

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

MARCH 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.

A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the March 10, 2010 Regular Meeting of the Nipomo Community Services District to order at 9:02 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, the following Directors were present: Directors Nelson, Eby, Winn and Harrison. Director Vierheilig was absent.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER BRIAN HASCALL

Update re: South County Law Enforcement Activities

Sheriff Commander Brian Hascall presented information on the activities of the South County Sheriff's Department.

An arrest was made February 15, 2010, for the homicide of Pedro Gonzales on Bonita School Rd.

An arrest was made on Jupiter and Division during a routine traffic stop. Suspect had methamphetamine and marijuana packaged for sale in the car.

Personal property was stolen from a car on Brisas Lane on March 1st during the hours of 6:00 p.m. and 8:00 a.m. The car was unlocked. Cmdr. Hascall reminds the public to keep cars locked and remove valuables from their cars.

The Board thanked Cmdr. Hascall for the report.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher gave an update of the Cal Fire activities on the Nipomo Mesa and reviewed the activity report given to the Board and public.

In December 2009, Nipomo Station #20 had a total of 91 calls: 4 fire calls, 10 vehicle accidents, 59 medical aids, and 18 other calls.

Mesa Station #22 had a total of 44 calls: 2 fire calls, 7 vehicle accidents, 26 medical aids, and 9 other calls.

Cal Fire will be in charge of the Chipping Program for the Nipomo area.

C-3) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Mike Nunley, AECOM Engineering Project Manager, presented the report as written in the Board packet. There was no public comment. The Board thanked Mr. Nunley for the report.

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- C-4) NCSD DISTRICT ENGINEER PETER SEVCIK
Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as written in the Board packet. He answered questions from the Board. The Board thanked Mr. Sevcik for the report.

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

Director Winn

The Water Resources Advisory Committee met March 3, 2010, in San Luis Obispo. Items discussed included:

The Resource Capacity Study for the Paso Robles Basin is almost finished. It should be coming to WRAC in May.

The annual County RMS (Resource Management Survey) will be coming possibly in May.

Conservation Open Space Element is in hearings in the Board of Supervisors - the Water Chapter will be heard April 6, 2010.

Letter-of-Intent to evaluate permanent Schedule A water allocations from the from the County's unallocated 15,000 afy to the CCWA.

CCWA could possibly allow others to use some of their excess water capacity in pipeline, SLO County subcontractors first.

CCWA could possibly allow others to use excess water capacity in pipeline.

Central Coast Water Quality Control Board - how to use agricultural water was discussed.

03-12, 13, & 14, 2010 – Santa Barbara International Orchid Show at the Earl Warren Showgrounds.

03-29-10, 6:00 p.m. – Huasna Excelaron Petroleum Plan public meeting will be at the South County Regional Center in Arroyo Grande.

Director Eby

South County Advisory Committee met March 8, 2010, and had its Candidate's Forum. There will be no election. All nominations ran unopposed and will be appointed. All incumbents will keep their seats. The inaugural meeting will be March 22, 2010.

There will be no LAFCO meeting in March. The next meeting will be April 15, 2010. One of the seats representing cities, held by Allen Settle, is up for renewal.

- C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:28:35

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS

- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of February 24, 2010

- D-3) ADOPT RESOLUTION APPROVING TEFFT STREET SEWER FACILITY AND WATER WELL EASEMENT TRANSFERS WITH SLO COUNTY

RESOLUTION NO. 2010- 1178
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
QUITCLAIMING THE DISTRICTS INTEREST IN A WATER WELL EASEMENT TO THE COUNTY OF SAN LUIS
OBISPO AND ACCEPTING A SANITARY LIFT STATION AND
PIPELINE EASEMENT FROM THE COUNTY OF SAN LUIS OBISPO

- D-4) APPROVE CONTRACT FOR OTHER POST EMPLOYMENT BENEFITS (OPEB)
ACTUARIAL VALUATION

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D. CONSENT AGENDA (CONTINUED)

Michael LeBrun, Interim General Manager, reviewed the items on the Consent Agenda. The Board made suggestions to the proposed resolution. There was no public comment. Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

00:32:38

E-1) AECOM CONTRACT AMENDMENT FOR SOUTHLAND WWTF UPGRADE PROJECT ENGINEERING DESIGN

Michael LeBrun, Interim General Manager, gave an overview of the proposal from AECOM for a contract amendment for the engineering design of the Southland Wastewater Treatment Facility Upgrade Project.

Mike Nunley, AECOM Engineering Project Manager, reviewed the presentation handed to the Board and the public. Mr. Nunley answered questions from the Board about the changes in the design of the project. It is proposed to complete the project in three phases rather than the originally proposed two phases. A contract amendment is necessary to engineer the changes.

Upon motion of Director Eby and seconded by Director Nelson, the Board authorized the General Manager to execute an amendment in the amount of \$37,020 to the existing Southland WWTF Final Design Agreement. Vote 3-1, with Director Harrison voting no.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Nelson and Winn	Director Harrison	Director Vierheilig

01:30:50

E-2) FUGRO CONTRACT AMENDMENT FOR PASQUINI PROPERTY HYDRO-GEOLOGIC INVESTIGATION AGREEMENT

Michael LeBrun, Interim General Manager, reviewed the proposal from Fugro West to provide hydro-geologic services to investigate further into the feasibility of the Pasquini property as an alternate effluent disposal site for the Southland Wastewater Treatment Facility. The proposal for the amendment to the original contract is for \$30,200.

