

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

MINUTES

MAY 11, 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 May 11, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:37 B. ROLL CALL

At Roll Call all Board members were present.

00:00:56 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Any member of the public may give comments on the presentations and address the Board relating to any matter within the Board's jurisdiction but not on the Board's agenda. **Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.**

Michael LeBrun, Interim General Manager, and Jon Seitz, District Legal Counsel, clarified the new order of agenda items.

There was no public comment.

C-2) REPORT ON APRIL 27, 2011 REGULAR MEETING CLOSED SESSION

Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, District Legal Counsel, announced that the Board discussed item one (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMWWCD VS. NCSD) in closed session, but took no reportable action.

The Board discussed item two (Public employee evaluation GC §54957 Title: District Interim General Manager Performance Evaluation) in 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 (Conference with real property negotiators pursuant to GC 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

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

- Under negotiations: Terms and Conditions), in closed session. The Board by unanimous decision authorized staff to seek an appraisal in an amount not to exceed \$5,000, 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 (Conference with District Legal Counsel re: anticipated liability claim pursuant to GC section 54956.95; Chris Fosse claim against District) in closed session; the Board gave specific instructions related to the settlement. Other than what was announced, the Board took no reportable action.

- C-3) MIKE NUNLEY OF AECOM
Update Report 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. There was no public comment.

- C-4) NCSD DISTRICT ENGINEER PETER SEVCIK
Update Report re: Recent Activities

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

- C-5) BASELINE SURVEY OF PROPERTY OWNER REPORT
Receive Survey Report Supplemental Water Polling Conducted February 2011

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:

Harold Snyder, Nipomo resident, handed the Board a public records request. He had some concerns on the costs of this project, questioned what rate structure was used, and also commented on on-going litigation.

- C-6) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Gaddis

- ◇ Director Gaddis commented on the NMMA TG meeting on May 6, 2011.

Director Vierheilig

- ◇ May 18, 2011 – NCSD will hold a Special Meeting at 10:00 a.m., discussing the 2011-2012 Budget.

Director Eby

- ◇ NMMA TG met on May 6, 2011. The next meeting will be held on Thursday, May 19, 2011, at 10:00 a.m.

Director Winn

- ◇ Commented on attending CSDA Legislative Days on May 3rd 2011, in Sacramento.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

- ◇ Commented on the Assembly Bill introduced by Katcho Achadjian, which would allow lower sewer rates for low-income rate payers, for Los Osos residents only.
- ◇ Commented on Assembly Bill 392 and a large collection of "Bell Bills".
- ◇ Regional Water Quality Control Board met on May 4, 2011. They refused to allow public comment unless commenter had attended a prior meeting in Watsonville, California.
- ◇ WRAC met on May 4, 2011. There will be no update on SLO County Bio-solids Ordinance in the foreseeable future.
- ◇ Southland Waste Water Treatment Plant Upgrade and Design Committee met on May 9th 2011, and discuss color pallets.
- ◇ May 20, 2011 – Bi-monthly CSDA chapter meeting at 11:30 a.m. in SLO.

Director Harrison

- ◇ The President of Blacklake Management Association, Bill Morrow, and Treasurer, Dan Hall, met with District Interim General Manager, Michael LeBrun, and myself to discuss the relationship between NCSD and Blacklake. The meeting went well.

President Harrison stated that he will be leaving the meeting at 1:00 p.m. for a scheduled appointment.

01:02:29

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) BOARD MEETING MINUTES OF APRIL 27, 2011
- D-3) QUARTERLY FINANCIALS (3RD QUARTER 2010/2011 FISCAL YEAR)
- D-4) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012
- D-5) RECEIVE AND FILE REPORTS PRESENTED UNDER ITEM C. ABOVE

President Harrison pulled Item D-1 for further discussion. There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Winn, the Board unanimously approved items D-2, D-3, D-4, and D-5.

Vote 5-0.

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

RESOLUTION NO. 2011-1216

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO 1 FOR FISCAL YEAR 2011-2012

RESOLUTION NO. 2011-1217

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012

Nipomo Community Services District
REGULAR MEETING
MINUTES

Item D-1

Lisa Bognuda, Finance Director, and Tina Grietens, Utility Superintendent, answered questions from the Board. There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved item D-1.
Vote 5-0.

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

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

E. ADMINISTRATIVE ITEMS

01:20:29

E-1) CONSIDER AMENDMENT OF DISTRICT STANDARD SPECIFICATIONS ADOPT RESOLUTION AMENDING DISTRICT STANDARDS

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

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2011-1218 as amended by District Legal Counsel.
Vote 5-0.

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

RESOLUTION NO. 2011-1218

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
COMMUNITY SERVICES DISTRICT REVISING THE DISTRICT'S STANDARD
SPECIFICATIONS FOR WATER AND SEWER SYSTEM IMPROVEMENTS

01:58:57

E-2) ADOPT BUDGET AMENDMENT RESOLUTION AND APPROVE PURCHASE OF PORTABLE GENERATORS

Tina Grietens, Utility Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, Interim General Manager, and Ms. Grietens answered questions from the Board. There was no public comment.

Directors Eby and Winn commented on the cost of the standby generators and their low run time. Directors voiced dismay over Air Pollution Control Board requirements that dictate the replacement schedule.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2011-1219, based on the staff report.
Vote 5-0.

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

RESOLUTION NO. 2011-1219

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO
COMMUNITY SERVICES DISTRICT AMENDING THE DISTRICT BUDGET TO
PROVIDE FOR THE PURCHASE OF TWO PORTABLE STANDBY GENERATORS
APPROVED ON MAY 11, 2011

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

02:14:58

E-3) ADOPT RESOLUTION OF INTENTION TO ESTABLISH CALPERS TIER II RETIREMENT FOR NEW EMPLOYEES

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 Vierheilig and seconded by Director Winn, the Board adopted the Resolution of Intention and directed staff to forward the Resolution to CALPERS.

Vote 3-2.

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

RESOLUTION NO. 2011-1220

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INTENTION TO APPROVE AN AMENDMENT CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF DIRECTORS NIPOMO COMMUNITY SERVICES DISTRICT.

02:22:08

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.

G. COMMITTEE REPORT

There were no committee reports.

02:49:14

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Requested that staff to track the County's Land Use Element update.
- ◇ Requested staff to track the SLO County Board of Supervisors in reactivating the South Oak Glen Specific Plan.
- ◇ Requested that staff to agendize a discussion of a Solar Policy for new or expanded buildings.
- ◇ Requested staff to agendize discussion of installing a meter at the Woodlands intertie.

02:59:52

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 General Manager.
3. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

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.

President Harrison left closed Session at approximately 1:00 pm.

The meeting ended in closed Session at approximately 2:30 p.m.