

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

MINUTES

FEBRUARY 23, 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

Vice President Vierheilig called the Regular Meeting of February 23, 2011, to order at 9:07 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, Directors Vierheilig, Winn, Eby, and Gaddis were present. President Harrison was absent. Vice President Vierheilig announced President Harrison's absence was previously planned.

00:01:34

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) NCSU SUPERINTENDENT TINA GRIETENS Update re: Summary of Utility Division Activities

Tina Grietens, NCSU Utility Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for the report.

C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest

Director Gaddis

- ◇ February 28, 2011 – SCAC will meet at NCSU at 6:30 p.m.
- ◇ The SCAC Traffic & Circulation committee met on February 10, 2011, and discussed the Willow Road Project.

Director Eby

- ◇ February 17, 2011 – LAFCO met and discussed changing LAFCO laws and authorities.

Director Winn

- ◇ February 22, 2011 – The Board of Supervisors met and discussed strategic planning and redistricting.
- ◇ February 28, 2011 – SCAC will meet at NCSU at 6:30 p.m.
- ◇ March 2, 2011 – WRAC will meet at 1:30 p.m. in San Luis Obispo. Items of interest to Nipomo include the 2010 Annual Summary Report of the County's Resource Management System.

Director Vierheilig

- ◇ April 2nd / 3rd The Central Coast Orchid Show will be held at the South County Regional Center in Arroyo Grande.
- ◇ April 1, 2011 – Fundraiser to benefit the 5 Cities Homeless Coalition, tickets are \$40.00. See Director Vierheilig for more information.

Copy of document found at www.NoNewWipTax.com

C-3) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

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There was no public comment.

00:28:20

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of February 9, 2011 Regular Meeting
- D-3) APPROVE EASEMENT PURCHASE APPROXIMATELY 1,350 SQ. FT. AT EXISTING DISTRICT 'VIA CONCHA' WELL SITE ON VIA CONCHA ROAD APN 091-201-074

Michael LeBrun, Interim General Manager, answered questions from the Board.

Upon the motion of Director Winn and seconded by Director Eby, the Board members present unanimously approved the consent agenda. There was no public comment. Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

The Board considered Item E-2 next.

00:38:02

- E-2) HOLLOWAY OUTSIDE USERS AGREEMENT TRACT 2642, CONSIDER 2-YEAR EXTENSION REQUEST

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

The following members of the public spoke:

Carl Holloway, Nipomo Resident, stated that this is the only way to proceed with the District's backing. He also stated that he has not continued with the plans due to hard economic times and he asked the Board to please consider this agreement.

Terry Orton, Project Engineer, stated that he is present, if the Board has any questions.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board members present approved the two-year time extension, and adopted the Resolution authorizing Amendment No. 2 to the Agreement for providing water, sewer, and solid waste services to Tract 2642.

Vote 3-1. (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, and Gaddis	Director Eby	Director Harrison

RESOLUTION NO. 2011-1211

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AMENDMENT NO. 2 TO OUTSIDE USER AGREEMENT
FOR WATER, SEWER, AND SOLID WASTE SERVICES TO TRACT 2642**

The Board took a break from 10:05 to 10:12 a.m.

**Nipomo Community Services District
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00:57:40

E-1) REVIEW WATERLINE INTERTIE PROJECT STATUS

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

01:44:38

E-3) CONSIDER INTENT-TO-SERVE LETTER CO 03-0301 FOR 3-PARCEL COMMERCIAL SUBDIVISION LOCATED AT INTERSECTION OF NORTH FRONTAGE ROAD AND SANDYDALE DRIVE

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, Jon Seitz, District Legal Counsel, 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 Eby and seconded by Director Winn, the Board members present approved Item E-3 as amended.

Vote 3-1. (Director Gaddis 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 Eby, Winn, and Vierheilg	Director Gaddis	Director Harrison

02:15:42

E-4) BOARD BY-LAW REVIEW

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

Upon the motion of Director Winn and seconded by Director Gaddis, the Board members present adopted the Resolution approving the revised By-Laws as modified.

Vote 4-0.

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

RESOLUTION NO. 2011-1212

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BOARD BY-LAWS AND POLICIES (2011)

The Board considered closed session next.

02:33:10

I. CLOSED SESSION ANNOUNCEMENTS

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).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment. Copy of document found at www.NoNewWipTax.com

K. ADJOURN TO CLOSED SESSION

Vice President Vierheilg adjourned to Closed Session at 11:55 p.m.

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 items listed above for closed session, but took no reportable action.

02:35:30

E-5) STRATEGIC PLAN UPDATE

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. Mr. LeBrun took comments from the Board. The Board directed staff to bring this item back, on the Consent Agenda, for Board approval by Resolution.

04:20:21

F. GENERAL MANAGER'S REPORT

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. There was no public comment.

G. COMMITTEE REPORT

There were no committee reports.

04:39:17

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Requested the resolution of water conservation data that was sent to LAFCO be folded into the Urban Water Management Plan, and sent to San Luis Obispo County Public Works and Planning Departments.
- ◇ Requested staff to look into an uninterruptable power supply for critical electronic equipment in the District office.
- ◇ Requested District Counsel to review the pros and cons of utilizing NCSD's well site on Riverside Drive.
- ◇ Questioned the progress of Woodlands and NCSD installing a meter at the Intertie.
- ◇ Requested District Counsel to clarify if and when mutual water laws changed to allow then to import water without changing their overlying user status.
- ◇ Questioned staff on the costs of teleconferencing versus using newer technology.
- ◇ Questioned District Counsel on a potential court hearing in April.
- ◇ Questioned the progress of the District working with the County on the NMWCA Supplemental Water in-lieu fee.

ADJOURN

Vice President Vierheilg adjourned the meeting at 3:23 p.m.