

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 45 Years of Service 1965 - 2010

MINUTES

DECEMBER 15, 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**
DAN A. GADDIS, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL LEBRUN, **INTERIM 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 rescheduled Regular Meeting of December 15, 2010, to order at 9:02 a.m. and led the flag salute.

00:00:45 B. SWEAR IN DIRECTORS AND ROLL CALL

Michael LeBrun, Interim General Manager, administered the Oath of Office for Jim Harrison, Larry Vierheilig, and Dan Gaddis. At Roll Call, all Board members were present.

00:04:30 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) INTRODUCTION OF INTERIM GENERAL MANAGER MICHAEL LEBRUN
President Harrison introduced the Interim General Manager, Michael LeBrun.

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

Commander Conway was unable to attend this meeting.

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

Cal Fire Engineer Nick Gellogo gave an update in place of Battalion Chief Bill Fisher and reviewed the activity report for November 2010.

Some of the information in the report includes:

In November 2010, Nipomo Station #20 had a total of 100 calls: 10 fire calls, 9 vehicle accidents, 54 medical aids and 27 other calls.

Mesa Station #22 had a total of 56 calls: 16 fire call, 6 vehicle accidents, 22 medical aids and 12 other calls.

He reported that Nipomo -Paid Call Firefighters trained on C.P.R and medical skills.

He reported they are working on business inspections and they participated in "Hoops for Hope" a cancer fundraiser held at Nipomo High School.

The Board thanked Mr. Gellogo for his report.

C-4) MIKE NUNLEY OF AECOM
Update re: Southland Wastewater Treatment Plant Upgrade

Eileen Shields, AECOM, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, and Ms. Shields answered questions from the Board. The Board thanked Ms. Shields for the report.

C-5) NCSD DISTRICT ENGINEER PETER SEVOIK
Update re: Recent Activities

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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 Board thanked Mr. Sevcik for the report.

C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ On December 14, 2010, the Board of Supervisors approved Willow Road Project Option B, including NCSD's pipeline. They also approved the General Plan Amendment for the Jack Ready Park.
- ◇ December 20, 2010 – SCAC Land Use Committee Meeting at 6:30 p.m. here at NCSD.
- ◇ January 5, 2011 – WRAC meeting at 1:30 at the San Luis Obispo Library.
- ◇ On January 21, 2011, I will be attending the Annual Land Use and Water Planning meeting at UCLA.

Director Eby

- ◇ December 16, 2010 – LAFCO Open House from 11:30 a.m. to 1:30 p.m. at the LAFCO Office.
- ◇ Dana Adobe received a full grant for complete restoration of the Dana Adobe. The restoration should be completed by September of 2011.

C-7) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Daniel Diaz, NCSD customer, stated that he picked up the creeks and he had some concerns about drug and alcohol activities in the creek. He believes children are stealing alcohol from a local liquor store.

00:45:19

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES OF DECEMBER 1, 2010

D-3) APPROVE WAGNER & BONSIGNORE TASK ORDER BUDGETS FOR 2011 CONSULTING SERVICES AS FOLLOWS:

- TASK ORDER 100 – GENERAL CONSULTATION NOT-TO-EXCEED \$10,000
- TASK ORDER 200 – SANTA MARIA GROUNDWATER ADJUDICATION NOT-TO-EXCEED \$80,000
- TASK ORDER 300 – OSO FLACO LAKE REPLACEMENT SERVICES NOT-TO-EXCEED \$5,000

Michael LeBrun, Interim General Manager, and Peter Sevcik, District Engineer, answered questions from the Board.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously approved the items on the Consent Agenda as amended. There was no public comment.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:50:57

E-1) CONSIDER INTENT-TO-SERVE LETTER FOR WATER AND SEWER SERVICE FOR TRACT 2441 (38 PARCELS) ON GRANDE/BLUME

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Terry Orton, Westland Engineering Inc., Project Manager, and Mr. Sevcik answered questions from the Board. The Board made several emendations to the letter. There was no public comment.

Director Vierheilig directed staff to revisit the intent-to-serve letter on a future agenda.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board approved the Service Request as amended.
Vote 4-1.

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

The Board took a break from 10:25 a.m. to 10:38 a.m.

