

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 - Years of Service 1965 - 2010

MINUTES

FEBRUARY 24, 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 meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Directors were present.

00:00:36

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project

Michael LeBrun, Interim General Manager, introduced Mike Nunley.

Mike Nunley, AECOM Engineering Project Manager, reviewed the report presented in the Board letter.

Peter Sevcik, District Engineer, Mike Nunley, AECOM Engineering Project Manager, and Jon Seitz, District Legal Counsel answered questions from the Board. The Board thanked Mr. Nunley for the report.

C-2) NCSD SUPERINTENDENT TINA GRIETENS

Update re: January 2010 Utility Division Activities

(Directors will be provided an overview of recently purchased utility equipment in the parking lot immediately adjacent to the hearing room.)

Michael LeBrun, Interim General Manager, introduced Tina Grietens. He mentioned the planned viewing of the utility equipment will be postponed due to the rain.

Tina Grietens, Utility Superintendent, reviewed the report in the Board letter. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for the report.

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Nelson

He stated that he attended the Regional Water Quality Control Board workshop on a TMDL study for Santa Maria River Watershed. Some of the information presented included a report that gave a comprehensive overview of the Santa Maria Groundwater Basin. There are some 90 pollutants present in surface water.

Director Nelson (CONT)

A member of the Chumash tribe, Fred Collins, mentioned the oil plume that is 18 inches underneath the Nipomo Creek and that he once swam in Nipomo Creek and Oso Flaco Lake in his youth. Also, Director Nelson will provide a copy of an update on the agricultural water improvement and the regulatory program that is going on.

Nipomo Community Services District
REGULAR MEETING
MINUTES

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST (CONT)

Director Vierheilig

03-06-10 – Nipomo Native Garden will have a workday from 9:00 to noon
03-12, 13, & 14, 2010 – Santa Barbara International Orchid Show at the Earl Warren Showgrounds.
03-26, 27, 28, 2010 – Central Coast Orchid Show at the South County Regional Center in Arroyo Grande. Friday night preview will benefit Alzheimer's Assoc. Tickets for the preview are \$40.00.

Director Winn

03-23-10 – Attended the SLO County Board of Supervisors meeting considered the treated sewage and bio-sludge issue. New ordinance will be introduced March 9.
03-29-10 – Huasna Excelaron Petroleum Plan wants to put in 12 new wells. A federal clean-up group has sealed some wells. The public meeting will be at the South County Regional Center in Arroyo Grande March 29.
03-03-10 – Water Resource Advisory Committee will meet in San Luis Obispo at 1:45 p.m. They will be discussing the update of the RMS. There will be a report from the RWQCB on the new proposed ag water policies.
The APCD report on air quality concerning particulate matter in the Nipomo area possibly being generated from the Dunes area is on their website at slocleanair.org.
02-22-10 – South County Advisory Council (SCAC) – presentation by Dana Adobe asking for a letter to be signed to support help from Congress. Also, SCAC election nominations were accepted.
3-08-10 – Town Hall meeting introducing the SCAC candidates at NCSD.
02-25-10 – Bids will open on the Willow Rd. Extension project.
Director Eby gave an excellent report to SCAC re the LAFCo SOI for NCSD.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Michael Teixeira from Paso Robles introduced himself to the Board and the public. He is running for sheriff in the next election. He is experienced in working with gangs. He wants to start a gang diversion project. His website is Tex4sheriff.com.

00:34:26

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of February 10, 2010
- D-3) ADOPT 2010 BOARD BYLAWS

The Board discussed the proposed resolution and made minor changes. Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda, as amended. Vote 5-0.

**RESOLUTION NO. 2010-1177
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BOARD BY-LAWS AND POLICIES (2010)**

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

00:37:54

E. ADMINISTRATIVE ITEMS

E-1) CONSIDER COUNTY PROPOSED GENERAL PLAN AMENDMENT FOR JACK READY PARK

Michael LeBrun, Interim General Manager, stated that, contrary to his staff report, County staff will not be making a presentation on this item. District staff will keep in contact with County staff.

Briget Ready, 5th generation Dana descendant, is proposing the Jack Ready Park, especially designed for special-needs children and others.

Paul Ready, SLO resident, stated that property was deeded to SLO County for the purpose of a park. He thanked all the volunteers, "Jack's Helping Hand", who have been involved in the project. He asked for continued support.

Paul Wolff, retired architect from Call Poly, speaking for a group called accessforall.org. supports the new park.

Vicki Jansen, Supervisor Achadjian's legislative assistant, conveyed to the Board Katcho's support for the project. She also asked about NCSD Ordinance 3090. The project is consistent with the Parks and Recreation Element and the 2005 General Plan.

Director Winn stated that Ordinance 3090 is a County ordinance, not one from NCSD, though we do value it highly.

Mr. LeBrun stated that the Board will be kept informed concerning the project. No action needed or taken on this item.

The Board took a break at 9:59 a.m. and returned at 10:10 a.m.

00:58:12

E-2) CAPACITY CHARGE COLLECTION POLICY

Michael LeBrun, Interim General Manager, explained that District staff and the San Luis Obispo County Home Builders Association met to discuss delaying of the collection of fees until the issuance of a building permit by the County.

The Board discussed the situation.

Jon Seitz, District Legal Counsel, stated that fees require an ordinance amendment. Things to be considered include: how much should be in initial deposit, when is balance to be paid, sunset date to be number of months after adoption.

