

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MEETING MINUTES

JANUARY 11, 2012, 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 January 11, 2012, 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.

Kena Burke, Community Health Center Foundation Director, announced that there will be a ground breaking for the new Community Health Center on January 27, 2012, at 12:00 p.m. There will be a luncheon following the ceremony.

President Harrison announced that Item D-3 will be taken out of order and will be considered next.

Jon Seitz, District Legal Counsel, announced to the audience that item D-3 is a Resolution recognizing the service of retired Utility Supervisor Rick Motley.

D-3) APPROVE RESOLUTION RECOGNIZING SERVICE OF RETIRED UTILITY SUPERVISOR RICK MOTLEY

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2012-1242, a Resolution of Appreciation to Rick Motley for his faithful service to the Nipomo Community Services District.

Vote 5-0.

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

RESOLUTION NO. 2012-1242

A RESOLUTION OF APPRECIATION
TO RICK MOTLEY FOR THE
SERVICE TO THE NIPOMO
COMMUNITY SERVICES DISTRICT

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) RECOGNIZE RETIRED UTILITY SUPERVISOR MR. RICK MOTLEY
Present Resolution

President Harrison read the Resolution of Appreciation for Rick Motley's fifteen years of service to the District. The Board thanked him for his years of dedicated service.

C-2) 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-3) NCSD DISTRICT ENGINEER PETER SEVCIK
Update Report re: Summary of 2011 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 DirectorsDirector Winn

- ◇ January 4, 2012 – WRAC held a morning and an afternoon meeting, dealing with County's Integrated Regional Water Management (IRWM) Plan.
- ◇ January 26, 2012 – Director Winn, will meet with San Luis Obispo County Planning Department on a new venture in sustainable communities.
- ◇ February 3, 2012 – The Annual Planning Conference will be held at UCLA, for Land Use Law and Water Laws. Director Winn plans to attend.
- ◇ March 1, 2012 – WRAC will meet in the morning to conclude the IRWM's governance issues and they will meet in the afternoon to finalize the IRWM plans.

Director Eby

- ◇ January 19, 2012 – LAFCO will meet and for the second time to consider annexation of Los Robles Del Mar into the City of Pismo Beach.
- ◇ Director Eby commented on Oceano CSD's meeting last month.

Director Vierheilig

- ◇ January 14, 2012 – The Nipomo Chamber of Commerce is hosting the Annual Dinner and Awards Ceremony from 5:30 to 9:00 p.m. at Trilogy. To RSVP call 929-1583.

Director Gaddis

- ◇ Director Gaddis commented on an email from the San Luis Obispo County Planning Department about strategic growth policies.

Director Harrison

- ◇ January 28, 2012 – Cal Fire/Nipomo Station 20 will be hosting a free CPR class at the Nipomo Library at 1:00 p.m. Call 929-3911 for more information.

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- ◇ January 20, 2012 - CSDA will hold its annual meeting at Avila CSD.
- ◇ Director Harrison would like staff to put the Board compensation status issue on the next Regular Board Meeting Agenda.

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.

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

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

00:46:28

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE DECEMBER 14, 2011 BOARD MEETING MINUTES
- D-3) APPROVE RESOLUTION RECOGNIZING SERVICE OF RETIRED UTILITY SUPERVISOR RICK MOTLEY
- D-4) CONSIDER BUDGET \$35,000 BUDGET AUGMENTATION WITH WALLACE GROUP FOR ON-GOING ASSESSMENT ENGINEERING IN SUPPORT OF SUPPLEMENTAL WATER PROJECT

The Board considered item D-3 previously on the today's agenda.

At the request of Director Vierheilg, President Harrison pulled item D-4 for further discussion.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously approved items D-1 and D-2.
Vote 5-0.

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

Item D-4

Michael LeBrun, General Manager, 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:

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CONSENT AGENDA (Continued)

- The contract amendment #3.
- A \$35,000 budget augmentation with Wallace Group.
- Staff to issue a task order and revise the project not to exceed to \$217,792.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:52:55

E-1) APPROVE SUPPLEMENTAL WATER PROJECT PROPERTY OWNER LETTER

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kari Wagner, Assessment Engineer, Jon Seitz, District Legal Counsel, and Mr. LeBrun, answered questions from the Board.

The following members of the public spoke:

John Snyder, Nipomo resident, questioned the possibility of homeowners outside the assessment district b. He also had questions about a merged list of property owners.

Jon Seitz, District Legal Counsel, and Director Winn commented on Mr. Snyder's questions.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the draft letter and directed staff to mail to property owners within the proposed assessment area, as amended already by Assessment Engineer.
Vote 5-0.

