

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JANUARY 25, 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 25, 2015, 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.

There was no public comment.

00:01:14

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON January 11, 2012 REGULAR MEETING CLOSED SESSION Announcement of Actions, if any, Taken in Closed Session

Jon Seitz, District Legal Counsel, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, but took no reportable action.

The Board discussed Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 NCSD VS COUNTY SLO) in closed session, but took no reportable action.

The Board discussed Item Three (Public employee evaluation GC §54957 Title: District General Manager Sixth-Month Performance Evaluation) in closed session, but took no reportable action.

C-2) SHERIFF COMMANDER JAMES TAYLOR Update re: South County Law Enforcement Activities

Sheriff Commander Taylor was unable to attend this meeting.

C-3) CAL FIRE BATTALION CHIEF BILL FISHER Update re: South County Cal Fire Activities

Battalion Chief Bill Fisher was unable to attend this meeting.

- C-4) NCSD SUPERINTENDENT TINA GRIETENS
Update re: Summary of Utility Division Activities

Tina Grietens, NCSD Utility Superintendent, reviewed the report as presented in the Board packet. Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

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

Director Winn

- ◇ January 26, 2012 – Director Winn will meet with San Luis Obispo County Planning Department on a new venture in sustainable communities.
- ◇ January 27, 2012 – Community Health Center will hold a groundbreaking for the new Community Health Center.
- ◇ January 28, 2012 – There will be a workshop at the Nipomo High School's Olympic Hall focusing on the customers of NCSD and Golden State Water Company assessment process.
- ◇ January 30, 2012 – The County will hold a stakeholders meeting from 3:30 to 5:00 p.m. on strategic growth.
- ◇ February 1, 2012 – WRAC will meet.
- ◇ February 3, 2012 – The Annual Planning Conference will be held at UCLA, for Land Use Law and Water Laws. Directors Winn and Harrison plan to attend.

Director Eby

- ◇ January 19, 2012 – LAFCO met and for the second time they considered the annexation of Los Robles Del Mar into the City of Pismo Beach. The item will come back in March after a third party review.
- ◇ January 23, 2012 – NCSD held a workshop for Rural Water Company customers on the assessment process. The meeting went well.
- ◇ January 28, 2012 – There will be a workshop at the Nipomo High School's Olympic Hall focusing on the customers of NCSD and Golden State Water Company assessment process.
- ◇ January 30, 2012 – There will be a workshop at the Monarch Club's Avila Room focusing on the customers of Woodlands Mutual Water Company assessment process.
- ◇ February 1, 2012 – There will be a make-up workshop at the Nipomo High School's Forum focusing on the customers of NCSD and Golden State Water Company assessment process.

Director Gaddis

- ◇ March 5, 2012 – SCAC will meet at 6:30 p.m.
- ◇ March 19, 2012 – SCAC will hold elections for new members from 5 to 8:00 p.m.
- ◇ Director Gaddis commented on the graffiti on the right hand side of the freeway as you enter the off ramp to Tefft Street.

Director Harrison

- ◇ January 13, 2012 – NMMA met and they are showing quicker progress.
- ◇ January 14, 2012 – Attended the Nipomo Chamber of Commerce Awards Banquet.
- ◇ February 1, 2012 – President Harrison, General Manager, and the 4th District Supervisor will meet at 2:00 p.m.
- ◇ Announced he would like staff to go over the alarm system with the Board.

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- 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.

00:30:19

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE JANUARY 11, 2012 REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT FOURTH QUARTER INVESTMENT REPORT
- D-4) APPROVE EXTENSION OF DEFERRAL OF SOLID WASTE RATE INCREASE

Michael LeBrun, General Manager, 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 consent agenda as submitted.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:35:19

- E-1) AUTHORIZE CHANGE ORDER FOR SOUTH FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Jon Seitz, District Legal Counsel, and 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 Vierheilg, the Board unanimously authorized the General Manager to issue a change order in the amount of \$77,933 to R. Baker, Inc. for the South Frontage Road Trunk Sewer Project for repair and recoating 14 existing manholes.

Vote 5-0.

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

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00:53:08

E-2) REVIEW DISTRICT STRATEGIC PLAN

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

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Winn, the Board unanimously directed staff to bring back to the Board a revised list of items the Board can move forward with, by February 29th Board meeting.

Vote 5-0.

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

The Board took a break from 10:45 to 11:00 a.m.

01:45:13

E-3) DISCUSS FUTURE CONSIDERATION OF WATER USE RESTRICTION ORDINANCE

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

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved to put the consideration of water use restriction Ordinance on the agenda following the result of the assessment vote.

Vote 5-0.

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

01:55:26

E-4) DIRECTOR COMPENSATION REPORTING

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

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously approved reporting the Director compensation by W-2, retroactive to January 1, 2012.

Vote 5-0.

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

02:15:30

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.

02:28:07

I. CLOSED SESSION ANNOUNCEMENTS

I-1) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

I-2) CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSO VS. COUNTY SLO, ET AL. (CASE #CV090010)

I-3) CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE §54956.9 (b) (3) (C) RECEIPT OF TORT LIABILITY CLAIM.

Claimant: Celeste Whitlow

Agency claimed against: Nipomo Community Services District

I-4) PUBLIC EMPLOYEE EVALUATION (GOVERNMENT CODE §54957)

Title: District General Manager Six-Month Performance Evaluation, pursuant to contract.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:50 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:00 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed items 1 through 4 listed above for closed session, but took no reportable action. The Board desires to conclude Item I-4 at the next Board meeting, if possible.

02:30:03

G. COMMITTEE REPORT

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

Jon Seitz, District Legal Counsel, clarified the Brown Act rules on Board members attending meetings.

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02:34:33

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Stated that he is looking forward to the water quality test results for each well.
- ◇ Directed staff to get a handle on the Districts liability exposure to manholes that may or may not need work.
- ◇ Suggested staff use Tramutola's knowledge to help recruit a public information officer.
- ◇ Urged staff to urge the NMMA TG to adopt mandatory water use restrictions.

Director Eby

- ◇ Requested staff to inform the Board how much pumping was done from July 1, 2011 to date, in comparison to years past.

Director Vierheilig

- ◇ Confirmed that the debit policy will be on the Agenda soon.

ADJOURN

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

MEETING SUMMARY	HOURS
Regular Meeting	3.00
Closed Session	1.10
TOTAL HOURS	4.10