

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## MINUTES

**JULY 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 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 July 27, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:41

#### B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

At Roll Call all Board members were present.

Bill Morrow, NCS D customer, questioned the source and the blend of the water for Supplemental water.

Director Harrison and Michael LeBrun, General Manager, commented on Mr. Morrow's questions.

00:01:28

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT ON JULY 13, 2011 REGULAR MEETING CLOSED SESSION

Jon Seitz, District Legal Counsel, announced that the Board had discussed the one item listed on the previous agenda. The Board took no reportable action.

There was no public comment.

##### C-2) NCS D SUPERINTENDENT TINA GRIETENS

Update Report re: Summary of Utility Division Activities

Tina Grietens, Utility Superintendent, reviewed the report as presented in the Board packet. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

There was no public comment.

##### C-3) 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 Gaddis

- ◇ July 30, 2011 – Dave Stamey Concert at Dana Adobe, doors open at 2:30 p.m.

##### Director Vierheilig

- ◇ July 28, 2011 – Chamber of Commerce luncheon at Blacklake, at 11:45 a.m.

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

Director Eby

- ◇ LAFCO met on July 21, 2011, the meeting included a field trip to Price Canyon.

Director Winn

- ◇ Attended LAFCO meeting on July 21, 2011.
- ◇ Attended SLO County meeting held at NCSD regarding street lights, drainage and weed abatement for Carriage Homes residents.
- ◇ Attended SCAC meeting on July 25, 2011.
- ◇ SLO Board of Supervisors met on July 26, 2011, no action yet on the Land Use Element.
- ◇ August 3, 2011 – SLOCOG meeting.
- ◇ August 3, 2011 – No WRAC meeting.
- ◇ September 17, 2011 – Creek clean-up day.

Director Harrison

- ◇ August 6, 2011 – Hospice fundraiser BBQ at Hearst Castle.

There was no public comment.

C-5) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There was no public comment.

00:33:55

D. CONSENT AGENDA  
D-1) WARRANTS

D-2) BOARD MEETING MINUTES:  
JULY 13, 2011, REGULAR MEETING

There was no public comment.

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

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

E. ADMINISTRATIVE ITEMS

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

00:36:48

E-1) RECEIVE PRESENTATION ON SOUTHLAND WASTEWATER TREATMENT FACILITY GROUNDWATER MODELING BY FUGRO CONSULTANTS INC.

Peter Sevcik, District Engineer, introduced the item. Paul Sorensen, Fugro Principal Hydro geologist, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Mr. Sevcik, and Mr. Sorensen 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 the following:

1. Work with AECOM and Fugro to develop a program-level schedule for the development of a long-term off-site disposal strategy that would be based on the flow to the WWTP
2. Work with Fugro to develop additional groundwater monitoring wells to measure groundwater levels and water quality impacts up gradient and down gradient of the infiltration system.

Vote 5-0.

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

01:21:06

E-2) CONSIDER APPROVAL OF SCOPE AMENDMENT #5 WITH AECOM FOR ENGINEERING SERVICES IN THE AMOUNT OF \$58,281 FOR DESIGN OF SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 UPGRADE PROJECT

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mr. Sevcik 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 scope Amendment #5 with AECOM in the amount of \$58,821 and authorized the General Manager to execute the task order.

Vote 5-0.

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

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

*The Board considered Item E-4 next. Item E-3 will be considered after Item E-6.*

01:33:15

E-4) APPROVE SUPPLEMENTAL WATER OUTREACH MAILER #2

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.

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

Upon the motion of Director Winn and seconded by Director Gaddis, the Board unanimously approved the mailer and directed staff to publish and mail to property owners with only one word amended.  
Vote 5-0.

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

E-5) CONSIDER REQUESTING COUNTY PERMISSION FOR DISTRICT TO LEAD SUPPLEMENTAL WATER PROJECT ASSESSMENT PROCEEDINGS

Michael LeBrun, 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 Vierheilg, the Board unanimously directed staff to draft a Resolution of Intention to form an Assessment District and to provide that Resolution to the County with a formal request to lead assessment district formation.  
Vote 5-0.

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

02:22:00

E-6) CONSIDER A \$15,000 BUDGET AUGMENTATION FOR WAGNER BONSIGNORE CONSULTING ENGINEERS INCREASING NOT TO EXCEED FOR LITIGATION SUPPORT FOR 2011 TO \$95,000

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 Eby and seconded by Director Vierheilg, the Board unanimously approved \$15,000 budget augmentation with Wagner & Bonsignore Consulting Engineers and directed staff to issue a Task Order and revise the project not to exceed \$95,000.  
Vote 5-0.

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

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

02:32:09

E-3) CONSIDER EARLY PAY OFF OF 1978 WATER REVENUE BOND

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 Winn and seconded by Director Gaddis, the Board unanimously directed staff to schedule a public hearing on August 10, 2011, to adopt a Resolution approving pay off of 1978 Revenue Bonds.

Vote 5-0.

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

02:38:15

E-7) CONSIDER BALLOT FOR LOCAL AREA FORMATION COMMISSION ALTERNATE SPECIAL DISTRICT MEMBER

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.

There was no public present.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board directed staff to file completed ballot supporting Brian Kreowski for LAFCO Alternate Special District Member no later than August 12, 2011.

Vote 4-1.

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

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).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:55 a.m.

Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

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

The Board came back into open session at 1:25 p.m.

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

00:01:28

E-8) CONSIDER BALLOT FOR CALIFORNIA SPECIAL DISTRICT ASSOCIATION 2011 BOARD ELECTIONS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.

There was no public present.

Upon the motion of Director Eby and seconded by Director Gaddis, the Board directed staff to file completed ballot nominating Steve Perez for CSDA Board of Directors Election 2011 no later than August 5, 2011.

Vote 5-0.

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

00:04:54

ADJOURN TO NCSD PUBLIC FACILITIES CORPORATION

President Harrison adjourned the regular meeting of the Nipomo Community Services District and opened the Public Facilities Corporation meeting.

ROLL CALL

At Roll Call, the following members of the Corporation were present:  
Members Gaddis, Eby, Winn, Vierheilig, and Harrison.

There was no public comment.

NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING  
Approve 2010 Minutes

Lisa Bognuda, Finance Director, explained that the purpose of the annual meeting is to approve the minutes of the last meeting held on July 28, 2010.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the minutes of the July 28, 2010 NCSD Public Facilities Corporation.  
Vote 5-0.

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

ADJOURN TO NCSD – REGULAR MEETING

President Harrison adjourned the Public Facilities Corporation meeting and re-opened the regular meeting of the Nipomo Community Services District.



Nipomo Community Services District  
REGULAR MEETING  
DRAFT MINUTES

01:52:00

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.

G. COMMITTEE REPORT

Director Vierheilig stated that there was a personnel meeting held on July 25, 2011.

03:39:00

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

Requested a set-back schedule for the assessment vote.

Questioned 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

Requested staff to agendize the CA State pension reform bills for discussion and possible support.

Director Vierheilig

Requested District Legal Counsel to look into the possibility of sun-setting outstanding will-serve letters.

ADJOURN

President Harrison adjourned the meeting at 2:20 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.00
Closed Session	1.50
TOTAL HOURS	5.50