

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 42 - Years of Service 1965 - 2007*

## MINUTES

**JANUARY 10, 2007 9:00 A. M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### **BOARD of DIRECTORS**

MICHAEL WINN, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
CLIFFORD TROTTER, **DIRECTOR**  
ED EBY, **DIRECTOR**  
JAMES HARRISON, **DIRECTOR**

### **PRINCIPAL STAFF**

BRUCE BUEL, **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 Winn called the meeting to order at 9:00 a.m. and led the flag salute.

00:00:30

#### B. ROLL CALL AND ACKNOWLEDGEMENT OF LARRY VIERHEILIG'S PRESIDENCY

At Roll Call, all Board members were present.

President Winn presented past President Vierheilig with an engraved gavel as a small token of appreciation for his service as president for the past two years. Director Vierheilig thanked the Board and staff for the gavel.

President Winn made an announcement about the agenda for today. There will be a Special Meeting for a Closed Session item to be held concurrently with the regular meeting. The Open Session of the meeting today will end by 11:00 a.m. Some items may not be attended today. He asked, if there was public comment on Item E-1, which likely will not be heard, that the comment be spoken in the Public Comments period of the agenda. There will be an extended Closed Session. The limited time meeting is to accommodate Staff and two Board members who will be attending a WRAC meeting to be held in San Luis Obispo at 1:30 p.m.

00:03:50

#### C. PRESENTATIONS AND PUBLIC COMMENT

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

Commander Martin Basti presented information concerning the Sheriff's activities on the Nipomo Mesa.

Monday, January 8, 2007, the Sheriff was sworn in for a third term.

In December, there was a shooting and a stabbing. There was a major burglary at an RV dealer. Ninety-eight percent of the merchandise was recovered.

The Sheriff's Department is working with the CHP on the hit and run on Thompson Rd. Eight more deputies started Monday and six more will start training.

The Department is working on a \$600,000 grant for the 290 Sexual Offenders Compliance. This is a cooperative effort between, SLO County, Santa Barbara and Ventura Counties. Currently SLO County is at 98% compliance.

He thanked the Board for putting him on the agenda each month.

The Board thanked Commander Basti for his report.

00:06:37

## C-2) BATTALION CHIEF BILL FISHER OF CA DEPARTMENT OF FORESTRY (CDF)

Battalion Chief Bill Fisher presented information concerning the CDF activities on the Nipomo Mesa. The Nipomo Station 20 had 80 calls for December: 6 Fires, 44 Medical Aids, 13, Traffic Collisions, and 17 other. The Mesa Station 20 had 49 calls: 8 Fires, 20 Medical Aids, 11 Traffic Collisions and 10 others. A rescue drill was held at the Conoco Phillips plant with Engine 20 and 22.

Station 20 will receive a new Medic Engine this month. It will hold 500 gallons of water, a 2000 gallon per minute pump, a Class "A" foam system, and a thirty-five foot ladder.

The Board asked questions and then thanked Battalion Chief Fisher for his report.

## C-3) MIKE EISNER OF NIPOMO INCORPORATION COMMITTEE

Presentation re: Status of Incorporation Effort & Request for Participation

Mr. Eisner's presentation is postponed until a future meeting.

00:10:05

## C-4) MIKE NUNLEY OF BOYLE ENGINEERING

Mike Nunley reviewed the progress of the comparison of water supply options. He noted that this project will be completed in three phases. Mr. Nunley, Dr. Brad Newman (SAIC) and Bob Beeby (SAIC) met with Bruce Buel on January 9, 2007, and discussed evaluating different water sources. Technical Memo 1 analyzes the constraints of all the water supply options, which were discussed in the December Board meeting. Those options to be evaluated include: Santa Maria Valley groundwater at south end of Hutton Road, Santa Maria Valley groundwater at the Bonita Well Site, desalination of sea water and brackish water (or irrigation run-off), participation in the Nacimiento Project, recharge of treated wastewater from Southland Wastewater Treatment Plant as exchange for agricultural water.

Technical Memo #2 consists of a detailed evaluation of the Santa Maria Valley groundwater options at south end of Hutton Road and at the Bonita Well Site, as well as the CCWA exchange water at the Nipomo turn-out at Tefft and Thompson.

Technical Memo #3 is an evaluation of the desalination options, participation in the Nacimiento Project, recharge of treated wastewater in exchange of treated wastewater for agricultural water.

Technical Memo #1 should be submitted by April 9, 2007, # 2 by May 9, 2007 and # 3 by August 7, 2007. Two presentations will be made to the Board and two workshops will be held for public outreach. Schedules will be established.

