

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

MINUTES

JUNE 22, 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 22, 2011, to order at 9:05 a.m. and led the flag salute.

00:00:41 B. ROLL CALL

At Roll Call all Board members were present.

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 JUNE 8, 2011 REGULAR MEETING CLOSED SESSION

Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, District Legal Counsel, announced that the District Counsel gave updates but not reportable action was taken.

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).

"CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD vs. County SLO, ET AL. (CASE #CV090010)"

There was no public comment.

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

Tina Grietens, NCSO 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. There was no public comment

- C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from Directors

Director Winn

The Planning Commission met on June 9 and set precedence on how they will communicate in the future. The Board of Supervisors met on June 14 and noted that nothing has happened with the In-Lieu Fee. An informational meeting about supplemental water for the Mesa was held on June 16 at Mesa Middle School. The Ad Hoc Committee met on June 17. The Land Use Committee met on June 20 and reported that a number of General Plan Amendments are moving ahead, including the Kaminaka and the ConocoPhillips application to expand. Some commercial owners did not receive the Supplemental Water informational flyer.

Director Eby

LAFCO met on June 16 and considered an Outside User Agreement for Ground Squirrel Hollow CSD.

Director Vierheilig

Santa Barbara Chapter of CSDA will meet on June 27 at the Marriott in Buellton. Kyle Packaham, CSDA Legislative Director, will speak. The cost is \$40 per person.

Director Gaddis

SCAC will meet on June 27 at 6:30 p.m. at NCSO Board Room.

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) PUBLIC DRAFT SOUTHLAND ENVIRONMENTAL IMPACT REPORT
- D-3) PUBLIC EMPLOYEE RETIREMENT TIER II
- D-4) RECEIVE AND FILE REPORTS PRESENTED UNDER ITEM C. ABOVE

Director Harrison requested Item D-3 be pulled for separate consideration. Director Winn questioned Item D-4. District Legal Counsel, Jon Seitz, stated that D-4 allows members of the public to comment on presentations made during Item C.

Upon motion of Director Vierheilig and seconded by Director Eby, the motion was to approve Items D-1, D-2 and D-4.

John Snyder – Nipomo Resident, stated that D-4 should be clarified.

Director Winn requested that Item D-4 be pulled for further discussion.

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00:23:58

Upon motion of Director Vierheilg and seconded by Director Eby, the Board unanimously approved Items D-1 and D-2. Vote 5-0.

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

District Legal Counsel, Mr. Seitz, stated that Item D-4 is Board policy and can be changed. There was no public comment.

Upon motion of Director Winn and seconded by Director Vierheilg, the Board approved leaving the wording of Item C-1 but striking the phrase "give comments on the presentations" and adding an additional Item C after DIRECTOR ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS to provide for additional public comment. Vote 4-1.

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

Item D-3, Director Harrison expressed his opposition to creating a two-tier retirement system.

Upon motion of Director Winn and second by Director Vierheilg, the Board approved Resolution 2011-1226. Vote 4-1.

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

RESOLUTION NO. 2011-1226

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION AUTHORIZING AN AMENDMENT
TO THE CONTRACT (CALPERS)

E. ADMINISTRATIVE ITEMS

00:58:37

The Board took a five minute break at 10:03 a.m.

E-1) RECEIVE SPRING 2011 GROUNDWATER INDEX PRESENTATION BY BRAD NEWTON, Ph.D., PG FROM WAGNER & BONSIGNORE CONSULTING CIVIL ENGINEERS

Brad Newton presented the Spring 2011 Groundwater Index report. The Board asked questions and Dr. Newton responded.

It was stated that the Spring Groundwater Index had not been presented to nor reviewed by the NMMA. Technical Group.

John Snyder, Nipomo Resident, is concerned about the statement made on line 31 of Page 1 of the report.

No action was taken.

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E-2) ADOPT 2011/2012 FISCAL BUDGET

Michael LeBrun, General Manager, introduced the item and Lisa Bognuda, Finance Director, presented the 2011-2012 Fiscal Year Budget.

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

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board unanimously adopted Resolutions 2011-1227 and 2011-1228. Vote 5-0.

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

RESOLUTION NO. 2011-1227

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES
ADOPTING THE 2011-2012 FISCAL YEAR BUDGET

AND

RESOLUTION NO. 2011-1228

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES
DETERMINING THE APPROPRIATIONS
LIMITATION FOR THE 2011-2012 FISCAL YEAR

01:38:00

E-3) SUPPLEMENTAL WATER PROJECT UPDATE

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

Director Eby challenged Mr. LeBrun to provide the Directors a range of what the project will cost to property owners, since he has four presentations scheduled in July and wants to be able to address this question.

Directors supported Director Eby's idea and suggested that for now the public might be pleased just to have a date on which the District could release a range of possible costs for each of the four service areas.

There was no public comment.

No action was taken.

02:15:08

E-4) CALIFORNIA SPECIAL DISTRICT ASSOCIATION BYLAW AMENDMENTS

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

There was no public present.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board approved voting NO regarding the proposed amendments to the CSDA ByLaws. Vote 4-1.

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

02:24:20

F. MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. Mr. LeBrun also added that a Community Open House for Jack Ready Imagination Park will be held on June 23 from 11:00 a.m. to 7:00 p.m. at the Nipomo Library, and the Public Draft EIR for the Excelaron Huasna Valley Oil Exploration and Production Project was received this week. There was no public comment.

G. COMMITTEE REPORT

None

02:38:00

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- Requested NCSO Field Staff be given an orientation for answering questions from the public about the Supplemental Water Project.
- Requested a cost be obtained from the outreach consultants to critique NCSO website.
- Requested the Assessment Engineer review Woodlands total number of votes.
- Acknowledged he will work on obtaining the circulation information from The Trib and Santa Maria Times.
- Requested district Counsel provide documentation about Woodlands being entitled to additional future supplemental water deliveries.
- Requested information on Prop 84 Grant status.
- Stated County Ordinance 3090 Supplemental Water In-Lieu Fee is still outstanding.
- Requested a refresher as to the NCSO well site south of the Mesa being a viable source of supplemental water.

Director Eby

- Requested information on using the grant funds immediately to begin building the first portion of the supplemental water project.

Director Harrison

- Stated that the owner of 34 lots on the corner of Thompson and Avocado will begin construction soon.

02:51:00

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: ANTICIPATED LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; CHERYL SIDWELL CLAIM AGAINST DISTRICT

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:51:30

K. ADJOURN TO CLOSED SESSION

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

Director Vierheilg left at 1:45 p.m.

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

The Board came back into Open Session at 2:30 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed the two items listed above in closed session. The Board took no reportable action on Item 1. The Board gave direction to staff on Item 2.

ADJOURN

President Harrison adjourned the meeting at 2:32 p.m.