

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 45 Years of Service 1965 - 2010*

## MINUTES

**SEPTEMBER 08, 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**  
MERRIE WALLRAVIN, **SECRETARY/CLERK**  
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 September 8, 2010, to order at 9:05 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Board members were present.

00:02:00

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) SHERIFF COMMANDER KEN CONWAY

Update re: South County Law Enforcement Activities

Commander Conway was unable to attend this meeting and will give his report at a meeting next month.

##### C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher reviewed the activity report for August 2010.

Some of the information in the report includes:

In August 2010, Nipomo Station #20 had a total of 91 calls: 8 fire calls, 10 vehicle accidents, 48 medical aids and 25 other calls.

Mesa Station #22 had a total of 54 calls: 3 fire call, 4 vehicle accidents, 36 medical aids and 11 other calls.

He reported that Nipomo-Paid Call Firefighters trained on structure fires, hose lays, ladders, and breathing apparatuses.

He reported they are working on LE-100 (wild land inspections) and there will be a 600 acre controlled burn in Huasna Valley.

The BBQ Fundraiser to benefit Firefighter Garon Coalwell's wife went well. \$32,000.00 was raised for the family.

The Board thanked Mr. 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 as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for the report. There was no public comment.

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- C-4) NCS D DISTRICT ENGINEER PETER SEVCIK  
Update re: Recent Activities  
Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Mr. Sevcik for the report. There was no public comment.
- C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community Interest

Director Nelson

- ◇ Chamber of Commerce Mixer tonight at Dana Adobe.
- ◇ October 9, 2010 – Nipomo October Fest at Nipomo Community Park.

Director Vierheilig

- ◇ September 18, 2010 – Olde Towne Nipomo Chili Cook Off from 12:00 to 5:00 p.m.
- ◇ October 3, 2010 – Nipomo Native Garden Plant Sale from 9:00 a.m. to 3:00 p.m.
- ◇ September 13, 2010 – Finance Committee meeting at 2:00 p.m.

Director Eby

- ◇ NMMA TG will meet tomorrow at 10:00 a.m. at NCS D.
- ◇ At the last WRAC meeting, they voted 17-0 not to add a position on the Board for contractor or developer.

Director Winn

- ◇ Concerns with a complaint on Blackhawk Rd.
- ◇ Progress was made on The SLO County Master Water Plan, at the last WRAC study session.
- ◇ On September 7, 2010 - The SLO Board of Supervisors met and spent some time on CFD's (Community Facility Districts) and sent it back to staff.
- ◇ September 13, 2010 – Water Conservation Committee meeting at 9:00 a.m.
- ◇ September 15, 2010 – Sun Power meeting at 7:00 p.m. at the Embassy Suites in San Luis Obispo to look at their DEIR for their proposed plant in Carrizo.
- ◇ September 17, 2010 – CSDA bimonthly meeting at 11:30 a.m. at The Wallace Group in San Luis Obispo.
- ◇ September 20, 2010 – SCAC Land Use meeting at NCS D at 9:00 a.m.
- ◇ September 27, 2010 – SCAC monthly meeting at NCS D at 6:30 p.m.

Director Harrison

- ◇ September 16, 2010 – Parks Committee meeting at 10:00 a.m.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Brian Pedrotti, SLO County Public Works, expressed concerns with County Ordinance §3090 and the Jack Ready Park Project. Planning will send their proposal to the NCS D by September 15.

Jeremy Freund, The Wallace Group, is working with Jacks Helping Hands, a non-profit organization, on The Jack Ready Park Project. They are looking for support from NSCD due to conflict County Ordinance §3090.

00:50:00

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

- AUGUST 25, 2010 REGULAR BOARD MEETING
- AUGUST 20, 2010 STUDY SESSION

D-3) CONTRACT WITH SAN LUIS OBISPO COUNTY FOR CROSS CONNECTION CONTROL INSPECTION

Don Spagnolo, General Manager, and Peter Sevcik, District Engineer, answered questions from the Board.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved items D-1, D-2, and D-3. There was no public comment.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

01:03:10

E-1) CONSIDER AECOM CONTRACT AMENDMENT #3 FOR THE SOUTHLAND WWTF PHASE 1 IMPROVEMENT PROJECT

Mike Nunley, AECOM Engineering Project Manager, reviewed the report in the Board packet. Peter Sevcik, District Engineer and Mr. Nunley answered questions from the Board.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved item E-1. There was no public comment.

