

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

JUNE 23, 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, **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

President Harrison called the Regular Meeting of June 23, 2010, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

00:00:45

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project

Mike Nunley, AECOM Engineering Project Manager, reviewed items completed this month on the Waterline Intertie Project as presented in the report in the Board packet. AECOM worked on the bid package for the pump station, reservoir, and chloramination systems, creation of a Public Lot for booster pump station, lease agreement for surface mining, and attended the "All Hands" meeting for the project.

Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for the report.

C-2) NCSD SUPERINTENDENT TINA GRIETENS

Update recent Operations activities.

Tina Grietens, Utility Superintendent, reviewed the report presented in the Board packet. Ms. Grietens answered questions from the Board. Director Winn suggested the names of those employees who receive recognition be included in the report rather than referring to them in a generic way. This particular report should note that Rick Motley passed his D3 Distribution Certification Exam and Jonathan Edwards passed the D1, both through Calif. Dept. of Public Health.

The Board thanked Ms. Grietens for the report.

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

Receive Announcements from Directors Items of District & Community Interest

Director Nelson

- ◇ Cliff Trotter (former NCSD Director) is planning to move to Bakersfield.
- ◇ Mr. Trotter sent a letter to BLMA pointing out that they should get a copy of Roberts Rules of Order to use in their meetings. He also suggested that there will probably be a vacancy on the NCSD Board and someone should think about running for the position.

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

Director Eby

- ◇ He attended the SLO County Public Works presentation June 17, 2010, on the status of the Willow Road extension project. Phasing for the project and funding for the project was discussed. More information will be presented at the SLO Board of Supervisors meeting Tuesday, July 13th, for approval of the plans.
- ◇ LAFCO Chris Vardas is the new member representing cities and Roberta Fonze is the alternate member for cities. Muril Clif from Cambria CSD is the Special Districts' alternate member
- ◇ Weather – The International Research Institute for Climate and Society predicts a La Niña system for the next rainy season. This suggests less than 14 inches of rain next year.
- ◇ Oceano CSD is eliminating several full-time positions.

Director Winn

- ◇ School is out for the summer.
- ◇ He asked if others' tax assessment on their home had been lowered.
- ◇ Staff held meeting June 10 for public outreach for the WIP.
- ◇ June 17 – SLO Climate Change meeting was held discussing a County-wide action plan.
- ◇ July 14 - SLO Climate Change Adaptation Workshop to be held at the Embassy Suites from 8:30 to 4:30 to discuss potential strategies to address the impacts of climate change on water, health, infrastructure, agriculture, coastal marine and tourism. Both directors and staff are invited. For more information, visit www.lgc.org/events.
- ◇ June 23, 2010 – Santa Maria presentation of Annual Report at the County Center.
- ◇ July 7, 2010 – WRAC meeting –plan to discuss reporting and monitoring of wells near creeks. Farm Bureau had a meeting June 21st concerning this subject.

Director Harrison

Chamber of Commerce meeting June 24, 2010, at Blacklake.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public present to comment.

00:56:12

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of June 9, 2010

The Board discussed some items on the Warrants list – Fugro West, Cannon. Director Winn asked to note that the outgoing Board Secretary, Mrs. Donna Johnson, Board Secretary has done a good job of presenting the minutes of the meeting. Upon motion by Director Vierheilg and seconded by Director Nelson, the Board unanimously approved the Consent Agenda. Vote 5-0.

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

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01:00:46

E. ADMINISTRATIVE ITEMS

E-1) SECOND READING AND ADOPTION OF ORDINANCE PROVIDING FOR PHASING OF CAPACITY CHARGE PAYMENTS FOR CERTAIN RESIDENTIAL AND COMMERCIAL DEVELOPMENTS

Don Spagnolo, General Manager, introduced the item. The Board discussed the proposed ordinance. President Harrison asked why the Board decided to design the ordinance to include only developments of four or more houses. Developments of four or more houses require Board approval. Mr. Spagnolo summarized an email from George Newman thanking the Board for consideration of the proposed ordinance. The Board suggested minor changes of non-significance. Upon motion by Director Winn and seconded by Director Vierheilg, the Board adopted Ordinance 2010-115. Vote 3-2 with Directors Eby and Harrison voting no. There was no public present to comment.

**ORDINANCE NO. 2010-115
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 3 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
CODE TO ESTABLISH NEW PROCEDURES FOR PAYMENT OF
DISTRICT FEES FOR CONNECTION FOR
RESIDENTIAL PROJECTS CREATING FOUR OR MORE PARCELS AND MIXED-USE PROJECTS UNDER A
SINGLE APPLICATION FOR A FINAL MAP THAT REQUIRE THE DEDICATION OF ANY WATER AND SEWER
IMPROVEMENTS PURSUANT TO A DISTRICT PLAN CHECK AND INSPECTION AGREEMENT**

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

The Board took a break from 10:17 to 10:32.

