drug busts.

There was some graffiti on Tejas Place and in the park.

School starts up at the end of August. Extra care will be taken for speed limits, etc.

The Board thanked him for his report.

00:03:05

- C-2) BATTALION CHIEF DAN ANDERSON OF CALIFORNIA DEPARTMENT OF FORESTRY

Battalion Chief Dan Anderson reviewed the CDF activities on the Nipomo Mesa for the past month. There were 693 calls to the Nipomo Station and 324 calls from the Mesa Station for the month of July. There is more fire activity on the east side of North County. Some of the Nipomo crew has been Southern California.

Paramedic John Danner recently completed the academy in the top three with honors and will be starting in Nipomo next week on normal shift.

The display at the Mid State Fair was successful.

The Board thanked him for his report.

00:05:10

- C-3) MIKE NUNLEY OF BOYLE ENGINEERING

Mr. Mike Nunley from Boyle Engineering gave an update on Waterline Intertie Project Pre-Design Study.

- Developed water quality testing protocol for the Santa Maria water as well as the mix.
- Conducted alignment study walk.
- Some right-of-entry forms have been received.
- Fugro (geotechnical engineering consultant) has started preliminary work to help decide what techniques would be best for the pipeline (either horizontal drill, open cut or the bridge crossing).

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewWipTax.com

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C-3) MIKE NUNLEY OF BOYLE ENGINEERING (continued)

- Hydraulic analysis in process. Fire flow tests planned for next week.
- Evaluating delivery options.
- Working with PG&E concerning "savings by design".
- Completed wildlife survey.
- Assisted District staff with EPA concerning earth work associated with the project.

Director Trotter asked if Boyle is made aware of the comments received about the DEIR.

Answer: Yes

There was no public comment.

00:14:01

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Approve minutes of July 26, 2006, Regular meeting.

D-3) AUTHORIZE SUBMITTAL OF PG&E PRE-APPLICATION FOR ENERGY SAVING REBATES FOR WATERLINE INTERTIE PROJECT

D-4) AUTHORIZE EXECUTION OF AGREEMENT WITH GROUND-UP DESIGN TO PERFORM HETRICK ROAD WATERLINE PROJECT CONSTRUCTION MANAGEMENT SERVICES

D-5) APPROVAL OF SECOND QUARTER INVESTMENT REPORT

Mr. Ed Kreins, District General Manager, reviewed the items on the Consent Agenda. President Vierheilg pointed out three errors on the PG&E application.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda as amended in Item D-3. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

There were no Administrative Items.

F. MANAGER'S REPORT

Mr. Ed Kreins, District General Manager, reviewed the items on the Manager's Report. Director Eby appreciated the Financial Report especially the legal fees to show how much different lawsuits are costing the District.

G. COMMITTEE REPORTS

Director Trotter stated that the waterline activities were covered very well by Mr. Nunley. He stated that the Parks Committee Meeting was held Monday, August 7, 2006.

The following things were discussed:

- CSD LAW LATENT POWERS & ACTIVATION PROCESS
- RESEARCH REGARDING NIPOMO PARKS NEEDS
- FUNDING SOURCES FOR PARK DEVELOPMENT & OPERATION
- POTENTIAL SITES AND OPPORTUNITIES FOR DEVELOPMENT
- MEETING DATE(S)/TIME(S) FOR SUBSEQUENT MEETING(S)

F. COMMITTEE REPORTS (continued)

Director Trotter stated that he and Director Wirsing agreed to meet once a month. The citizens of Nipomo are welcome to participate in the meetings. Director Wirsing added that it was also agreed that the District wanted to start small.

Director Winn met with the City of Santa Maria and Projects Administrator, Bruce Buel, Friday, July 28, 2006, to discuss the waterline project.

He met with President Vierheilg and Boyle representatives concerning "Other Water Sources". Director Eby asked about a District-owned well site in the Santa Maria river bed. Director Winn explained that the AB 3030 ruling stated that at this time no water taken from that well can be used for residential use.

President Vierheilg stated that there was no Personnel Committee meeting, but there has been a lot of preparation for the Closed Session on August 15th.

00:31:44

H. DIRECTORS' COMMENTS

Director Wirsing

Water pressure seems low on Olympic Way.

She would like to have on a future agenda, the projected cost to ratepayers for the supplemental water. The Board discussed that an analysis is inevitable but not until more information is known. Bruce Buel, Projects Administrator, explained that the design study will be presented November 1st.

She asked why there was first class postage on the last water bill she received.

Answer: It was explained that a different mailing service had to be used because the regular one was on vacation and the new service did not have it set up with the post office.

Director Eby

SCAC (South County Advisory Council) will be having an informational meeting at the Nipomo High School concerning the Nipomo Park Plan, Monday, August 14, 2006, at 6:30 p.m.

SCAC will be having a special meeting August 21, 2006, in the NCSD Board room at 6:30 p.m.

In today's (August 9, 2006) editorial in the Five Cities Press Recorder, Gene Carl suggested that the District take over library powers.

Director Winn

He stated that he was disappointed in the newspaper's mis-understanding of the conservation program delays.

County web site states that Mr. Seitz will be at a demurer Tuesday, August 15th.

Talked to Pat Beck after last Board meeting and discussed in-lieu fees to be applied to all new construction on the Mesa.

WRAC workshop Sept. 20, 2006, discussing water conservation.

Olde Towne Association Thursday, August 10, 2006 at Creekside.

President Vierheilg

Clean-Up Week - September 11-15, 2006 Customers must set out the extra trash the night before their regular pick up day. Customers need to call office two working days before the regular pick-up day, if there are large appliances, etc.

Dalidio Ranch Project meeting at new County building for August 16, 2006, at 3:00 p.m. Kami Griffin (781-5193) before August 11, 2006.

Groundwater Law and Policy seminar in September in Santa Monica, California.

The Personnel Committee will be meeting with Koff & Assoc. concerning the salary survey.

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00:54:00

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 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 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 RE: PENDING LITIGATION GC 54956.9 NCSD VS. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT
5. PUBLIC EMPLOYEE PERFORMANCE REVIEW PURSUANT TO GOVERNMENT CODE SECTION 54947 – DISTRICT LEGAL COUNSEL
6. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION/INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(C) PETITION FOR COURT ORDER PERMITTING ENTRY ONTO PROPERTY TO MAKE STUDIES, SURVEYS, AND TEST AS AUTHORIZED IN SECTION 1245.010 ET SEQ OF THE CODE OF CIVIL PROCEDURES RELATED TO THE NCSD/SANTA MARIA WATERLINE INTERTIE PROJECT (20 POTENTIAL CASES).

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 and took a ten-minute break at 9:57 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:40 a.m. Jon Seitz, District Legal Counsel, announced the following:

The Board heard an update on the above items. The reportable action was taken on Item 6. Upon motion of Director Trotter and seconded by Director Winn, the Board agreed to petition for court order permitting entry onto property to make studies, surveys, and tests, as authorized in Section 1245.010 et seq of the Code of Civil Procedures related to the NCSD/Santa Maria Waterline Intertie Project (20 potential cases). Vote 4-1 with Director Wirsing voting no.

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

ADJOURN

President Vierheilig adjourned the meeting at 12:43 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS AUGUST 23, 2006.
TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Receive Comments to Waterline Intertie Project DEIR
- Consider Water Conservation Program/Policy

➤ THE BOARD WILL CONDUCT A SPECIAL MEETING AT 8AM ON WEDNESDAY AUGUST 16, 2006, TO TOUR THE VENTURA RIVER CROSSING IN OJAI