

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 45 Years of Service 1965 - 2010*

## MINUTES

**MARCH 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

Vice President Vierheilig called the March 24, 2010 Regular Meeting of the Nipomo Community Services District to order at 9:01 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, the following Directors were present:

Directors Nelson, Eby and Vierheilig.

Directors Harrison and Winn were in Washington, D.C. on District business.

00:01:06

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project

Michael LeBrun, Interim General Manager, reviewed information concerning budget items 21, 27 and 28 presented in the Waterline Intertie Project Report.

Mike Nunley, AECOM Engineering Project Manager, reviewed the report as submitted in the Board packet. Mr. Nunley and Mr. LeBrun answered questions from the Board.

##### C-2) NCSD SUPERINTENDENT TINA GRIETENS

Update recent Operations activities

Tina Grietens, Utility Superintendent, reviewed the report supplied in the Board packet. Ms. Grietens and Peter Sevcik, District Engineer, answered questions from the Board.

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

Receive Announcements from Directors Items of District & Community Interest

###### Director Eby

As Board representative to the Nipomo Mesa Management Area Technical Group, Director Eby attended the meeting last week. The annual report should be out by the end of April. The next meeting will be April 5 at 1:00 p.m. at NCSD and the following meeting will be April 19, 2010, at 10:00 a.m. at Wallace Group in San Luis Obispo.

Director Eby was elected to fill the Special District seat of the Local Agency Formation Commission. The position runs through December 2010. This freed the alternate position.

At the SCAC meeting Monday, March 22, the new council was sworn in. Mike Murphy, was elected president.

###### Director Nelson

March 25, 2010, Nipomo Chamber of Commerce meeting. He plans to attend the meeting.

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

Director Vierheilig

March 27, 28, 2010 - Central Coast Orchid Show at the South County Regional Center in Arroyo Grande. March 26<sup>th</sup> is the fundraiser night for Alzheimer's Assoc.

April 11, 2010, from 1:00 to 3:00 p.m. Spring Garden Tour at the Nipomo Native Garden. There will be demonstrations and instructions. Also, plants and books will be for sale.

April 10, 2010, 9:00 – 11:00 a.m. - Sheriff Candidate Forum at the Blacklake Clubhouse.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:24:30

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of March 10, 2010

D-3) ADOPT RESOLUTION APPROVING CHANGES TO PERSONNEL POLICY REVISE JOB DESCRIPTION FOR SECRETARY/CLERK

**RESOLUTION NO. 2010-1180  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY TO  
REVISE SECRETARY/CLERK JOB DESCRIPTION AND SALARY STEP RANGE**

D-4) ADOPT RESOLUTIONS APPROVING CHANGES TO PERSONNEL POLICY REVISE JOB DESCRIPTION FOR UTILITY FIELD SUPERVISOR AND MAINTENANCE SUPERVISOR

**RESOLUTION NO. 2010-1181  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY TO  
REVISE MAINTENANCE SUPERVISOR JOB DESCRIPTION**

**RESOLUTION NO. 2010-1182  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY TO  
REVISE UTILITY FIELD SUPERVISOR JOB DESCRIPTION**

D-5) APPROVE CONTRACT WITH HARPER AND ASSOCIATES FOR CONSTRUCTION MANAGEMENT AND INSPECTION FOR TANK REHABILITATION PROJECT

Michael LeBrun, Interim General Manager, presented the items for the Consent Agenda. He suggested a few changes to the proposed resolutions. Mr. LeBrun answered questions from the Board. Upon motion by Director Eby and seconded by Director Nelson, the Board unanimously approved the Consent Agenda, as amended. There was no public comment. Vote 3-0.

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

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E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE STORAGE TANK SITE PLAN

Peter Sevcik, District Engineer, explained that Cannon Engineering was commissioned to do a study to develop site locations for new water tanks. Cannon proposed to provide the required engineering services to develop a preliminary site plan for placement of the two additional water tanks. Mr. Sevcik answered questions from the Board. The District will probably send out a Request For Proposal for the final design.

The following member of the public spoke:

Cliff Trotter, Blacklake resident, asked about the size of the proposed tanks. Mr. Sevcik answered that they are about 35 feet in diameter and one-million gallon capacity each.

Upon motion by Director Eby and seconded by Director Nelson, the Board unanimously agreed to authorize staff to execute a Task Order with Cannon for the development of a water tank siting for a not-to-exceed amount of \$23,135. Vote 3-0.

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

00:46:57

E-2) REVIEW PROPOSALS FOR EDUCATION AND OUTREACH SERVICES WATERLINE INTERTIE PROJECT AWARD CONTRACT

Michael LeBrun, Interim General Manager, reviewed the information concerning awarding a contract to provide Education and Outreach Services related to the Waterline Intertie Project. The District invited two proposers to provide a presentation to the Ad Hoc Committee on March 17, 2010.

Director Eby reported the results of the committee meeting. The True North firm seemed to have a more specific approach to the District's needs.

Director Nelson commented on the importance of educating the public of the necessity of the waterline project. It seemed that the True North firm was more specific to finding out what the public now knows about the project.

Jon Seitz, District Legal Counsel, stated that even though much of this community is comprised of retirees who may not benefit directly, the property value will be increased for the heirs of the property.

The following member of the public spoke:

Cliff Trotter, Blacklake resident, stated that the need for the pipeline is more serious than overdraft. It is vital that the public is made more aware of the threatening seawater intrusion.

Jon Seitz, District Legal Counsel, stated that the Northern Cities groundwater management group area was presented with the information about the seawater intrusion about six months ago. There has been more testing of the wells in the threatened area. The information will likely be released in the Northern Cities groundwater report due in April or May.

Upon motion by Director Eby and seconded by Director Nelson, the Board unanimously agreed to select True North as the consultant and authorize staff to negotiate a contract and scope of work not-to-exceed \$76,000. Vote 3-0.

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

The Board took a break at 10:16 and returned at 10:28 a.m.

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01:15:34

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, added the following to the report:  
The District received a public information records request from SLO Coastkeepers.  
Mr. LeBrun reviewed some of the items in the report and answered questions from the Board.

01:30:41

G. COMMITTEE REPORT

- 1. March 8, 2010 Southland Upgrade Committee
- 2. March 15, 2010 Personnel Committee

The Board agreed that the minutes reflect the discussions in both committee meetings.

01:32:00

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There was no Director request.

01:32:19

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. 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. PUBLIC EMPLOYEE APPOINTMENT (GOVERNMENT CODE §54957) TITLE: DISTRICT GENERAL MANAGER

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 10:46 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 2:40 p.m.

Jon Seitz, District Legal Counsel, announced the following:

The Board heard an update on Item 4 first (potential appointment candidates).

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

ADJOURN

Vice President Vierheilig adjourned the meeting at 2:42 p.m.

- Next Regular Board Meeting is **APRIL 14, 2010**