

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

JULY 7, 2010 AT 9AM

(JULY 7, 2010 8AM – CLOSED SESSION)

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 July 7, 2010, to order at 8:04 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Directors were present.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following to be discussed in 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. 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

The Board adjourned to Closed Session at 8:06 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into open Session at 9:11 a.m.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

Jon Seitz, District Legal Counsel, announced that the Board heard an update on Items 1 & 2 listed above. The Board gave instructions to Legal Counsel but took no reportable action.

00:01:06

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER KEN CONWAY

Update re: South County Law Enforcement Activities

Commander Conway was not present.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Fisher was not present.

C-3) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Mike Nunley, AECOM Engineering Project Manager, introduced Eileen Shields to present the report.

Eileen Shields, AECOM Engineer, reviewed the report presented in the Board Packet.

Ms. Shields answered questions from the Board.

Peter Sevcik, District Engineer, stated that the Administrative Draft of the EIR from Doug Wood & Associates will be coming soon.

The Board thanked Ms. Shields for the report.

C-4) NCSD DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report on the recent District activities. Mr. Sevcik answered questions. Director Eby asked if the water pumping was down now that the weather has been cooler. Mr. Sevcik answered yes.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Eby

07-15-10 - LAFCO meeting

Climate Change Seminar in San Francisco for \$495.00 per person.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

(CONTINUED)

Director Winn

- 06-30-10 - Climate Change Adaptation meeting in SLO was sponsored by SLOCOG, the APCD, and County Planning
- 07-07-10 - Water Resources Advisory Committee will meet at 1:30 p.m. in the SLO Library. Some topics to be discussed will be:
 - Regional Water Quality Control Board draft ag order
 - Paso Robles Basin Study
 - Title 22 Land Use Update
 - Flood Control Zone 1 and 1A
- 07-14-10 - SLO County Climate Change Adaptation workshop. Cost \$15.00 per person. For more information, go to LGC.org.
- 07-16-10 - CSDA meeting at the Wallace Group office at 11:30 a.m. A new treasurer is needed.
- 07-19-10 - 9:00 a.m. Advisory Council Land Use Sub-Committee in the NCSD

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

Board room.

- 07-26-10 - 6:30 p.m. South County Advisory Council meeting in the NCSD Board room.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public present to comment.

00:37:45

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of June 23, 2010

D-3) CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BYLAWS AMENDMENTS

Don Spagnolo, General Manager, answered questions from the Board concerning the warrants.

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

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

00:44:03

E. ADMINISTRATIVE ITEMS

E-1) WATERLINE INTERTIE PROJECT SAVINGS BY DESIGN

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. The Board commented on the fact that the incentive offered by PG&E does not seem worth the cost of putting together the application. Also, Director Winn stated that he would like a photo-voltaic system added to each facility and without using a consultant to conduct studies..

Upon motion by Director Vierheilig and seconded by Director Eby, the Board unanimously agreed to direct the General Manager to write a letter to PG&E voicing disappointment in what was represented concerning rebates and what the actual incentive would be and also directed staff not to move forward with the PG&E Rebate Program process. There was no public present to comment. Vote 5-0.

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

00:53:17

E-2) REVIEW SB 972

Don Spagnolo, General Manager, reviewed the item. Mr. Spagnolo provided the Board and made available to the public copies of the newest language proposed, which was received June 29, 2010.

The Board discussed the Senate Bill and found earlier objectionable language had been removed.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously agreed to take no action at this time and for the staff to continue to track the bill to see if it is modified further to be harmful to District interests. There was no public present to comment. Vote 5-0.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

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

00:58:38

E-3) APPROVE CONTRACT AMENDMENT WITH LILLIAN JEWELL

Don Spagnolo, General Manager, introduced the item by reviewing the proposal from Hamner, Jewell & Associates. The Board asked questions concerning the proposal and how it relates to the right-of-way acquisitions process for the waterline intertie project. The Board also asked to assurances that the process would be completed without amending the contract costs a third time.

Lillian Jewell, from Hamner, Jewell & Associates, answered questions from the Board.

Upon motion by Director Eby and seconded by Director Vierheilig, the Board unanimously approved the proposal and directed staff to execute a Work Order with Hamner, Jewell & Associates in the amount of not-to-exceed \$40,000. Vote 5-0.

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

01:12:30

E-4) APPOINT DISTRICT REPRESENTATIVE TO ATTEND COUNTY MEETINGS

Don Spagnolo, General Manager, reviewed that the Board recently approved the District's Sphere of Influence Memorandum Of Agreement. The agreement is scheduled to be considered at the July 13th Board of Supervisor's meeting and the July 15th LAFCO meeting. The General Manager would usually attend the meetings to represent the District. However, due to a scheduling conflict, the General Manager will be out of the office and unable to attend.

The Board discussed the situation. There was no public present to comment.

President Harrison will represent the District at the Board of Supervisors meeting on July 13th. Director Winn will represent the District at the LAFCO meeting on July 15th. President Harrison stated that the Committee assignments are intended to make it clear that Director Winn will represent the Board at the Board of Supervisor meetings and the Planning Commission meetings in the absence of President Harrison.

01:25:12

F. MANAGER'S REPORT

Don Spagnolo, General Manager, reviewed the report as presented in the Board packet. He added that a Water Conservation Committee Meeting is planned for August 2nd and an Outreach Committee Meeting is planned for August 9th. Mr. Spagnolo pointed out an error on Item E-4 of this packet. It had a date of July 1, 2006 and should have been 2010.

Director Eby asked about the well readings for Spring 2010. Mr. Seitz answered that the report has not been published yet. Staff could not confirm that the data was gathered by the County in April, as scheduled.

There was no public present to comment.

01:42:15

G. COMMITTEE REPORT

There was no committee report.

01:42:18

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

Asked to agendize discussion of use of photo voltaic facilities.

Would like a Parks Committee meeting.

Director Harrison

Santa Maria meeting discussion.

01:46:09

ADJOURN

President Harrison adjourned the meeting at 10:57 a.m.

➤ **Next Regular Board Meeting is July 28, 2010**