01:23:38

E-2) URBAN WATER MANAGEMENT PLAN UPDATE

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 his report. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously adopted the CUWCC BMPs.
Vote 5-0.

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

01:41:06

E-3) PROPOSITION 84 GRANT APPLICATION LETTER OF INTENT TO DEVELOP MOU WITH COUNTY OF SAN LUIS OBISPO

Peter Sevcik, District Engineer, reviewed the report presented in the Board packet. Jon Seitz, District Legal Counsel, and Mr. Sevcik answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Gaddis, the Board unanimously approved the letter as amended and authorized the General Manager to prepare and file all other necessary grant application documents.
Vote 5-0.

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

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02:02:09

E-4) NOMINATIONS FOR SPECIAL DISTRICT SEAT ON SLO COUNTY IWMA

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

The Board directed staff that there are no nominations at this time.

02:06:16

E-5) ELECTION OF 2011 BOARD PRESIDENT AND VICE PRESIDENT

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, clarified the procedure for electing President and Vice President of the Board.

Interim General Manager took nominations for the President of the Board. The nominations were as follows:

Director Winn nominated Director Harrison.
Director Harrison nominated Director Vierheilig.
There was no public comment.

Interim General Manager distributed ballots to each Board Member. The votes were read aloud as follows:

DIRECTOR	VOTE
Eby	Vierheilig
Vierheilig	Vierheilig
Gaddis	Harrison
Harrison	Harrison
Winn	Harrison

Vote 3-2. Director Harrison will continue as President of the Board.

Interim General Manager took nominations for the Vice President of the Board. The nominations were as follows:

Director Harrison nominated Director Winn.
Director Gaddis nominated Director Vierheilig.
Director Vierheilig nominated Director Gaddis.
Director Gaddis respectfully declined his nomination.
There was no public comment.

Interim General Manager distributed ballots to each Board Member. The votes were read aloud as follows:

DIRECTOR	VOTE
Gaddis	Vierheilig
Harrison	Winn
Eby	Vierheilig
Winn	Winn
Vierheilig	Vierheilig

Vote 3-2. Director Vierheilig will continue as Vice President of the Board.

President Harrison asked that the Directors let him know what committee assignments they would prefer in the new year.

02:16:29

F. GENERAL MANAGER'S REPORT

Michael LeBrun, Interim General Manager, gave a verbal report to the Board. He discussed the current status of the Waterline Intertie Project schedule and answered questions from the Board. There was no public comment.

The Board thanked Mr. LeBrun for his report.

President Harrison re-opened public comment.

02:39:50

PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Ray Wells, NCS D customer, suggested we harvest rain water before it all goes out to the ocean. He had concerns about increased taxes and higher water bills. He also had concerns about how much money NCS D employees make and he thinks NCS D employees should take a voluntary 20% pay cut, to help pay for the pipeline.

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 SMWWCD VS. NCS D (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. NCS D (CASE NO. CV 040877), MARIA VISTA VS. NCS D (CASE NO. CV 061079), AND MARIA VISTA VS. LINDA VISTA FARMS, NCS D ET AL. (CASE NO. CV 040150);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCS D VS. COUNTY SLO, ET AL. (CASE #CV090010)
4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8
 - Property: Waterline Intertie Project easement: APN 118-002-095
 - Agency Negotiator: Lillian Jewell and Jon Seitz
 - Negotiating Parties: North Preisker Ranch Limited Partnership
 - Price and Terms of Payment

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:47:31

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:05 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 2:55 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on items one through three listed above for closed session, but took no reportable action. On item four listed above for closed session the Board authorized a payment in the amount of \$500 for the Waterline Intertie Project easement across APN 118-002-095. Vote 5-0. There was no public comment.

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G. COMMITTEE REPORTS

Minutes from December 6, 2010 Water Conservation Committee Meeting

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

H. DIRECTORS REQUESTS TO STAFF AND SUPPLEMENT REPORTS

Director Eby

Questioned when the Board will be discussing the assessment issue.

Director Winn

Suggested that staff stay involved in the bio-solids Ordinance update with the County.

Directed staff to update him on the District well site in the Santa Maria Riverbed.

02:54:02

ADJOURN

President Harrison adjourned the meeting at 3:00 p.m.