Peter Sevcik, District Engineer, answered questions from the Board about the existing subdivisions.

The following members of the public spoke:

Jerry Bunin, San Luis Obispo County Home Builders Association, stated that it is fiscally problematic for developers to pay District fee prior to the building permit. He proposed 10% at the issuance of the Will-Serve Letter, and 90% as the building permit is pulled.

Greg Nester, local builder, reviewed the process builders go through to get a building permit. He answered questions from the Board.

Gwen Pelfrey, Coast National Bank, explained the lending process and that it has changed quite a bit during this economy.

Terry Flatley, local builder, explained how other agencies' policies work in paying fees before occupancy.

Nipomo Community Services District
REGULAR MEETING
MINUTES

E-2) CAPACITY CHARGE COLLECTION POLICY (CONTINUED)

The Board discussed the matter at length. Lisa Bognuda, NCSD Finance Director, and Peter Sevcik, District Engineer, answered questions from the Board.

Ms. Pelfrey, Coast National Bank, clarified some loan policies.

Charlie Fruit, Coast National Bank, suggested that the Board record a lien against the property as a guarantee of payment of fees.

Upon motion of Director Harrison and seconded by Director Vierheilig, the Board agreed to direct staff to put into place an ordinance the way the District collects fee: 10% at issuance of the Will-Serve Letter, an additional 20% at issuance of the Ready-to-Serve Letter, full fees for any parcel developed before the Ready-to-Serve letter, and the remainder of fees at the Building Permit stage. Vote 4-1, with Director Eby voting no.

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

The Board considered Closed Session next.

03:09:10

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).
2. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GC§54956.9 MARIA VISTA VS. NCSD (CASE NO. CV 040877), MARIA VISTA VS. NCSD (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSD ET AL. (CASE NO. CV 040150);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)
4. 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 12:24 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:27 p.m.

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

The Board considered Item E-5 next.

Nipomo Community Services District
REGULAR MEETING
MINUTES

03:11:44

E-5) LAFCO SPHERE OF INFLUENCE UPDATE (SOI) AND MUNICIPAL SERVICES REVIEW

Michael LeBrun, Interim General Manager, introduced LAFCO's February 2010 Public Review Draft, Sphere of Influence Update and Municipal Services Review for Nipomo Community Services District. Each Director had comments and suggestions on the draft for Mr. LeBrun to take to LAFCO for its consideration. The Board directed staff to draft the comments and bring back to the next meeting before presenting the comments to LAFCO.

04:22:27

E-3) AWARD TANK COATING BID

Peter Sevcik, District Engineer, reviewed the bid process for awarding the bid for the Rehabilitation of Two 500,000 Gallon Welded Steel Water Storage Tanks to the lowest responsive and responsible bidder. Eleven bids were received. Crosno Construction, Inc. was the lowest bidder. Mr. Sevcik answered questions from the Board.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to staff's recommendation to:

1. Award the bid for the project to Crosno Construction, Inc. for \$202,700, including the additive bid items, and authorize General Manager to execute construction agreement.
2. Authorize the General Manager to issue individual Change Orders for up to \$5,000 with an aggregate Change Order total not to exceed \$20,000.
3. Authorize staff to file a Notice of Exemption for the project.

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

04:32:26

E-4) LAFCO SPECIAL DISTRICT BALLOT

Michael LeBrun, Interim General Manager, explained that four individuals have been nominated to fill the Special District seat of the Local Agency Formation Commission. Director Winn stated that Director Eby has attended every LAFCO meeting since 2006. Upon motion by Director Vierheilig and seconded by Director Nelson, the Board unanimously agreed to vote for Director Eby and directed staff to file a completed ballot with LAFCO. There was no public comment. Vote 5-0.

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

04:35:38

E-6) CSDA 2010 LEGISLATIVE DAYS IN SACRAMENTO

Michael LeBrun, Interim General Manager, explained that the CSDA Legislative Conference will be held In Sacramento, May 11 and May 12, 2010.

Directors Winn and Harrison expressed a desire to attend along with the General Manager. There was no public present to comment.

Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously agreed to send District representation to the CSDA Legislative Conference in May, 2010. Vote 5-0.

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

04:39:47

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board letter and answered questions from the Board. There was no public present to comment.

G. COMMITTEE REPORT

There was no committee meeting held to present a report.

04:53:03

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Asked to have rain totals included in the next Manager's report.
- ◇ Asked when the next groundwater capacity study report from SAIC will be issued.
- ◇ Dana Adobe Nipomo Amigos asked SCAC for a support letter and will probably be asking NCSA for a support letter to Congress for a grant. He asked that this be agendaized.
- ◇ Asked to change District's regular May 12th meeting to May 19th and the May 26th meeting to June 9.
- ◇ His home water conditioner was adjusted by the seller and it now uses much less salt.
- ◇ He is getting a solar energy system for his home. The amount of money saved on electricity will pay for the unit in 5½ years. He would like to have the District look into this type of energy savings.

Director Harrison

Asked Mr. LeBrun to speak on Olde Towne Nipomo Association meeting.

Mr. LeBrun stated that Olde Towne Nipomo Association is looking at a loan for Miller Park. There were discussions including Tony Navarro and Kari Wagner. There is possible funding through the State or USDA Rural Grants.

ADJOURN

President Harrison adjourned the meeting at 3:25 p.m.

- Next Regular Board Meeting is March 10, 2010