

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

JUNE 9, 2010 AT 9:00 A.M.

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

DON SPAGNOLO, P.E., **GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**
PETER SEVCIK, P.E. **DISTRICT ENGINEER**
JON SEITZ, **GENERAL COUNSEL**

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 meeting of the June 9, 2010 Regular Meeting of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all directors were present.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER

Update re: South County Law Enforcement Activities

The Commander was unable to attend the meeting

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher gave an update and reviewed the activity report for May 2010. In May 2010, Nipomo Station #20 had a total of 98 calls: 12 fire calls, 9 vehicle accidents, 59 medical aids and 18 other calls. Mesa Station #22 had a total of 50 calls: 7 fire calls, 9 vehicle accidents, 21 medical aids and 13 other calls.

Full fire season staffing will begin on June 15.

The Chipping Program has been successful.

The Board thanked Battalion Chief Fisher for the report.

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. Mr. Sevcik was pleased to announce that Sundale Well is operational and has been removed from the list of active projects.

The Board thanked Mr. Sevcik for the report.

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

Director Winn

The Board of Supervisors approved the Resource Management System Annual Report yesterday and there is no change for the Nipomo Mesa Water Conservation Area (NMWCA). It will remain at a Level 3 Severity. They also received a report on Workforce Housing, which downplayed water supplies.

Director Eby

The June 17 LAFCO meeting has been canceled. LAFCO is waiting for the negotiations between the County and NCSO on the MOA to be completed.

There will be a Town Hall meeting on June 17 at 6:00 p.m. at Nipomo High School regarding the Willow Road project.

Director Vierheilig

On June 17 there will be a dinner forum in San Luis Obispo regarding climate change. He doesn't have any other details at this time.

Director Nelson

The BLMA has hired The Wallace Group to determine who owns the common areas in Blacklake.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA
There was no public comment.

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of May 26, 2010

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda with one minor correction to the Minutes. There was no public comment. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

E-1) INTRODUCE, EDIT & READ BY TITLE ORDINANCE PROVIDING FOR PHASING OF CAPACITY CHARGE PAYMENTS

Don Spagnolo, General Manager, introduced the item. Director Vierheilig requested the wording be changed from "dedicate water and sewer improvements..." to "dedicate any water and sewer improvements..." throughout the Ordinance. Director Eby asked about the sunset clause in Section H. Director Winn requested a change in the location of the prepositional phrase in Section 11.

Upon motion of Director Winn and seconded by Director Vierheilig, the Board of Directors moved to read the Ordinance, as amended, in title only. There was no public comment. Vote 4-1.

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

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E-1) INTRODUCE, EDIT & READ BY TITLE ORDINANCE PROVIDING FOR PHASING OF CAPACITY CHARGE PAYMENTS (continued)

Upon motion of Director Winn and seconded by Director Vierheilg, the Board of Directors moved to set the second reading and adoption for June 23, 2010. There was no public comment. Vote 4-1.

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

E-2) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES

Lisa Bognuda, Finance Director, introduced the item. President Harrison opened the Public Hearing.

Michael Cook, 672 Story, stated he does not understand why NCS D has mandatory garbage collection when Golden State Water Company in Nipomo does not. He stated that he was being charged for garbage service during a time when he did not have the garbage cans. He stated that on July 15, 2007, the cans were delivered to his home. Mr. Cook stated that he is prepared to take this to small claims court.

District Legal Counsel, Jon Seitz, asked Mr. Cook if his testimony is that the \$127.20 represents the cost for service prior to him receiving the garbage cans. If so, why is \$127.20 now showing up on the tax roll? Mr. Cook did not confirm nor deny Mr. Seitz’s clarification.

President Harrison closed the Public Hearing.

Upon motion of Director Eby and seconded by Director Vierheilg, the Board of Directors approved Resolution 2010-1189 and directed Staff to contact South County Sanitary to check into Mr. Cook’s account. Vote 4-1.

**RESOLUTION NO. 2010-1189
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR
UNPAID SOLID WASTE COLLECTION CHARGES**

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

E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2010-11 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS

Lisa Bognuda, Finance Director, introduced the item. President Harrison opened the Public Hearing. There were no public comments.

Upon motion of Director Eby and seconded by Director Nelson, the Board of Directors unanimously approved Resolution 2010-1190. Vote 5-0.

**RESOLUTION NO. 2010-1190
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
BLACKLAKE VILLAGE**

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

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E-4) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2010-11 LANDSCAPE MAINTENANCE ZONE #1 ASSESSMENTS

Lisa Bognuda, Finance Director, introduced the item. President Harrison opened the Public Hearing. There were no public comments.

Upon motion of Director Eby and seconded by Director Winn, the Board of Directors unanimously approved Resolution 2010-1191. Vote 5-0.

**RESOLUTION NO. 2010-1191
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR
THE NIPOMO COMMUNITY SERVICES DISTRICT STREET
LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2010-2011**

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

E-5) PUBLIC HEARING – REVIEW FY 2010-11 BUDGET

Lisa Bognuda, Finance Director, introduced the item. Ms. Bognuda noted one correction to page 2 of the Staff Report.

There were no public comments.

Upon motion of Director Vierheilig and seconded by Director Winn, the Board of Directors unanimously approved setting June 23, 2010 for the adoption of the Budget. Vote 5-0.

The Board of Directors directed Staff to review the uses of the Solid Waste Fund cash reserves and report back to the Board of Directors.

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

The Board of Directors commended Ms. Bognuda for preparing a very good budget document.

E-6) AWARD CONTRACT FOR SHOP STORAGE BUILDING

Don Spagnolo, General Manager, introduced the item. Director Winn was concerned about the public notice of the RFP and the lack of ventilation and hand-washing facilities in the building.

There were no public comments.

Upon motion of Director Vierheilig and seconded by Director Nelson, the Board of Directors approved awarding the bid to PWS Inc. for \$86,360 and authorized the General Manager to execute the agreement and to authorize the Change Orders up to \$5,000 with an aggregate Change Order total not-to-exceed \$10,000. Vote 4-1.

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

F MANAGER’S REPORT

Don Spagnolo, General Manager, reviewed the Manager’s Report as presented in the Board Packet and answered questions from the Board. The Board of Directors discussed the Memorandum of Agreement between the NCSD and the County of San Luis Obispo regarding the NCSD’s Sphere of Influence. This item will be placed on the next agenda. There was no public comment.

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G. COMMITTEE REPORT

May 17, 2010 Southland Upgrade Committee
May 24, 2010 WIP Committee

There is no Committee Report. There was no public comment.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn asked when the Public Outreach Ad Hoc Committee will meet.
Director Eby asked about the UWMP milestones.

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. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957
5. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956 (ONE 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 12:00 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 2:08 p.m. There was no audience present. There was no reportable action.

ADJOURN

President Harrison adjourned the meeting at 2:09 p.m.

➤ Next Regular Board Meeting is June 23, 2010