

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

MINUTES

APRIL 13, 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 BOGNUA, **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 April 13, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:41

B. ROLL CALL

At Roll Call, Directors Harrison, Vierheilig, Winn, and Gaddis were present. Director Eby was not present, due to a scheduled appointment. Director Eby will be joining the meeting later this morning.

00:00:56

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON MARCH 23, 2011 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, District Legal Counsel, announced that the Board discussed items one and two on the closed session list from the Regular Meeting of March 23, 2011, but took no reportable action. Item three from the closed session list from the Regular Meeting of March 23, 2011, will continue in today's closed session.

C-2) 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. Eileen Shields, AECOM Assistant Project Manager, and Mr. Nunley answered questions from the Board. The Board thanked their for the report.

C-3) NCSD 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.

Director Eby joined the meeting at 9:45 a.m.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ March 28, 2011 – SCAC met and re-appointed the same officials. Supervisor Teixeira presented certificates of appreciation to those that served last year.
- ◇ April 4, 2011 – WRAC subcommittee met and discussed the County's drought reliability project for Santa Margarita.
- ◇ April 5, 2011 – The SLO Board of Supervisors met and discussed the State Budget.
- ◇ April 6, 2011 - WRAC subcommittee met and discussed the Master Water Plan. (NCS staff did an excellent job of submitting their reports to County Public Works.)
- ◇ April 12, 2011 – The SLO Board of Supervisors met and looked at the new MOU between State Parks and APCD for the Oceano Dunes PM10 problem, with particulate matter blowing over the Nipomo Mesa,
- ◇ April 14, 2011 – The Planning Commission will meet and will discuss the County Growth Management Ordinance update and the Jack Ready Park.

Director Eby

- ◇ April 21, 2011 – LAFCO will meet and discuss the annexation area on Orcutt Road to SLO City.
- ◇ LAFCO re-elected Director Eby for the special district seat, the term to end December 2014.

Director Vierheilig

- ◇ April 13, 2011 – SLO Chamber will meet this evening and will discuss the State's new voting district boundaries.
- ◇ April 14, 2011 – NCS's Finance and Audit Committee will meet and discuss the draft budget.
- ◇ April 17, 2011 – Nipomo Native Gardens will be hosting a spring tour from 1-3 p.m.

Director Gaddis

- ◇ March 28, 2011 – SCAC met and re-elected the same officials.
- ◇ April 25, 2011 – SCAC will meet at NCS at 6:30 p.m.

Director Harrison

- ◇ April 8, 2011 – Attended the NMMA TG meeting.
- ◇ April 25, 2011 – The NMMA TG will meet at NCS at 10:00 a.m.
- ◇ May 6, 2011 – The NMMA TG will meet at NCS at 1:00 p.m.
- ◇ April 16, 2011 – The Chamber of Commerce will host Casino Night at the Edwards Barn.
- ◇ April 23, 2011 – Earth Day Event at the Botanical Gardens, where the Fire Safe Council will have a display.
- ◇ May 6, 2011 – The Rotary Club will host a Golf Tournament at Cypress Ridge Golf Course.
- ◇ April 30, 2011 – The Rotary Club will be cooking for the participants of the Relay for Life.
- ◇ May 3rd /4th – Legislative Days in Sacramento.

C-3) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Sean Schuur, NCS customer and local business person, stated he would like the District to consider expanding the fee phasing Ordinance to include all subdivision/tract maps, not just those of 4 units or more.

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:08:46

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) BOARD MEETING MINUTES OF MARCH 9, 2011, AND MARCH 23, 2011

D-3) INITIATE LANDSCAPE MAINTENANCE DISTRICT ENGINEERING REPORT

D-4) AUTHORIZE NEGOTIATIONS FOR THE ACQUISITION OF LAND TO SUPPORT THE EXPANSION OF THE DISTRICT'S WATER STORAGE TANK FACILITY ON DANA FOOTHILL ROAD (PROPERTY OWNER DANA TRUST) AND DIRECT STAFF TO ENGAGE HAMNER JEWELL & ASSOCIATES TO ASSIST THE DISTRICT WITH THE NEGOTIATIONS

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

Director Harrison pulled Item D-4 for separate consideration.

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

RESOLUTION NO. 2011-1215

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

ITEM D-4

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 Harrison and seconded by Director Winn, the Board unanimously approved staff to engage Hamner Jewell & Associates to assist District with property negotiations.
Vote 5-0.

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

The Board took a break from 10:20 to 10:30 a.m.

E. ADMINISTRATIVE ITEMS

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:21:02

E-1) INTRODUCE, EDIT AND READ BY TITLE AN ORDINANCE REVISING DISTRICT METHODOLOGY FOR CALCULATING PRIVATE FIRE CAPACITY CHARGE

Michael LeBrun, Interim General Manager, introduced the item. 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. There was no public comment.

Director Winn handed in a redline version of the proposed Ordinance, identifying punctuation and spelling errors.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously authorized staff to read proposed Ordinance by title only.

Vote 5-0.

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

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Eby, the Board approved to introduce the proposed Ordinance and set the hearing date of April 27, 2011.

Vote 4-1.

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

01:43:11

E-2) CONSIDER APPROVAL OF SCOPE AMENDMENT WITH WSC INC. IN THE AMOUNT OF \$14,960 FOR CONTINUED SUPPORT IN UPDATING THE DISTRICT'S URBAN WATER MANAGEMENT PLAN

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 Vierheilig and seconded by Director Eby, the Board unanimously authorized the General Manager to execute an amendment in the amount of \$14,960 to the existing WSC, Inc. agreement to preparation of the 2010 UWMP.

Vote 5-0.

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

02:00:19

E-3) CONSIDER A SCHEDULE AND CONTRACT REVISION WITH SUPPLEMENTAL WATER PROJECT OUTREACH CONSULTANT TEAM (TRAMUTOLA, TRUENORTH, TERRAIN) IN THE AMOUNT OF \$165,000

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 members of the public spoke:

John Snyder, Nipomo Mesa resident, commented on the Santa Maria Valley Ground Water Litigation and believes more research is needed; suggested the money be spent instead on coastal monitoring wells.

Reggie Deon, Cypress Ridge resident, stated that the public should be informed about the initial report and had concerns about the costs.

Jon Seitz, District Legal Counsel, responded to Mr. Snyder's comments.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously activated an ad-hoc committee to help craft the proposal and review change in scope for the contract.

Vote 5-0.

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

President Harrison appointed Director Eby as the Chair and Director Winn as the member for the ad-hoc committee.

The Board considered closed session next.

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.

02:41:35

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:10 p.m.

02:42:57

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

The Board came back into Open Session at 1:30 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. For item three, the Board concluded the evaluation and directed Legal Counsel to draft a final approval, and continue this item for one more closed session.

02:43:10

- 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

There were no committee reports.

02:57:50

- H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Will submit questions to staff on the solar project in the Manager's Report.

Director Eby

- ◇ Requested staff to revisit Solid Waste Franchise Fee. How we can use them, and what the ramifications would be.
- ◇ Requested staff to revisit rationale and continued need for conservation and public information specialist position.

Director Vierheilig

- ◇ Requested staff to look into a rate study for a Town sewer rate increase.
- ◇ Requested staff to look ahead for Blacklake sewer rate study.

03:04:02

- ADJOURN

President Harrison adjourned the meeting at 1:55 p.m.