

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 41 - Years of Service 1965 - 2006*

## MINUTES

**AUGUST 23, 2006 8:30 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 8:30 a.m. and led the flag salute.

00:00:50

#### B. ROLL CALL

At Roll Call, all Board members were present.

00:01:00

#### **CLOSED SESSION 8:30 A.M.**

Jon Seitz, District Legal Counsel, announced the following item to be discussed in Closed Session:

1. PUBLIC EMPLOYEE APPOINTMENT - GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

#### PUBLIC COMMENT ON CLOSED SESSION ITEM

There was no public comment on the Closed Session item.

#### ADJOURN TO CLOSED SESSION

The Board adjourned to a Closed Session.

#### **OPEN SESSION 9:00 A.M.**

00:00:00

At 9:00 a.m. the Board reconvened into Open Session.

#### ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced that the Board unanimously agreed to hire Mr. Bruce Buel as the General Manager. Vote 5-0

00:00:11

#### C. PUBLIC COMMENT PERIOD

##### PUBLIC COMMENT

There was no public comment.

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00:00:17

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Approve Minutes of August 9, 2006, Regular meeting

Approve Minutes of August 15, 2006, Special meeting

Two corrections in the Directors' Comments for the Minutes of August 9, 2006.

D-3) AUTHORIZE PURCHASE OF UTILITIES DEPARTMENT PICK-UP TRUCK TO REPLACE EXISTING TRUCK, DECLARE EXISTING TRUCK SURPLUS, AND AUTHORIZE SALE

Director Trotter suggested that the District purchase trucks or put out to bid in December rather than the middle of the calendar year for a better deal.

D-4) AUTHORIZE EXTENSION OF AGREEMENTS WITH SUMMER HELP WORKERS DURING SCHOOL YEAR

Upon motion of Director Winn, and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended in D-2. There was no public comment. Vote 5-0.

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

00:05:31

E. ADMINISTRATIVE ITEMS

The Board agreed to consider Item E-4 at this time.

E-4) APPOINTMENT OF GENERAL MANAGER AND APPROVE CONTRACT

Ed Kreins, Interim General Manager, reviewed the process of choosing a General Manager. Jon Seitz, District Legal Counsel, reviewed a few changes in the contract.

The following member of the public spoke:

Bob Blair, NCSD resident – stated that he was glad to see the Board choose Mr. Buel.

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to appoint Mr. Bruce Buel for the position of General Manager, effective September 5, 2006. Vote 5-0.

The Board agreed to consider Item E-1.

00:10:50

E-1) SELECT COMPARABLE AGENCIES FOR EMPLOYEE SALARY AND BENEFIT SURVEY AND ADD DISTRICT LEGAL COUNSEL TO SCOPE OF WORK

Ed Kreins, Interim General Manager, reviewed the meeting with Mr. Georg Kramer of Koff & Associates along with the Personnel Committee, Bruce Buel, Lisa Bognuda and himself. The kick-off meeting was to discuss various districts to survey.

Mr. Georg Kramer, of Koff & Associates, described the company, explained the method of obtaining information to compare that information for the salary survey, and described a listing of 14 agencies.

There was some Board discussion. There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to eliminate gathering data from Los Osos CSD for the salary survey and use the remaining 13 agencies. Vote 5-0

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

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E-2) NOT USED

00:31:41 E-3) AUTHORIZE PRESIDENT TO SUBMIT BALLOT ON BEHALF OF NCSD REGARDING CSDA ELECTION OF DIRECTORS FOR REGION

Ed Kreins, Interim General Manager, reviewed the process for the Board to vote for candidates for Seats A and B for the California Special Districts Association election. Board discussion ensued.

The following member of the public spoke:

Bob Blair, NCSD resident, stated that he served on the CSDA Board for two years and if elected to the NCSD Board, he will apply for the position. The position is very important. Upon motion of Director Winn, and seconded by Director Trotter, the Board unanimously agreed to vote for Adrienne Mathews for Seat A and the write-in candidate, Sandy Young for Seat B. Vote 5-0

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

At 9:45 a.m. the Board took a short break.

00:40:01 F. MANAGER'S REPORT

Ed Kreins, Interim General Manager reviewed the staff report. There was no public comment.

00:43:20 G. COMMITTEE REPORTS

1. PARKS COMMITTEE MEETING OF AUGUST 7, 2006

Director Trotter has asked for public input because the public came to the District asking for this activity. Mr. Buel has been working on the research request from the Parks Committee. He will be meeting next week with Parks Division of SLO County General Services. Mr. Buel will bring information back to the next Parks Committee meeting.

Director Winn stated that the SCAC has had two public meetings in the past two weeks concerning Nipomo Community Parks in general, not NCSD park powers. The first meeting, held August 14, 2006, at Nipomo High School was attended by over 100 people. The second SCAC meeting was held August 21, 2006, in the NCSD Board room.

PERSONNEL COMMITTEE

President Vierheilig reported that the Personnel Committee met August 22, 2006, with Mr. Kramer of Koff & Associates. He thanked Director Wirsing for her participation in that meeting.

00:47:00 H. DIRECTOR'S COMMENTS

Director Winn

August 30, 2006, 3:00 p.m. – In the Board of Supervisors chambers discussing the Dalidio Project.

August 31, 2006, Mr. Buel and Mr. Winn will be meeting with Mr. Bruce Nybo of Santa Maria.

August 31, 2006, Mr. Eby and Mr. Winn will be meeting with Supervisor Achadjian.

