

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING MINUTES

OCTOBER 12, 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 October 12, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:40

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

At Roll Call all Board members were present.

There was no public comment.

00:01:56

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) MIKE NUNLEY OF AECOM

Update Report re: Southland Wastewater Treatment Plant Upgrade

Eileen Shields, AECOM Assistant Project Manager, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Peter Sevcik, District Engineer, and Ms. Shields answered questions from the Board. The Board thanked Ms. Shields for her report.

C-2) NCSD 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-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 Winn

- ◇ October 11, 2011 – The Board of Supervisors met and discussed the County Water Landscape Conservation Ordinance, which is supposed to be consistent with the version passed by the State. It includes serious cutbacks on water supply for the Nipomo Mesa and Los Osos in times of drought.
- ◇ October 13, 2011 – The Planning Commission will meet but has no issue related to Nipomo.
- ◇ October 15, 2011 – WRAC will meet and will discuss the Ag discharge order.

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- ◇ October 17, 2011 – SCAC will meet at 9:00 a.m. at NCSD. They will be discussing the request from the D.A.N.A. and other issues.
- ◇ October 20, 2011 – LAFCO will meet.
- ◇ October 25, 2011 – The SLO County Board of Supervisors will meet and will discuss NCSD taking the lead for the Assessment District.

Director Eby

- ◇ October 20, 2011 – LAFCO will meet and discuss the Pismo Beach sphere of influence.
- ◇ November 10, 2011 – NMMA TG will meet at NCSD.

Director Vierheilig

- ◇ October 15, 2011 – David Fross will be holding a presentation based on his latest book "Reimagining the California Lawn." It will be at 9:00 a.m. at NCSD.

Director Gaddis

- ◇ October 24, 2011 – SCAC will meet at 6:30 p.m. at NCSD.
- ◇ October 15th and 16th – Local artist will hold an open studio tour.
- ◇ October 28th and 29th – Pismo Beach Jazz Festival, for more information go to pismojazz.com.

Director Harrison

- ◇ October 22, 2011 – The Women’s Shelter will hold a fundraiser at the Community Center in Arroyo Grande.

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.

00:32:48

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE SEPTEMBER 28, 2011 REGULAR BOARD MEETING MINUTES

Michael LeBrun, General Manager, answered question from the Board.

There was no public comment.

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

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:35:05

E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND IF THERE IS NOT A MAJORITY PROTEST CONSIDER ADOPTION OF RESOLUTION INCREASING DISTRICT WATER USER FEES

Michael LeBrun, General Manager, announced that NCSD received 209 written protest letters, but the number necessary to reach a majority is 2,080.

Clayton Tuckfield, Tuckfield & Associates, reviewed the report as presented in the Board packet. Mr. Tuckfield answered questions from the Board. The Board thanked Mr. Tuckfield for his presentation.

Director Winn requested staff to update the comparison chart of single-family residential bi-monthly water bills.

Jon Seitz, District Legal Counsel, announced that this is the Public Comment in the Public Hearing and the District will receive any other written protests.

President Harrison opened the Public Hearing for public comment.

The following members of the public spoke:

John Snyder, Nipomo resident, questioned if the rate increase is projected to go towards the Supplemental Water Project. He also had questions on the last water rate increase.

Stephanie Neubauer, NCSD customer, protested the water rates and would like the District to use her money more wisely.

Linda Tomlinson, NCSD customer, had concerns about the people in this community that only make minimum wage and can't afford any increase.

Walter Guthrie, NCSD customer, commented on the timing of the water rate increase and the hard economic times.

Rev. Mark Parke, NCSD customer, stated that he understands the need for a water rate increase, but it would be helpful to the community to raise the rates 3-5% instead of a 10% increase.

Charles Lester, NCSD customer, opined that the public did not get enough information on the water rate increase.

Jeff Scott, NCSD customer, commented on the people who have two homes with one water meter and how they will be pushed into the higher tiers of the rate structure.

Rudy Ebeling, NCSD customer, did not support the water rate increase for a number of reasons.

Bill Petrick, NCSD customer, commented on the lack of cost control and high employee salaries of the District.

David Perry, NCSD customer, suggested using "Air Water Supply" as a potential source for potable water.

