

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the community since 1965

MINUTES

FEBRUARY 9, 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, **ASSISTANT 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 February 9, 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

Commander Conway was unable to attend this meeting.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher reviewed the activity report for January 2011. Mr. Fisher answered questions from the Board. The Board thanked Mr. Fisher for the report.

C-3) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Eileen Shields, AECOM Project Engineer, reviewed the report as presented in the Board packet. Ms. Shields answered questions from the Board. The Board thanked Ms. Shields for the report.

C-4) NCSD DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities and Second Quarter Review of Water Allocated Pursuant to Chapter 3.05 of District Code.

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.

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

Director 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

- ◇ February 8, 2011 – Attended PG & E's workshop and shared information on smart meters.

Director Winn

- ◇ Commented positively on smart meters.
- ◇ February 2, 2011 – WRAC met and the negotiations with CCWA are still on-going for the permanent sale of Schedule A water to Santa Barbara County.
- ◇ February 8, 2011 – Attended the SLO Board of Supervisors meeting and, during public comment, informed them that the supplemental water in-lieu fee in County Ordinance §3090 still has not been finalized.
- ◇ Commented on NCS D giving the Board of Supervisors a push to agendize District's nominee to WRAC.
- ◇ February 26, 2011 – The New Director Orientation Meeting will be held in Templeton from 12:30-4:30 p.m.

Director Harrison

- ◇ February 12, 2011 – N.I.C.E. will hold a meeting.
- ◇ February 10, 2011 – Traffic SCAC will meet at NCS D at 9:00 a.m.
- ◇ February 14, 2011 – NMMA TG will meet at NCS D at 10:00 a.m.
- ◇ Coordination meeting for NCS D's agenda immediately following the NMMA meeting.
- ◇ The Nipomo Rotary Club gave \$15,000 to the Nipomo High School Drama Club from its Taste of Italy Fundraiser.
- ◇ I was re-elected to the executive board of Fire Safe Council.

C-6) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

The Board took a break from 9:55 to 10:05 a.m.

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES OF JANUARY 26, 2011

D-3) ACCEPT QUARTERLY FINANCIAL REPORT

Director Winn requested that Item D-3 be pulled for separate consideration.

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

Vote 5-0.

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

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00:55:02

Item D-3

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

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously accepted the report, directed staff to file the quarterly financial report for the second quarter of fiscal year 2010-2011, and commended Mrs. Bognuda for her outstanding work.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

01:20:23

E-1) FRONTAGE ROAD SEWER TRUNK LINE REPLACEMENT PROJECT, ADOPT MITIGATED NEGATIVE DECLARATION FOR THE PROJECT AND AUTHORIZE STAFF TO ADVERTISE PROJECT FOR BIDS

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 Winn and seconded by Director Vierheilig, the Board unanimously received the presentation, adopted the revised Mitigated Negative Declaration Resolution, and authorized staff to solicit bids to construct the project.
Vote 5-0.

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

RESOLUTION NO. 2011-1209

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE SOUTH FRONTAGE ROAD TRUCK SEWER REPLACEMENT PROJECT.

The Board took a break from 10:45 to 10:47 a.m.

01:37:32

E-2) CONSIDER A CHANGE ORDER WITH AWS DREDGE FOR SLUDGE REMOVAL AT SOUTHLAND WASTEWATER FACILITY AND APPROVE BUDGET ADJUSTMENT

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 Winn and seconded by Director Vierheilig, the Board unanimously authorized staff to execute a contract change order with AWS Dredge and adopted a Resolution to authorize a budget amendment transferring \$22,800 in funds to Fund #710, as amended.

Vote 5-0.

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- E-2) CONSIDER A CHANGE ORDER WITH AWS DREDGE FOR SLUDGE REMOVAL AT SOUTHLAND WASTEWATER FACILITY AND APPROVE BUDGET ADJUSTMENT (Continued)

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

RESOLUTION NO. 2011-1210

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT BUDGET TO PROVIDE FOR SLUDGE DREDGING OF THE TREATMENT PONDS 1 AND 2 AT THE SOUTHLAND WASTEWATER TREATMENT FACILITY APPROVED ON FEBRUARY 9, 2011.

01:53:56

- E-3) BOARD BY-LAW REVIEW

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

The Board considered closed session next.

03:13:53

- I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMWWCD VS. NCSO (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.

- K. ADJOURN TO CLOSED SESSION

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

03:14:05

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

The Board came back into Open Session at 1:05 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.

03:15:20

- E-4) CONSIDER WASTEWATER TREATMENT PLANT FIELD TRIP TO VENTURA COUNTY, REVIEW COSTS AND GOALS

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. The Board directed Staff to provide a time, a map, and a schedule for the wastewater treatment plant tours. There was no public comment.

03:36:36

E-5) SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY NOTIFICATION OF NOMINATIONS

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. There is no recommendation at this time. There was no public comment.

03:39:00

E-6) LOCAL AREA FORMATION COMMISSION REQUEST FOR COMMISSIONER NOMINATIONS

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

Director Harrison nominated Director Eby and on the following roll call vote, to wit:

AYES: Directors Harrison, Winn, Eby, Vierheilig, and Gaddis

NOES: None

ABSENT: None

CONFLICT: None

03:45:37

F. GENERAL MANAGER'S REPORT

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet.

Director Winn recused himself for part of the General Manager's report due to a conflict of interest, because the Nipomo Hills project is within 500 ft. of his property. Director Winn left the meeting during the report and discussion.

Mr. LeBrun answered questions from the remaining Board members.

Director Winn rejoined the meeting after the Nipomo Hills project discussion.

Mr. LeBrun continued the Manager's Report. The Board thanked Mr. LeBrun for the report. There was no public comment.

04:40:20

G. COMMITTEE REPORT

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

04:41:50

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Requested the original UCLA materials be returned to him after copies are made if desired.
- ◇ Requested District Counsel to review the pros and cons of utilizing NCSD's well site on Riverside Drive.
- ◇ Commented on visiting the Heritage Ranch water treatment plant.

Director Eby

- ◇ Questioned staff on a list of all outstanding intent-to-serve and will-serve letters.
- ◇ Questioned how staff is doing on the 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.
- ◇ Requested a report on when Santa Maria's capital portion of water rate will be retired.

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DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS (Continued)

Director Gaddis

- ◇ Requested the critical path on the WIP schedule be more pronounced.

Director Harrison

- ◇ Questioned when Willow Road Phase II will begin.

ADJOURN

President Harrison adjourned the meeting at 2:45 p.m.