

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 44 - Years of Service 1965 - 2009*

## MINUTES

**DECEMBER 9, 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

MICHAEL LEBRUN, **INTERIM 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 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 December 9, 2009 Regular Meeting of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Directors were present.

00:00:45

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) SLO COUNTY SHERIFF COMMANDER BRIAN HASCALL

San Luis Obispo County Sheriff Commander Brian Hascall gave a report on the law enforcement activities in the South County.

November 26, 2009 - robber was apprehended after breaking into Los Cerritos Market.

Warrants were served in Arroyo Grande for stolen property found in a storage pod.

Holiday safety tips: Cover all gifts left in car. Packages delivered to the house are tempting targets. Gift cards – check the back to see that they are not scratched off.

##### C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Battalion Chief Bill Fisher gave an update of the CalFire activities on the Nipomo Mesa and reviewed the written activity report provided to the Board and public.

In November 2009, Nipomo Station #20 had a total of 103 calls: 11 fire calls, 12 vehicle accidents, 56 medical aids, and 24 other calls.

Mesa Station #22 had a total of 50 calls: 4 fire calls, 2 vehicle accidents, 38 medical aids, and 6 other calls.

##### C-3) NCSO DISTRICT ENGINEER PETER SEVCIK

Update re: Monthly Activities and Sundale Well Fire Remediation

This item was tabled until the next meeting.

##### C-4) NCSO SUPERINTENDENT TINA GRIETENS

Update re: Monthly Utility Division Activities

This item was tabled until the next meeting.

##### C-5) NCSO WATER CONSERVATION COORDINATOR CELESTE WHITLOW

Update re: Semi-Annual Performance and Monthly Outreach Activities

This item was tabled until the next meeting.

##### C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

#### Director Nelson

12-09-09 - Chamber of Commerce mixer tonight

12-13-09 – Gift Boutique at Mesa Vet Shop

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C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT)

Director Eby

12-17-09 - LAFCO meeting canceled. Next meeting January 21, 2010.  
12-17-09 - LAFCO Open House 11:30a.m -1:30 p.m. 1042 Pacific, SLO

Director Winn

12-11-09 - "Garbage Man's Ball" - 6:30 p.m.  
12-15-09 -- Santa Maria City Council will consider contract agreement.  
12-22-09 - NMMA TG closed meeting at 10:00 a.m.  
12-09-09 - Oceano CSD Regular Meeting - will consider "Will Serve" letter to property inside the limits of the City of Arroyo Grande.

C-7) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:19:35

D. CONSENT AGENDA

Item D-6 was pulled for separate consideration.

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of 11/13/09 Special Meeting  
Approve Minutes of 11/18/09 Regular Meeting  
Approve Minutes of 11/20/09 Special Meeting

D-3) APPROVE THE FIRM OF CROSBY COMPANY TO PROVIDE DISTRICT AUDIT SERVICES FOR FY 2010 TO FY 2012 IN THE AMOUNT OF \$8,000 PER YEAR

D-4) NOT USED

D-5) ADOPT BUDGET AMENDMENT IN THE AMOUNT OF \$51,000 FOR GENERAL MANAGER REPLACEMENT

**RESOLUTION NO. 2009-1172  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT BUDGET FOR  
GENERAL MANAGER REPLACEMENT**

Upon motion by Director Vierheilg and seconded by Director Nelson, the Board unanimously approved Items D1, D2, D3, & D5 of the Consent Agenda. There was no public comment. Vote 5-0.

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

D-6 ADOPT RESOLUTION IMPLEMENTING ELECTRICAL SAFETY POLICY

**RESOLUTION NO. 2009-1173  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AN ELECTRICAL SAFETY POLICY**

Director Vierheilg made suggestions to the policy to add using a rubber mat and wearing non-conductive shoes.

Peter Sevcik, District Engineer, stated that some regulations are in the Personal Protective Equipment (PPE) policy. He explained some of the safety training that took place with the maintenance crew.

Jon Seitz, District Legal Counsel, suggested a cross reference to the PPE policy.

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D-6 ADOPT RESOLUTION IMPLEMENTING ELECTRICAL SAFETY POLICY

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved Resolution 2009-1173, as amended and with cross reference foot-note to the PPE policy and on an annual basis, incorporating any Cal/OSHA changes. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:03:35

E-1) BRAD NEWTON, SAIC FALL GROUNDWATER LEVEL UPDATE

Brad Newton of SAIC, provided updated information to the Board and the public that was different than that presented in the Board packet. He reviewed the slides and answered questions from the Board.