Director Vierheilg asked for an accounting of expenditures for the three technical memos.

Bruce Buel, General Manager, explained that an accounting of the first phase (Technical Memo #1) will be presented and the Board can make a determination at that time whether or not to continue. Memo 2 & 3 of the phases will overlap. Some seasonal reports (such as biological and hydrological studies) are being prepared. Mr. Nunley stated that a draft of the water system analysis has been received from Corollo Engineering and is being reviewed by Boyle. Permitting or biological surveys are in the process and should be completed by the end of February.

The Board thanked Mr. Nunley for his report.

00:19:20

## C- 5) STAFF UPDATE ON DISCUSSIONS WITH BLACKLAKE RE: BOOSTER STATION

Bruce Buel, General Manager, stated that both Dee Jaspar & Associates and Boyle Engineering have been retained to perform tasks related to the Blacklake Booster Station. Two reports are forthcoming and will be shared with the Blacklake community by the first meeting in February.

00:20:50

## C-6) HERB KANDEL OF THE LAND CONSERVANCY

Herb Kandel of the Land Conservancy presented information concerning the Nipomo Watershed Management Plan. It is available on line for viewing at [http://www.special-places.org/ecm/Conservation\\_Planning/Nipomo\\_Creek\\_Watershed\\_Management\\_Plan](http://www.special-places.org/ecm/Conservation_Planning/Nipomo_Creek_Watershed_Management_Plan). The program was developed with community and landowner input. It has three main elements:

1. Water quality and biological monitoring,
2. Riparian restoration,
3. Protection of land with important natural resources.

He asked that the NCSD Board consider the watershed area when making decisions on water use.

Bob Hill, Conservation Director of the SLO Land Conservancy, presented information to the Board by showing slides. A copy of the slides is available for viewing in the District office.

Herb Kandel asked the Board to consider recharge of the basin when considering supplemental water, as enhancements to the watershed help recharge the basin. He suggested a field trip to the Port San Luis Lighthouse, which has two basins about 24 feet deep to collect rainwater. He thanked the Board for hearing their report.

Director Winn asked if the presentation is available. Dr. Kandel stated that he would leave the disc with the District for copying.

00:44:03

## C-7) PUBLIC COMMENT ON PRESENTATIONS AND ITEMS NOT ON AGENDA

Jesse Hill, Holloway representative – stated that he would like to have the Holloway project put on the next agenda for a possible Outside User Agreement. He would like to have a demand calculation for the Water Management Area.

James Christiansen, NCSD resident – commented to the Board about the growth, traffic and supplemental water.

Mike Riley, Nipomo resident – asked several questions:

- What would be an estimate of collecting run-off and funneling it into a reservoir rather than water running to the ocean?
- Who is responsible for issuing building permits?
- Are there salination meters near the ocean to monitor salt water creeping in?
- How does Woodlands having their own local wells affect the groundwater supply?

John Snyder, Nipomo resident – stated that there is a lot of controversy about how much water we have. He stated that he asked for well data but is asking for more accurate information so he can calculate well levels, etc.

Carl Holloway, Nipomo resident – asked the Board for an Outside User Agreement and would like to be on the next agenda. He also stated that a good place for a reservoir is below Carrillo Creek, because it floods and fills every year.

Bruce Buel, General Manager, commented on some of the questions.

- Development – SLO County approves projects (land use). NCSD is a service provider within our service area. Woodlands Project is totally out of the District boundary. The District commented extensively on the Woodlands Project.
- Setting water meters – NCSD sets water meters for approved projects. There is currently allocation for 51 acre feet per year. The adjudication requires a management of the Mesa.

C-7) PUBLIC COMMENT ON PRESENTATIONS AND ITEMS NOT ON AGENDA  
 (continued)

- The County is responsible for traffic lights. County Public Works deals with the circulation of traffic.
- Dam on the Nipomo Creek – ties to adjudication of water rights. Property owners downstream have rights to the water flow.
- Monitoring Wells near ocean – There are three existing wells but the U.S. Wildlife Service and the Dept. of Fish & Game have requested that data not be processed from those sites. Next week the District will be monitoring one well for water level and quality data (salinity, chlorides and sodium).
- Woodlands impact on groundwater basin – Will be intensely scrutinized by the monitoring group

Director Trotter stated that District representatives went before the SLO Board of Supervisors to comment on the impact of the Woodlands project. Woodlands is obligated to buy supplemental water.

Director Harrison suggested that Mr. Christiansen and Mr. Riley attend the meetings of the SCAC that advises the County Board of Supervisors.

