

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 42 - Years of Service 1965 - 2007

MINUTES

JUNE 13, 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 community with reliable, quality and cost-effective services.

Vision Statement: The Nipomo Community Services District's vision is to manage the resources and future growth 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.

00:00:40

B. ROLL CALL

At Roll Call, the following members of the Board were present:
Directors Eby, Trotter, Vierheilig and Winn.
Director Harrison was absent.

00:00:52

C. PRESENTATIONS AND PUBLIC COMMENT

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

Sgt. David Kenitz was representing Commander Basti for this meeting to present information concerning activities on the Nipomo Mesa.

The annual Law Enforcement Torch Run was June 12, 2007, from Jocko's to Hwy 166.

There were a few residential burglaries. Vehicle parts are being stolen from the downtown area.

There were no major problems during the high school graduation.

The Board thanked Officer Kenitz for the report.

C-2) BATTALION CHIEF BILL FISHER OF CAL FIRE

Captain Felix Camacho represented Chief Fisher for this meeting to present information concerning CAL FIRE activities on the Nipomo Mesa.

He gave the Board an activity report summarizing incidents for the month of May, 2007. A copy of the report is available in the District office.

The department has increased staff for the fire season. Wildland engine staffing has increased. The department received a new "Jaws of Life" extrication tool.

The Chipping Event is near completion. It has been paid for with grant money but there is no guarantee that funds will be received in the future.

The Board thanked Captain Camacho for the report.

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Eby

Save the Mesa meeting Saturday, June 16, 2007, 1:30 p.m. NCS D building – will be awarding two scholarships and there will be a question and answer session with Supervisor Achadjian.

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C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
(continued)

Director Winn

Central Coast Greenhouse Growers Association quarterly meeting, Saturday, June 16, 2007, Edwards Barn
LAFCo meeting Thursday, June 21, 2007 – Craig Annexation will be considered.
Library Summit being formed – November 19 at Atascadero Lake – looking for funding.
Chamber of Commerce Breakfast – June 26, 2007, 7:30 a.m. at Woodlands

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:15:20

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of May 16, 2007, May 23, 2007 and May 30, 2007 Meetings

D-3) WAIVE JUNE 30, 2007, DATE LIMIT IN FAITH WATKIN'S EMPLOYMENT AGREEMENT

D-4) AUTHORIZE "YES" VOTE ON SDRMA BYLAW CHANGE BALLOT

D-5) CANCEL JULY 11, 2007, REGULAR BOARD MEETING

The Board discussed the Consent Agenda.

There were two corrections: May 16th Minutes (spelling of Mr. Denneen's name) and in D-4 - Resolution Section 2 (comma needed).

Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously approved the Consent Agenda, as amended. Vote 4-0.

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

**RESOLUTION NO 2007-1019
A RESOLUTION OF THE GOVERNING BODY OF THE
NIPOMO COMMUNITY SERVICES DISTRICT APPROVING THE FORM OF
AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SIXTH
AMENDED JOINT POWERS AGREEMENT**

00:18:50

E. ADMINISTRATIVE ITEMS

E-1) PUBLIC/PROTEST HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES

Bruce Buel, General Manager, reviewed the proposed collection of unpaid solid waste charges. There were two customers who paid the amount due in full and their names will be removed from the list. There were two customers who paid toward the debt and the amount due will be lowered accordingly.

The following members of the public spoke:

Mike Cook, NCS D resident, stated that he had asked for a variance and was denied. He also stated that he had not received a can for his trash service.

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- E-1) PUBLIC/PROTEST HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES (continued)

Garey Kuhnle, NCSD resident, stated that he has been taking his household trash to his place of work; therefore, he has not been using the trash service. He also stated that if the amount in arrears could be removed, he would be willing to use the service.

There was much Board discussion after the public spoke. It was noted that the mandatory rates were set by spreading the costs to each customer.

Upon motion by Director Eby and seconded by Director Trotter, the Board unanimously approved Resolution 2007-1020, as revised and amended. Vote 4-0.