02:15:55

E-2) PUBLIC HEARING – ADOPT FY 2010-11 BUDGET

Don Spagnolo, General Manager, introduced the item. Lisa Bognuda, NCSD Finance Director, answered questions from the Board. The Board would like to further discuss the Solid Waste franchise fees at a later time. Mrs. Bognuda explained why the appropriation limitation decreased. Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously adopted Resolution 2010-1192, determining the appropriation limitation. There was no public present to comment. Vote 5-0.

**RESOLUTION NO. 2010-1192
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
DISTRICT DETERMINING THE APPROPRIATION LIMITATION FOR THE 2010-2011 FISCAL YEAR**

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

Upon motion by Director Vierheilg and seconded by Director Eby, the Board unanimously adopted Resolution 2010-1193, adopting the 2010-2011 FY Budget. There was no public present to comment. Vote 5-0.

**RESOLUTION 2010-1193
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY
SERVICES DISTRICT ADOPTING THE 2010-2011 FISCAL YEAR BUDGET**

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

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01:22:53

E-3) REVIEW AND APPROVAL OF THE MEMORANDUM OF AGREEMENT BETWEEN THE NIPOMO COMMUNITY SERVICES DISTRICT AND THE COUNTY OF SAN LUIS OBISPO REGARDING THE NCSD'S SPHERE OF INFLUENCE

Don Spagnolo, General Manager, introduced the item. The County's approval of the MOA is currently scheduled for July 13, 2010. LAFCO approval of the District's Sphere of Influence and MSR is currently scheduled for July 15, 2010.

Jon Seitz, District Legal Counsel, explained the changes made in the agreement presented at the June 9th meeting. He stated that he tried to incorporate the comments from the Board. County staff is willing to accept the red-lined version.

Mr. Seitz answered questions from the Board. He will explain to County staff that the NCSD Board approved this version and requested some minor revisions.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to approve the findings and recitals, and Exhibit A in the Memorandum of Agreement between Nipomo Community Services District and the County of San Luis Obispo regarding NCSD's Sphere of Influence, with requests for consideration of certain edits. There was no public comment. Vote 5-0.

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

01:55:02

E-4) CONSIDER CHANGE IN BOARD MEETING SCHEDULE IN JULY

Don Spagnolo, General Manager, explained that a director has requested the meeting of July 14, 2010, be rescheduled due to a conflict with another meeting scheduled on that date (SLO Climate Change Adaptation Workshop).

The board discussed various dates possible.

Upon motion by Director Winn and seconded by Director Vierheilig, the Board agreed to change the July 14th meeting to July 7th at 9:00 a.m. with an 8:00 a.m. Closed Session.

There was no public present to comment. Vote 5-0.

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

02:03:46

F. MANAGER'S REPORT

Don Spagnolo, General Manager, reviewed the Manager's Report presented in the Board packet. Mr. Spagnolo answered questions from the Board.

Director Eby asked Mr. Spagnolo to schedule the ad hoc WIP Outreach Committee meeting for July 26th.

Mr. Spagnolo will discuss the meetings with True North, the WIP outreach firm.

The Board considered Closed Session next.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be considered in Closed Session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SM/VWCD 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 OF SLO, ET AL. (CASE #CV090010)

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 11:44 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 2:15 p.m.

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

G. COMMITTEE REPORT

There was no committee report.

02:28:05

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- ◇ Would like report on groundwater in storage estimate based on April reading.
Mr. Spagnolo stated that he is waiting for SLO County staff to provide the information.
Mr. Seitz stated that the County expects the information to be available in July.
- ◇ WRAC – Primary and alternate representative positions need to be filled. At a future meeting, he would like to discuss if General Manager will be the primary representative.
- ◇ Asked for a WIP Committee meeting to be scheduled before the July 28th Board meeting.

Director Winn

- ◇ Schedule an ad hoc committee meeting concerning the outreach schedule.
- ◇ Clarification of policy to chloramine the four wells near Woodlands.
- ◇ Further information about AECOM's downplaying the likelihood of lower than usual bids.
- ◇ Agendize installation of solar panels on new buildings.
- ◇ Agendize discussion of SB 972.
- ◇ Agendize timetable of budgetary breakdown of Solid Waste Franchise Fees. Set up meeting of Conservation Committee.
- ◇ What is the result of stakeholder meeting?

Director Nelson

How is the new software program being used?

Director Harrison

Discussion of a District policy on photo-voltaic for electricity.

ADJOURN

President Harrison adjourned the meeting at 2:37 p.m.

➤ Next Regular Board Meeting is July 7, 2010