

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## MINUTES

**MAY 25, 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 May 25, 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.

00:02:07 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, introduced Shannon Sweeney, City of Santa Maria Water Resource Manager, in attendance.

Peter Sevcik, District Engineer, gave an update on the Prop 84 Grant.

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; but took no reportable action. This item will be continued during today's closed session.

The Board discussed item three (Annual performance review of District Legal Counsel pursuant to GC §54957) in closed session, but took no reportable action. This item will be continued during today's closed session.

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- C-3) NCSD SUPERINTENDENT TINA GRIETENS  
Update Report re: Summary of Utility Division Activities

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. The Board thanked Ms. Grietens for the report. There was no public comment.

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

Director Gaddis

- ◊ Director Gaddis commented on the SCAC meeting that was held on May 23, 2011.

Director Eby

- ◊ October 8, 2011 – OctoberFest at the Nipomo Park from 10:00 a.m. to 3:00 p.m.

Director Winn

- ◊ June 1, 2011 – WRAC will meet at the SLO County Library. They will be discussing the Master Water Plan, Paso Robles Basin Water Management Plan, and the County's Prop 84 grant.

00:33:41

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) BOARD MEETING MINUTES:  
MAY 11, 2011, REGULAR MEETING  
MAY 18, 2011, SPECIAL MEETING

- D-3) RECEIVE AND FILE REPORTS PRESENTED UNDER ITEM C. ABOVE

Michael LeBrun, Interim General Manager, and Tina Grietens, Utility Superintendent, answered questions from the Board. There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

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00:38:27

E-1) PRESENTATION OF DRAFT FINAL 2010 URBAN WATER MANAGEMENT PLAN

Jeff Szytel, WSC Project Manager, reviewed the report as presented in the Board packet. Mr. Szytel answered questions from the Board. The Board thanked Mr. Szytel for his report. There was no public comment.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously authorized the draft UWMP update, incorporating some typo edits, and set the Public Hearing and Adoption of the 2010 Urban Water Management Plan for June 8, 2011.  
Vote 5-0.

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

E-2) SUPPLEMENTAL WATER PROJECT OUTREACH PROGRAM UPDATE

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.

The following member of the public spoke:

Harold Snyder, Nipomo resident, had some concerns on the costs and the history of the costs of this project.

Jon Seitz, District Legal Counsel, and Michael LeBrun, Interim General Manager, commented on Mr. Snyder's concerns.

Director Eby commented that the District should not be paying staff to do extra research for non-customers. Staff needs to focus on the requirements of the District, the Board, and the project.

01:15:32

E-3) CONSIDER SAN LUIS OBISPO COUNTY DRAFT PLANNED DEVELOPMENT ORDINANCE

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 Winn and seconded by Director Vierheilig, the Board directed staff to draft a letter of response as outlined by Board comment.  
Vote 5-0.

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

*The Board took a break from 10:45 to 10:55 a.m.*

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01:43:30

E-4) CONSIDER LOCAL AGENCY FORMATION COMMISSION REQUEST FOR NOMINATIONS FOR ALTERNATE SPECIAL DISTRICT MEMBER

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 Harrison, the Board unanimously nominated Marshall Ochylski and directed staff to file all necessary nomination paper work.

Vote 5-0.

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

01:57:07

E-5) SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BALLOT CONSIDERATION

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 Gaddis, the Board unanimously adopted Resolution 2011-1221, casting a vote for Edmund Sprague and Terry Burkhart.

Vote 5-0.

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

RESOLUTION NO. 2011-1221

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT FOR THE ELECTION  
OF DIRECTORS TO THE SPECIAL DISTRICT RISK MANAGEMENT  
AUTHORITY BOARD OF DIRECTORS

02:13:40

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.

Upon the motion of Director Vierheilg and seconded Director Harrison, the Board approved to agendize the letter from the County about Miller Park for a future agenda.

Vote 3-2.

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

G. COMMITTEE REPORT

There were no committee reports.

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02:26:33

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- ◊ Requested staff to pursue the feasibility of beginning the Supplemental Water Project using the funds we may get from DWR, in addition to using the District's reserve funds. To see the feasibility both legally and in terms of engineering practicality of doing this.
- ◊ Requested that staff keep an on-going list of all of the unfunded mandates by the State.

Director Vierheilig

- ◊ Requested staff to include additional mandates from the State, that the State provides no funding for, be included on the on-going list.

Director Gaddis

- ◊ Requested staff to look into a program where employees can come forward with ideas that would help the District run better and lower District costs. If it was a successful idea, the District would implement a one-time compensation for that employee.

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. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957
3. PUBLIC EMPLOYEE APPOINTMENT (GOVERNMENT CODE §54957) TITLE: DISTRICT GENERAL MANAGER.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:37:57

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 11:50 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 3:30 p.m.

Michael LeBrun, Interim General Manager, 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 unanimously approved the annual performance review of District Legal Counsel and directed the Board President to deliver the review to District Legal Counsel.

The Board discussed item three listed above for closed session; the Board by unanimous decision directed District Legal Counsel to convene a Special Meeting on June 2, 2011, and bring forward a Contract for Mr. LeBrun.

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ADJOURN

President Harrison adjourned the meeting at 3:34 p.m.