Jon Seitz, District Legal Counsel, stated that the Nipomo Mesa Technical Group has not reviewed the information presented at this meeting.

President Harrison asked if there is some likelihood that the water in the Santa Maria Valley, which has the highest level of water, will reach the point where it cannot replenish the water we use before sea water intrusion would occur. Dr. Newton answered yes.

The following member of the public spoke:

John Snyder, Nipomo resident, stated that a certification stamp with a signature should be included with the report instead of just a draft. He stated that the statement that well locations are confidential in California is incorrect. He disagreed with some of the other information presented. Monitoring wells should be included in the report.

Director Winn asked about state law in releasing information about well location.

Jon Seitz, District Legal Counsel, answered that there is no law that prevents the District from releasing well information to the public.

Dr. Newton stated that there is no law against releasing well data but he keeps it confidential to maintain the confidence of private well owners.

*The Board took a break at 10:41 a.m. and resumed the meeting at 10:51 a.m.*

01:42:19

E-2) REVIEW SCOPE OF WORK AND SCHEDULE FOR URBAN WATER MANAGEMENT PLAN UPDATE BY WATER SYSTEMS CONSULTING

Michael LeBrun, Interim General Manager, introduced Jeff Szytel to present information for this item.

Jeff Szytel, P.E. and Project Manager from Water Systems Consulting, reviewed the presentation provided in the Board packet. He answered questions from the Board.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board agreed that the Directors not attend the staff level Urban Water Management Plan development workshops but that staff report progress to the Board. Vote 4-1, with Director Eby voting no.

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

*The Board took a break at 11:24 and returned at 11:30 to hear Item E-7.*

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02:16:20

E-7) ADOPT RESOLUTION OF APPRECIATION RECOGNIZING THE ACHIEVEMENTS AND SERVICES OF BRUCE BUEL, DISTRICT GENERAL MANAGER

President Harrison read the resolution aloud and presented it to Bruce Buel.

RESOLUTION 2009-1171  
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
COMMENDING BRUCE BUEL  
FOR HIS DEDICATED SERVICE TO  
NIPOMO COMMUNITY SERVICES DISTRICT

Bruce Buel spoke to the Board and to the crowd of more than 50 in the audience. Mr. Buel stated that it has been a pleasure to work with the District and its staff.

The following members of the public spoke:

Supervisor Achadjian called in from a Coastal Commission meeting. He said he was sorry to not be there in person and wanted to personally recognize Mr. Buel's contribution to the community.

Vickie Janssen, Sup. Achadjian's Legislative Assistant, presented a certificate of recognition from San Luis Obispo County Board of Supervisors.

Cliff Trotter read from a newspaper clipping where he praised Mr. Buel ending the interview with "he's bright, bright, bright."

Sharon Fredrick, resident from Los Osos, praised Mr. Buel for the work he had done in Los Osos. She stated that Los Osos' loss was Nipomo's gain.

Chuck Stevenson, SLO County Planning Dept., stated that Mr. Buel was the best district manager to work with. Mr. Buel set a new standard for managers.

Kathy Kubiak, President of Olde Towne Nipomo Association, stated that it has been a joy to work with Mr. Buel on the park project.

Daniel Diaz, NCSD resident, stated that Mr. Buel has shown much care in the concerns of the public. He nicknamed Mr. Buel "Get 'er done, Bruce."

Pandora Nash-Karner from Los Osos stated that she was on the interview panel when Mr. Buel applied for the job at Los Osos. He was, by far, the shining star.

Mike Eisner, Nipomo resident, stated that working with Mr. Buel on NICE (Nipomo Incorporation Committee for Education) and the park committee has been a pleasure.

Doug Wood, environmental consultant for the District, stated that Mr. Buel is knowledgeable, kind and professional.

Mike Cannon, considers himself lucky to know a true visionary.

Kevin Walsh, old friend of Mr. Buel's, spoke at length of the fraternal love many share for Mr. Buel.

Jon Seitz, District Legal Counsel, stated that he enjoyed working with and learned much from Mr. Buel.

After a standing ovation in honor of Mr. Buel, the Board to went to Closed Session in the District Conference Room. The public remained for a while to wish Mr. Buel well.

02:48:17

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be heard in 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).

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- 2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
- 3. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 ( 1 CASE)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:07 p.m.

