

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 44 - Years of Service 1965 - 2009

MINUTES

SEPTEMBER 30, 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 September 30, 2009 Regular Board Meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all directors were present.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project Design & Southland WWTF Upgrade Design
The update was not heard since no one was present from AECOM.

C-2) NCSO DISTRICT ENGINEER PETER SEVCIK

Update re: Sundale Well Fire and Re-Build
Mr. Sevcik, District Engineer, gave an update on the Sundale Well.

C-3) NCSO SUPERINTENDENT TINA GRIETENS

Update re: August 2009 Activities
Tina Grietens, Utility Superintendent, gave an update on August 2009 activities.

C-4) NCSO WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: August 2009 Activities
Celeste Whitlow, Water Conservation Coordinator, gave an update on August 2009 activities.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest
Director Vierheilig

Nipomo Native Garden Fall Plant Sale will be Sunday, October 4, from 9 am to 3 pm at the Nipomo Native Garden parking lot.

Director Winn

- Attended the NCSO EOC Set Up Meeting on September 25 and would like to ensure the Board of Directors are kept informed during an emergency and suggested Staff have overlapping shifts.
- The Planning Commission met on September 24 and discussed the Water Element.
- The Board of Supervisors will hear the Events Ordinance on October 6.
- The WRAC will hold two meetings on October 7 – 9:00 a.m. to review the Water Master Plan for the County and 1:30 p.m. is the Regular Meeting.
- The NMMA will meet on October 16.

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Director Eby

- Attended a CEQA Seminar in Santa Monica and issues discussed were the green house gases and smart growth.
- City of SLO is trying to get the County to divert Willow Road improvement funds to Los Osos Valley Road Off Ramp improvements.

Director Harrison

- The October Festival is October 10.
- Transition Town Information Meeting is October 8 at 6:30 p.m.

- C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA
There was no public comment.

The Board of Directors took a break at 10:10 a.m. and resumed the meeting at 10:20 a.m.

01:07:28

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of 9/09/09 Regular Meeting
- D-3) ADOPT RESOLUTION INITIATING FORMATION OF MILLER PARK ASSESSMENT DISTRICT
RESOLUTION NO. 2009-1161
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
INITIATING PROCEEDINGS NIPOMO COMMUNITY SERVICES DISTRICT
PARK MAINTENANCE DISTRICT No. 1
(Pursuant to the Landscaping and Lighting Act of 1972)
- D-4) AUTHORIZE DISBURSEMENT OF FUNDS FOR CONSTRUCTION OF PHASE 1 OF WILLOW ROAD WATER LINE EXTENSION
RESOLUTION NO. 2009-1162
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING REMAINING DEPOSIT TO SAN LUIS OBISPO COUNTY
FOR CONSTRUCTION OF WILLOW ROAD PHASE 1 WATERLINE EXTENSION
- D-5) AWARD QUOTE FOR EXTENSION OF OFFICE
- D-6) AUTHORIZE EXECUTION OF MOU WITH COUNTY OF SLO RE COMMUNICATION PROTOCOLS
- D-7) AMEND AGREEMENT WITH CHICAGO GRADE FOR DISPOSAL OF BIO-SOLIDS

Mr. Seitz, District Legal Counsel, made minor corrections to Item D-3 Resolution.
Regarding Item D-1, Director Vierheilig requested a cost analysis for having meter reading done in-house.
Director Winn commented on having consistent protocol with the County for the GPS system protocols.
There was no public comment.

Upon motion of Director Winn and seconded by Director Nelson, the Board of Directors unanimously approved the Consent Agenda as amended (Item D3). Vote 5-0.

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

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E. ADMINISTRATIVE ITEMS

01:15:00

E-1) AWARD QUOTE FOR PURCHASE OF STANDBY GENERATOR FOR SUNDALE WELL

Tina Grietens, Utility Superintendent, presented the quotes for the purchase of the standby generator. The Board of Directors asked questions.

There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board of Directors unanimously approved the purchase of the generator provided Staff confirms in writing that the generator is permanently mounted on a trailer. Vote 5-0.

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

01:28:00

E-2) ADOPT SANITARY SEWER OVERFLOW PROGRAM COMPONENTS [ADOPT RESOLUTION AND ORDER IMPLEMENTATION]

Peter Sevcik, District Engineer, presented the Sewer System Management Plan to the Board of Directors.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Nelson, the Board of Directors unanimously approved Resolution 2009-1163. Vote 5-0.