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

RESOLUTION NO. 2007-1020
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR UNPAID SOLID WASTE COLLECTION CHARGES

00:40:10

- E-2) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY2007-08 BLACK LAKE STREET LIGHT DISTRICT ASSESSMENTS

Bruce Buel, General Manager, reviewed the proposed resolution to collect charges for the Black Lake Street Lighting District.

There was no public comment.

Upon motion by Director Trotter and seconded by Director Vierheilg, the Board unanimously approved Resolution 2007-1021. Vote 4-0.

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

RESOLUTION NO. 2007-1021
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE BLACK LAKE VILLAGE

00:46:00

- E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY2007-08 LANDSCAPE MAINTENANCE ZONE #1 ASSESSMENTS

Bruce Buel, General Manager, reviewed proposed resolution to collect charges for the Landscape Maintenance District.

There was no public comment.

Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously approved Resolution 2007-1022. Vote 4-0

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

RESOLUTION NO. 2007-1022
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE NIPOMO COMMUNITY SERVICES DISTRICT STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2007-2008

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00:48:16

E-4) PUBLIC HEARING – REVIEW FY 2007-08 NCSD BUDGET

Lisa Bognuda, Assistant General Manager, reviewed the edits for consideration and adoption of the budget at the June 20, 2007, Board meeting. She added that the long-term debts were listed in the audit report as an appendix. There was some Board discussion. There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously agreed to have the edits incorporated into the budget and continue this Public Hearing to the June 20, 2007, Board Meeting for adoption of the Budget and Appropriations Limitation. Vote 4-0.

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

00:54:30

E-5) PUBLIC HEARING – CONSIDER SECOND READING AND ADOPTION OF ORDINANCE AMENDING NCSD WATER ALLOCATION PROGRAM

Bruce Buel, General Manager, reviewed the process of the second reading and adoption of an ordinance amending the NCSD Water Allocation Program. The Board discussed the ordinance and made minor changes (one spelling error and addition of the word "Single" to Section 3.05.050 A-1(b)). There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously adopted Ordinance 2007-106, as amended with minor clarification. Vote 4-0.

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

ORDINANCE NO. 2007-106
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE RULES AND REGULATIONS
FOR ALLOCATION OF INTENT-TO-SERVE LETTERS
CHAPTER 3.05 OF THE DISTRICT CODE

01:01:30

E-6) REJECT WITHOUT PREJUDICE VAN WINGERDEN NURSERY ANNEXATION APPLICATION REGARDING PROPERTY AT 790 LIVE OAK RIDGE ROAD

Bruce Buel, General Manager, reviewed the annexation application from Van Wingerden Nursery at 790 Live Oak Ridge Road. There was no public comment.

Upon motion by Director Eby and seconded by Director Trotter, the Board unanimously agreed to deny the application without prejudice. Director Eby added that there is no benefit to the District to annex this property. Vote 4-0.

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

01:04:01

E-7) CONSIDER SCHAEFER WATER AND SEWER INTENT-TO-SERVE LETTER APPLICATION FOR 7-LOT SINGLE-FAMILY SUBDIVISION (TRACT 2523) AT TEJAS AND CYCLONE

Bruce Buel, General Manager, reviewed the request from Will Schaefer for water and sewer service to a 7-lot development on Tejas and Cyclone. The Board asked Mr. Schaefer if he was aware that the fees today may significantly increase by the time his project is ready for service. Mr. Schaefer answered yes.

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- E-7) CONSIDER SCHAEFER WATER AND SEWER INTENT-TO-SERVE LETTER APPLICATION FOR 7-LOT SINGLE-FAMILY SUBDIVISION (TRACT 2523) AT TEJAS AND CYCLONE (continued)

Director Eby stated that he did not like that the sewer easements ran across the planned lots. There was more Board discussion. The Board wanted the easements to be recorded on the deed and to add that the existing house must be connected to the NCSD's water and sewer system. Mr. Buel noted that the Special Condition, listed in the Board letter is to be removed. There was no public comment.

