

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

APRIL 14, 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.

TODAY'S MEETING INCLUDES A STRATEGIC PLAN WORKSHOP BEGINNING AT 1:00 PM.

00:00:00

A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the meeting to order at 9:01 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all directors were present.

00:00:39

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER BRIAN HASCALL

Update re: South County Law Enforcement Activities

At the end of March, there was an armed robbery on the 2400 block of Tienda Place off Highway 1. Three arrests were made and most of the property was recovered.

On March 21, 2010, R. Martinez was stopped on Orchard and found in possession of methamphetamines and a false registration on his car.

Scam phone calls are being received about winning the Oklahoma lottery. He warned citizens not to send money to receive money.

April 13, 2010, a routine traffic stop on Hazel and Briar Rose found I. Garcia in possession of methamphetamines.

Cmdr. Hascall warned that there has been illegal solicitation of magazine sales. There have been some arrests.

At the duck pond in Oceano, seven people were arrested in possession of methamphetamines.

Cmdr. Hascall answered questions from the Board. He stated that it is illegal to discharge a firearm within 100 feet of an inhabited dwelling in the URL or VRL. The Board thanked him 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 CalFire activities on the Nipomo Mesa and reviewed the activity report given to the Board and public.

Some of the information in the report includes:

In March 2010, Nipomo Station #20 had a total of 80 calls: 9 fire calls, 15 vehicle accidents, 37 medical aids and 19 other calls.

Mesa Station #22 had a total of 72 calls: 8 fire calls, 18 vehicle accidents, 31 medical aids and 15 other calls.

On March 4th, four RV's burned at the Sheridan Rd. RV Storage area. On March 27th, there was a structure fire on Callender Road.

The Chipping Program will continue in the Nipomo Area from April 19th to June 17th.

Tri-tip BBQ to benefit Company 20 PCFs (Paid Call Firefighters) Sunday, April 25, 2010, 10am to 2pm, Von's parking lot.

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- C-3) MIKE NUNLEY OF AECOM
Update re: Southland Wastewater Treatment Plant Upgrade
Eileen Shields, AECOM Engineer, reported for Mike Nunley today. She reviewed the report in the Board packet and answered questions from the Board.
- C-4) NCSD DISTRICT ENGINEER PETER SEVCIK
Update re: Recent Activities
Peter Sevcik, District Engineer, reviewed the report published in the Board packet and answered questions from the Board.
- C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

April 6, 2010 – The SLO Board of Supervisors approved Conservation Open Space Element

April 7, 2010 – Water Resources Advisory Committee (WRAC) met and discussed the Master Water Plan Workshop in the morning and the Resource Management System Annual Report (RMS) in the afternoon. These affect the District's water supply, water system, and sewer system. The recommendation was to continue with a Level II Severity.

April 6, 2010 – There was a meeting in the District Boardroom. Discussion included information about a light-brown apple moth doing damage to the apple trees and other crops.

Met with Supervisor Achadjian and discussed the MOU.

May 5, 2010 – WRAC will discuss the Creston Master Plan. The decision made on principles may set a precedent.

April 19, 2010 – Paso Robles Basin Plan, Resource Capacity Study, which affects Nipomo in a way that private farmers can report water use and still maintain privacy.

Director Eby

He attended the WRAC meeting where the Resource Management Report was presented. He found Nipomo Mesa and NCSD numbers are inconsistent with the facts. He suggested WRAC wait for the NMMA Technical Group Annual Report at the end of April and the NCSD's Urban Water Management Plan Update.

LAFCO meeting on April 15th will consider:

- ◇ a small annexation to Arroyo Grande;
- ◇ review the NCSD Sphere of Influence Municipal Service Review;
- ◇ LAFCO budget for the coming fiscal year. 15% budget reduction.

Director Vierheilig

April 17, 2010 – Central Coast Greenhouse Growers Association (CCGGA) will hold its annual greenhouse open house from 8-3. For more information, go to CCGGA.org.

Nipomo Native Garden Spring Garden Tour will be April 25th from 1-3 pm.

Director Harrison

There will be CCGGA demonstrations and FFA groups at the Edwards Barn. Rotary Club will sell BBQ sandwiches at the Edwards Barn.

Rotary Club will hold a clean-up day at Oso Flaco Lake April 24th. The Chumash will be putting in a story along the causeway of how the Chumash lived.

May 7, 2010 - Rotary Golf Club at Cypress Ridge

April 14, 2010, 7:00 p.m. – Meeting at Grover Beach City Hall concerning what to do with the staging area for equestrians at the beach end of Grand Avenue.

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

There was no public comment.

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00:49:50

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

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

D-3) INITIATE LANDSCAPE MAINTENANCE DISTRICT ENGINEERING REPORT

RESOLUTION NO. 2010-1183
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2010-2011 PURSUANT TO THE PROVISIONS OF PART 2 OF
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

D-4) MISTY GLEN WATERLINE CONNECTION PROJECT ACCEPTANCE

There was one minor correction in the proposed resolution.

Upon motion by Director Vierheilg, and seconded by Director Winn, the Board unanimously approved the items on the Consent Agenda, as amended. There was no public comment. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:51:47

E-1) RECEIVE WORK PRODUCT #1 2010 URBAN WATER MANAGEMENT PLAN UPDATE

Michael LeBrun, Interim General Manager, explained that Water Systems Consulting will present the development of the Demand Database (Work Product #1) and computation of District per capita use.

