

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 43 - Years of Service 1965 - 2008*

## MINUTES

**MAY 28, 2008 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

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

### PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**

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 May 28, 2008 Regular Meeting to order at 9:00 a.m. and led the flag salute.

00:00:35

#### B. ROLL CALL

At Roll Call, all directors were present.

00:00:47

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) NCSD UTILITY SUPERINTENDENT TINA GRIETENS

Tina Grietens reviewed the activities of the Utility Division as presented in the Board packet:

- |   |   |
|---|---|
| <ul style="list-style-type: none"><li>• Southland Wastewater Plant</li><li>• Southland Utility Yard</li><li>• Collection System</li><li>• Wells</li></ul> | <ul style="list-style-type: none"><li>• Distribution System Maintenance</li><li>• Waterline Relocation Project</li><li>• Personnel</li><li>• Compliance</li><li>• Other</li></ul> |
|---|---|

Ms. Grietens answered questions from the Board.

##### C-2) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Celeste Whitlow, Water Conservation Specialist, reviewed the report presented in the Board packet:

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Community Events and Educational Workshops</li><li>• Newsletters, Mailings, Advertising</li></ul> | <ul style="list-style-type: none"><li>• WC Program Implementation</li><li>• Office Landscape</li><li>• California Urban Water Conservation Council</li></ul> |
|---|--|

**Nipomo Community Services District  
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- C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community Interest

Director Trotter stated that he attended the AWA Conference. He will be making a report to the Board of the very interesting information he obtained.

Director Harrison stated that information was brought to the SCAC meeting about a spray booth on Sheridan Road. Also at the SCAC meeting, it was noted that there will be much more housing on the Mesa. There is a plan for the Jack Ready Park on 30 acres at the end of Illinois to be constructed without tax moneys.

Director Winn stated that he attended the SLO Planning Commission meeting where the Inclusionary Housing Ordinance was discussed. It will be considered again Thursday, July 24<sup>th</sup>. This is a County-wide effort to increase density, and the FEIR is seriously defective re the CEQA analysis for water.

- C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:22:00

D. CONSENT AGENDA

Bruce Buel, General Manager, added information to Items D-3 & D-6 of the Consent Agenda.

*D-3*

The schools receiving the presentations are yet to be determined.

*D-6*

Mr. Martin has signed the agreement.

Item D-4 was pulled for a separate vote.

- D-1) APPROVE WARRANTS

- D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 5/14/08 Meeting

- D-3) RETAIN SCIENCE DISCOVERY TO IMPLEMENT 2008-09 WATER CONSERVATION CLASSROOM EDUCATION PROGRAM

- D-5) AUTHORIZE RECORDATION OF SEWER EASEMENT FOR A PORTION OF MEREDITH AVENUE FOR NEWDOLL SUB-DIVISION (CO 04-0342)

**RESOLUTION NO. 2008-1082  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING SANITARY SEWER EASEMENT  
FOR CO 04-0342 (NEWDOLL)**

- D-6) AUTHORIZE AMENDMENT TO CURRENT AGREEMENT WITH SOUTH COUNTY SANITARY SERVICE TO EXTEND TERM THROUGH AUG. 31, 2008 TO FACILITATE NEGOTIATION OF NEW AGREEMENT

**RESOLUTION NO. 2008-1083  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING EXTENSION OF TERM OF FRANCHISE AGREEMENT**

- D-7) DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS FROM OTHER POST EMPLOYMENT BENEFITS (OPEB) PREFUNDING PLAN

**RESOLUTION NO. 2008-1084  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DELEGATION OF AUTHORITY TO REQUEST DISBURSEMENTS**

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D. CONSENT AGENDA (CONTINUED)

Upon motion by Director Harrison and seconded by Director Vierheilg, the Board unanimously approved Items D-1, 2, 3, 5, 6, and 7. There was no public comment. Vote 5-0.

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

D-4) REVISE UTILITY SUPERINTENDENT & FIELD SUPERVISOR JOB DESCRIPTIONS TO RESET RESPONSE TIME

The Board discussed the reason for changing the response time from 60 minutes to 30 minutes. There was one correction in the body of the resolution. There was no public comment.

Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously approved the resolution. Vote 5-0.

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

**RESOLUTION NO. 2008-1085**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**AMENDING THE DISTRICT PERSONNEL POLICY TO**  
**REVISE UTILITY SUPERINTENDENT AND UTILITY FIELD SUPERVISOR**  
**JOB DESCRIPTIONS TO RESET RESPONSE TIME**

00:26:49

E. ADMINISTRATIVE ITEMS

E-1) DISCUSS POLICY REGARDING SERVICE TO NEW DEVELOPMENT OUTSIDE OF APPROVE WATER DIVISION

Bruce Buel, General Manager, reviewed a request from Greg Nester for Board consideration to connect a fire hydrant to the Town Division's water system instead of the Blacklake Division's water system for a project at the corner of Pomeroy and Willow. There are two eight-inch water mains in Willow Road.

