

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 46 Years of Service 1965 - 2011

MINUTES

JANUARY 12, 2011 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 Regular Meeting of January 12, 2011, to order at 9:00 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

Deputy Sheriff Jason Nadal gave an update in place of Sheriff Commander Ken Conway and answered questions from the Board. The Board thanked Mr. Nadal for his report. There was no public comment.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher reviewed the activity report for December 2010 and answered questions from the Board. The Board thanked Mr. Fisher for his report. There was no public comment.

C-3) FIRE PREVENTION SPECIALIST, COUNTY FIRE MARSHAL PAUL LEE

Fire Prevention Overview

Fire Marshal Paul Lee gave an update on the new Fire Codes and Regulations for 2011. He informed us that all new residential structures will be required by the State of California Fire Code to have fire sprinklers installed, regardless of square footage, state wide starting January 1, 2011, and also in all commercial structures 1,000 square feet or over. The Fire Marshal answered questions from the Board. The Board thanked Mr. Lee for his presentation. 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. 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-5) NCSD 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-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Eby

- ◇ The representative for LAFCO's CSD seat was won by Merle Cliff.
- ◇ NCSD's investigative efforts paid off, after seeing the blow out on the bluffs at the Pasquini property.

Director Winn

- ◇ January 21, 2011 – The Annual seminar on Land Use and Water Law will be held at UCLA.
- ◇ January 21, 2011 – The County Chapter of CSDA Annual Meeting will be held at the Avila Beach Community Center at 5:30 p.m.
- ◇ February 26, 2011 – The New Director Orientation Meeting will be held in Templeton from 12:30-4:30 p.m.

C-7) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Alex Mendoza, Nipomo resident, expressed concerns about local businesses wasting water through irrigation. He suggests that the Board address these issues with people who are paying the water bill.

01:15:37

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES OF DECEMBER 15, 2010
- D-3) CONFIRM BOARD MEETING SCHEDULE FOR 2011
- D-4) ADOPT RESOLUTION EXPENDING \$505,155 IN SOLID WASTE FUNDS TO ABATE SOLID WASTE ENTERING DISTRICT SEWER TREATMENT FACILITIES
- D-5) CONSIDER PURCHASE OF WATERLINE INTERTIE EASEMENT ON APN 118-002-095 FOR \$500.00
- D-6) RECEIVE ADMINISTRATIVE DRAFT EIR, SOUTHLAND WWTP UPGRADE COMMENTS
- D-7) ADOPT RESOLUTION COMMENDING FORMER DIRECTOR BILL NELSON, FOR PRESENTATION AT SUBSEQUENT MEETING
Director Eby requested that Item D-6 be pulled for separate consideration.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously approved Items D-1, D-2, D-3, D-4, D-5, and D-7. There was no public comment.

Vote 5-0.

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

RESOLUTION NO. 2011-1204

A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT
COMMENDING WILLIAM "BILL" NELSON FOR HIS
DEDICATED SERVICE TO NIPOMO COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 2011-1205

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NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING THE EXPENDITURE OF SOLID WASTE FUNDS
TO ABATE SOLID WASTE ENTERING
WASTEWATER TREATMENT FACILITIES

01:24:23

Item D-6

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

The following member of the public spoke:

John Snyder, Nipomo resident, commented on this EIR verses past EIR's. He expressed concerns about the effluent disposal options and lack of descriptions of the disposal options.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board received the report and will provide comments to staff prior to January 26, 2011.

Vote 4-1.

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

The Board took a break from 10:50 to 11:00 a.m.

E. ADMINISTRATIVE ITEMS

01:52:21

E-1) RECEIVE GROUNDWATER INDEX PRESENTATION BY BRAD NEWTON, Ph.D, PG FROM WAGNER& BONSIGNORE CONSULTING CIVIL ENGINEERS

Brad Newton, PG for Wagner & Bonsignore, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Mr. Newton for the report.