Jeffery Szytel, PE, from Water Systems Consulting, reviewed the information provided to the Board and the public. Mr. Szytel answered questions from the Board.

The following member of the public spoke:

Bill Petrick, Blacklake resident, stated that the report was well written and the District got its money's worth; however, he stated that there should be a section on conservation rather than just a statement on Table 17. He disagreed with the choice of how some of the information on Table 9 was presented. The NMMA Annual Reports are the best source for information on Mesa groundwater status.

Board discussion followed about production data, dates chosen for reporting, and the report in general. The Board received the report and thanked Mr. Szytel for the report.

The Board took a break at 11:18 a.m. and returned at 11:30 a.m.

The Board considered E-3 next. No one from the public commented on Item E-2.

02:16:37

E-3) REVIEW SEWER SYSTEM MANAGEMENT PLAN

Peter Sevcik, District Engineer, explained that the California State Water Resources Control Board adopted Order No. 2006-003, Statewide General Waste Discharge Requirements (WDR) for Wastewater Collection Agencies, on May 2, 2006. The WDR requires development of a Sewer System Management Plan (SSMP) and specifies monitoring, reporting and SSMP implementation requirements. Mr. Sevcik answered questions from the Board.

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E-3) REVIEW SEWER SYSTEM MANAGEMENT PLAN (CONTINUED)

The following member of the public spoke:

Bill Petrick, Blacklake resident, stated that the proposed plan is a boiler-plate plan and does not connect to District procedures. He asked if the plan would prevent Blacklake Sewer System from financial meltdown, as happened in the past.

Upon motion by Director Eby, and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2010-1184, as amended, approving SSMP Elements. Vote 5-0.

**RESOLUTION NO. 2010-1184
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING FINAL TOWN AND BLACKLAKE
SEWER SYSTEM MANAGEMENT PLAN (SSMP) ELEMENTS**

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

The Board considered Closed Session next.

02:35:08

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. PUBLIC EMPLOYEE APPOINTMENT (GOVERNMENT CODE §54957) TITLE: DISTRICT GENERAL MANAGER
5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (1 CASE)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned the meeting to Closed Session at 11:49 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:10 p.m.

Jon Seitz, District Legal Counsel, announced the following:

The Board considered Item 4, above, gave direction to staff and took no formal action.

The Board also commenced discussion of Item 1, above, but did not conclude that discussion.

The Board anticipates re-adjourning to Closed Session after the regular agenda items to continue with the subject.

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The Board took a break at 1:12 p.m. and returned at 1:18 p.m.

02:42:32

E-4) STRATEGIC PLANNING WORKSHOP

Brent Ives, of BHI Consulting, conducted a workshop focused on an annual update of the District's Strategic Plan. He outlined that he would do the following in the workshop:

- ◇ Review action the District has taken, to date.
- ◇ Re-look at the District's Mission and Vision statements.
- ◇ Discuss how the plan changes after one year.
- ◇ Get thoughts on the update.
- ◇ Incorporate the Board's input.

The Board discussed the plan and made suggestions for changes to the plan. The amended plan will be brought back to a future meeting for approval.

The Board took a break at 3:13 p.m. and returned at 3:22 p.m.

05:18:57

E-2) REVIEW PRIOR BOARD DIRECTION ON TUCKFIELD & ASSOCIATES WATER FUND FINANCIAL ANALYSIS/RATE STUDY

The Board discussed tabling Item E-2. President Harrison asked if there was any public present wishing to comment on the item.

The following member of the public spoke:

Bill Petrick, Blacklake resident, stated that Table 1 on Capital Improvements is unrealistic considering that NCSD's history does not support doing \$13 million of capital improvements in one year and should probably be stretched out. Also, the reserve cap of \$500,000 per year seems arbitrary. He stated that the costs (in the assessment financing table) include the supplemental costs (\$1 million) when it may not happen. He asked why start charging for something that won't occur for two or three years.

Michael LeBrun, Interim General Manager, stated that the latest design is at 90 percent.

Upon motion by Director Vierheilig, and seconded by Director Winn, the Board unanimously agreed to continue the item to April 28, 2010. Vote 5-0.

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

05-24:17

E-5) LAFCO REQUEST FOR NOMINATIONS, ALTERNATE SPECIAL DISTRICT MEMBER

The Board had no suggestions for nominations. Upon motion by Director Winn and seconded by Director Vierheilig, the request for nominations was received and filed. There was no public comment. Vote 5-0.

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

05:25:24

F. MANAGER'S REPORT

Upon motion by Director Winn and seconded by Director Vierheilig, the Board unanimously agreed to defer this item to the next regular meeting. There was no public comment. Vote 5-0.

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

G. COMMITTEE REPORT

There was no Committee Report.

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H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Directors will contact staff with additional requests.

I. CLOSED SESSION

Jon Seitz, District Legal Counsel, announced that the Board would adjourn to Closed Session to continue the items listed earlier. Item 4 will not be discussed in this portion. The Board adjourned to Closed Session to resume the session at 4:11 p.m.

J. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 5:30 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items above, gave instructions to legal counsel, and took no reportable action.

ADJOURN

President Harrison adjourned the meeting at 5:31 p.m.