The Board asked about the charges involved in both connections. Director Trotter supports placement of the hydrant on Willow.

When asked by the Board how far the proposed hydrant is from other hydrants in the area, Peter Sevcik, District Engineer, stated that the proposed placement of the hydrant is approx. 300 feet west of the nearest hydrant.

Director Winn asked Mr. Seitz if the Board has policy discretion to make the decision to allow placement of the hydrant in view of the LAFCO restrictions of the Blacklake annexation.

Director Eby asked if this would set precedence.

Jon Seitz, District Legal Counsel, stated that the finding would be that the existing Intent-to-Serve letter would be amended

- That the amendment does not appreciably increase water demand
- That the new hydrant would be equally available to the Town Division residents in the area for fire suppression as well as the Blacklake Division
- That dead-end fire hydrants are frowned upon except in exceptional situations. It is a siphon issue that whatever is accumulated in those long-reaching pipes could be siphoned back into the potable water system.
- That with a long, dead-end line, a fire engine can pull a draft and collapse a water heater in a house.

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E-1) DISCUSS POLICY REGARDING SERVICE TO NEW DEVELOPMENT OUTSIDE OF APPROVE WATER DIVISION (CONTINUED)

Jon Seitz, District Legal Counsel (CONTINUED)  
It is not setting precedence in this limited situation.

Greg Nester, developer, stated that the Town System has higher water pressure than the Blacklake System and greater ability to serve a hydrant.

The following member of the public spoke:

Bill Nelson, NCSD resident – stated that Willow Road will be modified before the end of 2008. The placement of the hydrant needs to be considered.

Director Harrison asked if the placement of the hydrant on Willow would be accessible to fire engines before the road is changed.

Mr. Nester stated that the hydrant would be placed where it ultimately belongs.

Upon motion by Director Harrison and seconded by Director Vierheilig, the Board unanimously agreed to adopt the findings proposed by District Legal Counsel and to amend the existing Intent-to-Serve letter to include installation of a fire hydrant within the existing public right-of-way on Willow Road. Vote 5-0.

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

*The Board took a break at 9:49 a.m. and returned at 10:00 a.m.*

The Board chose to consider Item E-3 next.

00:49:10

E-3) DISCUSS MECHANICS OF PROPOSITION 218 PROTEST PROCEEDING RE: BLACKLAKE AND TOWN WATER FUND MERGER

Bruce Buel, General Manager, summarized the mechanics for the Proposition 218 protest proceeding for the merger of the Blacklake and Town water funds.

|                                 |                                  |
|---------------------------------|----------------------------------|
| Protest Period                  | June 6-July 23                   |
| 598 notices will be mailed      | 299 valid protests needed        |
| # includes tenants              | Customer is different than owner |
| Close of Hearing                | Continue meeting to August 13    |
| If there is a majority ...      | Verification of signatures       |
| If there is not a majority..... | Discussion would ensue           |

If there is a majority of protests received, the eight-inch intertie would be removed. The \$250,000 in Blacklake Division Water Fund would be used to upgrade the Blacklake water system. There is the possibility that one or two wells and four pumps would be necessary to keep water available to Blacklake during peak times. The \$250,000 in available funds will not provide Title 22 compliance.

Peter Sevcik, District Engineer, stated that as a stand-alone water system, the current Blacklake system could not keep up with the demand, in case of a well going down.

Director Eby stated that the notice does not include the ramifications of a no vote.

Jon Seitz, District Legal Counsel, stated that there are some details included on page 1.

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E-3) DISCUSS MECHANICS OF PROPOSITION 218 PROTEST PROCEEDING RE: BLACKLAKE AND TOWN WATER FUND MERGER (CONTINUED)

The following members of the public spoke:

Bob Beedle, NCSD resident, stated that further information would be helpful. Customers will probably look only at the money. The options need to be presented.

Robert Veder, NCSD resident, stated that the notice needs to be clarified before it goes help prevent angst. He would like some honest information.

Bill Nelson, NCSD resident, stated that when the notice goes out, it needs to be the official one. Both side of the position need to be shown.

Pat Eby, NCSD resident, stated that Mr. Buel said there were 598 parcels, but the Reed Report says 589. She asked for clarification of those numbers. She thanked Mr. Buel for sending a draft notice to her. She stated there are 31 association meters on community property. Some are sub-association meters. She suggested using the billing number rather than the APN.