Vote 5-0.

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

*The Board took a break from 10:35 a.m. to 10:45 a.m.*

01:36:51

E-2) CONSIDER MODIFICATION TO GROUNDWATER CONSULTING CONTRACT WITH SAIC

The General Manager reviewed the report presented in the Board packet. Jon Seitz, District Legal Counsel, and the General Manager answered questions from the Board.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved the following:

- Not to bifurcate the contract for groundwater consulting.
- Terminate the contract with SAIC.
- Pay outstanding bills to SAIC, not to exceed \$3,000.00.
- Have staff bring back a contract that might be awarded to SAIC or Wagner.

There was no public comment.

Vote 5-0.

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

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02:01:50

**E-5) CONSIDER UPDATED PURCHASING POLICY**

The General Manager introduced the item. Mr. Seitz and Lisa Bognuda, NCSD Finance Director, reviewed the general principals of the purchasing policy and answered questions from the Board. The Board made suggestions and directed Staff to prepare a red line draft for the purchasing policy and bring it back to the next Board meeting. There was no public comment.

*The Board considered Closed Session next.*

02:47:27

**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 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)

**J. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

There was no public comment.

**K. ADJOURN TO CLOSED SESSION**

President Harrison adjourned to Closed Session at 12:00 p.m.

02:47:40

**L. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION**

The Board came back into Open Session at 12:40 p.m.

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

02:49:11

**F. GENERAL MANAGER'S REPORT**

Don Spagnolo, General Manager, reviewed the Manager's Report presented in the Board packet. Mr. Spagnolo answered questions from the Board. There was no public comment.

03:05:50

**G. COMMITTEE REPORT**

September 7, 2010 Southland Upgrade Committee

The report was as presented. There was no public comment.

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03:17:40

E-6) CONSIDER ESTABLISHING FEES FOR PROCESSING APPLICATIONS FOR DEFERRAL OF DISTRICT CONNECTION CHARGES

The General Manager reviewed the report as presented in the Board packet. Mr. Seitz, Mr. Sevcik, and The General Manager answered questions from the board.

Upon the motion of Director Nelson and seconded by Director Vierheilg, the Board unanimously approved item E-6. There was no public comment.

Vote 5-0.

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

RESOLUTION NO. 2010-1199

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING  
FEES FOR PROCESSING APPLICATIONS  
FOR DEFERRAL OF DISTRICT CONNECTION CHARGES

03:35:55

E-3) CONSIDER DRAFT WATER RATE STRUCTURE

The General Manager introduced the item. Clayton Tuckfield, Tuckfield & Associates, reviewed the report as presented in the Board packet. Mr. Tuckfield answered questions from the Board.

The Board discussed the item of Residential multi-tiered rate structure.

Upon motion of Director Winn and seconded by Director Vierheilg, the Board approved the 4 block structure for residential water rates (shown on page 6, Table 3, as presented in the Board packet). There was no public comment.

Vote 4-1.

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

The Board discussed the item of Agriculture rate structure.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved a Uniform water rate for Agriculture (shown on page 8, Table 4, as present in the Board packet). There was no public comment.

Vote 5-0.

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

The Board discussed the item of Irrigation rate structure.

Upon the motion of Director Winn and seconded by Director Nelson, the Board unanimously approved Alternative 1 water rate for Irrigation (shown on page 9, Table 5, as presented in the Board packet). There was no public comment.

Vote 5-0.

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

04:28:20

E-4) CONSIDER USE OF SOLAR ELECTRICITY GENERATION

The General Manager introduced the item. Ryan Work, REC Solar Sales Manager, reviewed the report as present in the Board Packet. Mr. Work answered questions from the Board. The Board thanked Mr. Work for the presentation. There was no public comment.

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H. DIRECTORS REQUESTS TO STAFF AND SUPPLEMENT REPORTS

No requests were made.

ADJOURN

President Harrison adjourned the meeting at 3:30 p.m.