

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

APRIL 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 April 25, 2015, to order at 9:00 a.m. and led the flag salute.

00:01:07

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

At Roll Call, Directors Eby, Winn, Vierheilig, and Harrison were present.

There was no public comment.

00:01:15

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON April 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.

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

Sheriff Commander Taylor gave an update of the law enforcement activities in South County. Commander Taylor answered questions from the Board. Commander Taylor announced that on April 20, 2012, Sheriff Commander Martin Basti retired and on April 21, 2012, Commander Tim Olivas took his place. The Board thanked Commander Taylor for his report.

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.

PRESENTATIONS AND PUBLIC COMMENT (Continued)

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

Tina Grietens, NCSO Utility Superintendent, introduced the newest employee, Francisco Maldonado. Ms. Grietens 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 InterestDirector Winn

- ◇ May 1, 2012 – The San Luis Obispo County Board of Supervisors will not meet.
- ◇ May 2, 2012 – WRAC will meet at 1:30 p.m. They will review the by-laws and the 2012-2013 Public Works Budget.
- ◇ May 2, 2012 – SLO COG will hold a focus group on SLO County Transportation from 4 to 5 p.m.
- ◇ May 3, 2012 – The WRAC ad hoc subcommittee will meet and discuss the IRWM.
- ◇ May 18, 2012 – SLO County Chapter of CSDA will hold its bi-monthly meeting at 11:30 a.m. in San Luis Obispo.
- ◇ June 22, 2012 – The WRAC will sponsor a public forum on hydraulic fracturing from 9 a.m. to 4 p.m. in San Luis Obispo.

Director Eby

- ◇ April 17, 2012 – LAFCO met and formally denied the annexation of Los Robles Del Mar into the City of Pismo Beach.
- ◇ April 18, 2012 – The Woodlands Mutual Water Company announced they will vote to support the Assessment for Supplemental Water.

Director Vierheilig

- ◇ April 18, 2012 – The Blacklake Management Association met. With a 3-6 vote, they will not support the Assessment for Supplemental Water.
- ◇ May 2, 2012 – CSDA will host a webinar on sexual harassment prevention training for Special Districts.

Director Harrison

- ◇ April 27, 2012 – A spaghetti dinner fundraiser at the Edwards Barn for the Elks Queen.
- ◇ April 28th/29th – Walk for Life 24 hour Relay at Nipomo High School to raise money for Breast Cancer awareness.
- ◇ April 28th/29th – Dana Adobe will hold a program to look at mid 1800's restored maps. There will be light hors d' oeuvres and wine. The cost is \$10.00.
- ◇ May 8, 2012 – SLO County Country Club will host a luncheon to raise money for Alzheimer's.

Nipomo Community Services District
REGULAR MEETING
MINUTES

- 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.

Upon the motion of Director Vierheilg and seconded by Director Eby the Board unanimously approved to receive and file the presentations and reports.
Vote 4-0.

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

00:42:19

D. CONSENT AGENDA

- D-1) APPROVE WARRANTS
- D-2) APPROVE APRIL 11, 2012 REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT QUARTERLY FINANCIAL REPORT
- D-4) ACCEPT FIRST QUARTER INVESTMENT REPORT
- D-5) SOUTH FRONTAGE ROAD TRUNK SEWER PROJECT ACCEPTANCE

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 approved Items D-1, D-3, D-4 and D-5, as submitted.
Vote 4-0.

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

Item D-2

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board approved Item D-2 as submitted.
Vote 3-1.

Director Harrison abstained due to lack of attendance.

(Director Harrison 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 Winn, Vierheilg, and Eby	Director Harrison	Director Gaddis

Nipomo Community Services District
REGULAR MEETING
MINUTES

E. ADMINISTRATIVE ITEMS

00:47:43

E-1) SUPPLEMENTAL WATER PROJECT ADDENDUM TO ENVIRONMENTAL IMPACT REPORT (EIR) THAT CONSIDERS THE FOLLOWING CHANGES AND ADDITIONS TO THE PROJECT 1) THE PROVISION OF TEMPORARY LAYDOWN AREAS/CONSTRUCTION YARDS AT EIGHT LOCATIONS WITHIN THE NIPOMO MESA, ALONG SOUTHLAND STREET AND ADJACENT TO ORCHARD ROAD AND JOSHUA STREET, AS WELL AS IN SANTA MARIA ADJACENT TO NORTH BLOSSER ROAD; 2) THE RECONFIGURATION OF THE VIA CONCHA WELL SITE AND 3) THE UPSIZING OF THE CURRENTLY PROPOSED PHASE 1 PIPELINE EXTENSION ADJACENT TO BLOSSER ROAD FROM 18 TO 24 INCHES AND ELIMINATION OF THE PHASE III ADDITIONAL 18-INCH PARALLEL WATERLINE OR REPLACEMENT 24-INCH WATERLINE.