02:49:50

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:31 p.m.

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

02:50:50

*The Board returned to Item E-2*

E-2) REVIEW SCOPE OF WORK AND SCHEDULE FOR URBAN WATER MANAGEMENT PLAN UPDATE BY WATER SYSTEMS CONSULTING

The Board discussed that the Urban Water Management Plan update should let the District know whether or not there is water available. The information will be used by other agencies, such as LAFCO. Several options were discussed to incorporate Senate Bill 7, enacted November 10, 2009. Mr. Szytel informed the Board there would be further costs to add the work involved in the new law.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to authorize the General Manager to negotiate the exercise of Option 2. There was no public comment. Vote 5-0.

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

03:43:29

E-3) RECEIVE REPORT FROM GREG BURNS, VAN SCOYOC ASSOCIATES FOR LOBBYING SERVICES AND CONSIDER CONTRACT EXTENSION

Michael LeBrun, Interim General Manager, introduced Greg Burns.

Greg Burns, lobbyist from Van Scoyoc Associates, reviewed some of the history of the time he has been representing NCSD over the past two years. In January, the NCSD waterline project was top priority for Representative Lois Capps, but she was unable to secure funding for any project in the Interior Bill. Mr. Burns answered questions from the Board.

There was no public comment.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board agreed to approve another year for federal lobbying. Vote 4-1, with Director Eby voting no.

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

*The Board considered Item E-10 next.*

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04:16:49

E-10) AUTHORIZE EXECUTION OF WATERLINE INTERTIE CONSISTENCY REVIEW AGREEMENT WITH THE CITY OF SANTA MARIA

Michael LeBrun, Interim General Manager, introduced the item. As stated in the Board packet, the City of Santa Maria City Council considered the Wholesale Water Supply Agreement between NCSD and the City on December 1, 2009. The Council will consider the agreement further at the December 15<sup>th</sup> meeting, including some concerns about a pump station being consistent with the aesthetic standards of Santa Maria's general plan.

Peter Sevcik, District Engineer, explained the process needed for transmission of water.

Steve Kahn, with the City of Santa Maria, stated that the item is on the agenda for December 15<sup>th</sup> but will probably be continued to the January 5, 2010 meeting.

The Board suggested a few changes to the agreement. There was no public comment. Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to adopt the agreement, as amended, and transmit it to the City of Santa Maria for final action. Vote 5-0.

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

*The Board took a break at 2:58 p.m. and returned at 3:07 p.m.*

*The Board considered Item E-8 next.*

04:24:35

E-8) RECEIVE ENGINEER'S UPDATE FROM AECOM ON INTERTIE WATERLINE PROJECT AND SOUTHLAND WASTE WATER TREATMENT PLANT UPGRADE

Michael LeBrun, Interim General Manager, introduced Mike Nunley to speak to the Board about the Waterline Intertie Project and the Southland WWTF Upgrade Project.

Mike Nunley, Project Manager for AECOM, reviewed the report presented in the Board packet and answered technical questions from the Board.

Then Mr. Nunley gave a report on the wastewater facility upgrade project. He answered questions from the Board. Director Winn stated that he would be meeting with Supervisor Patterson to explore vermiculture in relation to sludge resulting from wastewater treatment.

The Board thanked Mr. Nunley for the reports.

There was no public comment.

*The Board considered Item E-9 next.*

04:56:51

E-9) AECOM CONTRACT AMENDMENT WATERLINE INTERTIE PROJECT DESIGN

Mike Nunley, AECOM Engineering Project Manager, explained how the engineering costs involved in the Waterline Intertie Project have gone beyond the original scope of work required to complete the final design. Mr. LeBrun, Mr. Nunley and Mr. Seitz answered questions from the Board.

There was no public comment.

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- E-9) AECOM CONTRACT AMENDMENT WATERLINE INTERTIE PROJECT DESIGN (CONT)  
Upon motion by Director Eby and seconded by Director Winn, the Board agreed to authorize the General Manager to execute an amendment in the amount of \$140,873 to the existing WIP Final Design Agreement. Overall Project budget will be unaffected as an equal dollar amount will be deducted from Line 22 of the budget, Property Acquisition. Vote 4-1, with Director Harrison dissenting.

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

The Board considered Item E-4 next.

