

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

MINUTES

JULY 22, 2009 AT 9AM

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
ED EBY, **DIRECTOR**
BILL NELSON, **DIRECTOR**

PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**
LISA BOGNUDA, **ASST. 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 its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00

A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the meeting of the Nipomo Community Services District Board of Directors to order at 9:02 a.m. and led the flag salute.

00:00:40

B. ROLL CALL

At Roll Call, all directors were present.

00:00:50

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project and Southland WWTF Upgrade Project

Mike Nunley, AECOM Engineering Project Manager, reviewed the Waterline Intertie Project and answered questions from the Board.

He then presented the report on the Southland Wastewater Treatment Facility Upgrade Project and answered questions from the Board.

The Board thanked Mr. Nunley for the reports.

C-2) NCSU UTILITY SUPERINTENDENT TINA GRIETENS

Update re: Utility Department Operations in June 2009

Tina Grietens, Utility Superintendent, introduced Robert Cruz, who started working for the Maintenance Department on June 22, 2009.

Mr. Cruz greeted the Board.

Ms. Grietens reviewed the report presented in the Board packet. She answered the questions and comments from the Board.

The Board thanked Ms. Grietens for her report.

C-3) NCSU WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: June 2009 Outreach Activities

Celeste Whitlow, Water Conservation Coordinator, reviewed the report presented in the Board packet. She answered the questions and comments from the Board.

The Board made suggestions for a water use study for when the new conservation software is up and running.

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig

Finance and Audit Committee will meet Thursday, July 23, 2009 at 1:00 p.m. in the District Boardroom to discuss the rate study.

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C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT)

Director Eby

CEQA seminar September 25 to discuss climate change and regional planning.

Director Winn

Planning Commission to meet July 23, 24, and 30 discussing Conservation & Open Space Element.

Conservation Committee will meet Monday, July 27, 2009, at 1:30 p.m.

SCAC will meet Monday, July 27, 209 at 6:30 p.m. The proposed Miller Park will be discussed. Also to be discussed will be the land lease for the 100 acres at the Dana Adobe, for which the County paid \$2.7 million.

There will be no WRAC meeting in August.

Director Harrison

The NMMA will meet Wednesday, July 29th. This is not a public meeting.

C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:49:25

D. CONSENT AGENDA

D-1) APPROVE WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Approve Minutes of 7/2/09 Special and 7/8/09 Regular Meeting

D-3) RECEIVE 2ND QUARTER FINANCIAL REPORT [RECEIVE AND FILE]

D-4) AUTHORIZE PURCHASE OF BACKHOE, DECLARE BACKHOE AND TRACTOR SURPLUS, AND AUTHORIZE SALE OF OLD BACKHOE AND TRACTOR

Mr. Buel described a correction necessary in Item D-3. The correct amount in column 3, on the front page, should be \$125,126.76.

Item D-4 – Mr. Buel answered Director Winn's question concerning the process to surplus a District asset. Information as to the age and hours on the tractors to be surplusd was not available.

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

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

E. ADMINISTRATIVE ITEMS

00:54:22

E-1) DISCUSS DEVELOPMENT OF GREENHOUSE GAS POLICY AND DETERMINE PROCESS

Bruce Buel, General Manager, explained that the Board had directed staff to get more information concerning the development of a greenhouse gas policy. Staff worked with Douglas Wood of Douglas Wood Associates to prepare a proposal for development of a draft policy statement.

The Board discussed the possibility of the County initially developing a policy and then the District could comment on the County's plan. Director Winn provided a draft of the County greenhouse gas and climate change materials for distribution. The Board agreed that the District does not need to spend the money to develop a policy at this time.

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E-1) DISCUSS DEVELOPMENT OF GREENHOUSE GAS POLICY AND DETERMINE PROCESS (CONT)

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously agreed to table this item until such time as the County develops a greenhouse gas policy or as otherwise required by law. There was no public comment. Vote 5-0.

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

The Board took a break at 10:15 a.m. and returned at 10:25 a.m.