Doug Wood, Wood & Associates, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Jon Seitz, District Legal Counsel, and Mr. Wood, answered questions from the Board. The Board thanked Mr. Wood for his report.

The following member of the public spoke:

John Snyder, Nipomo resident, commented on a punctuation error and on growth inducing facts in the study.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously adopted the amended Resolution, as amended including the Addendum EIR edits, as amended.

Vote 4-0.

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

RESOLUTION NO. 2012-1254

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ADDENDUM TO ENVIRONMENTAL IMPACT
REPORT FOR THE NCSO SUPPLEMENTAL WATER PROJECT

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

01:20:10

E-2) 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 Eby recused himself and left the Board Room due to living within close proximity of the Nipomo Community Park.

Director Winn reviewed his comments. Jon Seitz, District Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

E-2) NIPOMO COMMUNITY PARK MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT CONSIDER AD-HOC COMMITTEE REVIEW AND RECOMMENDATION
(Continued)

Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously directed staff to work with Director Winn, and Legal Counsel, to draft a response letter to the County and mail letter by April 30, 2012.

Vote 3-0.

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

Director Eby returned to the Board meeting.

02:19:53

E-3) REVIEW CREDIT AND DEBIT CARD PAYMENT BY CUSTOMERS

Lisa Bognuda, Finance Director, reviewed the report as presented in the Board packet. Jon Seitz, District Legal Counsel, Michael LeBrun, General Manager, and Ms. Bognuda answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the motion was to suspend the Over-the-Counter payment option and maintain the On-Line Bill Pay (Staff recommendation #3). Vote failed.

Vote 2-2.

YES VOTES	NO VOTES	ABSENT
Directors Winn and Eby	Directors Harrison and Vierheilig	Director Gaddis

Upon the motion of Director Harrison and seconded by Director Eby, the Board directed staff to research the kiosk and bring information back to the Board at a future Board meeting.

Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Eby, an Vierheilig	Director Winn	Director Gaddis

02:44:46

President Harrison reopened public comment for items not on the agenda.

The following members of the public spoke:

Mike Vitaz, NCSD customer, asked the Board to consider suspending his payment arrangements until the Board considers changing the Ordinance.

Michael LeBrun, General Manager, and Mr. Vitaz answered questions from the Board.

The Board took no action.

Nipomo Community Services District
REGULAR MEETING
MINUTES

I. CLOSED SESSION ANNOUNCEMENTS

- 1) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMWWCD 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 RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:10 p.m.

02:56:20

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:10 p.m.

Jon Seitz, District Legal Counsel, announced that the Board discussed items 1 and 2 listed above for closed session, but took no reportable action. The Board discussed Item 3 listed above for closed session, and approved attaining David Warren to assist District Legal Counsel in representing the District.

02:58:03

E-4) CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS

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

There was no public comment.

The Board took no action.

03:01:30

F. MANAGER'S REPORT

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.

03:22:01

G. COMMITTEE REPORT

April 13, 2011 Finance and Audit Committee Minutes
Ad Hoc Committee for Education and Outreach.

There was no public comment.

Nipomo Community Services District
REGULAR MEETING
MINUTES

03:25:38

G. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Requested staff to agendize a Resolution in appreciation of Sheriff Commander Martin Basti years of service.
- ◇ Requested a copy of the Annual Water Report for the California Department of Health Services.
- ◇ Requested a copy of the annual Consumer Confidence Report.
- ◇ Requested to tour the Guadalupe Wastewater Treatment Facility.
- ◇ Confirmed the time to meet to discuss the comments for the Nipomo Community Park EIR.
- ◇ Requested staff to start thinking about a rate category for public facility water use.

ADJOURN

President Harrison adjourned the meeting at 1:55 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.00
Closed Session	1.00
TOTAL HOURS	5.00