

NIPOMO COMMUNITY SERVICES DISTRICT
Serving the Community Since 1965
REGULAR AND SPECIAL MEETING MINUTES
AUGUST 10, 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 August 10, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:44

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

At Roll Call all Board members were present.

There was no public comment.

00:01:15

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) COUNTY SHERIFF REPRESENTATIVE

Update re: South County Law Enforcement Activities

The County Sheriff representative was unable to attend.

C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher reviewed the activity report for July 2011 and answered questions from the Board. The Board thanked Chief Fisher for his report.

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. Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for his report.

C-4) NCSD DISTRICT ENGINEER PETER SEVCIK

Update Report re: Recent Activities and Water Allocation

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 his report.

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

Nipomo Community Services District
REGULAR AND SPECIAL MEETING
MINUTES

Director Gaddis

- ◇ August 11, 2011 – SCAC Traffic & Circulation committee will meet at NCSD at 9:00 a.m.
- ◇ August 22, 2011 – SCAC will meet at NCSD at 6:30 p.m.

Director Vierheilig

- ◇ August 22, 2011 – Santa Barbara Chapter CSDA will meet at the Santa Ynez Marriott at 6:00 p.m. The discussion will be on experiences with a solar project.

Director Eby

- ◇ There will be no LAFCO meeting in August. The next LAFCO meeting will be September 15, 2011.

Director Winn

- ◇ August 17, 2011 – Tri-Cities joint chamber luncheon in Arroyo Grande. Supervisor Hill and Supervisor Teixeira will be discussing water projects in South County.
- ◇ There will be no WRAC meeting in August. The next WRAC meeting will be September 7, 2011.

C-6) 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.

00:25:45

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) BOARD MEETING MINUTES OF JULY 27, 2011
- D-3) APPROVE RESOLUTION AUTHORIZING EARLY PAY OFF OF 1978 WATER REVENUE BOND
- D-4) APPROVE DRAFT LETTER TO SAN LUIS OBISPO COUNTY REGARDING PROPOSED JIM O MILLER PARK SITE

NOTE: PURSUANT TO SPECIAL MEETING AGENDA NOTICE THE FOLLOWING SPECIAL MEETING ITEM WAS ADDED TO THE CONSENT AGENDA AS PART OF THE CONCURRENT REGULAR MEETING AGENDA.

D-5) CANCEL AUGUST 24, 2011 REGULAR BOARD OF DIRECTORS MEETING

Director Winn requested item D-4 to be pulled for further discussion.

President Harrison pulled item D-4 for separate consideration.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved items D-1, D-2, D-3, and D-5.

Vote 5-0.

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

**Nipomo Community Services District
REGULAR AND SPECIAL MEETING
MINUTES**

00:28:01

Item D-4

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

The following member of the public spoke:

Kathy Kubiak, President of the Olde Towne Nipomo Association (OTNA), supports the letter and hopes the Board would approve the letter. She would like a copy of the letter.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board unanimously approved the letter as edited and directed staff to convey the final letter to the County.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:33:41

E-1) REVIEW DRAFT SOLID WASTE RATE INCREASE PROPOSED BY SOUTH COUNTY SANITARY SERVICES (FRANCHISEE) AND CONSIDER OPTIONS FOR DELAYING THE PROPOSED INCREASE AND REQUIRED NOTICING

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

The following member of the public spoke:

Dan Hall, NCS D customer, questioned the franchise fee. He had concerns with the amount of money and the bad timing. He stated the public doesn't understand the franchise fee.

President Harrison and Jon Seitz, District Legal Counsel, commented on Mr. Hall's questions and concerns.

Upon the motion of Director Eby and seconded by Director Gaddis, the Board approved to continue the consideration of the application for a rate increase, to review the application on a quarterly basis and during the period of the continuance the District agrees to pay the Franchisee \$5,700 monthly from solid waste reserves to offset franchisee operational expenses that where the subject of the proposed rate increase. Vote 4-1.

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

The Board took a break from 10:35 to 10:48 a.m.

The Board considered item E-4 next

Nipomo Community Services District
REGULAR AND SPECIAL MEETING
MINUTES

01:35:38

- E-4) CONSIDER PERSONNEL COMMITTEE RECOMMENDATION TO AWARD A CONTRACT TO KOFF & ASSOCIATES IN THE AMOUNT OF \$34,500 FOR RECRUITING SERVICES TO ASSIST IN FILLING THREE VACANT UTILITY DEPARTMENT POSITIONS CHARGE

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Tina Grietens, Utility Superintendent, Lisa Bognuda, Finance Director, and Mr. LeBrun answered questions from the Board.

The following member of the public spoke:

Dan Hall, NCSD customer, stated that hiring is very difficult, voiced concerns about NCSD using a recruiter to fill an entry level position.

Upon the motion of Director Vierheilg and seconded by Director Gaddis, the motion was to approve a contract with Koff & Associates Inc. not to exceed \$34,500 and direct staff to proceed with the recruitment process.

Vote 2-3. Motion failed.

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

Director Eby offered a motion of utilizing Koff & Associates to fill the Utility Operator/Water Quality Technician position only. Due to lack of a second, the motion failed.

Upon the motion of Director Winn and seconded by Director Gaddis, the Board approved staff to work with Koff & Associated to fill the Utility Worker and the Utility Operator/Water Quality Technician positions.

Vote 3-2.

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

The Board considered item E-2 next.

02:17:42

- E-2) CONSIDER DRAFT WATER METER REPLACEMENT POLICY

Tina Grietens, Utility Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, and Ms. Grietens 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 Resolution 2011-1231 as amended with edits.

Vote 5-0.

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

RESOLUTION NO. 2011-1231

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES
ADOPTING THE WATER METER REPLACEMENT POLICY

**Nipomo Community Services District
REGULAR AND SPECIAL MEETING
MINUTES**

02:49:28

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).

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to close session at 12:10 p.m.

2:53:39

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

The Board came back into open session at 1:22 p.m.

President Harrison left the meeting at 12:42 p.m.

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

02:55:39

E-3) DISTRICT STRATEGIC PLAN 2011 UPDATE SIX MONTH REVIEW

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.

There was no action taken.

03:23:41

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.

There was no action taken.

03:31:04

G. COMMITTEE REPORT

The report was as presented. There was no public comment.

**Nipomo Community Services District
REGULAR AND SPECIAL MEETING
MINUTES**

03:31:14

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Questioned staff on how far the District can go with the supplemental pipeline using Prop 84 and other moneys in hand.

Director Vierheilig

- ◇ Questioned staff on the impact to any permits in this idle time for supplemental water.

Peter Sevcik, District Engineer commented on Directors' requests to staff.

ADJOURN

Vice President Vierheilig adjourned the meeting at 2:00 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	3.50
Closed Session	1.50
TOTAL HOURS	5.00