01:14:12

E-2) CONSIDER ADOPTION OF PERSONAL PROTECTIVE EQUIPMENT POLICY

Peter Sevcik, District Engineer and Safety Officer, explained that the policy included in the packet contains edits ordered by the Board at the June 24, 2009 Board meeting. Mr. Sevcik answered questions and comments from the Board.

Upon motion by Director Winn and seconded by Director Nelson, the Board unanimously adopted Resolution 2009-1155. There was no public present. Vote 5-0.

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

**RESOLUTION NO. 2009-1155
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A PERSONAL PROTECTIVE EQUIPMENT POLICY**

01:22:50

E-3) ADOPT 2010-2014 NCSD STRATEGIC PLAN

Bruce Buel, General Manager, explained that in May 2009, the Board edited a version of the Draft Strategic Plan and set this date to consider adoption of the revised version.

The Board discussed how the plan would be used after it was adopted. Mr. Buel explained that the plan would be a basis to give direction to staff and staff could reference the items in the plan.

Mr. Buel answered questions and comments from the Board. There was no public present to comment.

E-3) ADOPT 2010-2014 NCSD STRATEGIC PLAN (CONTINUED)

Upon motion by Director Vierheilig and seconded by Director Winn, the Board unanimously accepted the NCSD Strategic Plan, as amended, and adopted Resolution 2009-1156. Vote 5-0.

**RESOLUTION NO. 2009-1156
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT (NCSD)
ADOPTING THE 2010-2014 NCSD STRATEGIC PLAN**

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

Director Winn asked for copies to be made available for the South County Advisory Committee meeting on Monday, July 27, 2009.

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01:31:50

ADJOURN TO NCSD PUBLIC FACILITIES CORPORATION

President Harrison adjourned the regular meeting of the Nipomo Community Services District at 10:45 a.m. and opened the Public Facilities Corporation meeting.

ROLL CALL

At Roll Call, the following members of the Corporation were present:
Members Nelson, Vierheilig, Eby, Winn and Harrison

Public Comment on Agenda Items

A. NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING
Approve 2008 Minutes

Bruce Buel, General Manager, explained that the purpose this year of the annual meeting is to approve the minutes of the last meeting held July 23, 2008. The Board discussed the purpose of the Public Facilities Corporation.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved the minutes of the July 23, 2008 NCSD Public Facilities Corporation. There was no public present to comment. Vote 5-0.

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

ADJOURN TO NCSD – REGULAR MEETING

President Harrison adjourned the Public Facilities Corporation meeting at 10:51 a.m. and re-opened the regular meeting of the Nipomo Community Services District.

01:38:33

F. MANAGER’S REPORT

Bruce Buel, General Manager, presented the Manager's Report as written and answered questions from the Board.

Peter Sevcik, District Engineer, also answered questions from the Board concerning the report from Mr. LeBrun documenting the various water purveyors on the Mesa. Director Winn had a list of questions for consideration, which will be submitted in writing.

02:01:39

G. COMMITTEE REPORT

There were no committee meetings held since the last Board meeting.

02:02:06

H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

Asked to put on a future agenda for further discussion – Is our current lobbying effort effective and should we be lobbying Sacramento also?

Director Winn

Asked for specs on the tractors being surplused.

Would like to have an appointment, with the General Manager's approval, to see how District chemicals are being kept.

Asked to have staff look into the proposed formation of a County CFD in Nipomo.

Would like the Board to consider lobbying in Sacramento as well as Washington, DC.

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02:07:33

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL PENDING LITIGATION GC§54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956 (ONE CASE)
3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS BRUCE BUEL, JON SIETZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 REGARDING THE PURCHASE OF AN EASEMENT INTEREST IN APN 090-341-002, 023 AND 033 OWNED BY GERALDINE BIORN AND RAYMOND NELSON ESTATE (NEGOTIATOR: GERALDINE BIORN)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned the Open Session to Closed Session at 11:21 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

President Harrison opened the meeting to Open Session.

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

ADJOURN

President Harrison adjourned the meeting at 11:55 a.m.

➤ **THE FOLLOWING REGULAR BOARD MEETING IS AUGUST 12, 2009
TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Emergency Water Shortage Regulations
- Greenhouse Gas Policy