

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MEETING MINUTES

SEPTEMBER 14, 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 September 14, 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, Directors Harrison, Vierheilig, Winn, and Eby were present. Director Gaddis was not present, due to a scheduled absence.

There was no public comment.

00:01:15

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) RECOGNITION OF DISTRICT BILLING CLERK'S TWENTY YEARS OF SERVICE TO DISTRICT

President Harrison read the Resolution of Appreciation for Kathy Beltran's twenty years of service to the District. The Board thanked her for her years of dedicated service.

##### C-2) MIKE NUNLEY OF AECOM

Update Report re: Southland Wastewater Treatment Plant Upgrade

Eileen Shields, AECOM, reviewed the report as presented in the Board packet. Ms. Shields answered questions from the Board. The Board thanked Ms. Shields for her report.

General Manager, Michael LeBrun, stated that NCS D will sell bonds to pay for the sewer upgrade. The debt service will be paid through rates and charges already in place. There will not be a tax assessment to pay for the upgrade.

##### C-3) NCS D DISTRICT ENGINEER PETER SEVCIK

Update Report re: Recent Activities

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-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

- ◇ September 7 – WRAC met. Subcommittees were formed to review the Ag Discharge Regulations and the Water Master Plan Update. Christine Mulholland was nominated as a county-wide Environmental Alternate.
- ◇ September 8 – Planning Commission met. The Shandon Community Plan was discussed, eliminating “paper water” as a supply option. A proposed Industrial Park Complex on Sheridan Road was reviewed. Their wastewater will require pretreatment, if necessary, and Woodland Park Mutual is required to install a second well or the Industrial Park will have to install its own well. Either way, the applicant will voluntarily pay supplemental water in-lieu fees to NCSD.
- ◇ November 14 and 15 – Exposition on Sustainable Ag sponsored by the Paso Robles Wine Country Alliance will be held in Paso Robles.

Director Eby

- ◇ September 1 and 2 – Director Eby attended the CAL LAFCO Conference in Napa. Many areas in northern California are experiencing water issues.
- ◇ September 15 - LAFCO will be reviewing the SOI for Atascadero, City of Pismo Beach and City of Paso Robles.
- ◇ September 13 – NMMA TG met.
- ◇ September 15 – NMMA TG will present the 2010 Annual Report at 7:00 p.m. at Nipomo High School.
- ◇ September 21 – Director Eby will make a presentation to the Rotary at 7:00 a.m. at Blacklake. The GM will attend.

Director Vierheilig

- ◇ Nipomo Native Garden Fall Plant Sale will be held on October 2 at the Native Gardens parking lot from 9:00 a.m. to 3:00 p.m.

Director Harrison

- ◇ The Dana Master Plan, planning group met September 13 to review the status of the plan.
- ◇ September 14 – Chamber Mixer
- ◇ October 8 – October Fest 9:00 am-3:00pm at Nipomo Community Park.
- ◇ October 30 – Rotary will hold a benefit dinner for the Nipomo High School Drama Club.

**C-6) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS**

The following member of the public spoke:

Frank Freitas, NCSD Customer, stated that he doesn't want our community to be like Los Osos. He suggested that we get together with the opposition and agree on the facts, even if we have differing opinions. If you agree on the facts, you can then debate what is the best solution.

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00:53:09

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES:  
AUGUST 10, 2011 REGULAR AND SPECIAL MEETING  
AUGUST 23, 2011 SPECIAL MEETING
- D-3) ADOPT RESOLUTION RECOGNIZING DISTRICT BILLING CLERK SERVICE
- D-4) TRACT 2516 – MAD’S CIRCLE ADOPT RESOLUTION ACCEPTING WATER AND SEWER IMPROVEMENTS

Director Winn requested item D-3 to be pulled for further discussion.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Eby, the Board unanimously approved items D-1, D-2, and D-4.

Vote 4-0.

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

RESOLUTION NO. 2011-1233

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES  
ACCEPTING WATER AND SEWER IMPROVEMENTS FOR TRACT 2516

Item D-3

Director Winn stated that in the Resolution of Appreciation, it is the person getting recognized and not the position; therefore, the person's name should be in the Staff Report. The Minutes should reflect that the Staff person being recognized is Kathy Beltran.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved item D-3.

Vote 4-0.

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

RESOLUTION NO. 2011-1232

A RESOLUTION OF APPRECIATION TO  
KATHY BELTRAN FOR SERVICE TO THE  
NIPOMO COMMUNITY SERVICES DISTRICT

E. ADMINISTRATIVE ITEMS

00:58:32

President Harrison requested Item E-4 be taken out of order.

E-4) CONSIDER REQUEST BY DEVELOPER OF TRACT 2634 TO APPLY DISTRICT'S FEE PHASING ORDINANCE

Peter Sevcik, District Engineer, reviewed the report as presented in the Board Packet. Tract 2634 (two-lot subdivision and no off-site improvements) does not meet the requirements of the District's fee phasing ordinance. District Legal Counsel stated an ordinance amendment would be required to provide relief to applicant and could take up to three months.

Sean Schuur, developer, stated that original subdivision was a six-lot subdivision but only four lots were created. The County is requiring him to process the two addition lots under the subdivision map requirements. Mr. Schuur stated the District should re-look at the ordinance and he understands the bonding and other requirements of phasing. Mr. Schuur stated that real estate projects create jobs and that partial payments of fees equates to revenues.

There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board of Directors thanked the applicant and encouraged him to work with District Staff to complete his project. Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, and Vierheilig	Harrison	Gaddis

01:23:13

The Board took a break from 10:22 to 10:34 a.m.

00:33:41

E-1) CONSIDER DISTRICT RESPONSE TO 2010-2011 GRAND JURY REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Corrections were suggested to the Grand Jury Response Letter.

The following member of the public spoke:

Mary Scarbrough, NCSD resident, commented on conservation efforts at Vista Verde.

Upon motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the Grand Jury Response Letter, as amended. Vote 4-0.

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

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01:48:27

E-2) SUPPLEMENTAL WATER PROJECT UPDATE

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. The NMMA TG unanimously supports the supplemental water project. The City of Arroyo Grande has written a letter in support of the project. Other letters of support are expected from City of Grover Beach, City of Pismo Beach and Oceano Community Services District.

The following member of the public spoke:

Dan Hall, NCSD resident, asked about the status of the partner purveyor water agreements. Who will pay for the water if the partner purveyors don't sign the agreement?

Mary Scarbrough, NCSD resident, thanked the Board for their efforts and encouraged the Board to keep a positive attitude with the public.

Jon Seitz, District Legal Counsel, stated all partner purveyors have signed the Stipulation and they have given no indication that they will not sign the agreement.

No action was taken.

02:16:03

E-3) REVIEW ONLINE BILL PAYMENT OPTIONS

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

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board approved the online bill pay option with Official Payments Corp. for a one-year pilot program and directed Staff to report back in six months with an update.

Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors, Vierheilig, Eby, and Harrison	Winn	Gaddis

02:29:56

F. GENERAL 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.

No action was taken.

02:44:57

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).

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

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

2:53:39

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

The Board came back into open session at 12:59 p.m.

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

There was no public comment.

G. COMMITTEE REPORT

- August 26, 2011 Outreach Ad-Hoc
- August 30, 2011 Blacklake Management Ad-Hoc

There was no public comment.

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

Asked Staff to find out when Prop 84 grant funds would be available.

There was no public comment.

ADJOURN

President Harrison adjourned the meeting at 1:10 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	3.20
Closed Session	1.00
TOTAL HOURS	4.20