

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## MINUTES

**MARCH 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.
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00:00:00

#### A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the Regular Meeting of March 23, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:41

#### B. ROLL CALL

At Roll Call, all Board members were present.

00:01:19

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT ON MARCH 9, 2011 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, District Legal Counsel, announced that the Board discussed the last item on the closed session list from the Regular Meeting of March 9, 2011, but took no reportable action.

##### C-2) NCSD SUPERINTENDENT TINA GRIETENS Update re: Summary of Utility Division Activities

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

##### C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST Receive Announcements from Directors Items of District & Community Interest

#### Director Gaddis

- ◇ March 15, 2011 – The Board of Supervisors tabled the item to disband the SCAC.
- ◇ March 16, 2011 – Attended Fillmore and Moorpark Wastewater Treatment Facilities and commented on the computer system.

#### Director Vierheilig

- ◇ March 23, 2011 – Chamber of Commerce lunch at 11:45 a.m. Supervisor Teixeira will be the guest speaker.
- ◇ April 2<sup>nd</sup> / 3<sup>rd</sup> The Central Coast Orchid Show will be held at the South County Regional Center in Arroyo Grande.

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Director Eby

- ◇ March 16, 2011 – Attended Fillmore and Moorpark Wastewater Treatment Facilities and commented on the pros and cons of the facilities.
- ◇ March 17, 2011 – LAFCO met and discussed the salary for the executive officer.
- ◇ March 18, 2011 – CSDA met and, among other things, discussed 2-tier pension changes.
- ◇ March 21, 2011 – Attended NMMA TG meeting.
- ◇ March 21, 2011 – Unable to attend the WRAC meeting due to conflict with NMMA TG meeting.
- ◇ April 2, 2010 – CCGGA's open house.

Director Winn

- ◇ March 15, 2011 – The Board of Supervisors tabled the proposal to disestablish the SCAC until a later date.
- ◇ March 16, 2011 – Attended Fillmore and Moorpark Wastewater Treatment Facilities and comments on the Fillmore subterranean disposal system at a school and park.
- ◇ March 21, 2011 – WRAC met and discussed the Master Water Plan. Commended NCSD staff for all information sent in.
- ◇ March 24, 2011 – The Planning Commission will meet and discuss the solar project in the California Valley. They will also discuss the Community Development plan for Shandon including a turnout on the CCWA pipeline.
- ◇ March 29, 2011 – The Board of Supervisors will meet and discuss an update on Economic Element. They will also discuss the Shandon Plan and the Paso Robles Groundwater Basin Management Plan.
- ◇ April 6, 2011 – WRAC will meet and work on the final comments of the Master Water Plan, for submittal to the Board of Supervisors.

Director Harrison

- ◇ PG & E will be at Miner's Hardware in Nipomo to discuss SmartMeters from 10:00 a.m. to 2:00 p.m. on March 23<sup>rd</sup>, 24<sup>th</sup>, 26<sup>th</sup>, and 30<sup>th</sup>.
- ◇ April 2, 2011 – The Rotary Club will be barbequing for the CCGGA's open house at the Edwards Barn.
- ◇ March 16, 2011 – Attended Fillmore and Moorpark Wastewater Treatment Facilities and commented on the design build.
- ◇ May 6, 2011 – The Rotary Club will host a Golf Tournament at Cypress Ridge Golf Course.

**C-3) PUBLIC COMMENT ON ITEMS NOT ON AGENDA**

There was no public comment.

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00:36:49

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) TRACT 2523, SCHAEFER – ADOPT RESOLUTION ACCEPTING WATER AND SEWER IMPROVEMENTS

Michael LeBrun, Interim General Manager, and Peter Sevcik, District Engineer, answered questions from the Board.

Upon the motion of Director Winn 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 Winn, Vierheilg, Eby, Gaddis, and Harrison	None	None

RESOLUTION NO. 2011-1214

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING WATER AND SEWER IMPROVEMENTS FOR TRACT 2523

E. ADMINISTRATIVE ITEMS

00:38:02

E-1) URBAN WATER MANAGEMENT PLAN PUBLIC HEARING AND CONSIDER AMENDMENT TO WATER SYSTEMS CONSULTING CONTRACT TO SUPPORT PLAN COMPLETION

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. There was no public comment.

President Harrison opened the Public Hearing.

There was no public input.

President Harrison closed the Public Hearing.

Upon the motion of Director Vierheilg and seconded by Winn, the Board unanimously approved continuing the hearing on the next regular Board meeting, to address the new DWR requirements.

Vote 5-0.

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

00:49:44

E-2) CONSIDER CONTRACT AMENDMENT FOR CANNON, CONSULTING ENGINEERS FOR CONTINUED CONSTRUCTION MANAGEMENT SUPPORT WILLOW ROAD PHASE I PROJECT

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. There was no public comment.

