

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

MINUTES

MARCH 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 March 9, 2011, to order at 9:04 a.m. and led the flag salute.

00:00:51

B. ROLL CALL

At Roll Call, all Board members were present.

00:01:02

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update re: Southland Wastewater Treatment Plant Upgrade

Mike Nunley, AECOM 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.

C-2) NCS D DISTRICT ENGINEER PETER SEVCIK

Update re: Recent Activities

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

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Receive Announcements from Directors Items of District & Community Interest

Director Gaddis

- ◇ February 26, 2011 – Attended CSDA New and Returning Directors Seminar.
- ◇ The SCAC met in a Town Hall meeting on March 7, 2011 for the community to meet 2011 candidates for elections to the SCAC.

Director Vierheilig

- ◇ February 26, 2011 – Attended CSDA New and Returning Directors Seminar.
- ◇ March 9, 2011 – Olde Towne Nipomo Association will meet at 12:00 p.m. at Pi Whole Pizzeria.
- ◇ March 15, 2011 – Finance and Audit Committee Meeting at 1:00 p.m.

Director Eby

- ◇ February 26, 2011 – Attended CSDA New and Returning Directors Seminar.
- ◇ March 9, 2011 – SCAC will meet at NCS D at 6:30 p.m.
- ◇ March 21, 2011 – SCAC Elections will be held at NCS D at 6:30 p.m.

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DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST(continued)

Director Winn

- ◇ February 26, 2011 – Attended CSDA New and Returning Directors Seminar.
- ◇ The Board of Supervisors met on March 8, 2011.
- ◇ March 18, 2011 – CSDA will meet at the Wallace Group in San Luis Obispo at 11:30 a.m.
- ◇ March 21, 2011 – WRAC will hold a public workshop on the Master Water Plan at 1:30 p.m. in the SLO County Library.
- ◇ March 28, 2011 – SCAC will meet at 6:30 p.m. at NCSD for their regular meeting.
- ◇ April 6, 2011 – WRAC will adopt comments on the Master Water Plan to send recommendations to the Board of Supervisors.

Director Harrison

- ◇ February 26, 2011 – Attended CSDA New and Returning Directors Seminar.
- ◇ March 16, 2011 – Moorpark and Fillmore Wastewater Treatment Facility Tour.
- ◇ May 6, 2011 – The Rotary Club will host a Golf Tournament at Cypress Ridge Golf Course.

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Tom Geaslen, NSCD customer, commented on the SCAC meeting and had concerns about the attendance of NCSD Board members.

00:45:17

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE BOARD MEETING MINUTES
Approve Minutes of February 23, 2011 Regular Meeting
- D-3) ADOPT RESOLUTION APPROVING 2011 STRATEGIC PLAN UPDATE AS AMENDED AT THE FEBRUARY 23, 2011, NCSD MEETING

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

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

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

RESOLUTION NO. 2011-1213

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT (NCSD)
ADOPTING THE NCSD 2011 STRATEGIC PLAN UPDATE

E. ADMINISTRATIVE ITEMS

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00:56:41

- E-1) CONSIDER APPROVAL OF SCOPE AMENDMENT #4 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$18,239 TO DEVELOP DESIGN FOR ADDITIVE BID ALTERNATE FOR INCREASED ON-SITE EFFLUENT DISPOSAL FOR THE SOUTHLAND WWTF PHASE 1 IMPROVEMENT PROJECT

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, Eileen Shields, AECOM Assistant Project Manager, 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 Winn and seconded by Director Eby, the Board authorized the General Manager to execute Amendment #4 to the existing Southland WWTF Phase I improvement project final design agreement with AECOM in the amount of \$18,239. Vote 3-2.

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

The Board took a break from 10:40 to 10:53 a.m.

01:35:40

- E-2) CONSIDER EXECUTION OF TASK ORDER WITH FUGRO CONSULTANTS INC. FOR PROFESSIONAL SERVICES IN THE AMOUNT OF \$16,000 FOR MODELING OF THE GROUNDWATER MOUND AT THE SOUTHLAND WASTEWATER TREATMENT FACILITY

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

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously authorized the General Manager to execute a task order with Fugro Consultants Inc. in the amount of \$16,000. Vote 5-0.

