

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## MINUTES

APRIL 27, 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 April 27, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:44 B. ROLL CALL

At Roll Call all Board members were present.

00:00:54 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SHERIFF COMMANDER KEN CONWAY  
Update re: South County Law Enforcement Activities

Sheriff Commander Ken Conway gave an update of law enforcement activities in South County. Mr. Conway answered questions from the Board. The Board thanked Mr. Conway for his report.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER  
Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher was unable to attend the meeting.

C-3) 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. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for the report.

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

#### Director Gaddis

- ◇ Director Gaddis commented on the chipping event, fire inspections, and a proposed new planned development Ordinance that was discussed at the SCAC meeting on April 25, 2011.

#### Director Vierheilig

- ◇ Director Vierheilig commented on receiving information from County Planner James Caruso on extremely low cost housing.

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

Director Eby

- ◇ Dana Adobe received a \$3 million dollar grant to build an education center. They received the only award in this county.
- ◇ LAFCO approved the annexation of the Orcutt Road area into the City of San Luis Obispo.
- ◇ NMMA TG will meet on May 6, 2011, at NCSD at 1:00 p.m. Director Gaddis will attend.
- ◇ NMMA TG will meet on May 19, 2011, at NCSD at 10:00 a.m. Director Harrison will attend at 10:30 a.m.

Director Winn

- ◇ The Ad-Hoc Committee met on April 18<sup>th</sup> and April 25<sup>th</sup>.
- ◇ April 26, 2011 – SLO County Board of Supervisors met and discussed the Master Water Plan. They commended NCSD staff for all information sent in.
- ◇ The Land Use Element is being updated. NCSD should look into the update.
- ◇ SLO County Board of Supervisors is looking into reactivating the Oak Glen specific plan.
- ◇ CSDA Legislative Days will be May 3<sup>rd</sup> and May 4<sup>th</sup> in Sacramento.
- ◇ May 4, 2011 – WRAC will meet in SLO at 1:30 p.m.

Director Harrison

- ◇ CSDA Legislative Days will be May 3<sup>rd</sup> and May 4<sup>th</sup> in Sacramento.
- ◇ April 22, 2011 – met with President of Blacklake Management Association, Bill Morrow, and District Interim General Manager, Michael LeBrun.
- ◇ April 22, 2011 – met with the District Interim General Manager and representatives of the Dana Adobe.

C-3) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

00:48:59 D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) BOARD MEETING MINUTES OF APRIL 13, 2011
- D-3) QUARTERLY INVESTMENT POLICY

Michael LeBrun, Interim General Manager, answered questions from the Board. The Board directed staff to bring answers to a few questions concerning the Districts investment policy forward to the May 11, 2011 agenda. There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved the consent agenda.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

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00:56:06

E-1) SUPPLEMENTAL WATER PROJECT OUTREACH PROGRAM REVIEW EDIT REVISED SCOPE OF WORK

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.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved to fund the contract extension in the amount of \$74,879 for an effort anticipated to be completed by the end of September. This effort should include the following:

- A direct mailer.
- A verbal information package to be presented at various stakeholder groups, and the community in general.
- A published information package to be presented at various stakeholder groups, and the community in general.
- A follow-up telephone survey to measure the effectiveness of the information transfer effort.

Vote 5-0.

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

01:26:01

E-2) CONDUCT HEARING TO ADOPT AN ORDINANCE REVISING DISTRICT METHODOLOGY FOR CALCULATING PRIVATE FIRE CAPACITY CHARGE

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.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously adopted Ordinance 2011-116.

Vote 5-0.

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

**ORDINANCE NO. 2010-116**  
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO  
COMMUNITY SERVICES DISTRICT AMENDING AND RESTATING SECTION  
3.04.140 OF TITLE 3 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE  
TO ESTABLISH NEW PROCEDURES FOR PROCESSING AND CALCULATING  
PRIVATE FIRE CAPACITY CHARGES

*The Board took a break from 10:40 to 10:55 a.m.*

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01:38:56

E-3) CONSIDER SCHEDULE FOR WATER RATE STUDY AND IMPLEMENTATION

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.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board approved a schedule to adopt a five-year rate study, not to include operations and maintenance for supplemental water, but will implement the 4-tier rate structure the Board previously adopted.

Vote 3-2. (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 Winn, Vierheilig, and Harrison	Directors Eby and Gaddis	None

01:54:29

F. MANAGER'S REPORT

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.

02:10:15

G. COMMITTEE REPORT

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

02:10:45

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◇ Questioned staff on the standards for review and evaluation on the landscape plans.
- ◇ Requested staff to look into replacing the SCADA system with a more reliable system.

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 Winn

- ◇ Questioned staff on the progress of the meter at the Woodlands intertie.
- ◇ Confused on why the District has no Solar Policy.
- ◇ Requested staff to track an Assembly Bill introduced by Katcho Achadjian that will allow low-income sewer rates.
- ◇ Commented on being cautious when talking about District business.

02:16:06

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 EVALUATION (GOVERNMENT CODE §54957)

Title: District Interim General Manager Performance Evaluation

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CLOSED SESSION ANNOUNCEMENTS (continued)

- 3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8
  - Property: Water Storage Tank Site Located at Corner of Dana Foothill Road and East Tefft Street.
  - Agency Negotiator: Lillian Jewell and Jon Seitz
  - Negotiating Parties: Dana Family Trust
  - Under negotiations: Terms and Conditions
- 4. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; CHRIS FOSSE CLAIM AGAINST DISTRICT.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 11:45 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:15 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed item one listed above for closed session, but took no reportable action.

The Board discussed item two listed above for closed session; the Board by unanimous decision releases the following statement:

“The Board has high expectations of its management staff. Mr. LeBrun either meets or exceeds those expectations.” The Board directed Legal Counsel to place on the next agenda, contract negotiations, as a separate item, for the full-time position of Mr. LeBrun, as the General Manager.

The Board discussed item three listed above for closed session; the Board by unanimous decision authorized staff to seek an appraisal in an amount not to exceed \$5000, for the acquisition for the Dana Family Trust Property, at the corner of Dana Foothill Road and East Tefft Street.

The Board discussed item four listed above for closed session; the Board gave specific instructions related to the settlement. Other than what was announced, the Board took no reportable action.

ADJOURN

President Harrison adjourned the meeting at 1:22 p.m.