

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

DECEMBER 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 December 14, 2011, to order at 9:00 a.m. and led the flag salute.

00:00:40

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

At Roll Call all Board members were present.

Michael LeBrun, General Manager, announced that Mike Seitz, will be acting in place of Jon Seitz for today's meeting.

There was no public comment.

00:02:04

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) 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. Michael LeBrun, General Manager, Peter Sevcik, District Engineer, and Mr. Nunley answered questions from the Board. The Board thanked Mr. Nunley for his 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) NCSD UTILITY SUPERINTENDENT

Update Report re: Recent Activities

Michael LeBrun, General Manager, reviewed the reports as present in the Board packet. Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board. The Board thanked Mr. LeBrun for his report.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

C. PRESENTATIONS AND PUBLIC COMMENT (continued)

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS

Receive Announcements from Directors Items of District & Community Interest

Director Eby

- ◇ December 13, 2011 – The SLO County Board of Supervisors approved NCSD to lead the assessment district formation effort.
- ◇ December 14, 2011 – Oceano Community Services District will meet at 6:30 p.m.
- ◇ December 15, 2011 – There will be a LAFCO luncheon from 11:30 a.m. to 1:30 p.m. at the LAFCO office. There will be no regular LAFCO meeting this month.

Director Winn

- ◇ December 7, 2011 – WRAC met for a workshop on the County Integrated Regional Water Management Plan from 9:00 a.m. to 12:00 p.m. and the regular meeting followed the workshop at 1:30 p.m.
- ◇ December 19, 2011 – WRAC sub-committee will meet from 2-4 p.m. to look at grants.
- ◇ January 20, 2012 – CSDA will hold its annual meeting at Avila CSD.

Director Harrison

- ◇ December 15, 2011 – Parks and Recreation meeting at the SLO Board of Supervisors.

C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board unanimously approved to receive and file the presentations and reports.
Vote 5-0.

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

00:33:23

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) BOARD MEETING MINUTES:
NOVEMBER 9, 2011 SPECIAL MEETING
NOVEMBER 16, 2011 REGULAR MEETING

D-3) ACCEPT SECOND QUARTER FINANCIAL STATEMENT

Nipomo Community Services District
REGULAR MEETING
MINUTES

- D-4) APPROVE WAGNER & BONSIGNORE TASK ORDER BUDGETS FOR 2012 CONSULTING SERVICES AS FOLLOWS:
 - TASK ORDER 100 – GENERAL CONSULTATION NOT-TO-EXCEED \$10,000
 - TASK ORDER 200 – SANTA MARIA GROUNDWATER ADJUDICATION NOT-TO-EXCEED \$80,000
 - TASK ORDER 300 – OSO FLACO LAKE REPLACEMENT SERVICES NOT-TO-EXCEED \$5,000 [RECOMMEND APPROVAL]

- D-5) AUTHORIZE REAL PROPERTY PURCHASE AGREEMENT IN SUPPORT OF SUPPLEMENTAL WATER PROJECT APN 090-291-041 JAUREQUI

Michael LeBrun, General Manager, announced that on item D-4 the Board will only be considering task orders 100 and 200. Task order 300 will be brought back to the Board in the future, as needed.

Mr. LeBrun answered questions from the Board.

President Harrison pulled items D-1, D-4, and D-5 for further discussion.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Winn, the Board approved consent items D-2 and D-3, as amended.
Vote 5-0.

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

Item D-1

Peter Sevcik, District Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilig, the Board unanimously approved consent Item D-1.
Vote 5-0.

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

Item D-4

Dr. Brad Newton, Wagner and Bonsignore and Mr. LeBrun, answered questions from the Board.

There was no public comment.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board unanimously approved the following:

- The 2012 support services contract with Wagner & Bonsignore.
- Task order 100-12 not to exceed amount of \$10,000.
- Task order 200-12 not to exceed amount of \$80,000.
- Reimbursement mileage rate will be changed to the IRS standards.

Vote 5-0.

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

Item D-5

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

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously approved the Real Property Purchase Agreement, the Easement Deed, and the Memorandum of Agreement, and directed staff to process the documents accordingly.

Vote 5-0.

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

The Board took a break from 10:05 to 10:20 a.m.

E. ADMINISTRATIVE ITEMS

01:05:47

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

Dr. Brad Newton, Wagner & Bonsignore, reviewed the report as presented in the Board packet. Dr. Newton answered questions from the Board. The Board thanked Dr. Newton for his report.

There was no public comment.

E-2) REVIEW DANA ADOBE NIPOMO AMIGOS PROJECT WATER USE PROJECTION

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

The following members of the public spoke:

Al and Helen Daurio, D.A.N.A. Co-Presidents, thanked NCSD staff for all of their time and work.

Jan Di Leo, D.A.N.A. Project Manager, agreed with staff recommendation.

The Daurio's and Mr. LeBrun answered questions from the Board.

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:35:37

E-2) REVIEW DANA ADOBE NIPOMO AMIGOS PROJECT WATER USE PROJECTION
(Continued)

Upon motion of Director Gaddis and seconded by Director Winn, the Board unanimously received the presentation, considered the draft comment letter and directed staff to provide the comment letter for the project to the County.
Vote 5-0.

