

# NIPOMO COMMUNITY SERVICES DISTRICT

*SERVING THE COMMUNITY SINCE 1965*

## MINUTES

**JANUARY 26, 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 26, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:49

#### B. ROLL CALL

At Roll Call, all Board members were present.

00:01:38

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) PRESENT RESOLUTION RECOGNIZING FORMER DIRECTOR BILL NELSON'S SERVICE TO NCSD

President Harrison presented former Director Bill Nelson with a Resolution recognizing him for his service with NCSD.

##### C-2) MIKE NUNLEY OF AECOM Update re: Waterline Intertie Project

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

##### C-3) ALTERNATIVE ENERGY OPPORTUNITIES PRESENTATION Charles Gulyash

Charles Gulyash, Solar Pacific Owner, gave a presentation on alternative energy opportunities. Mr. Gulyash answered questions from the Board. The Board thanked Mr. Gulyash for the presentation.

##### C-4) NCSD SUPERINTENDENT TINA GRIETENS Update re: 2010 Summary of Utility Division Activities

Tina Grietens, NCSD Utility Superintendent, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Ms. Grietens for the report.

C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community InterestDirector Vierheilig

- ◇ February 17, 2011 – San Luis Obispo County will host a Climate Action Plan Event at the County Government Center from 6:30-8:30 p.m.

Director Eby

- ◇ January 27, 2011 – At 11:00 a.m. The San Luis Obispo Planning Commission will have a presentation on the proposed Solar Power Plant at Carrizo.
- ◇ My LAFCO term ended in December 2010. LAFCO elections for the Special District seat will be coming up on February 28, 2011.
- ◇ The Climate Prediction center NOAA's National Weather Service predicts less than normal rainfall for both February and March.

Director Winn

- ◇ On Wednesday, January 19, 2011, SLO County Management Oversight Committee had a meeting on the particulate matter that's coming off the Oceano Dunes, discussing the initial project to reduce PM10.
- ◇ I attended the Annual Land Use and Water Law Seminar at UCLA. The new water laws, legislation on the water laws, and new CEQA laws were discussed. A copy of the materials are in the District office.
- ◇ On Monday, January 24, 2011, SCAC named Dan Woodson Chairperson. During the meeting it became clear that the public needs accurate information on the Waterline Intertie Project.
- ◇ February 2, 2011 – The WRAC will meet in San Luis Obispo. The WRAC re-elected me for the fifth year, but I will be seated as a representative for the Nipomo CSD, not the 4<sup>th</sup> District.

Director Harrison

- ◇ January 27, 2011 – Fire Safe Counsel Meeting at 10:00 a.m. will be discussing the new Fire Protection Laws.
- ◇ The Rotary Club and the Nipomo High School Drama Club will have a Taste of Italy Dinner Fundraiser. It will be at 5:00 p.m. on January 30, 2011, at St. Joseph's Catholic Church.
- ◇ February 2, 2011 – The Olde Towne Nipomo Association will meet. They will be discussing the status of the proposed Miller Park.

## C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Daniel Diaz, NCSD customer, had questions about NCSD's meters and staff.

Michael LeBrun, Interim General Manager, commented that any member of the District can ask questions to our staff and he explained the process of our contracted meter reading services.

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

01:10:22

**D. CONSENT AGENDA**

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES  
Approve Minutes of January 12, 2011 Regular Meeting
- D-3) INVESTMENT POLICY-FOURTH QUARTER REPORT
- D-4) AMEND PERSONNEL POLICIES AND PROCEDURES MANUAL RELATED TO PART-TIME POSITIONS
- D-5) APPROVE ADDITIONAL WORK AUTHORIZATION FOR DOUG WOOD & ASSOCIATES, SOUTHLAND WASTEWATER TREATMENT FACILITY UPGRADE ENVIRONMENTAL CONSULTANT

Director Harrison pulled Items D-4 and D-5 for separate consideration.

Upon the motion of Director Winn and seconded by Director Eby, the Board members 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, Vierheilig, Gaddis, and Harrison	None	None

*The Board took a break from 10:30 to 10:40 a.m.*

**Item D-4**

Michael LeBrun, Interim General Manager, and Lisa Bognuda, Finance Director, answered questions from the Board. There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved item D-4 as presented.  
Vote 5-0.

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

RESOLUTION NO. 2011-1207

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY  
REGARDING PART-TIME POSITIONS

**Item D-5**

Michael LeBrun, Interim General Manager answered questions from the Board. There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board approved additional work authorization #2 (3) and directed staff to issue a task order budget augmentation in the amount of \$1,460 and revise the project not to exceed to \$104,530.  
Vote 3-2.

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

E. ADMINISTRATIVE ITEMS

*The Board considered Item E-3 next.*

01:46:24

E-3) RECEIVE BEST MANAGEMENT PRACTICES FOR WATER CONSERVATION CHECKLIST; AUTHORIZE CIRCULATION OF DRAFT 2010 URBAN WATER MANAGEMENT PLAN UPDATE

Peter Sevcik, District Engineer, reviewed the report presented in the Board packet. Jeffery Szytel, of Water Systems Consulting, and Mr. Sevcik answered questions from the Board. There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board received the BMP reports and directed staff to circulate the Public Review Draft 2010 Urban Water Management Plan Update as required.