Upon the motion of Director Eby and seconded by Director Gaddis, the Board unanimously authorized the General Manager to execute an amendment in the amount of \$18,915 to the existing Cannon Willow Road Phase I Waterline Design and Construction Management Agreement.

Vote 5-0.

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

The Board took a break from 10:20 to 10:35 a.m.

01:44:38

E-3) CONSIDER MODIFICATION OF CAPACITY CHARGES FOR PRIVATE FIRE SERVICE

Jon Seitz, District Legal Counsel, reviewed the report as presented in the Board Packet. Peter Sevcik, District Engineer, and Mr. Seitz answered questions from the Board. The Board thanked Mr. Sevcik for the report.

The following member of the public spoke:

Terry Orton, Westland Engineer, stated that the District is headed in the right direction and commented on the new process of plan approvals for sprinklers.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously authorized staff to continue on the modification of capacity charges for private fire service, analyze the exposures and risks, then bring back to the Board for approval.

Vote 5-0.

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

The Board considered Item E-6 next.

02:15:42

E-6) REVIEW MEMORANDUM OF UNDERSTANDING WITH COUNTY REGARDING JIM O. MILLER PARK AND LOCAL AGENCY FORMATION COMMISSION CONDITIONS OF APPROVAL FOR ACTIVATION OF PARK POWERS

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

The following members of the public spoke:

Jim Tefft, Nipomo Resident, commented on the unknown direction of the project and asked the District to not give up on the project.

Peg Miller, NCSD Customer, commented on the time spent on this project and asked the District to not give up on this project.

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E-6) REVIEW MEMORANDUM OF UNDERSTANDING WITH COUNTY REGARDING JIM O. MILLER PARK AND LOCAL AGENCY FORMATION COMMISSION CONDITIONS OF APPROVAL FOR ACTIVATION OF PARK POWERS (continued)

Upon the motion of Director Eby and seconded by Director Gaddis, the Board unanimously directed staff to communicate with the appropriate authorities in the County, to get a commitment and a schedule to perform the work in this memo, with the intention of getting a result back to the Board within a month.  
Vote 5-0.

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

*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).
- 3. PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE §54957)  
Title: District Interim General Manager Performance Evaluation

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:15 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:20 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed items one and two listed above for closed session, but took no reportable action. Item three listed above for closed session will be considered at the foot of the agenda.

03:02:16

E-4) REVIEW SUPPLEMENTAL WATER SUPPLY PROJECT STATUS

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. Mr. LeBrun took comments from the Board. The Board directed staff to put this item on the next Agenda. There was no public comment.

*The Board took a break from 2:05 to 2:15 p.m.*

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03:44:34

E-5) REVIEW CALIFORNIA PUBLIC EMPLOYEE RETIREMENT SYSTEM BENEFITS

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. There was no public comment.

Upon the motion of Director Eby and seconded by Director Gaddis, the Board rejected the new second tier plan with option 3 (change to 2% @ 60, and change to 3 year final average compensation), and the employee pays the 8% Employer Paid Member Contribution (EPMC).  
Vote 2-3. Vote failed.

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

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board approved the new second tier plan with option 1 (remain at 3% @ 60, but change to 3 year final average compensation), and the employee pays the 8% Employer Paid Member Contribution (EPMC). The Board directed staff to research EPMC and see if it is tax deferred. They also directed staff to not spend any more time on employee medical benefits, just watch CALPERS for any new 2-tier medical changes.  
Vote 4-1.

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

04:37:01

E-7) CALIFORNIA SPECIAL DISTRICTS ASSOCIATION NOMINATION REQUEST

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. The Board directed staff that there were no nominations at this time. There was no public comment.

04:39:28

E-8) LOCAL AREA FORMATION COMMISSION BALLOT FOR SPECIAL DISTRICT COMMISSIONER

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 Harrison and seconded by Director Vierheilg, the Board unanimously approved Ed Eby as the District's vote and directed staff to file a completed ballot with LAFCO no later than April 8, 2011.  
Vote 5-0.

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

04:42:10

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

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

04:39:17

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◇ Requested staff to look into getting a CSDA DVD on Ethics training.

Director Gaddis

- ◇ Requested staff to look into system integrated software for operations monitoring and management.

Director Winn

- ◇ Encouraged Board members to make contact with Olde Towne Nipomo Association, and offer services to help with the organization for Miller Park, as community members.
- ◇ Informed public that the north bound 101 on-ramp from North Thompson is closed until March 30, 2011.
- ◇ Informed Board members that he will be attending a meeting with County Fire Marshall, Mr. Paul Lee in regards to Nipomo.

Director Harrison

- ◇ Commented on the date of the Agenda setting meeting.
- ◇ Questioned what Board member can attend the Agenda setting meeting, since Director Vierheilig can't attend. Director Winn will attend this meeting.

ADJOURN

President Harrison adjourned to closed session.