

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 28, 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 March 28, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:45

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

At Roll Call, Directors Eby, Winn, Vierheilig, and Harrison were present. Director Gaddis was not present due to a scheduled absence.

The following member of the public spoke:

Mike Vitaz, NCSO customer, commented on a high water bill due to a leak on his property and asked the Board to forgive some of his water bill.

Mr. Vitaz answered questions from the Board.

Michael LeBrun, General Manager, commented on Mr. Vitaz's comment.

The Board directed staff to suspend Mr. Vitaz's payment arrangement for now and put the appropriate policy item on the April 11, 2012 agenda.

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

00:11:22

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON MARCH 14, 2012 REGULAR MEETING CLOSED SESSION

Announcement of Actions, if any, taken in Closed Session

Mike Seitz, Acting District Legal Counsel, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMWWCD VS. NCSO) 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 NCSO VS COUNTY SLO) in closed session, but took no reportable action.

The Board discussed Item Three (Conference with Legal Counsel re: pending litigation pursuant to GC §54956.9(c) two cases related to the District's acquisition of the two easements in real property through eminent domain) in closed session, but took no reportable action.

00:13:13

C. PRESENTATIONS AND PUBLIC COMMENT (Cont.)

C-2) NCSD SUPERINTENDENT TINA GRIETENS
Update Report re: Utility Division Activities

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

C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Director Winn

- ◇ March 27, 2012 – The SLO Board of Supervisors met and on a 4-1 vote, supported the Assessment for Supplemental Water.
- ◇ March 29, 2012 – SLO County Chapter of CSDA will hold its bimonthly meeting on Thursday at 11:00 a.m. at the Wallace Group in SLO.
- ◇ April 4, 2012 – The WRAC will hold its regular monthly meeting beginning at 1:30 p.m. in the SLO Library.
- ◇ April 14, 2012 – Central Coast Greenhouse Growers Association will hold their annual open door tours and sale.
- ◇ Native Sons Nursery will hold its one day sale from 9:00 a.m. to 3:00 p.m.

Director Eby

- ◇ March 19, 2012 – SCAC held Elections and William Dorland was elected Chair and Harry Walls was elected Vice Chair.
- ◇ March 28, 2012 – An SCAC EIR Committee will meet and discuss the Nipomo Community Park EIR. The SCAC will hold a special meeting to share their inputs with the County on April 9, 2012.

Director Vierheilig

- ◇ Central Coast Orchid Show will be held at the South County Regional Center on March 31, 2012 from 9:00 a.m. to 5:00 p.m. and April 1, 2012 from 10:00 a.m. to 5:00 p.m.
- ◇ March 30, 2012 – Orchid preview and Dana Adobe benefit from 6:30 to 9:30 p.m. at the South County Regional Center.

Director Harrison

- ◇ The Fire Safe Council met and elected Anthony Starinedo, as Cattlemen's Association representative.
- ◇ Attended the Nipomo Chambers Luncheon.
- ◇ Attended a meeting with the Blacklake Management Association.
- ◇ March 27, 2012 – The SLO Board of Supervisors met and on a 4-1 vote, supported the Assessment for Supplemental Water.
- ◇ March 21, 2012 - Attended Olde Towne Nipomo Association meeting.

Nipomo Community Services District
REGULAR MEETING
MINUTES

- C-4) 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, unanimously approved to receive and file the presentations and reports.
Vote 4-0.

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

00:39:56

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE MARCH 14, 2012 REGULAR BOARD MEETING MINUTES
- D-3) TENTATIVELY SET MAY 23, 2012, FOR HEARING TO ADOPT RESOLUTION OF NECESSITY FOR ACQUIRING EASEMENTS IN REAL PROPERTY IN SUPPORT OF THE NIPOMO MESA SUPPLEMENTAL WATER PROJECT, INSTRUCT STAFF TO PROVIDE NOTICE TO PROPERTY OWNERS OF THE HEARING DATE AS REQUIRED BY LAW, AND AUTHORIZE LEGAL COUNSEL TO RETAIN EMINENT DOMAIN COUNSEL TO ASSIST THE DISTRICT IN ACQUIRING THE EASEMENTS IN THE FOLLOWING PROPERTIES LOCATED WITHIN THE SANTA MARIA RIVER BED.

- APN #: 090-341-019, #: 090-331-005, #: 006, #: 008
DURLEY & MCLANAHAN
- APN #: 090-341-033
TROESH PROPERTIES & INVESTMENTS, LLC

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

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Winn, the Board approved Items D-1 through D-3 as submitted.
Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$161,277 FOR SUPPLEMENTAL WATER PROJECT OUTREACH CONSULTANT TRUE NORTH

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.

00:41:55

Nipomo Community Services District
REGULAR MEETING
MINUTES

- E-1) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$161,277 FOR SUPPLEMENTAL WATER PROJECT OUTREACH CONSULTANT TRUE NORTH(Cont.)

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved paying all past due expenditures and a contingency budget augmentation in the amount of \$40,000 (excluding all tactical paid calling), that will be spent at the direction of the Outreach Committee and the General Manager.

Vote 4-0.

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

The Board took a break from 10:25 to 10:35 a.m.

01:22:39

- E-2) CONSIDER SCOPE AND BUDGET AUGMENTATION IN AMOUNT OF \$105,000 FOR SUPPLEMENTAL WATER PROJECT ASSESSMENT ENGINEER WALLACE GROUP

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kari Wagner, Assessment Engineer, reviewed the contract amendment in detail. Mr. LeBrun and Ms. Wagner 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 \$105,000 budget augmentation with the Wallace Group.

Vote 4-0.

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

01:50:54

- E-3) NIPOMO COMMUNITY PARK MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT CONSIDER AD-HOC COMMITTEE REVIEW AND RECOMMENDATION

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Director Winn started to review his report. Directors Eby and Vierheilig declared a conflict of interest. President Harrison postponed this item until April 25, 2012.

01:56:46

- E-4) CONSIDER COUNTY REQUEST TO INCLUDE COMMUNITY SURVEY IN DISTRICT BI-MONTHLY CUSTOMER BILLING

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 Vierheilig, the Board unanimously approved this mailer in both English and Spanish, so long as all of NCSD's customers receive the mailer.

Vote 4-0.

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

02:05:03

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

There were no committee reports.

02:11:04

H. DIRECTOR’S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Confirming that staff will bring before the Board a consideration of relief policy for customers.
- ◇ Requested that staff inform the Board of any incidents such as water tank over-topping or other unfortunate occurrences, as quickly as possible.

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. 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.

Mike Seitz, District Legal Counsel, announced that there is no closed session.

02:13:58

ADJOURN

President Harrison adjourned the meeting at 11:25 a.m.

MEETING SUMMARY	HOURS
Regular Meeting	2.25
Closed Session	0.00
TOTAL HOURS	2.25