

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

NOVEMBER 10, 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

LISA BOGNUDA, **ACTING 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 November 10, 2010, to order at 9:00 a.m. and led the flag salute.

00:00:51

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:00

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) LAFCO EXECUTIVE OFFICER DAVID CHURCH CALAFCO AWARD

David Church, LAFCO Executive Officer, presented the Board with the Government Leadership Award. This award is for good government efforts in the State of California awarded by CALAFCO at their annual Conference in Palm Springs. It was awarded to NCSD, San Luis Obispo County, and San Luis Obispo LAFCO for great team effort working on the MOA. The Board thanked Mr. Church for his presentation.

C-2) SHERIFF COMMANDER KEN CONWAY Update re: South County Law Enforcement Activities

- ◇ Sheriff Commander Ken Conway reported that there will be a new Sheriff sworn in on January 3, 2011.
- ◇ In December there will be two more deputies added to his staff. Right now three of his deputies are out due to injuries.
- ◇ The major crime problems are still vandalisms and burglaries.
- ◇ We have tried to increase our patrol at the Nipomo Native Gardens due to increased calls.
- ◇ There will be a direct patrol in Nipomo sometime this month to target problem areas and problem people.

Mr. Conway answered questions from the Board and the Board thanked Mr. Conway for his presentation.

C-3) CAL FIRE BATTALION CHIEF BILL FISHER Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher reviewed the activity report for October 2010. Some of the information in the report includes:

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- ◇ In October 2010, Nipomo Station #20 had a total of 98 calls: 4 fire calls, 11 vehicle accidents, 56 medical aids and 21 other calls.
- ◇ Mesa Station #22 had a total of 56 calls: 4 fire call, 4 vehicle accidents, 35 medical aids and 13 other calls.
- ◇ Nipomo-Paid Call Firefighters trained on Equipment Set-up and Ventilation.
- ◇ They did prevention programs at Dana Elementary Boy and Girl Scouts, Dana Elementary Halloween Festival, Adventures in Learning Preschool, Alisa Ann Ruche Burn Relay/Donation made by Nipomo Paid Call Firefighters.
- ◇ They are working on business inspections and Fire Preplans.
- ◇ The 600 acre control burn in Husana Valley was cancelled due to early rains.
- ◇ There will be a retirement party for Matt Jenkins, Fire Chief, on December 5, at the Lions Club in Cayucos. Tickets will be available.
- ◇ There are new changes in the Fire Code. Cal Fire will be happy to work with NCSO to review the updated fire codes.

Mr. Fisher answered questions from the Board. The Board thanked Battalion Chief Bill Fisher for the report. There was no public comment.

C-4) 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. Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for the report. There was no public comment.

C-5) NCSO DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities

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

C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Nelson

- ◇ Today will probably be his last Board meeting. Director Nelson complimented the Board on their service to Nipomo. Director Nelson will be relocating to Santa Barbara County.

Director Eby

- ◇ Spoke about inflation and how it may affect the Waterline Intertie Project and the Southland Waste Water Treatment Facility Upgrade.
- ◇ The WRAC met last week, and voted 10-6 to add a member of WRAC to represent the building industry and the home building industry.
- ◇ Oceano CSD's Agenda includes an item to discuss selling Oceano Groundwater to NCSO or Nipomo.
- ◇ There will be a meeting next Monday, in Santa Maria, apparently regarding an effort to release more Twitchell water into the ocean.

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Director Winn

- ◇ On November 3, 2010, WRAC voted Greg Nester to be the representative for the Home Builders Association and the alternate is from RRM. WRAC also discussed the on-going negotiations between the Five Cities and the CCWA.
- ◇ The Water Conservation Committee met on Monday, November 8, 2010. All things discussed will come back to the Board.
- ◇ The Southland Waste Water Treatment Facility Upgrade Committee met on Monday, November 8, 2010. All things discussed will come back to the Board.
- ◇ There is a meeting in San Luis Obispo regarding the Water Master Plan today. There will be a report available after today sometime.
- ◇ On November 15, 2010, SCAC Land Use Committee will meet at NCSD at 9:00 a.m.
- ◇ On Monday, November 22, 2010, SCAC Advisory Council at 6:30 p.m. at NCSD.
- ◇ On Friday, November 19, 2010, the CSDA will have their bi-monthly meeting in San Luis Obispo at the Wallace Group at 11:30 a.m.
- ◇ On Wednesday, December 1, 2010, WRAC will meet at the City County Library in San Luis Obispo at 1:30 p.m.
- ◇ I am planning to go to Moorpark and Filmore to tour their Waste Water Treatment Facilities in December.
- ◇ I am organizing a tour of the Solar Facility at J. Lohr Winery.