Paul Sorenson, representative of Fugro West, explained the need for the further investigation. Mr. Sorenson answered questions from the Board.

There was no public comment.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to authorize the General Manager to execute an amendment in the amount of \$30,200 to the existing Fugro Pasquini Hydro-geologic Investigation Agreement. Vote 4-0.

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

The Board took a break at 11:02 a.m. and returned at 11:16 a.m.

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01:58:39

E-3) AUTHORIZE WILLOW ROAD EXTENSION PROJECT PHASE 1 WATERLINE EXPENDITURE

Peter Sevcik, District Engineer, reviewed additive bid item for waterline work to the County road bid and discussed the County's requirement for the District to deposit a total of 120% of the estimated project costs for the waterline construction costs with the County. The Board discussed the acceptance of the bidder finally chosen by the County. Mr. Sevcik answered questions from the Board. Some minor changes were suggested to the proposed resolution to authorize disbursement of funds to San Luis Obispo County for construction of Willow Road Waterline Extension Project Phase 1.

Upon motion by Director Nelson and seconded by Director Eby, the Board agreed to staff's recommendation to rescind Resolution 2009-1162 and approve Resolution 2010-1179 Authorizing Remaining Deposit to San Luis Obispo County for Construction of the Willow Road Phase 1 Waterline Extension. There was no public comment. Vote 3-1, with Director Winn voting no.

**RESOLUTION NO. 2010-1179
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**

YES VOTES	NO VOTES	ABSENT
Directors Nelson , Eby, and Harrison	Director Winn	Director Vierheilig

02:19:27

E-4) AUTHORIZE AMENDMENT OF CANNON DESIGN AND CONSTRUCTION MGMT CONTRACT - WILLOW ROAD PHASE 1 WATERLINE

Peter Sevcik, District Engineer, explained that in 2008, the Board selected Cannon to provide design services and construction management services for the Willow Road Phase 1 Waterline Extension Project. With many changes since that time, Cannon proposed to amend the original contract to include 100% of the construction management at a not-to-exceed cost of \$99,600. Mr. Sevcik answered questions from the Board. There was no public comment.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to staff's recommendation to authorize the General Manager to execute an amendment in the amount of \$99,600 to the existing Cannon Willow Road Phase 1 Waterline Design and Construction Management Agreement. Vote 4-0.

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

02:29:27

E-5) CONSIDER CHANGE IN BOARD MEETING SCHEDULE FOR MAY

Michael LeBrun, Interim General Manager, explained that President Harrison and Director Winn will be representing the District at California Special Districts Legislative Days in Sacramento. With two Directors absent, the remaining three Directors must be present to constitute a quorum. The Board discussed the different options available for the May meetings.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to authorize the President to cancel the May 12th meeting if all directors are needed for that meeting and for him to set a special meeting when all directors can be present. There was no public comment. Vote 4-0.

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

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The Board considered Closed Session next.

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (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. NCSO (CASE NO. CV 040877), MARIA VISTA VS. NCSO (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCSO ET AL. (CASE NO. CV 040150);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSO 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

President Harrison adjourned the meeting to Closed Session at 11:55 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:22 p.m.

Jon Seitz, District Legal Counsel, announced the following:

The Board heard an update on Items 1 and 3 above, but took no reportable action.

Item E-6 was considered next.

02:38:58

E-6) LAFCO SPHERE OF INFLUENCE COMMENT LETTER

Michael LeBrun, Interim General Manager, explained that the Board considered the public review draft of the San Luis Obispo Local Agency Formation Commission (LAFCO) proposed 2010 update of the District's Sphere of Influence (SOI) at the February 24, 2010 Regular Meeting. Comments on the SOI are due no later than March 22, 2010. Mr. LeBrun presented a draft letter to LAFCO commenting on the proposed update of the District's SOI. The Directors made suggestions for changes to the letter. There was no public comment. The Board directed Mr. LeBrun to make the changes and submit the letter to LAFCO.

03:52:48

F. MANAGER'S REPORT

The Manager's Report was presented as written. Mr. LeBrun added the following information:

The time for an Ethics Training for the Directors is being discussed. It may be on line.

The following copies were made available to the Board and public:

- Rainfall data reports.
- Mandi Well depths.
- CSDA e-News.

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F. MANAGER'S REPORT (CONTINUED)

Copies of letters of support of FY Appropriation Request for the Restoration of the Dana Adobe.
Chamber of Commerce flyer.

Letter from SLO Public Works –boundary survey work in Olde Towne.

Mr. LeBrun answered questions from the Board. There was no public comment.

04:42:59

G. COMMITTEE REPORT

March 1, 2010 Finance Committee Minutes

The Committee Report was as presented.

04:43:22

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- The meeting meant for 3-9-10 with Mike Anderson at CCC will be rescheduled.
- Board of Supervisors met 3-9-10.
 - ◇ Bio Solids/Sludge Ordinance was extended for another three years.
 - ◇ County staff requested an "interpretation" of the ordinance regulating the processing of recycled road materials on RL- and Ag-zoned land. The Board of Supervisors turned down the request the change the ordinance.
 - ◇ Would like to agendize some discussion on the District's policy for installing photovoltaic systems on District buildings.
 - ◇ Some information needs to be conveyed to James Caruso at County Planning concerning a Level of Severity II for the District sewer system.
 - ◇ Information about the District's 16% reduction in water use was sent to LAFCO. How does that relate to Craig and Holloway annexations?

ADJOURN

President Harrison adjourned the meeting at 3:42 pm.

➤ Next Regular Board Meeting is March 24, 2010