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

The Board took a break from 10:20 to 10:35 a.m.

01:21:20

E-2) APPROVE SUPPLEMENTAL WATER PROJECT BENEFIT ASSIGNMENT CHANGE POLICY

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kari Wagner, Assessment Engineer, and Jon Seitz, District Legal Counsel, answered questions from the Board.

The following members of the public spoke:

John Snyder, Nipomo resident, questioned changing benefit units, financing, and funding for the Supplemental Water Project.

Jon Seitz, District Legal Counsel, and Kari Wagner commented on Mr. Snyder's questions.

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E-2) APPROVE SUPPLEMENTAL WATER PROJECT BENEFIT ASSIGNMENT CHANGE POLICY (Continued)

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

Director Winn submitted to staff minor punctuation edits to the draft Resolution.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board unanimously considered the draft policy and Resolution, submitted changes, and approved Resolution 2012-1243, as amended.

Vote 5-0.

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

RESOLUTION NO. 2012-1243

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A BENEFIT UNIT ASSIGNMENT CHANGE REQUEST POLICY FOR THE NIPOMO MESA SUPPLEMENTAL WATER PROJECT ASSESSMENT DISTRICT

01:40:54

E-3) AUTHORIZE APPLICATION FOR USDA LOAN TO SUPPORT WOODLANDS MUTUAL WATER COMPANY FINANCING OF SUPPLEMENTAL WATER PROJECT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kari Wagner, Assessment Engineer, Jon Seitz, District Legal Counsel, and Mr. LeBrun answered questions from the Board.

The following members of the public spoke:

John Snyder, Nipomo resident, had questions on the bonds.

Jon Seitz, District Legal Counsel, commented on Mr. Snyder's questions.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously authorized staff to file the application with the USDA.

Vote 5-0.

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

01:56:10

E-4) CONSIDER INTENT TO SERVE LETTER FOR TRACT 2689, A 25-LOT MIXED USE SUBDIVISION LOCATED AT INTERSECTION OF TEFFT STREET AND BLUME STREET

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Michael LeBrun, General Manager, and Mr. Sevcik answered questions from the Board.

There was no public comment.

Terrance Flatley, the applicant, questioned the terms of having the intent-to-serve revoked. Mr. Flatley answered questions from the Board.

Jon Seitz, District Legal Counsel, commented on Mr. Flatley's question.

Upon the motion of Director Eby and seconded by Director Winn, the Board approved the intent-to-serve letter with the conditions listed in staff's recommendation, with a note that the applicant understands that if there is a shortage of water resources or supplemental water is not secured, the intent-to-serve letter will likely be revoked.
 Vote 5-0.

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

02:29:24

E-5) RATIFY 2012 BOARD COMMITTEE ASSIGNMENTS

Michael LeBrun, General Manager, reviewed the nominations and appointments by Board President Harrison as presented in the Board packet. 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 the proposed appointments and assignments and directed staff to post them as amended in compliance with State Law.
 Vote 5-0.

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

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02:38:20

E-6) AFFIRM 2012 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 Winn and seconded by Director Eby, the Board unanimously approved the 2012 Board Meeting schedule as amended.
Vote 5-0.

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

02:43:51

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.

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

Jon Seitz, District Legal Counsel, announced that item I-3 is pursuant to the contract.

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:30 p.m.

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03:08:03

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

The Board came back into Open Session at 2:15 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed items I-1 and I-2 listed above for closed session, but took no reportable action. On item I-3 listed above for closed session, the Board spent a fair amount of time on it and will continue the discussion, in closed session, at the next regular Board meeting.

There was no public comment.

03:09:32

I. COMMITTEE REPORT

Ad Hoc Committee for Education and Outreach. There was no public comment.

03:11:22

DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- Requested staff to visit the floridealert.org/health website.
- Announced that CSDA will host a free ethics training course online.
- Requested staff to look into which Board members need to complete the ethics training course.

Director Eby

- Requested staff to look at the difference in Supplemental Water fees paid now versus fees paid after the Assessment District is formed

Michael LeBrun, General Manager, commented on Director Eby's comment.

Director Winn

- Requested staff to start each item of the Board packet on the righthand side.
- Requested the Water Conservation Committee to meet soon and on a regular basis to look at conservation actions in case of a drought.
- Requested the Board to revisit the allocation policy.
- Requested staff to look into receiving the monies that every resident in Nipomo pays annually for state water and apply it to the Supplemental Water Project.

Director Harrison

- Confirmed when the next agenda setting meeting will be held.

There was no public comment.

ADJOURN

President Harrison adjourned the meeting at 2:45 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.00
Closed Session	1.45
TOTAL HOURS	5.45