01:09:01

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
  - Approve Minutes of December 6, 2006, Special Meeting
  - Approve Minutes of December 9, 2006, Special Meeting
  - Approve Minutes of December 13, 2006, Regular Meeting
- D-3) ACCEPT TEFFT STREET LIFT STATION FENCE
- D-4) ACKNOWLEDGE PRESIDENT'S 2007 APPOINTMENTS TO AGENCIES AND COMMUNITY ORGANIZATIONS
- D-5) AMEND WATER CONSERVATION SPECIALIST JOB DESCRIPTION
- D-6) AMEND GENERAL MANAGER EMPLOYMENT AGREEMENT TO MODIFY CAR ALLOWANCE
- D-7) REFER REVIEW OF EMPLOYEE LONG TERM ENTITLEMENTS TO COMMITTEE
- D-8) REFER REVIEW OF WATER CONSERVATION PROGRAM, EMERGENCY SUPPLY ORDINANCE, AND RETROFIT PROPOSAL TO NEWLY FORMED AD HOC COMMITTEE

Bruce Buel, General Manager, reviewed the items on the Consent Agenda. President Winn asked to pull Items D-4 and D-5 for separate consideration.

There were corrections in the Minutes of December 9 and 13, 2007. Upon motion of Director Vierheilig and seconded by Director Eby, the Board unanimously approved Items D-1,2,3,6,7 & 8 of the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

D-4 Upon motion of Director Eby and seconded by Director Vierheilig, the Board unanimously agreed to accept the appointments of the delegates to WRAC. There was no public comment. Vote 5-0.

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

D. CONSENT AGENDA (continued)

Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously approved the remainder of the appointments. There was no public comment. Vote 5-0.

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

D-5 Bruce Buel, General Manager, described the change in Item 4 of the job description. The Board discussed a few other changes. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board unanimously approved Resolution 2007-1001, including the changes. There was no public comment. Vote 5-0.

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

**RESOLUTION NO. 2007-1001**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**AMENDING THE DISTRICT PERSONNEL POLICY TO AMEND THE**  
**JOB TITLE AND JOB DESCRIPTION OF THE**  
**CONSERVATION AND PUBLIC INFORMATION SPECIALIST**

01:24:35

E. ADMINISTRATIVE ITEMS

E-1) REVIEW WATER ALLOCATION AND ANNEXATION OPTIONS AND DEVELOP PROPOSAL FOR SUBSEQUENT CONSIDERATION

The Board tabled this item to a future meeting.

E-2) NOT USED

01:25:08

E-3) SELECT STANDING COMMITTEE MEMBERSHIP

Bruce Buel, General Manager, explained the process to elect members of the standing committees. Upon motion of Director Vierheilg and seconded by Director Harrison, the Board unanimously approved the following standing committees:

- Supplemental Water Project Design & Construction
- Finance/Audit/Personnel
- Parks

There was no public comment. Vote 5-0.

Director Vierheilg nominated Director Trotter to Chair the Supplemental Water Project Design & Construction Standing Committee. There were no other nominations. There was no public comment. Upon motion of Director Winn and seconded by Director Harrison, the Board unanimously agreed to close the nominations. Voice vote 5-0.

Director Trotter nominated Director Eby as member to the Supplemental Water Project Design & Construction Standing Committee. There were no other nominations. There was no public comment. Upon motion of Director Vierheilg and seconded by Director Winn, the Board unanimously agreed to close the nominations. Voice vote 5-0.

Director Winn nominated Director Vierheilg to Chair the Finance/Audit/Personnel Standing Committee. There were no other nominations. There was no public comment. Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously agreed to close the nominations. Voice vote 5-0.

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

E-3) SELECT STANDING COMMITTEE MEMBERSHIP (continued)

Director Vierheilg nominated Director Trotter as member to the Finance/Audit/Personnel Standing Committee. There were no other nominations. There was no public comment. Upon motion of Director Eby and seconded by Director Harrison, the Board unanimously agreed to close the nominations. Voice vote 5-0.

Director Trotter nominated Director Winn to Chair the Parks Standing Committee. There were no other nominations. There was no public comment. Upon motion of Director Vierheilg and seconded by Director Eby, the Board unanimously agreed to close the nominations. Voice vote 5-0.

Director Winn nominated Director Vierheilg as member to the Parks Standing Committee. Director Vierheilg declined the nomination and nominated Director Harrison as member to the Parks Standing Committee. There was no public comment. Upon motion of Director Eby and seconded by Director Vierheilg, the Board unanimously agreed to close the nominations. Voice vote 5-0.