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

RESOLUTION NO. 2009-1163
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ADDITIONAL TOWN AND BLACKLAKE
SEWER SYSTEM MANAGEMENT PLAN (SSMP) ELEMENTS

01:34:35

E-3) INTRODUCE ORDINANCE ESTABLISHING VOLUNTARY EMERGENCY WATER SHORTAGE REGULATIONS AND SET HEARING FOR ADOPTION

Mr. Seitz, District Legal Counsel, presented the changes which included adding definition E to Section 3.24.010 of Exhibit A and moving (5) of Section 3.24.020 of Exhibit A from category B to category A.

Director Eby asked what happens when we get out of an "emergency" situation. Mr. Seitz suggested the word "emergency" be removed from the title of Exhibit A.

There was no public comment.

Upon motion of Director Winn and seconded by Director Vierheilig, the Board of Directors unanimously approved the introduction of Ordinance 2009-113, as amended and set the adoption for October 14, 2009.

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

ORDINANCE NO. 2009-113
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 3.24 OF THE DISTRICT CODE

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01:47:14

E-4) INTRODUCE ORDINANCE AMENDING ALLOCATION PROGRAM AND INTENT-TO-SERVE PROCESS AND SET HEARING FOR ADOPTION [SET HEARING]

Mr. Buel, General Manager, presented the revisions made at the September 9, 2009, Board Meeting.

Director Eby does not support the Ordinance due to the lack of basis for a de-facto four year time for Intent-to-Serve letters. It leaves it open for abuse.

Director Winn supports the item; however, he does understand Director Eby's concerns and suggested the time line can be modified in the future.

There was no public comment.

Upon motion of Director Nelson and seconded by Director Winn, the Board of Directors approved the introduction of Ordinance 2009-114 and set the adoption for October 14, 2009. Vote 4-1.

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

**ORDINANCE NO. 2009-114
AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 3.05 OF THE DISTRICT CODE
WATER SERVICE LIMITATIONS**

E-5) REVIEW PROPOSALS AND SELECT CONSULTANT TO PREPARE URBAN WATER MANAGEMENT PLAN UPDATE

Mr. Buel, General Manager, presented the item and stated the Urban Water Management Plan Update needs to be completed by the end of 2010. The Board of Directors asked questions.

There was no public comment.

Upon motion of Director Eby and seconded by Director Vierheilg, the Board of Directors unanimously approved the execution of an agreement with WCS not-to-exceed \$79,480 and excludes the options. Vote 5-0.

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

02:34:00

E-6) AWARD QUOTES FOR PURCHASE OF SERVICE TRUCK AND VACUUM TRUCK AND AUTHORIZE FINANCING

Tina Grietens, Utility Superintendent, presented the quotes to the Board of Directors. The Board of Directors asked many questions and requested additional information on the utility and vacuum trucks.

There was no public comment.

Upon motion of Director Eby and seconded by Director Vierheilg, the Board of Directors unanimously agreed to continue this item and directed Staff to do more research.

Vote 5-0.

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

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The Board considered Closed Session next at 12:30 p.m.

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. INSTRUCTION TO NEGOTIATORS BRUCE BUEL, JON SEITZ AND LILLIAN JEWELL PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PURCHASE OF EASEMENT INTEREST IN APN 090-331-005, 006 & 008 AND APN 090-341-019 (OWNER: DURLEY TRUST PROPERTY, NEGOTIATOR: TWITCHELL AND RICE)
4. CONFERENCE WITH LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; STEPHANIE GREEN CLAIM AGAINST NCSD
5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (THREE CASES)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

03:09:40

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board of Directors came back into Open Session at 2:23 p.m.

Jon Seitz, District Legal Counsel, announced the Board heard an update on Items 1 & 2 above and took no reportable action.

Item 3 – The Board gave instructions to its negotiators but took no reportable action.

Item 4 – The Board gave instructions to Legal Counsel.

Item 5 – The Board heard an update on 3 cases but took no reportable action.

There was no public comment.

D. MANAGER’S REPORT

Bruce Buel, General Manager, presented his report.

There was no public comment.

03:17:00

COMMITTEE REPORT

The Infrastructure Committee did not meet on September 28, 2009, and the next meeting will be Monday, October 26, 2009, at 2:00 p.m.

There was no public comment.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- Would like to know how much gas was lost due to Sundale fire.
- Would like to know when County will conclude In-Lieu Fee for Supplemental Water.
- Would like to agendize a Board resolution commending BLMA for their turf removal and installation of drought-tolerant plants and not native plants.
- Would like to invite guest speakers on water conservation.
- Would like to have a Water Conservation Committee meeting scheduled.
- Would like WRAC material passed out to Board of Directors.
- Would like an NCSD representative to attend SLOCOG because he cannot attend.

Director Eby

- Would like to be involved in as many meetings as possible for the UWMP update.

Director Harrison

- Would like to make sure phone calls to staff are returned.

ADJOURN

President Harrison adjourned the meeting at 2:45 p.m.