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

01:47:43

E-3) REVIEW BASIS FOR SUPPLEMENTAL WATER PROJECT BENEFIT ASSIGNMENT
AND PROVIDE STAFF DIRECTION FOR DRAFTING A POLICY FOR EVALUATING
BENEFIT CHANGE REQUESTS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kari Wagner, Assessment Engineer, reviewed the memo as presented in the Board packet. Mr. LeBrun and Ms. Wagner answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously reaffirmed the Supplemental Water Project's Basis of Assessment.
Vote 5-0.

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

03:05:24

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)
3. PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE §54957)
Title: District General Manager Six-Month Performance Evaluation

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:15 p.m.

Nipomo Community Services District
REGULAR MEETING
MINUTES

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

The Board came back into Open Session at 12:45 p.m.

Mike Seitz, District Legal Counsel, announced that the Board discussed item I-3 listed above for closed session, but took no reportable action.

03:06:21

E-4) AWARD CONTRACT FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) UPGRADE PROJECT IN AMOUNT OF \$318,648 TO TESCO CONTROLS INC. AND AUTHORIZE PROJECT CONTINGENCY IN AMOUNT OF \$32,000 AND AMEND FY 2011/2012 BUDGET

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet and answered questions from the Board. The Board thanked Mr. Sevcik for his report.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board unanimously approved Resolution 2011-1240, SCADA system upgrade, as amended. Vote 5-0.

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

RESOLUTION NO. 2011-1240

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES
AUTHORIZING CONTRACT FOR THE SUPERVISORY
CONTROL AND DATA ACQUISITION UPGRADE PROJECT
WITH TESCO CONTROLS INC. AND AMENDING FY 2011-2012 BUDGET

The Board considered item E-6 next.

03:17:24

E-6) REVIEW CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD DRAFT PROPOSED WASTE DISCHARGE REQUIREMENTS FOR DISTRICT'S SOUTHLAND WASTEWATER TREATMENT FACILITY, CONSIDER DRAFT COMMENT LETTER AND DIRECT STAFF

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 Eby and seconded by Director Winn, the Board unanimously received staff's presentation, considered the draft comment letter, and directed staff to provide the comment letter to RWQCB, by December 21, 2011. Vote 5-0.

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

The board considered item E-5 next after 1:00 p.m. as noted on the Agenda.

Nipomo Community Services District
REGULAR MEETING
MINUTES

03:31:09

E-5) CERTIFY SOUTHLAND WASTEWATER TREATMENT FACILITY IMPROVEMENTS
FINAL ENVIRONMENTAL IMPACT REPORT

Doug Wood, Doug Wood & Associates, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. Wood answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Gaddis, the Board unanimously adopted Resolution 2011-1241, and directed staff to file a Notice of Determination with the County in compliance with CEQA.
Vote 5-0.

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

RESOLUTION NO. 2011-1241

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES
ADOPTING CEQA FINDINGS OF FACT FOR THE SOUTHLAND WASTEWATER TREATMENT
FACILITIES IMPROVEMENTS PROJECT; ADOPTING A STATEMENT OF OVERRIDING
CONSIDERATIONS; ADOPTING A PROJECT MITIGATION MONITORING PLAN; APPROVING
THE SOUTHLAND WASTEWATER TREATMENT FACILITIES IMPROVEMENTS
PROJECT; AND AUTHORIZING THE FILING OF THE NOTICE OF DETERMINATION

E-7) ELECT 2012 BOARD OFFICERS

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

General Manager took nominations for the President of the Board. The nominations were as follows:

Director Winn nominated Director Harrison.

By acclamation, Director Harrison will be the 2012 Board President.
There was no public comment.

General Manager took nominations for the Vice President of the Board. The nominations were as follows:

Director Harrison nominated Director Winn.
Director Winn nominated Director Vierheilig.

Director Winn declined his nomination in favor of Director Vierheilig's nomination.

Director Vierheilig accepted his nomination.

General Manager asked for any more nominations.

By acclamation, Director Vierheilig will be the 2012 Board Vice President.
There was no public comment.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

03:54:12

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.

04:05:45

G. COMMITTEE REPORT

November 28, 2011 Southland WWTF Upgrade Committee
November 29, 2011 Outreach Ad Hoc Committee
December 2, 2011 Water Conservation Committee

The committee minutes were as presented. There was no public comment.

04:14:10

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Harrison

- ◇ Questioned when the next agenda setting meeting will be held.

Director Gaddis

- ◇ Requested staff to take some time off and spend time with family.

Director Vierheilig

- ◇ Requested staff to look into a debt policy for the District.
- ◇ Commented on the meeting he had with Bill Petrick.

Director Eby

- ◇ Commented on the Oceano Community Services District meeting this evening.

Director Winn

- ◇ Requested staff to look into California Salt Management law.
- ◇ Requested staff to look into adding language to the by-laws to prohibit hiding recording devices.

ADJOURN

President Harrison adjourned the meeting at 2:05 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.30
Closed Session	0.30
TOTAL HOURS	5.00