Vote 5-0.

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

*The Board considered Item E-4 next.*

01:55:05

E-4) CONSIDER TRANSFER OF OUTSIDE USERS AGREEMENT TRACT 2650

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Greg Nester, of Greg Nester Homes, 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 Vierheilig, the Board adopted the Resolution approving the consent to the transfer of outside user agreement providing water and solid waste service to tract 2650.

Vote 4-1. (Director Eby abstained, pursuant to section 2.9 of the NCSD's by-laws; an abstained vote is counted as a no vote.)

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

RESOLUTION NO. 2011-1208

A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 APPROVING CONSENT TO THE TRANSFER OF THE OUTSIDE USER AGREEMENT  
 FOR WATER AND SOLID WASTE SERVICE TO TRACT 2650

*The Board considered Item E-1 next.*

02:13:20

E-1) REVIEW WATERLINE INTERTIE PROJECT – CONSIDER THE FOLLOWING: (A) DELIVERY VOLUME FOR PROPOSED ASSESSMENT; AND (B) NEXT STEPS AND SCHEDULE

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

*The Board considered closed session next and will resume Item E-1 after Item E-6.*

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

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).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

03:14:39

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:25 p.m.

03:15:22

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 discussed the one item listed above for closed session, but took no reportable action. There was no public comment.

03:16:13

- E-6) WORKSHOP PRESENTATION ADMINISTRATIVE DRAFT EIR SOUTHLAND WASTE WATER TREATMENT FACILITY UPGRADE PROJECT BY DOUG WOOD AND ASSOCIATES

Douglas Wood, Douglas Wood and Associates, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Mike Nunley, AECOM Project Manager, and Mr. Wood answered questions from the Board. Mr. Wood took comments from the Board. There was no public comment.

*The Board took a break from 2:52 to 3:00 p.m.*

04:57:15

*The Board considered continuing Item E-1.*

- E-1) REVIEW WATERLINE INTERTIE PROJECT – CONSIDER THE FOLLOWING: (A) DELIVERY VOLUME FOR PROPOSED ASSESSMENT; AND (B) NEXT STEPS AND SCHEDULE

Michael LeBrun, Interim General Manager, continued to review the report as presented in the Board packet.

The following member of the public spoke:

Vince McCarthy, NCSD customer, gave his analysis and questioned the cost of water per acre foot.

Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

Upon the motion of Director Eby and seconded by Director Winn, the Board directed staff to use 2,000 acre feet per year as the delivery basis for the Assessment proceedings. Vote 3-2.

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



**Nipomo Community Services District  
REGULAR MEETING  
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06:09:39

**E-2) APPROVE LICENSE AGREEMENT WITH SANTA BARBARA COUNTY FOR SANTA MARIA RIVER ACCESS FOR THE WATERLINE INTERTIE PROJECT**

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

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board approved the agreement and directed staff to forward it to Santa Barbara County Board of Supervisors for approval.

Vote 4-1.

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

06:22:00

**E-5) CONSIDER DESIGNATING A BOARD/DISTRICT REPRESENTATIVE TO ATTEND FEB. 12, 2011 NIPOMO INCORPORATION COMMITTEE FOR EDUCATION WORKSHOP**

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 Winn and seconded by Director Vierheilig, the Board directed staff to draft a letter thanking them for the invitation; however, at this time NCSD does not wish to send an official representative. Board members are encouraged to attend as private citizens.

Vote 5-0.

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

**E-7) CONSIDER LETTER OF SUPPORT FOR CA RURAL WATER ASSOCIATION**

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 Vierheilig, the motion of approving the draft letter of support as amended and directing staff to forward the letter to CRWA did not pass.

Vote 2-3.

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

06:43:51

**F. GENERAL MANAGER'S REPORT**

Michael LeBrun, Interim General Manager, reviewed the Manager's Report as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board. There was no public comment.

**G. COMMITTEE REPORT**

There were no Committee reports.

06:59:35

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENT REPORTS

Director Gaddis

- ◇ Requested a critical path be on the construction schedule that is more obvious.

Director Eby

- ◇ Requested a comparison on how our supplemental water rates from the City of Santa Maria will track Santa Maria's Tier I rates are for each year, as many years as we know.
- ◇ Questioned why we would be paying any capital costs, in our water rates, after 30 years.

Director Winn

- ◇ Supervisor Paul Teixeira's office might approach staff regarding the lighting funding in the Olde Towne and elsewhere.
- ◇ Working on the \$100,000 commitment for the restrooms at Miller Park.
- ◇ Requested the coordination of a Board tour the J. Lohr Winery to see their installation of solar electricity.

07:10:01

ADJOURN

President Harrison adjourned the meeting at 5:20 p.m.