

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

SEPTEMBER 22, 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 22, 2010, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present. President Harrison announced he will be leaving at 3:15 this afternoon and Vice President Vierheilig will be taking over at that time. He also announced that there will be a change in this morning presentations and Sheriff Ken Conway will be presenting.

00:02:00

C. PRESENTATIONS AND PUBLIC COMMENT

SHERIFF COMMANDER KEN CONWAY

Update re: South County Law Enforcement Activities

- The department recovered three explosive bottles in Oceano. Two of the bottles exploded. They are plastic soda bottles that contain a yellow and brown solution. Call the Sheriff Station if you come across these.
- Starting September 25th, the DEA along with law enforcement agencies will set up a prescription drop off box in front of all substation and stations.
- The burglary and theft rate went down, due to school being back in session.
- Be aware of credit card theft. Shred all credit card applications you receive in the mail due to dumpster divers taking your information.
- This month our department had a bicycle sweep (officers on Bicycles) in the Galaxy Mobile Home Park and in downtown Nipomo. We received positive feedback from the community and plan on another bicycle sweep soon.

The Board thanked Mr. Conway. There was no public comment.

C-1) MIKE NUNLEY OF AECOM

Update re: Waterline Intertie Project

Mike Nunley, AECOM Project Manager, reviewed the report as presented in the Board packet. Don Spagnolo, General Manager, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for the report.

Dan Gaddis, Nipomo Resident, had concerns about the Land Use Committee Meeting of the SCAC being moved.

C-2) NCSO SUPERINTENDENT TINA GRIETENS

Update recent Operations activities

Tina Grietens, NCSO Utility Superintendent, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for the report. There was no public comment.

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

Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ On September 15, 2010, I attended a Sun Power presentation in San Luis Obispo.
- ◇ On September 17, 2010 the IWMA Special District Representative David Brooks resigned, which moved Ed Eby to the 1st seat.
- ◇ With David Brooks' resignation, the IWMA is looking for a candidate to fill his seat. I offered to serve in that capacity when that time comes.
- ◇ CSDA needs a county-wide bio-solids ordinance and they need to update the bylaws.
- ◇ On September 21, 2010, the Board of Supervisors confirmed the NCSO General Manager as the Alternate for WRAC and passed the MOU.
- ◇ September 27, 2010 – South County Advisory Council, regular monthly meeting here at NCSO at 6:30 p.m.
- ◇ October 4, 2010 – Management over site for the Oceano Dunes will meet in San Luis Obispo from 1-3 p.m.
- ◇ October 4, 2010 – A forum for the 4th District Supervisors will be held here at NCSO at 7:00 p.m.
- ◇ October 6, 2010 – WRAC meeting will be held in San Luis Obispo at 1:30 p.m.

Director Eby

- ◇ On September 16, 2010 LAFCO met on the Sphere of Influence update for Pismo Beach and the biggest issue was water.
- ◇ The Board of Supervisors passed the MOU. Directors Winn and I addressed concerns from the public.

Director Vierheilig

- ◇ September 23, 2010 – The NMMA TG will be presenting their 2009 annual report at 7:00 p.m. at Nipomo High School.
- ◇ September 24, 2010 – The Land Conservancy of San Luis Obispo County is holding a Celebratory Reception Honoring Save the Mesa at the corner of Callendar Road and Highway 1 from 3-5 p.m.
- ◇ October 3, 2010 – Nipomo Native Garden Annual Fall Plant Sale from 9:00 a.m. to 3:00 p.m.
- ◇ October 4, 2010 – Personnel Committee Meeting here at NCSO at 10:00 a.m.
- ◇ October 11, 2010 – Water Conservation Committee Meeting here at NCSO at 10:00 a.m.
- ◇ October 12, 2010 – At the South County Regional Center, the County's holding a public workshop on a green building ordinance from 6-8 p.m.

Director Nelson

- ◇ September 23, 2010 – Chamber of Commerce luncheon at Blacklake Clubhouse.