The assignments are as follows:

<u>Standing Committees</u>	<u>Chair</u>	<u>Member</u>
Supplemental Water Project Design & Construction	Director Trotter	Director Eby
Finance/Audit/Personnel	Director Vierheilg	Director Trotter
Parks	Director Winn	Director Harrison

01:40

E-4) RECEIVE RECOMMENDATION FROM PARKS COMMITTEE REGARDING PROPOSED SURVEY AND AUTHORIZE OR REJECT SURVEY REQUEST FOR PROPOSAL

Bruce Buel, General Manager, reviewed the discussion during the Parks Committee meeting. The Committee discussed a survey to for the purposes as follows:

- To secure feedback from the community concerning the support for NCSD to develop neighborhood parks, the priorities amongst facilities, and the willingness to pay for neighborhood parks;
- To get a current reading of community sentiment that is unbiased; and
- To educate the Community regarding the cost of parks and the respective roles of the County and NCSD.

The Board discussed the two methods (mail and phone) of surveying the public and whom to survey. There was no public comment. Upon motion of Director Vierheilg and seconded by Director Harrison, the Board agreed to have staff send out a Request for Proposals (RFP) for a parks phone survey for public opinion to cover the District boundary and the immediate SOI (Sphere of Influence) boundary with separate results for the sample taken inside each area. Vote 5-0.

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

01:59:10

## F. MANAGER'S REPORT

Bruce Buel, General Manager, reported that one application was received for the District Engineer position. An interview will be set soon.  
The Assistant to the General Manager hopefully will be starting January 22, 2007.

## G. COMMITTEE REPORTS

1.) RECEIVE MINUTES FROM 12/11/06 PARKS

## H. DIRECTORS' COMMENTS

Director Eby asked about an announcement in the Board of Supervisors Agenda concerning the Craig property and an Intent-to-Serve letter requirement.

## 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 RE: PENDING LITIGATION  
PURSUANT TO GOVERNMENT CODE SECTION 54956.9; SAN LUIS  
OBISPO COASTKEEPER VS. NCSO (CASE NO. CV060349)
4. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE  
SECTION 54956.9(C)
5. CONFERENCE WITH LEGAL COUNSEL REGARDING PENDING  
LITIGATION PURSUANT TO GOVERNMENT CODE SECTION  
54956.9 MARIA VISTA ESTATES VS. NCSO (CASE NUMBER  
061079) AND MARIA VISTA ESTATES VS. LINDA VISTA FARMS,  
NCSO AND ET AL (CASE NUMBER 040150)

## J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.  
The Board took a break at 11:00 a.m.

## K. ADJOURN TO CLOSED SESSION

The Board convened to Closed Session at 11:07 a.m.

## L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

Item I-1 The Board heard an update from legal counsel. There was no reportable action.

Item I-2 The Board heard an update from legal counsel. There was no reportable action.

## L. OPEN SESSION

## ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION (continued)

Item I-3 The Board heard an update from legal counsel. There was no reportable action.

Item I-4 The Board heard an update from legal counsel on what is commonly known as the DeGroot General Plan Amendment. Upon motion of Director Harrison and seconded by Director Eby, the Board unanimously agreed to initiate litigation and retain the services of McDonough, Holland and Allen to assist in defending the case. Vote 5-0

Item from Special Meeting agenda (#5)

1. Maria Vista Estates vs. NCSD The Board instructed legal counsel to defend the litigation and authorized legal counsel to retain the services of McDonough, Holland and Allen to assist in defending the case. Vote 5-0

2. Maria Vista Estates vs. Linda Vista Farms, et al. District vs. Maria Vista  
The Board heard an update from legal counsel. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board unanimously agreed to instruct legal counsel to review and respond to plaintiff's motion for consolidation and joinder and instructed legal counsel that he could employ special counsel for assistance. This litigation has been referred to the District's insurance carrier for defense. Vote 5-0

## ADJOURN

- **THE NEXT REGULAR BOARD MEETING IS JANUARY 24, 2006.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Southland WWTF Master Plan
  - Southland Shop Upgrade Environmental Determination
  - Consideration of Strategic Action Plan
  
- **THE NEXT SPECIAL BOARD MEETING IS JANUARY 17, 2007.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Desalination Technology
  
- **THE FOLLOWING SPECIAL BOARD MEETING IS FEBRUARY 21, 2007.**  
**TENTATIVELY SCHEDULED ITEMS INCLUDE:**
  - Southland WWTF Master Plan
  - Water and Sewer Master Plan