

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**FEBRUARY 29, 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 February 29, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:44

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

At Roll Call, all Board members were present.

The following member of the public spoke:

John Snyder, Nipomo resident, questioned the cost of water from the City of Santa Maria.

00:04:45

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) NCSU SUPERINTENDENT TINA GRIETENS Update Report re: Utility Division Activities

Tina Grietens, NCSU 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-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

#### Director Gaddis

- ◇ February 27, 2012 – SCAC met and is seeking candidates to serve on the Council in the 2012 Fiscal Year.
- ◇ March 5, 2012 – SCAC will hold a Town Hall meeting for the public to meet SCAC candidates who submitted applications for the 2012 Fiscal Year.

#### Director Vierheilig

- ◇ March 8, 2012 – San Luis Obispo County Department of Planning and Building will hold a public information meeting on the Draft EIR for the Nipomo Community Park from 6 to 8 p.m. at Nipomo High School.

#### Director Eby

- ◇ February 29, 2012 – The final review of the steel-head enhancement study will be held at the Santa Maria Library at 1:00 p.m., today.
- ◇ March 2, 2012 – NMMA TG will have a press release in support of the Supplemental Water Project and its benefits.

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

Director Winn

- ◇ February 22, 2012 – Director Winn met with Culligan water representatives regarding Salt Management.
- ◇ February 23, 2012 – The Planning Commission met and talk about the Excelaron issue in Huasna.
- ◇ February 24, 2012 – The WRAC ad hoc subcommittee on IRWM governance met.
- ◇ February 28, 2012 – The Board of Supervisors met and discussed the IRWM plan and the County Water Master Plan.
- ◇ March 7, 2012 – WRAC will hold its regular monthly meeting in the afternoon at SLO Library.

Director Harrison

- ◇ The Fire Safe Council received a grant for \$200,000. This grant will allow them to fund the brush chipping event this year.

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:

Beth Barnes, new NCSD customer, commented on water conservation and recommended that NCSD copy the Agendas on both sides of the paper.

00:24:15

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE FEBRUARY 8, 2012 REGULAR BOARD MEETING MINUTES
- D-3) APPROVE BOARD BY-LAWS
- D-4) CONSIDER PAY-OFF OF INSTALLMENT SALE AGREEMENT FOR 2009 PURCHASE OF SEWER VACUUM TRUCK

At the request of Director Winn, President Harrison pulled item D-3 for further discussion.

Jon Seitz, District Legal Counsel, answered questions from the Board.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Gaddis, the Board approved Items D-1 and D-4 as submitted.

Vote 5-0.

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

RESOLUTION NO. 2012-1245

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING THE PAY OFF OF THE INSTALLMENT SALE  
AGREEMENT WITH THE MUNICIPAL FINANCE CORP

CONSENT AGENDA (Cont.)

Item D-2

Upon the motion of Director Eby and seconded by Director Gaddis, the Board approved Item D-2 as submitted.  
 Vote 4-1.

(Director Vierheilig 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, Gaddis, Winn, and Harrison	Director Vierheilig	None

President Harrison put item D-3 at the end of the Agenda.

The Board considered Item E-3 next.

E. ADMINISTRATIVE ITEMS

00:26:55

E-3) BENEFIT ASSIGNMENT CHANGES FOR SUPPLEMENTAL WATER PROJECT ASSESSMENT DISTRICT

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. Jon Seitz, District Legal Counsel, Mr. LeBrun, and Ms. Wagner answered questions from the Board.

The following members of the public spoke:

John Snyder, Nipomo resident, had comments and concerns about the process of the benefit assignment changes.

Ruth Brackett, NCSD customer, had questions and concerns about deed restriction and benefit units.

Fernando Hernandez, NCSD customer, had questions about the process of getting water service from Golden State Water Company.

Jon Seitz, District Legal Counsel, commented on some of the public's questions and concerns.

Director Eby commented on Ms. Brackett's comments.

There was no action taken.

01:12:35

E-1) REVIEW PROPOSED DEBT MANAGEMENT POLICY

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Maryann Goodkind, Fulbright & Jaworski, reviewed the changes to the policy in detail. Ms. Goodkind answered questions from the Board.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Eby, the Board unanimously adopted Resolution 2012-1246, the Debt Management Policy. Vote 5-0.