Director Harrison

- ◇ October 9, 2010 – Nipomo October Fest.

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C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:41:48

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES OF SEPTEMBER 8, 2010

D-3) WILLOW ROAD WATERLINE EXTENSION PROJECT PHASE 2 INITIAL DEPOSIT WITH SAN LUIS OBISPO COUNTY

D-4) ADOPT NEW PURCHASING POLICY

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved items D-1, D-2, D-3, and D-4 as amended. There was no public comment. Vote 5-0.

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

RESOLUTION NO. 2010-1200

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING DEPOSIT TO SAN LUIS OBISPO COUNTY FOR CONSTRUCTION OF WILLOW ROAD PHASE 2 WATERLINE EXTENSION

RESOLUTION NO. 2010-1201

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING AND RESTATING THE DISTRICT'S PURCHASE POLICY AND PROCEDURES

E. ADMINISTRATIVE ITEMS

00:50:13

E-1) CONSIDER DRAFT URBAN WATER MANAGEMENT PLAN UPDATE

Jeffery Szytel, WSC Project Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Szytel answered questions from the Board.

The Board directed Staff to schedule a Special Meeting on October 1, 2010 at 9:00 a.m. to further discuss this Item. There was no public comment.

The Board took a break from 10:40 a.m. to 10:45 a.m.

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01:39:58

E-2) REVIEW DEVELOPMENT PROPOSAL FOR JACK READY PARK

Brian Pedrotti, SLO County Public Works and Jeremy Freund, Wallace Group, reviewed the report presented in the Board packet. Mr. Pedrotti and Mr. Freund answered questions from the Board. The Board thanked Mr. Pedrotti and Mr. Freund for the presentation.

The following members of the public spoke:

Bridget Ready, A Founder of Jacks Helping Hands, thanked the Board for their time, consideration, and comments.

Roy Ferrari, Nipomo Resident, had concerns with the size of the ball field, rules and regulations, and paperwork.

The Board received the presentation and no action was taken.

02:22:42

E-3) CONSIDER CONCEPT LANDSCAPE METERS ORDINANCE FOR COMMERCIAL/MULTI FAMILY PROJECTS

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Sevcik answered questions from the Board.

The following member of the public spoke:

Bill Kengel, Developer, had concerns with paying for an irrigation meter that he would not be using.

Upon the motion of Director Winn and seconded by Director Vierheilg the Board unanimously approved not to change NCSD's Ordinance and directed no further action be taken to change the Ordinance.

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

The Board considered Closed Session next.

02:54:46

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMWWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL RE: 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. PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE SECTION 54957(B)): GENERAL MANAGER PURSUANT TO CONTRACT

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:10 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 1:30 p.m.

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

02:59:06

E-6) CONSIDER FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT ENVIRONMENTAL DETERMINATION

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Douglas Wood, Douglas Wood and Associates Inc., gave an overview of the environmental issues associated with the project. Mr. Wood and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Wood for his presentation. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig the Board unanimously approved further discussion of this item at the Special Meeting on October 1, 2010 at 9:00 a.m.

Vote 5-0.

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

03:17:35

E-4) CONSIDER FINAL WATER RATE STRUCTURE

Don Spagnolo, General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Lisa Bognuda, Finance Director, answered questions from the Board.

The following member of the public spoke:

Dan Gaddis, NCS D customer, had concerns with the average single family usage and the tables that show the percent of the rate increase.

Upon the motion of Director Winn and seconded by Director Vierheilig the Board approved the rate structure in the Tuckfield Associates September 2010 report.

Vote 4-1.

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

Upon the motion of Director Winn and seconded by Director Vierheilig the Board unanimously approved to initiate Prop 218 notice procedures.

Vote 5-0.

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

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03:45:02

E-7) CONSIDER RECOMMENDATIONS FROM THE WATER CONSERVATION COMMITTEE

Celeste Whitlow, NCSD Water Conservation and Public Informant Specialist, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Mrs. Whitlow.

