

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 - Years of Service 1965 - 2010

MINUTES

FEBRUARY 10, 2010 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 February 10, 2010 Regular Meeting of the Board of Directors 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.

00:00:41

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER BRIAN HASCALL

Update re: South County Law Enforcement Activities

Commander Hascall was unable to attend this meeting and will give his report at the next month's meeting.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

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 December 2009, Nipomo Station #20 had a total of 111 calls: 5 fire calls, 6 vehicle accidents, 64 medical aids, and 23 other calls.

Mesa Station #22 had a total of 55 calls: 3 fire calls, 3 vehicle accidents, 28 medical aids, and 21 other calls.

He reported that the firefighters trained on vehicle extrication and CPR.

There will be ICS training February 19, 26. and March 5. NCSO is invited to attend.

The Nipomo Chipping Program will continue in the Nipomo area this spring.

The Board thanked Battalion Chief Fisher for the report.

C-3) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Mike Nunley, AECOM Engineering Project Manager, reviewed the Southland Wastewater Treatment Plant Upgrade report presented in the Board packet. Mr. Nunley answered questions from the Board. The next Southland Wastewater Treatment Plant Upgrade Committee Meeting will be March 8th.

The Board thanked Mr. Nunley for the report.

C-4) NCSO DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the District activities for January 2010. He answered questions from the Board. The Board thanked Mr. Sevcik for his report.

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C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig

02-13-10, Sat. 9:00 a.m.-12:00 p.m. - Nipomo Native Garden Work Day

02-19-10, Fri. 6:00 p.m. - CSDA SLO County Chapter meeting at Blacklake

Director Eby

LAFCO issued a public review draft of "NCSD Sphere of Influence and Municipal Services Review". LAFCO is looking at the fact that there has been increased agriculture activity between the NCSD Southland Wastewater Treatment Facility and the Maria Vista Estates.

Director Winn

He attended the Land Use Law & Planning Conference at UCLA January 29, 2010. A copy of the booklet provided is in the office for Board review, if desired. More information will be provided to Directors shortly.

The Board of Supervisors Candidates' Forum was held Saturday, Feb. 6. Misinformation about the District was given the public by a candidate and needs factual correction.

02-09-10 – The Board of Supervisors discussed Huasna Oil Exploration Project.

Final consideration of the Conservation Open Space Element. Supervisor Mecham has announced dates when chapters will be discussed. The chapter on water will be held Tuesday, April 6, 2010. The document is available, so the District has time to look it over and make comments.

Mr. Winn will be unavailable Friday, Feb 12.

02-15-10, Monday, SCAC nominations for members.

02-19-10, CSDA Annual County Chapter meeting.

02-22-10, Monday, Outreach Committee Meeting at 2:00 p.m.

Telegram Tribune had an article about Willow Road Project. It stated that NCSD will be helping with some of the funding. It needs to be clear that NCSD is only funding a section of the District pipeline there and not County roads.

Director Harrison

There will be new board member training held in Templeton, Feb. 18th & 19th.

Ethics training is due this year.

May 11 & 12, Special District Legislative Days in Sacramento

02-11-10, Planning Commission Meeting - agriculture clusters to be discussed.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Bill Kengel, local developer, handed the Board a document containing a letter from Mr. Kengel to Vicki Janssen in Supervisor Achadjian's office and an article from the Global Research website. Mr. Kengel asked the District Board to review the article. A copy of the handout is available for viewing in the District office.

00:41:03

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of January 27, 2010

D-3) CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN MARCH

D-4) APPROVE REPLACEMENT OF SECOND GRINDER CARTRIDGE AT SOUTHLAND WASTEWATER TREATMENT FACILITY

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D. CONSENT AGENDA (CONTINUED)

Director Winn asked to pull Item D-3 for separate consideration.

Director Vierheilg suggested a minor correction in the proposed resolution for Item D-4.

Upon motion by Director Vierheilg and seconded by Director Nelson, the Board unanimously approved Items D1, D2, and D4 of the Consent Agenda, as amended. Vote 5-0.

**RESOLUTION NO. 2010-1176
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE ACQUISITION AND REPLACEMENT OF A
SECOND GRINDER CARTRIDGE AT THE SOUTHLAND
WASTEWATER TREATMENT FACILITY**

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

D-3) CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN MARCH

The Board discussed the schedule for Board meetings in March 2010. After some discussion, Director Eby made a motion to accept staff recommendation to hold the March 24th meeting as scheduled. Director Vierheilg seconded the motion. Vote 4-1, with Director Winn voting no.

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

E. ADMINISTRATIVE ITEMS

00:49:40

E-1) LETTER IN SUPPORT OF DANA ADOBE

Dr. Herb Kandel explained some processes being taken for the application of a grant to obtain property for a proposed park area near the Dana Adobe. He gave some documents to the Board relating to the project. He had previously asked the Board for a letter supporting the efforts of the Dana Adobe Nipomo Amigos for the Statewide Park Development and Community Revitalization Program 2008 Grant Application. Dr. Kandel showed concept pictures to the Board and answered questions from the Board.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved a version of the support letter with some changes made by the Board. A copy of the draft letter and the handouts from Dr. Kandel are available for viewing on the District's website. There was no public comment. Vote 5-0.

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

01:13:48

E-2) BY-LAWS REVIEW

Jon Seitz, District Legal Counsel, reviewed the existing Board By-Laws.

The Board discussed the by-laws and made suggestions for changes. Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed upon the changes. There was no public present to comment. A resolution approving the amended by-laws will be brought to the next meeting for adoption. Vote 5-0.

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

01:55:43

E-3) APPOINT DELEGATE TO NIPOMO MESA MANAGEMENT AREA TECHNICAL GROUP

Jon Seitz, District Legal Counsel, stated that the District, as a stipulating party in the groundwater adjudication, may attend the Nipomo Mesa Management Area Technical Group meetings. The Board discussed appointing a delegate or regular attendee from the Board. Upon nomination and motion by Director Harrison and seconded by Director Winn, the Board unanimously agreed to appoint Director Eby as a regular attendee to the Nipomo Mesa Management Area Technical Group regular meetings. Vote 5-0.

02:04:04

F. MANAGER'S REPORT

Lisa Bognuda, Acting General Manager, stated that the Report is as presented. The District received information from Mr. Regan Williams of the Bob Murray Associates that there have been 29 applicants to date for the General Manager position. There was no public comment.

02:05:47

G. COMMITTEE REPORT

December 07, 2009 Infrastructure Committee Minutes
December 18, 2009 Water Conservation Committee Minutes
January 25, 2010 WIP Committee Minutes

The minutes to the various meetings were received and accepted to file. There was no public comment.

The Board considered Closed Session next.

02:06:29

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; LORI FOSTER CLAIM AGAINST NCSD
2. CONFERENCE WITH LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; M. SCOTT GILLESPIE CLAIM AGAINST NCSD
3. 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).
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (1 CASE)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:08 a.m.

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L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board returned to Open Session at 12:00 p.m. and gave direction to staff on Item 1 & 2. Jon Seitz, District Legal Counsel, announced that the Board heard an update on Item 3 above. There was no reportable action taken. Items 4 & 5 above were not heard.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There was no direction to staff.

ADJOURN

President Harrison adjourned the meeting at 12:03 p.m.

➤ Next Regular Board Meeting is February 24, 2010