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

RESOLUTION NO. 2012-1246

A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 APPROVING THE ADOPTION OF THE DEBT  
 MANAGEMENT POLICY FOR THE DISTRICT

*The Board took a break from 10:35 to 10:45 a.m.*

01:35:07

E-2) REVIEW DRAFT ASSESSMENT ENGINEER'S REPORT AND DRAFT BALLOT FOR SUPPLEMENTAL WATER PROJECT ASSESSMENT DISTRICT FORMATION

Kari Wagner, Assessment Engineer, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Peter Sevcik, District Engineer, Maryann Goodkind, Fulbright & Jaworski, and Ms. Wagner answered questions from the Board.

The following members of the public spoke:

John Snyder, Nipomo resident, had several questions about the Golden State Water Company's boundary map for Supplemental Water.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the edits to the draft Engineers report and directed staff to bring revised draft Engineers Report back to the Board on the March 14, 2012 Board meeting. Vote 5-0.

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

Jon Seitz, District Legal Counsel, announced that District received a letter from Cypress Ridge resident, Bill Dorland, this morning via email as part of this item.

02:40:15

I. CLOSED SESSION ANNOUNCEMENTS

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).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSO VS. COUNTY SLO, ET AL. (CASE #CV090010)
3. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION PURSUANT to GC 54956.9(c) No. of cases: two. Related to the District's acquisition of two easements in real property through eminent domain: one owned by Durley/McLanahan AP# 090-341-019, 090-331-005, 06 & 08 and one owned by Troesh Properties & Investments, LCC AP# 090-341-003.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:00 p.m.

02:42:00

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.

02:45:02

E-4) SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE I UPGRADE PROJECT AUTHORIZATION TO BID BASED ON USING BIOLAC AS THE WASTEWATER INFLUENT TREATMENT TECHNOLOGY

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Mr. Sevcik 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 2012-1247, authorizing staff to solicit bids for the Southland Wastewater Treatment Facility Phase 1 Improvement Project based on Biolac. Vote 5-0.

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

RESOLUTION NO. 2012-1247

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING STAFF TO SOLICIT BIDS FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT BASED ON BIOLAC

02:57:43

D-3) APPROVE BOARD BY-LAWS

Jon Seitz, District Legal Counsel, reviewed the report as presented in the Board packet. Mr. Seitz answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Gaddis, the Board adopted the revision of the Board By-laws with the submitted grammar changes and the changes to sections 2.8 and 11.2.  
Vote 3-2.

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

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Winn, the Board adopted Resolution 2012-1248, 2012 Board By-laws, as amended.  
Vote 3-2.

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

RESOLUTION NO. 2012-1248

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BOARD BY-LAWS AND POLICIES

*Director Eby left the meeting at 2:00 p.m.*

03:53:00

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.

G. COMMITTEE REPORT

Finance and Audit Committee  
Ad Hoc Committee for Education and Outreach.

There was no public comment.

04:24:10

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◇ Requested guidance from the Board and Staff regarding an invitation to the BLMA annual meeting on March 12, 2012.

Director Winn

- ◇ Commented on the District potentially having interest in the grants issued by the State particularly in the area of salt nutrient management.
- ◇ Encourage the Personnel Committee to meet and update the Personnel Policy with requirements for ethics and sexual harassment prevention training.
- ◇ Requested staff to think about whether or not to proceed with tax assessment vote after the results of the survey.

Nipomo Community Services District  
**REGULAR MEETING  
 MINUTES**

Director Winn (Cont.)

- ◇ Requested staff to look into whether a climate control plan is a requirement. If it is a requirement, then possibly hold a study session.
- ◇ Requested staff to look into the the development of the agreements with Golden State Water Company and Woodlands on receiving water from NCSD.
- ◇ Requested staff to stay on top of the County's Complete Communities Plan and the update of Title 22 (the Land Use Element).
- ◇ Requested staff to stay on top of the Draft EIR for the Nipomo Community Park.
- ◇ Requested staff to follow up with Mr. Hernandez regarding benefit units and contact information for LAFCO.

Director Gaddis

- ◇ Questioned the results of the assessment survey.

Director Harrison

- ◇ President Harrison formed an Ad Hoc Committee for the Nipomo Community Park Draft EIR specifically for the water and sewer. He appointed Director Winn and Director Gaddis to this Committee.
- ◇ Requested staff to stay on top of the County Planning Department's smart growth plan.

ADJOURN

President Harrison adjourned the meeting at 2:40 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.40
Closed Session	1.00
<b>TOTAL HOURS</b>	<b>5.40</b>