05:17:00

- E-4) RETAIN WALLACE GROUP TO IMPLEMENT FATS, OILS, AND GREASE EDUCATIONAL OUTREACH AND INSPECTION PROGRAM FOR DISTRICT SEWER SERVICE AREAS

Peter Sevcik, District Engineer, reviewed the information presented in the Board packet. He provided copies of the Sewer Management Plan approved September 2009. Mr. Sevcik answered questions from the Board.

There was no public comment.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to staff's recommendation to authorize the General Manager to execute a Task Order with Wallace Group to implement a Fats, Oils, and Grease educational outreach and inspection program for District sewer service areas for the not-to-exceed amount of \$18,767. Vote 5-0.

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

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously agreed to table Items C3, C4 and C5 to the December 16, 2009 meeting.

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

05:34:01

- E-5) REVIEW DRAFT POLICY ON THE TRANSPORTATION OF DISTRICT PRODUCED WATER OUTSIDE NCSD BOUNDARY

Jon Seitz, District Legal Counsel, explained the proposed policy concerning transportation of District water, as presented in the Board packet.

The Board asked questions of staff.

Peter Sevcik, District Engineer, answered questions from the Board and stated that some fire hydrants need to be flushed periodically because they become stagnant.

This item was tabled until further information is provided.

There was no public present to comment.

06:16:10

- E-6) ELECTION OF 2010 BOARD PRESIDENT AND VICE PRESIDENT

Director Vierheilig nominated Director Harrison for President. There was no other nomination.

Director Winn moved and Director Vierheilig seconded to close the nominations. Vote 5-0.

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E-6) ELECTION OF 2010 BOARD PRESIDENT AND VICE PRESIDENT (CONTINUED)

Voice vote was taken to appoint Director Harrison for President, by acclamation. Vote 5-0.

Director Winn nominated Director Vierheilg for Vice President. There was no other nomination.

Director Harrison moved and Director Winn seconded to close the nominations. Vote 5-0.

Voice vote was taken to appoint Director Vierheilg for Vice President, by acclamation. Vote 5-0.

There was no public present.

06":20:56

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, stated that the Manager's Report stands, as written.

Mr. LeBrun brought an emergency item to be considered on an emergency basis.

Jon Seitz, District Legal Counsel, announced that, pursuant to Government Code Section 54954.2, the District may place an item on the agenda if it is found that the situation came to the attention of District staff after the posting of the agenda and there is a need to take action on that situation before the next regularly scheduled Board meeting.

Mr. LeBrun stated that a critical piece of sewer trunk line equipment at the Southland Wastewater Treatment Facility is failing. It was noticed on Monday, December 7, 2009.

Upon motion of Director Winn and seconded by Director Vierheilg, the Board approved the findings that an emergency existed and unanimously agreed to put this item on the agenda for consideration. Vote 5-0.

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

Mr. LeBrun described the problem with the grinder (Muffin Monster). There are two grinders that work in parallel. One is failing and needs to be replaced. The cost is \$22,000 to replace with a core exchange and \$3,800-4,200 for the crane to replace a single grinder pump.

Peter Sevcik, District Engineer, explained that the grinder has a seal failure and could cause electrical problems if not repaired or replaced. JWC Environmental is a sole source purchase place.

Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously agreed, based on staff's presentation, that an emergency exists at the Southland Wastewater Treatment Facility. The Board agreed that District's purchase policy provides, along with public policy, the Board finds that an emergency condition exists and that purchase of a grinder pump from JWC Environmental for \$22,082.8, not including tax and enter into a contract with Fluid Resource Management at a not-to-exceed amount of \$5,000 for installation of the pump and to proceed with immediate haste is necessary. There was no public present to comment. Vote 5-0.

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



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G. COMMITTEE REPORT

There was no committee report.

06:35:32

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

Water Conservation Subcommittee Meeting, Friday, December 18, 2009.

Director Eby

Asked the General Manager to respond to the Notice of Preparation for the park that is due by December 23<sup>rd</sup>. Please address the availability of water for park in current condition and for plans of new turf. Also, address feasibility of connecting to NCSD sewer system and if there is accommodation in District's existing sewer lines and system. Speculation was made that a water reclamation program is possible.

ADJOURN

President Harrison adjourned the meeting at 5:32 p.m.

➤ **THE FOLLOWING SPECIAL BOARD MEETING IS DECEMBER 16, 2009  
TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Park Maintenance District No 1 Public Hearing

Note: December 23, 2009, Regular Board Meeting is canceled.  
Next Regular Board Meeting is January 13, 2010