Director Harrison

- ◇ On November 18, 2010, Olde Towne Association will meet at Pie Whole Pizza at 5:30 p.m. Dale Ramey will go over the paving schedule for roads in Nipomo.
- ◇ On November 18, 2010, Fire Safe Council will meet at 3:00 p.m. to tour the Fire Safety Visitors Center in Paso Robles.

C-7) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:55:04

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES
OCTOBER 27, 2010 REGULAR BOARD MEETING

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

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

E. ADMINISTRATIVE ITEMS

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00:56:42

E-1) CONSIDER FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2009-10

Don Spagnolo, General Manager, introduced the item. Robert Crosby, Crosby CPA, reviewed the report as presented in the Board Packet. Lisa Bognuda, Finance Director, and Mr. Crosby answered questions from the Board. The Board thanked Mr. Crosby for the report. There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Eby, the Board unanimously approved to accept and file the 2009-10 Audit report as presented.
Vote 5-0.

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

01:10:27

E-2) CONSIDER AECOM CONTRACT AMENDMENT FOR THE WATER INTERTIE PROJECT DESIGN

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

Upon the motion of Director Eby and seconded by Director Winn, the Board approved to authorize the General Manager to execute an amendment in the amount of \$40,284 to the existing Waterline Intertie Project Final Design Agreement.
Vote 4-1.

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

The Board took a break from 10:20 a.m. to 10:38 a.m.

01:19:30

E-3) CONSIDER DRAFT SOUTHLAND WWTF IMPROVEMENTS PHASE 1 CONCEPT DESIGN REPORT

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 received the report and thanked Mr. Nunley for the presentation. There was no public comment.

02:00:52

E-4) CONSIDER WILLOW ROAD WATERLINE EXTENSION PROJECT PHASE 2

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Jeff Spannauer, Cannon, Jon Seitz, District Engineer, and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for the report. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board voted unanimously to approve staff recommendation and adopted Resolution 2010-1202.
Vote 5-0.

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

RESOLUTION NO. 2010-1202

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

02:23:28

F. GENERAL MANAGER'S REPORT

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.

Director Eby questioned the General Manager about the following:

- ◇ The various next Board meetings.
- ◇ The attendance of the meeting next Monday in Santa Maria in regards to the Twitchell water.

Director Winn questioned the General Manager the about the following:

- ◇ The budget for the Operations and Maintenance for the Miller Park.
- ◇ The negotiations with the County on bio-soilds.
- ◇ The negotiations with San Luis Obispo Public Works for Schedule A Water for Santa Maria.
- ◇ The date the Board will hear from The Science Discovery Program.
- ◇ The personnel budget analysis.
- ◇ Woodlands and NCSD installing a meter at the Intertie.

Director Winn recommended that staff agendize a Resolution of Appreciation for Bill Nelson for the years of service on the Board.

Director Vierheilig recommended that staff bring to the Board a presentation on solar power, not just anyone in the business, but someone who knows the technology.

The Board considered Closed Session next.

02:48:13

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)
4. PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE SECTION 54957(B)); GENERAL MANAGER.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:50:15

K. ADJOURN TO CLOSED SESSION

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

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

The Board came back into Open Session at 1:55 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on items one thru four listed above for closed session, but took no reportable action. There was no public comment.

02:52:12

G. COMMITTEE REPORT

October 26, 2010 Finance and Audit Committee October

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

02:54:00

H. DIRECTORS REQUESTS TO STAFF AND SUPPLEMENT REPORTS

The Director requests were made in Item F listed above. There was no public comment.

02:55:56

ADJOURN

The next meeting will be a Special Meeting on December 1, 2010, at 9:00 a.m.
President Harrison adjourned the meeting at 1:57 p.m.