The following member of the public spoke:

John Snyder, Nipomo resident, stated that information in an EIR is public information and is not confidential. He questioned the 2008 "Groundwater in Storage" data verses the 2010 "Groundwater Index" data. He commented on the Nipomo Mesa Technical Group's lack of supply and demand numbers for ground water.

02:42:00

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (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. NCSO (CASE NO. CV 040877), Maria Vista vs. NCSO (Case No. CV 061079), AND Maria Vista vs. Linda Vista Farms, NCSO et al. (Case No. CV 040150);
3. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSO vs. County SLO, ET AL. (CASE #CV090010)

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4. PUBLIC EMPLOYEE APPOINTMENT (GOVERNMENT CODE §54957)
Title: District General Manager.

02:43:48

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

The following member of the public spoke:

John Snyder, Nipomo resident, asked the Board to elaborate on what the law suit was with the County and when it was initiated.

Jon Seitz, District Legal Counsel, responded it was initiated approximately a year and a half ago and it has to do with their housing determination and their environmental impact report.

02:44:00

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 11:55 a.m.

02:44:01

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:15 p.m.

Jon Seitz, District Legal Counsel, announced that the Board heard an update on items one thru three listed above for closed session, but took no reportable action. On item four listed above for closed session, the Board heard and update and delayed any further consideration of moving forward with the District's General Manager appointment for at least two or three months.

The Board considered Item E-5 next.

02:45:30

E-5) SCIENCE DISCOVERY PRESENTATION AND 2011 CONTRACT CONSIDERATION

Celeste Whitlow, Conservation Coordinator reviewed the report as presented in the Board packet. Mike DiMilo, Science Discovery, Michael LeBrun, Interim General Manager, and Mrs. Whitlow answered questions from the board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved item E-5. There was no public comment.
Vote 5-0.

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

E-2) REVIEW RURAL WATER COMPANY APPLICATION TO CALIFORNIA PUBLIC UTILITIES COMMISSION FOR EXPANDED SERVICE AREA

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

Upon the motion of Director Gaddis and seconded by Director Eby, the Board unanimously approved to inform the PUC that we will take no position at this time.
Vote 5-0.

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

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03:55:57

E-3) RATIFY 2011 BOARD MEMBER COMMITTEE ASSIGNMENTS

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.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved to ratify the proposed assignments as modified and directed staff to post these assignments in compliance with state law.

Vote 5-0.

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

04:21:09

E-4) ADOPT 2011 INVESTMENT POLICY

Lisa Bognuda, Finance Director, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, and Mrs. Bognuda answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved to adopt the Resolution 2011 Investment Policy.

Vote 5-0.

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

RESOLUTION NO. 2011-1206

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE YEAR 2011 DISTRICT INVESTMENT POLICY

04:45:47

F. GENERAL MANAGER'S REPORT

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

G. COMMITTEE REPORT

There were no Committee reports.

05:10:09

E. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilg

- ◊ Requested the Board to consider adopting an Ordinance for commercial irrigation systems.
- ◊ Requested a copy of the Annual Financial Report.

Director Eby

- ◊ Questioned the assessment report and when the Board will hear it.
- ◊ Had some questions about the WIP meeting on January 24, 2011.
- ◊ Questioned who would be the other NCSD member attending the NNMA meeting on Friday January 14.

Director Winn

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- ◇ Requested to agendaize any application on Cypress Ridge expansion pending before the planning commission, or County Board of Supervisors.
- ◇ Requested definitive maps for the assessment district.
- ◇ Requested staff to send a letter to the Manager of Commercial businesses that are irrigating incorrectly.
- ◇ Questioned the Districts quantity and need for staff cell phones.
- ◇ Questioned the updated schedule of the Water Intertie Project.
- ◇ Confirming District Counsel is working with the County on the in-lieu fee.
- ◇ Requested District to continue tracking County bio-solids Ordinance.
- ◇ Requested a benefit analysis for new hires from the Personnel Committee.

Director Harrison

- ◇ Requested that on the agenda setting meetings, with the President and the General Manager, the remaining Board members alternate attending.

ADJOURN

President Harrison adjourned the meeting at 4:08 p.m.