WRAC meeting first Wednesday in September – focus on agricultural water and allocation

SLO County will be updating its conservation element which has not been updated for almost 20 years. Meeting Sept 6, 2006. Special meeting Sept 21, 2006 - Presentation by a planner in the County.

Director Eby

Next SCAC meeting, August 28, 2006, will have on its agenda, Measure J and the Dalidio project.

SCAC meeting Monday, August 14, 2006, commenters recommended a minimum amount of concrete development, gyms, auditoriums, etc.

As alternate representative to LAFCO, he attended a meeting last week where discussion of the dissolution of Los Osos CSD. It was continued until the September 21<sup>st</sup> meeting.

He suggested an addition to the NCSO website – a box on the home page showing latest changes to the website. He also suggested changing the URL to “.gov.” or “.org” rather than “.com”, which is meant for commercial ventures.

Director Trotter

He asked Director Winn to expand on the candidates' forum for September 27<sup>th</sup> at 7:00 p.m. in the NCSO board room.

Director Winn stated that he is not in the planning loop for that meeting. Mr. Clyde Cruise, Chamber of Commerce President, could be contacted for more information.

Director Trotter commended Dan Migliazzo, NCSO Utility Supervisor, for the renovation plans of the Blacklake water treatment facility. Mr. Buel stated that the design plan should be before the Board on September 27<sup>th</sup>.

President Vierheilig

Saturday, August 26, 2006 - workshop on integrated pest management.

For staff – law for prioritization of water hook-ups – SB 1087 per CSDA Legislative Update newsletter.

The Board took a break at 10:25 a.m.

The Board came back into Open Session at 10:40 a.m.

01:03:00

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### Special Meeting Running Concurrently with Regular Meeting

- A. CALL TO ORDER  
President Vierheilig called the Special Meeting to order at 10:40 a.m. All Directors are present.
- B. CONSIDER AUGUST 11, 2006 MARIA VISTA ESTATES REQUEST FOR NCSO TO ACCEPT WATER AND SEWER IMPROVEMENTS AND TO SET 77 WATER METERS IN TRACTS 1802 AND 1856

Jon Seitz, District Legal Counsel, reviewed the Maria Vista Estates project. He stated that there are off-site and on-site improvements which required to be complete before the District accepts the project.

Mr. Seitz stated that the District received a letter from Maria Vista August 14, 2006, requesting acceptance of the water and lines and to have 77 water meters set in Tracts 1802 & 1856. Staff responded August 21, 2006. Maria Vista requested that the item be placed on the agenda.

**Special Meeting Running Concurrently with Regular Meeting (continued)**

Mr. John Fricks, partner at Odgen & Fricks, representing Maria Vista Estates stated that Maria Vista requested this meeting. There are 25 homes in the development which are nearly complete and 15 homes are under construction. Mr. Fricks reviewed some of the history of the project. He stated that the developers are unable to close escrows on the houses without water. He stated that after over \$18 million has been spent on this project, it has a fully functioning water system. Mr. Fricks requested that 27 meters be set immediately.

Mr. Ed Jones, Construction Supervisor with Trincon Construction Inc. – commented on some of the items in Mr. Garing’s April 19, 2006, letter. He stated that in January an air test passed inspection. The silt in the lines was caused by the heavy rains in March and April. He stated that the concerns have been addressed.

Jon Seitz, District Legal Counsel, and Mr. Fricks, the developer’s counsel, discussed details of the project that need to be resolved.

At 11:45 a.m., the Board took a short break.

At 11:56 a.m., the Board reconvened.

Mr. Seitz and Mr. Fricks discussed District requirements for the project.

Upon motion of Director Winn and seconded by Director Wirsing, the Board directed staff to give this application a high priority and to meet at 7:00 a.m. Friday, August 25, 2006, with representatives from NCS D and Maria Vista to discuss the remaining details that need to be completed. Vote 5-0. The Board agreed by consensus, that it was willing to hold a subsequent special meeting, if needed, to consider this matter.

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

02:33:43

**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 NCS D SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCS D CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOVT. CODE §54956.9 – JESSE HILL (IN PRO PER) V. NCS D CV 060325.
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION GC 54956.9 NCS D VS. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT
5. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS OBISPO COASTKEEPER VS. NCS D (CASE NO. CV060349)

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I. CLOSED SESSION ANNOUNCEMENTS (continued)

- 6. CONFERENCE WITH PROPERTY NEGOTIATORS EDWARD KREINS, BRUCE BUEL AND JON SEITZ TO PROVIDE DIRECTION REGARDING TERMS AND CONDITIONS FOR ACQUISITION OF AN EASEMENT INTEREST IN APN 091-181-052 AT THE NW CORNER OF WILLOW ROAD AND VIA CONCHA PURSUANT TO GOVERNMENT CODE SECTION 54956.8 (OWNER: KENNETH CRAIG AND LMUSD, NEGOTIATOR: CAROL FLORENCE)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Bob Blair, NCSD resident – stated that the Summit Station Item # 4 needs to be resolved. There are property owners waiting to build and prices of materials keep going up.

K. ADJOURN TO CLOSED SESSION

Director Trotter left the meeting at 1:23 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:35 p.m. Jon Seitz, District Legal Counsel, reported that the Board heard an update on Item 1 through 5 with instructions to staff. There was no reportable action.

Mr. Seitz also reported that the Board conferred with the property negotiators and provided instructions to the property negotiators.

ADJOURN

President Vierheilig adjourned the meeting at 1:33 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS SEPTEMBER 13, 2006.  
TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Review Options to Treat Supplemental Water
- Select Firm to Prepare Water & Sewer Master Plan Update