- Landscape Maintenance District #1

The Board discussed the item. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg the Board approved to continue the discussion of the Weather Track monitoring program until the Board is able to look at the materials to make a decision and put it on a later agenda.

Vote 4-1.

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

- 2010 Creek Day Event

The Board discussed the item. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg the Board unanimously approved for staff to attend, provide lunch for volunteers, and small water conservation give-away items at this event. Bring this item back to the Board in the future to review the purpose of the event and how it's structured.

Vote 5-0.

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

- 2010 OctoberFest Event

The Board discussed the item. There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilg the Board approved a single booth for the Directors and Staff to share at this event.

Vote 3-2.

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

- NCSD Office Landscape Water-Efficiency Rehabilitation

The Board discussed the item. There was no public comment.

Upon the motion of Director Eby and seconded by Director Winn the Board approved to implement the Water Conservation Committee's recommendation for numbers one and three as presented in the Board packet.

Vote 4-1.

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

Upon the motion of Director Eby and seconded by Director Winn the board approved postponing the NCSD office landscape rehabilitation project.

Vote 4-1.

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

- Customer incentive to replace salt-using water softeners with resin/canister exchange systems.

The Board discussed the item. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig the Board unanimously approved to not move ahead with incentives to replace salt using water softeners.

Vote 5-0

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

04:24:00

E-9) CONSIDER PROPOSAL TO PUBLISH DISTRICT SALARY AND BENEFITS FOR NON-CLASSIFIED EMPLOYEES AND BOARD MEMBERS

Don Spagnolo, General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Spagnolo answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig the Board approved to publish the salaries and benefits of all exempt employees, current and retired, and the stipend per meeting for all Board Members and the average payment to the Board Members for the last year, on the District’s website in October of each year.

Vote 4-1.

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

04:36:46

E-5) CONSIDER AGREEMENT FOR PROFESSIONAL SERVICES WITH WAGNER & BONSIGNORE FOR GENERAL GROUNDWATER CONSULTING SERVICES, GROUNDWATER ADJUDICATION SUPPORT SERVICES AND SERVICES RELATED TO SENTINEL WELLS AT OSO FLACO

Don Spagnolo, The General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Spagnolo answered questions from the Board. There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig the Board unanimously approved the contract with Wagner & Bonsignore as amended.

Vote 5-0.

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

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*The Board took a break from 3:20 p.m. to 3:30 p.m.
 President Harrison left the meeting at 3:20 p.m.
 Vice President Vierheilg took over the meeting at 3:30 p.m.*

04:46:33

E-8) CONSIDER ANNUAL WATER ALLOCATION FOR INTENT-TO-SERVE LETTERS FOR WATER YEAR 2010-11

Don Spagnolo, The General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. There was no public comment.

Upon the motion of Director Nelson and seconded by Director Eby the Board members present voted to unanimously approved maintaining the current allocation formulas and allotment for intent-to serve letters for water year 2010-11, as amended.
 Vote 4-0.

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

04:52:58

E-10) CONSIDER CONCEPTUAL AGREEMENT BETWEEN THE NCS D AND GOLDEN STATE WATER COMPANY, WOODLANDS AND RURAL WATER COMPANY FOR COST REIMBURSEMENT RELATED TO THE PROPOSED ASSESSMENT DISTRICT TO FINANCE THE WATER INTERTIE PROJECT

Don Spagnolo, General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. There was no public comment.

Upon the motion of Director Eby and seconded by Director Nelson the Board members present voted to unanimously approved to the conceptual agreement as amended.
 Vote 4-0

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

05:12:12

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. The Board thanked Mr. Spagnolo for the report. There was no public comment.

05:20:28

G. COMMITTEE REPORT

Water Conservation Committee – September 13, 2010
Finance Committee – September 13, 2010

The reports were as presented. There was no public comment.

05:21:48

H. DIRECTORS REQUESTS TO STAFF AND SUPPLEMENT REPORTS

No requests were made. There was no public comment.

ADJOURN

Vice President Vierheilig adjourned the meeting at 4:16 p.m.