Upon motion by Director Vierheilg, seconded by Director Trotter, the Board approved the issuance of an Intent-to-Serve letter with the conditions listed in the Board letter, as well as the two other conditions discussed. Vote 3-1 with Director Eby voting no.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Trotter, and Winn	Director Eby	Director Harrison

01:34:44

- E-8) AUTHORIZE AMENDMENT OF BOYLE SOUTHLAND WWTF MASTER PLAN AGREEMENT TO ADD INTERIM ENGINEERING SUPPORT SERVICES

Bruce Buel, General Manager, reviewed the proposal to amend the agreement with Boyle Engineering for the Southland WWTF Master Plan to add interim engineering support services. There was some Board discussion. There was no public comment.

Upon motion by Director Vierheilg seconded by Director Trotter, the Board unanimously authorized execution of an amendment to the existing agreement with Boyle to perform the services set forth in the proposal on a time-and-materials basis with a not-to-exceed expenditure limit of \$59,847. Vote 4-0.

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

Discussed with item E-8

- E-9) AUTHORIZE EXECUTION OF AGREEMENT WITH FUGRO WEST TO EVALUATE HYDRO-GEOLOGIC IMPACTS OF DISPOSAL OF TREATED WASTEWATER AT SOUTHLAND WWTF

Bruce Buel, General Manager, reviewed the proposal for the agreement with Fugro West, Inc. to evaluate hydro-geologic impacts of disposal of treated wastewater from the Southland WWTF. There was some Board discussion. There was no public comment.

Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously authorized execution of an agreement with Fugro West, Inc. to perform the services set forth in Phase 1 of the proposal on a time-and-materials basis with a not-to-exceed expenditure limit of \$28,860.

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

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01:54:39

E-10) CONSIDER DIRECTOR TROTTER'S REQUEST TO REVIEW PROCESS FOR RETENTION OF CONSTRUCTION MANAGEMENT SERVICES

Bruce Buel, General Manager, reviewed Director Trotter's request to discuss the process for retention of construction management services. There was some Board discussion. There was no public comment. Director Trotter made a motion to adopt a policy but withdrew his motion. Instead, the Board directed staff to come back with a written policy for adoption.

F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the Manager's Report as written in the Board letter. There was no public comment. Mr. Buel reminded the directors that nominees for the Parks Citizens Advisory Committee need to be in the office by June 20, 2007. Chamber of Commerce Breakfast – would like a good count of those attending.

02:18:01

G. COMMITTEE REPORTS

There will be a Supplemental Water Committee meeting Monday, June 18, 2007. Director Winn reported that the Conservation Committee met Monday, June 11, 2007. The next meeting will be Tuesday, June 19, 2007, 3:30 a.m.

02:23:31

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig – requested to agendize long-term obligations and performance evaluation form for non-supervisory personnel.

Director Winn – requested that Fugro West, Inc. be encouraged to look at information from SAIC.

02:27:08

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following Closed Session items:

1. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMV/WCD 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, MARIA VISTA VS. NCSO CASE NO. CV 061079, AND MARIA VISTA VS. LINDA VISTA FARMS, NCSO ET AL CASE NO. CV 040150;
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; NCSO VS. SLO COUNTY (CASE NO. CV 070066)
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES V. NCSO ET AL (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

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K. ADJOURN TO CLOSED SESSION

At 11:39 a.m., the Board adjourned to Closed Session.

02:28:35

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:27 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above and gave instructions to staff. There was no reportable action.

ADJOURN

President Winn adjourned the meeting at 12:28 p.m.

- **THE FOLLOWING REGULAR BOARD MEETING IS JUNE 27, 2007.
TENTATIVELY SCHEDULED ITEMS INCLUDE:**
 - Review Supplemental Water Project “Fatal Flaw” Analysis
 - Award Black Lake WWTF Liner Replacement Bid
 - Appoint Parks Citizen Advisory Sub-Committee Members
- **THE FOLLOWING SPECIAL BOARD MEETING IS JUNE 20, 2007.
TENTATIVELY SCHEDULED ITEMS INCLUDE:**
 - FY07-08 Budget Adoption
 - Discuss Office Maintenance Issues
 - Review Water and Sewer Master Plan Proposed Projects