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Becky Hoskins, NCSD customer, handed a written protest in and commented on the short period of time allowed to file a protest.

Greg Burton, NCSD customer, suggested that the District slow down and inform the public more.

Ruth Lester, NCSD customer, commented on the cost of the blue brochure sent to the customers.

Helen Seybert, NCSD customer, expressed concern for impact of new rate on senior citizens and others who live on a fixed income.

Jon Seitz, District Legal Counsel, announced that the District received 5 more written protests.

President Harrison asked the public to turn in all written protests.

President Harrison left the Public Hearing open for one more question.

Ruth Brackett, NCSD customer, questioned the Board's options if the protest fails.

Jon Seitz, District Legal Counsel, asked the public for anymore written protest for the last time.

President Harrison closed the Public Hearing and announced that staff will respond to the public's questions that were asked during the Public Hearing.

Jon Seitz, District Legal Counsel, clarifies prop 218 procedures and answers Ms. Brackett's questions.

Michael LeBrun, General Manager, answered questions from the public hearing and answered questions from the Board.

Jon Seitz, District Legal Counsel, announced that the District received approximately 214 protest votes, which includes all written protests received prior to the close of the Public Hearing.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously adopted Resolution 2011-1235, water rate increase, as amended to include the number of protests received.

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

RESOLUTION NO. 2011-1235

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES

AMENDING SECTION 3.04.140 AND
APPENDIX A AND B TO CHAPTER 3.03 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO
INCREASE WATER RATES

The Board took a break from 10:55 to 11:15 a.m.

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02:00:33

E-2) CONSIDER ANNUAL WATER ALLOCATION FOR INTENT-TO-SERVE LETTERS FOR WATER YEAR 2011-12

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.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board rejected maintaining the current allocation formulas and allotment for water years 2011-12.

Vote 2-3. Vote failed.

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

Jon Seitz, District Legal Counsel, clarified what was before the Board and answered questions from the Board.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board approved maintaining the current allocation formulas and allotment for water years 2011-12.

Vote 3-2.

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

02:45:13

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).

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

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment

02:46:13

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:05 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 1:55 p.m.

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

There was no public comment.

02:47:15

E-3) AUTHORIZE PURCHASE OF INFRAMAP SOFTWARE IN AMOUNT OF \$21,707 FROM iWATER INC IN SUPPORT OF UTILITY MAINTENANCE PROGRAM

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 adopted Resolution 2011-1235 authorizing staff to issue a purchase order in the amount of \$21,706.75 to iWATER for the purchase of infrMAP software.

Vote 5-0.

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

RESOLUTION NO. 2011-1236
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES
APPROVING THE PURCHASE OF INFRAMAP SOFTWARE IN SUPPORT
OF UTILITY MAINTENANCE PROGRAM

03:18:20

E-4) CONSIDER PROPOSED CHANGE TO NOVEMBER 2011 BOARD MEETING SCHEDULE

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 Winn, the Board approved moving the November 9, 2011 regular Board meeting to November 16, 2011. Vote 4-1. (Director Gaddis abstained, pursuant to section 2.9 of the NCSD's by-laws; an abstained vote is counted as a No vote.)

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

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03:28:10 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.

03:45:05 G. COMMITTEE REPORT

Ad-Hoc Committee for Education and Outreach

03:46:10 H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- Requested staff to contact AGP to film the presentation in the Special Meeting on November 9, 2011.
- Requested staff to RSVP for one for the David Fross presentation on October 15, 2011.
- Requested a meeting with the General Manager to discuss funding options for the Supplemental Water Project.

Director Eby

- Requested a meeting with the General Manager to discuss funding options for the Supplemental Water Project.

Director Vierheilig

- Requested staff to start thinking about updating the District's Water Master Plan.
- Requested a meeting with the General Manager to discuss funding options for the Supplemental Water Project.

Director Gaddis

- Requested a meeting with the General Manager to discuss funding options for the Supplemental Water Project.

Director Harrison

- Requested a meeting with the General Manager to discuss funding options for the Supplemental Water Project.

There was no public comment.

ADJOURN

President Harrison adjourned the meeting at 3:00 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.00
Closed Session	2.00
TOTAL HOURS	6.00