

NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, December 2, 2009

9:00 A. M.

SPECIAL MEETING MINUTES

BOARD of DIRECTORS

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

PRINCIPAL STAFF

MICHAEL LEBRUN, **INTERIM GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DISTRICT ENGINEER**

MEETING LOCATION

**District Board Room
148 S. Wilson Street
Nipomo, California**

00:00:00 1. CALL TO ORDER, ROLL CALL, AND FLAG SALUTE

President Harrison called the Special Meeting of the Nipomo Community Services District at 9:00 a.m. and led the flag salute.

At Roll Call, all Board members were present.

President Harrison announced that the Board would need to add an item to the Closed Session because information was presented to the District that requires Board discussion before the next regular meeting.

Jon Seitz, District Legal Counsel, informed the Board and public that an item may be placed on the agenda if the need to take action came to the District's attention subsequent to the posting of the agenda. The agenda from the San Luis Obispo County Board of Supervisors was received Monday, November 30, 2009, which was after the agenda for the NCSD December 2, 2009 Special Meeting was posted. The Board of Supervisors will be considering the modifications made to the Environmental Impact Report that NCSD has previously challenged.

Upon motion by Director Vierheilig and seconded by Director Winn, the Board unanimously agreed to place an item to be heard under Closed Session with the finding that information concerning an agenda item on the Board of Supervisors meeting. The item will include information, received subsequent to the posting of the NCSD Special Meeting agenda, on a pending litigation pursuant to GC Section 54956.9, NCSD vs. County of SLO, et al. (CASE #CV090010) and previously discussed in a prior Closed Session. Vote 5-0.

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

00:05:42 2. DEVELOP CANDIDATE PROFILE FOR GENERAL MANAGER RECRUITMENT

Regan G. Williams from Bob Murray & Associates talked with the Board about the process to aid the Board in the search for candidates for the General Manager position.

There was much discussion concerning some of the qualities the Board expected in

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a general manager. The Board discussed the time constraints and gave instructions to Mr. Williams.

The Board thanked Mr. Williams and is looking forward to working with him.

The Board took a break at 10:42 a.m. and returned at 10:59 a.m.

01:43:05

3. CLOSED SESSION ANNOUNCEMENTS/ITEMS:

Jon Seitz, District Legal Counsel, announced the following to be considered in Closed Session:

CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: Pending Litigation PURSUANT TO GC §54956.9 SMVWCD vs. NCS (Santa Clara County Case No. CV 770214, Sixth Appellate Court Case No. H032750 and all consolidated cases).

Added item:

CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCS VS. COUNTY SLO, ET AL. (CASE #CV090010)

4. PUBLIC COMMENT ON CLOSED SESSION ITEM

There was no public present to comment.

5. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:00 a.m.

01:44:21

6. OPEN SESSION / ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:15 p.m.

There was no public present.

Jon Seitz, District Legal Counsel, reported that the Board heard an update on the Santa Maria Groundwater Adjudication and took no reportable action.

Legal Counsel and members of the Board reported on the SLO Housing Element item that will be considered at the Board of Supervisors December 8th meeting. The Board gave direction to Legal Counsel to file a response to the proposed agenda item.

01:45:46

ADJOURN

The meeting was adjourned at 1:20 p.m.