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

01:53:15

- E-3) REVIEW 1.645% EMPLOYEE COST OF LIVING ADJUSTMENT (COLA) FOR FISCAL YEAR 2011/2012

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

The following member of the public spoke:
Tom Geaslen, NCS D customer, had concerns with the hard economic times, the timing of the COLA, and asking rate payers for more money.

Upon the motion of Director Winn and seconded by Director Harrison, the Board approved to not grant the COLA. The Board may reconsider the COLA after a staff review of their overall compensation package. Vote 3-2.

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

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02:13:21

E-4) REVIEW THE PROCESS TO IMPLEMENT THE ACCEPTANCE OF CREDIT/DEBIT CARDS FOR UTILITY BILL PAYMENTS

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Lisa Bognuda, Finance Director, and Mr. LeBrun answered questions from the Board. The Board thanked Mr. LeBrun for the report.

The following member of the public spoke:

Tom Geaslen, NCSD customer, stated that he would welcome the change, but had concerns with the security of using a credit/debit card.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved a one-year credit/debit card pilot program and directed staff to collect data on the costs and savings of the pilot program.

Vote 5-0.

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

The Board considered closed session next.

02:44:01

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. PUBLIC EMPLOYEE APPOINTMENT (GOVERNMENT CODE §54957)
Title: District Interim General Manager Performance Review

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:00 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. Closed session will continue at the foot of the agenda.

The board considered item E-6 next.

E-6) REVIEW REQUEST FOR FEE APPEAL REGARDING EDWARDS BARN FIRE CONNECTION FEE

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.

Angela Thompson, daughter of the Edwards; Terry Orton, Westland Engineer, and Ken Whittle, Fire Sprinkler Contractor, answered questions from the Board.

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02:45:28

E-6) REVIEW REQUEST FOR FEE APPEAL REGARDING EDWARDS BARN FIRE CONNECTION FEE (Continued)

The Board took a break from 2:05 to 2:10 p.m.

The following members of the public spoke:

Cees Dobbe, NCSD customer, commented in favor of a reduction in fire fee for the Edwards Barn fire connection.

Tom Geaslen, NCSD customer, commented in favor of a reduction in fire fee for the Edwards Barn fire connection.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board, with the opportunity for the applicant to object, unanimously approved:

- Authorizing the applicant to install a 3-inch line from the District's water service to the edge of the road without waving the capacity charge.
- Instruct staff to revisit ordinance at the next regular meeting, and include a revised fee structure for the fire capacity charge.
- The District will issue a verification of service, upon wet-stamped emergency plans, for the service to the backflow device and the payment of the new fee, if any.

Mr. Edwards, the applicant, had no objection, but was still concerned with not knowing the amount of the fee.

Vote 5-0.

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

04:23:02

E-5) CONSIDER SUPPORT OF COUNTY BUS TRANSIT STUDY GRANT REQUEST

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.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board unanimously authorized staff to draft a letter, on District letterhead, with Board President's signature, in support of San Luis Obispo bus transit study grant application.

Vote 5-0.

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

04:27:20

F. GENERAL MANAGER'S REPORT

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.

04:54:44

G. COMMITTEE REPORT

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

04:56:20

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- ◇ Requested staff to revisit Solid Waste Franchise Fee. How we can use them, and what the ramifications would be.
- ◇ Requested a review of the rate increase statute.

Director Winn

- ◇ Requested staff to start thinking about the timing of a routine rate increase soon.
- ◇ Requested staff to look into Santa Barbara and San Luis Obispo County's compensation package.
- ◇ Questioned which Board member will open and close for the SCAC meeting tonight.
- ◇ 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 staff to clarify if and when mutual water laws changed to allow them to import water without changing their overlying user status.
- ◇ Questioned the progress of the District working with the County on the NMWCA Supplemental Water in-lieu fee.

05:10:04

ADJOURN

President Harrison adjourned to closed session.