

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

MAY 12, 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 meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, Directors Nelson, Eby and Vierheilig were present.
President Harrison is in Sacramento attending the California Special District Association Legislative Days. Director Winn is ill.

00:01:28

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER BRIAN HASCALL

Sheriff Commander Brian Hascall gave an update of the law enforcement activities in the South County.

May 1, 2010, someone entered a home in the 1600 block of Division through an unlocked side window.

May 4th, four men were arrested for maintaining fighting birds and the equipment for the operation on Grace Lane. Six hundred birds were confiscated.

May 4th, a child was pulled from a pool at the 900 block of Orchard and an officer was able to perform CPR to revive the child. The child made a full recovery.

June 6th, Commander Hascall will be transferred to San Luis Obispo headquarters. Commander Ken Conway is the incoming South County commander.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Captain Felix Camacho gave an update in place of Battalion Chief Bill Fisher and reviewed the activity report for April 2010.

Some of the information in the report includes:

In March 2010, Nipomo Station #20 had a total of 81 calls: 7 fire calls, 12 vehicle accidents, 39 medical aids and 23 other calls.

Mesa Station #22 had a total of 60 calls: 7 fire calls, 8 vehicle accidents, 25 medical aids and 20 other calls.

Cal Fire offers CPR classes that are community based.

Six wild land engines and two dozers are arriving for the upcoming fire season.

Chipping Program began in April and will continue to June 7th.

Tri-tip BBQ to benefit Company 20 was a big success.

A pre-fire attack plan project is underway and should be ready for print before summer.

The Board thanked Captain Camacho for the report.

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C-3) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

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

The Board thanked Mr. Nunley for the report.

C-4) NCSD DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. The following were subjects include in the report:

Santa Maria Waterline Intertie Project, Southland WWTF Upgrade, Willow Road Waterline Extension Phases 1 & 2, Water and Sewer Master Plan Implementation, Safety Program, Sewer System Management Plan, Sundale Well Electrification Project, Regulatory Compliance and Urban Water Management Plan. 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 Nelson

At the BLMA meeting Tuesday, May 11th, Director Nelson was questioned about the street sweeping operation. Mr. LeBrun explained that the County is responsible for the street sweeping throughout the Nipomo area.

Director Eby

At the May 20th LAFCO meeting the Sphere of Influence update will be discussed.

Director Vierheilig

Adam Hill will be speaking at a Town Hall meeting May 13th at 6:30 concerning sustaining our resources.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:50:00

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of April 28, 2010 Regular Meeting

Approve Minutes of May 3, 2010 Special Meeting

D-3) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011

**RESOLUTION NO. 2010-1185
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO
LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011**

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D. CONSENT AGENDA (CONTINUED)

RESOLUTION NO. 2010-1186
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S
LEVY REPORT FOR THE STREET LANDSCAPE AND
MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2010-2011

D-4) APPROVE CONTRACT APPOINTING DISTRICT GENERAL MANAGER EFFECTIVE
JUNE 1, 2010

D-5) APPROVE SALARY ADJUSTMENT ASSISTANT GENERAL MANAGER

D-6) ADOPT RESOLUTION APPROVING DISTRICT STRATEGIC PLAN 2010 UPDATE

RESOLUTION NO. 2010-1187
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT (NCSD)
ADOPTING THE 2010 UPDATE NCSD STRATEGIC PLAN

The Board discussed the Consent Agenda. There was a section number change in the General Manager's contract. Upon motion by Director Nelson and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. There was no public comment. Vote 3-0.

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

E. ADMINISTRATIVE ITEMS

00:56:14

E-1) REVIEW PROPOSAL FOR WATER RATE STUDY

Michael LeBrun, Interim General Manager, reviewed the proposal from Tuckfield & Associates. He provided the following possible timeline:

Rate Study to Rate Increase Timeline, 2010

May 12, 2010	Board Approval of Rate Study Contract with Tuckfield and Associates
June 23, 2010	All data to Tuckfield (2010/2011 Budget, 2009/2010 Fiscal Year, 08/09 Audit...)
July 28, 2010	Draft Letter Report on Rate Options to staff
August 11, 2010	Presentation of Letter Report to Board, Select Rate Option. Consultant commences building a rate structure for the selected option.
September 8, 2010	Presentation of Draft Rate Schedule
September 22, 2010	Final Rate Study and Rate Structure Adopted, direct staff to proceed with Prop 218 vote. Mail ballots No Later Than October 1, 2010. [45 day ballot]
November 17, 2010	Rate hearing, final Rate Adoption
December 3, 2010	Newly Elected Director(s) seated
January 1, 2011	Water Rate Increase (first) effective

Mr. LeBrun answered questions from the Board. There was no public present. Lisa Bognuda, NCSD Finance Director, reviewed some of the report and answered questions from the Board. The proposed cost for Tuckfield & Assoc. to perform the update study is a not-to-exceed amount of \$18,800. Upon motion by Director Eby and seconded by Director Nelson, the Board unanimously approved Mr. Tuckfield's proposal. Vote 3-0.

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

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01:40:13

E-2) LAB EQUIPMENT PURCHASE IN THE AMOUNT OF \$27,785.46

Tina Grietens, Utility Superintendent, reviewed the request for funds to purchase lab equipment for further development of an in-house laboratory in order to evaluate the performance of NCS D's water and sewer facilities in a timely and more cost-efficient manner.

Ms. Grietens answered questions from the Board. There was no public present. Upon motion by Director Eby and seconded by Director Nelson, the Board unanimously approved purchase of laboratory equipment form Fisher Scientific in the amount of \$27,785.46. Vote 3-0.

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

01:44:52

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, reviewed the process planned to orient Mr. Don Spagnolo to the job of General Manager. Mr. LeBrun reviewed the Manager's Report as presented in the Board packet and answered questions from the Board.

02:05:43

G. COMMITTEE REPORT

April 12, 2010 Southland Upgrade Committee
May 4, 2010 Finance Committee

The Board received the Committee Reports. There were no questions concerning the report. There was no public comment.

02:06:23

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig asked about the water bill at Vista Verde. Mr. LeBrun will look into it.

02:07:11

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. NCS D (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

02:07:45

K. ADJOURN TO CLOSED SESSION

Vice President Vierheilig adjourned the meeting to Closed Session at 11:21 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:30 p.m.

Jon Seitz, District Legal Counsel, announced the following:

The Board considered the item above, gave direction to staff, and took no formal action.

02:08:41

ADJOURN

President Vierheilig adjourned the meeting at 12:31 p.m.

➤ **Next Regular Board Meeting is May 26, 2010**