Jon Seitz, District Legal Counsel, stated that owners of the parcels will be receiving the notices. California legislation recognizes that there are customers who are not owners. Also, customers who receive services with the bill in their name will be receiving the notices.

The latest tax roll shows 589 separate accounts and nine additional parcels.

Bruce Buel, General Manager, will speak to the public in two informational meetings BLMA June 5, 2008 at 3:00 p.m. at the clubhouse. In addition, there will be a June 18, 2008, informational forum at 2:00 p.m. at the clubhouse.

Director Winn stated that it is necessary to publish both sides of the protest vote to tell Blacklake residents what the result of a no vote may be.

*The Board chose to consider Item E-2 next.*

01:42:08

E-2) DISCUSS NEW STATE WATERWORKS STANDARDS AND IMPACTS ON NCSD OPERATIONS

Peter Sevcik, District Engineer, reviewed the revised Waterworks Standards from the State of California Department of Public Health.

- Permits
- Source capacity
- New well siting and construction
- Installation and construction material requirements for water mains and related facilities
- Disinfection requirements for reservoirs, wells, and new or repaired mains
- Design and construction criteria for distribution reservoirs
- Distribution system operation requirements
- ANSI/NSF certification for chemicals and all other materials that may come into contact with drinking water
- Third party standards incorporated by reference

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E-2) DISCUSS NEW STATE WATERWORKS STANDARDS AND IMPACTS ON NCSD OPERATIONS (CONTINUED)

The Board discussed the new regulations. The Board agreed that records would need to be well maintained. This could have significant impacts on the District.

Jon Seitz, District Legal Counsel, stated that the District will do what it can within budgetary constraints.

The following member of the public spoke:

Bill Nelson, NCSD resident, stated that he could see some ramifications with the new standards. The old Blacklake water system would not meet some of the standards.

There was no action taken.

*The Board took a break at 11:21 a.m. and returned at 11:31 a.m.*

02:11:08

E-4) EDIT SPRING NEWSLETTER

Bruce Buel, General Manager, reviewed the draft newsletter.

The Board discussed the content and made a few suggestions. Director Harrison would like the newsletter to give a more positive outlook, such as the District is working toward solving the problem, rather than making a negative statement.

The following member of the public spoke:

Bill Petrick, NCSD resident, stated that the draft newsletter contains omissions and errors and should be corrected before it goes out to the public. (He gave the Board a copy of his list.)

- Reference to groundwater problems in the NMMA. These are opinions of the District and have not been reviewed by the Technical Group. The District needs to be compliance when issuing these kinds of statements.
- Phasing usually costs more. All the facts need to be presented to the public.
- Statement about softer water needs to be clarified.

President Winn left the room for a short time. Vice President Harrison presided in President Winn's absence.

The Board discussed the comments from Mr. Petrick. Mr. Seitz stated that the District has agreed to state whether or not a report has been reviewed by the NMMA.

Upon motion by Director Vierheilg and seconded by Director Eby, the Board accepted the newsletter, as edited, including the disclaimer that the NMMA Technical Group has not reviewed the newsletter for accuracy. Vote 3-1 with Director Harrison voting no.

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

02:36:27

F. MANAGER'S REPORT

Bruce Buel, General Manager, presented the Manager's Report, as written.

Additional information includes:

Supervisor Achadjian supports Miller Park. Property tax money for the park has not been spent.

Peter Sevcik, District Engineer, explained hardness as calcium carbonate and magnesium carbonate, which is a fraction of the Total Dissolved Solids (TDS).

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President Winn returned at 11:59 a.m. and presided for the remainder of the meeting.

02:42:15

**G. COMMITTEE REPORT**

1. May 19, 2008 Supplemental Water Project Committee Meeting  
The minutes were presented, as written.  
Next meeting will be June 16, 2008.

The Safety Committee met and will bring the issue to the June 11<sup>th</sup> meeting.

02:44:11

**H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS**

Director Winn

He reminded the staff that the June 11, 2008 meeting will contain options for a yes or no vote for the Proposition 218 issue.

June 18, 2008 forum will be noticed, not as an official meeting but as an informational one.

**I. CLOSED SESSION ANNOUNCEMENTS**

There was no need to go into 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), MARIA VISTA VS. NCSD (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL. (CASE NO. CV 040150);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9; MARIA VISTA ESTATES V. NCSD ET AL. (CASE NO. ND07-10362RR IN UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT, NORTHERN DIVISION)

**ADJOURN**

President Winn adjourned the meeting at 12:05 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JUNE 11, 2008.**

**TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Receive Computation of April Groundwater in Storage
- Review FY08-09 Budget