

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

MINUTES

JUNE 8, 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 S. LEBRUN, 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 June 8, 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.

00:03:28

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.**

There was no public comment.

C-2) REPORT ON MAY 25, 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 SMVWCD VS. NCSD) in closed session but took no reportable action.

The Board discussed item two (Annual performance review of District Legal Counsel pursuant to GC §54957) in 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 (Public employee evaluation GC §54957 Title: District Interim General Manager Performance Evaluation) in 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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- 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. Michael LeBrun, General Manager, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for the report. There was no public comment.

- C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST
Receive Announcements from Directors Items of District & Community Interest

Director Winn

- ◇ Director Winn commented on the WRAC meeting from June 1, 2011, and announced there would be no more meetings until September, unless there is an emergency.
- ◇ Director Winn commented on the SLO County Board of Supervisors meeting from June 7, 2011.

Director Eby

- ◇ Director Eby commented on the SLO County Board of Supervisors meeting from June 7, 2011.
- ◇ June 13, 2011 – NMMA TG will meet at 10:00 a.m. at NCSD.
- ◇ June 24, 2011 – NMMA TG will meet at 10:00 a.m. at NCSD

Director Vierheilig

- ◇ June 8, 2011 – Blacklake will host a Chamber mixer from 5:00 to 7:00 p.m.

Director Harrison

- ◇ Mr. Shurr will be contacting the General Manager to request an item be brought before the Board.

00:23:58

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) BOARD MEETING MINUTES:
MAY 25, 2011, REGULAR MEETING
JUNE 2, 2011, SPECIAL MEETING
- D-3) RECEIVE AND FILE REPORTS PRESENTED UNDER ITEM C. ABOVE

Michael LeBrun, General Manager, answered questions from the Board. There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board unanimously approved the Consent Agenda.
Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

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00:25:35

E-1) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Lisa Bognuda, Finance Director, and Mr. LeBrun, answered questions from the Board.

President Harrison opened the public hearing.

The following member of the public spoke:

Melinda McCann, NCSD customer, had concerns about renters not being accountable for their failure to pay water/sewer bills. She would like NCSD to somehow make renters accountable.

Jon Seitz, District Legal Counsel, commented on Mrs. McCann's concerns.

President Harrison closed the public hearing.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously adopted Resolution 2011-1222.

Vote 5-0.

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

RESOLUTION NO. 2011-1222

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR UNPAID SOLID WASTE COLLECTION CHARGES

00:42:11

E-2) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2011-12 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Lisa Bognuda, Finance Director, and Mr. LeBrun, answered questions from the Board.

President Harrison opened the public hearing. There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board unanimously adopted Resolution 2011-1223.

Vote 5-0.

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

RESOLUTION NO. 2011-1223

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE BLACKLAKE VILLAGE

The Board considered Item E-7 next.

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00:59:26

E-7) SUPPLEMENTAL WATER PROJECT OUTREACH PROGRAM UPDATE

Michael LeBrun, 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 Eby, the Board approved the brochure as amended and directed staff to publish and distribute outreach materials as amended.

Vote 4-1. (Director Vierheilig abstained, pursuant to section 2.9 of the NCSD's by-laws; an abstention is counted as a No vote.)

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

The Board took a break from 10:30 to 10:45 a.m.

01:29:24

E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2011-12 LANDSCAPE MAINTENANCE ZONE #1 ASSESSMENTS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.

President Harrison opened the public hearing. There was no public present.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2011-1224.

Vote 5-0.

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

RESOLUTION NO. 2011-1224

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE NIPOMO COMMUNITY SERVICES DISTRICT STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2011-2012

01:31:35

E-4) PUBLIC HEARING – REVIEW FY 2011-12 BUDGET

Lisa Bognuda, Finance Director, reviewed the report as presented in the Board packet. Ms. Bognuda answered questions from the Board.

President Harrison opened the public hearing. There was no public present.

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board unanimously approved to set June 22, 2011, for the adoption of the Budget for Fiscal Year 2011-2012

Vote 5-0.

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

The Board considered Item E-6 next.

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E-6) CALIFORNIA DEPARTMENT OF WATER RESOURCES PROPOSITION 84 INTEGRATED REGIONAL WATER MANAGEMENT GRANT FUNDING RECOMMENDATIONS

Michael LeBrun, 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 Vierheilg, the Board unanimously approved the letter and authorized the General Manager to sign and send the letter out hastily.

Vote 5-0.

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

02:01:31

E-5) 2010 URBAN WATER MANAGEMENT PLAN ADOPTION HEARING

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. The Board thanked Mr. Sevcik for his report.

President Harrison opened the public hearing. There was no public present.

Director Winn commended staff and WSC for all of their hard work.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board unanimously approved Resolution 2011-1225 as amended.

Vote 5-0.

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

RESOLUTION NO. 2011-1225

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING THE URBAN WATER MANAGEMENT PLAN 2010 UPDATE

02:16:57

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

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

02:34:26

F. MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCS D (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. "CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCS D vs. County SLO, ET AL. (CASE #CV090010)"

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

03:04:30

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to Closed Session at 12:20 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:45 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed the two items listed above in closed session but took no reportable action.

G. COMMITTEE REPORT

There were no committee reports.

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- ◇ Requested staff to look into the feasibility of retiring the August 1978 revenue bonds.
- ◇ Requested the progress of 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.

Director Winn

- ◇ Commented on the lost opportunities of a newsletter, but understands the shortage of staff.
- ◇ Questioned the circulation of The Santa Maria Times and The Tribune within our District boundaries.
- ◇ Agendize a discussion of a policy about incorporating photo voltaic cells into the District facilities.
- ◇ Commented on the SLO Board of Supervisors looking into adopting a MOU with outside agencies. They might look at the District and County's MOA and start there.
- ◇

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 were a successful idea, the District would implement a one-time bonus for that employee.

ADJOURN

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