

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 27, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
DAN GADDIS, **DIRECTOR**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
JON SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
MERRIE WALLRAVIN, **CLERK**

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 27, 2013, to order at 9:00 a.m. and led the flag salute.

00:00:38

B. ROLL CALL

At Roll Call, all Board members were present.

President Harrison announced that the Board will pull item D-3 off of the Consent Agenda.

*Upon the motion of Director Vierheilig, and seconded by Director Armstrong the Board unanimously pulled Item D-3 off the Consent Agenda and put it at the front of the Agenda.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Armstrong, Blair, Gaddis, and Harrison	None	None

The Board considered Item D-3 next.

D-3) ADOPT RESOLUTION OF APPRECIATION FOR SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously adopted Resolution 2013-1297, A Resolution of appreciation to members of the Supplemental Water Alternatives Evaluation Committee for service to the Nipomo Community Services District.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, Vierheilig, and Harrison	None	None

RESOLUTION NO. 2013-1297

**A RESOLUTION OF APPRECIATION TO MEMBERS
OF SUPPLEMENTAL WATER ALTERNATIVES EVALUATION
COMMITTEE FOR SERVICE TO THE NIPOMO COMMUNITY
SERVICES DISTRICT**

The Board considered Item C-1 next.

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C-1) PRESENT RESOLUTION OF APPRECIATION TO SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

Vice President Vierheilig presented Dennis Graue, Kathie Matsuyama, and Sam Saltoun with Resolutions of appreciation.

The Board, staff, and the audience gave the committee a round of applause.

There was no public comment.

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

Upon the motion of Director Blair and seconded by Director Harrison, the Board unanimously directed staff to agendize a Resolution of appreciation for Michael Nunley, SWAEC Chairman, and Peter Sevcik, SWAEC Vice Chair, for outstanding work on the SWAEC.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Blair, Harrison, Armstrong, Gaddis, and Vierheilig</i>	<i>None</i>	<i>None</i>

PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

There was no public comment.

00:12:08

C. PRESENTATIONS AND PUBLIC COMMENT

C-2) REPORT ON MARCH 13, 2013 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session

Mike Seitz, District Deputy Legal Counsel, announced that the Board heard an update from Legal Counsel for 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 heard an update from Legal Counsel for Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9, Whitlow/NCSD) in closed session, but took no reportable action.

The Board heard an update from Legal Counsel for Item Three (Conference with Legal Counsel pursuant to GC §54956.9, Anticipated litigation) in closed session, but took no reportable action.

The Board heard an update from Legal Counsel and provided direction for staff for Item 4 (Conference with Legal Counsel re: pending litigation pursuant to GC Section 54956.9; NCSD vs. County SLO, ET AL) in closed session, but there was no reportable action.

C-3) UTILITIES SUPERINTENDENT
RE: Summary of recent activities.

Tina Grietens, Utilities Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

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00:29:58

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 Directors

Director Gaddis

- ◇ March 25, South County Advisory Council met and the new council was seated. Dan Woodson will be Chairman for the first 6 months and Richard Wright will be Chairman for the following 6 months.

Director Blair

- ◇ Commented on the State change in the Gas Tax.

Director Vierheilig

- ◇ March 26, Attended Supplemental Water Alternatives Evaluation Committee Meeting.
- ◇ March 26, Attended Blacklake Management Association Meeting.
- ◇ April 3, Water Resource Advisory Council will meet at 1:30 p.m. at the San Luis Obispo Library.
- ◇ April 5, Orchid Show Preview Benefit for the Guadalupe-Nipomo Dunes Center. Contact Director Vierheilig for Tickets.
- ◇ April 6 and 7, Central Coast Orchid Show at the South County Regional Center.
- ◇ April 13, Central Coast Greenhouse Association Open House.

00:41:05

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 Vierheilig and seconded by Director Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Armstrong, Blair, Gaddis, and Harrison	None	None

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MARCH 13, 2013 REGULAR BOARD MEETING MINUTES

Michael LeBrun, General Manager, announced one correction to the March 13, 2013, minutes.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved items D-1 and D-2, as amended. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Gaddis, Armstrong, Blair, and Harrison	None	None

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E. ADMINISTRATIVE ITEMS

00:43:05

E-1) HEARING REGARDING PROPOSED RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY INTERESTS FOR THE WATERLINE INTERTIE PROJECT DURLEY ASSESSOR'S PARCEL NUMBERS 090-331-005, 006, 008 AND 090-341-019

Mike Seitz, Deputy District Legal Counsel, announced the process of the public hearing.

President Harrison opened the public hearing.

There was no public comment.

President Harrison closed the public hearing.

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations and Mr. LeBrun answered questions from the Board.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board adopted the Resolution 2013-1298, Resolution of Necessity and authorized and directed staff that eminent domain proceedings be filed to acquire the subject property, as amended.

Vote 4-1.

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

RESOLUTION NO. 2013-1298

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DECLARING NCERTAIN REAL PROPERTY NECESSARY
FOR THE CONSTRUCTION OF THE WATERLINE INTERTIE
PROJECT AND AUTHORIZING THE ACQUISITION THEREOF
(KATHERINE P. DURLEY, TRUSTEE OF THE ANNIE PREISKER
LIFE TRUST, APNS 090-331-005, 006, 008, and 090-341-019

00:55:23

E-2) HEARING REGARDING PROPOSED RESOLUTION OF NECESSITY FOR THE ACQUISITION OF PERMANENT AND TEMPORARY INTERESTS FOR THE WATERLINE INTERTIE PROJECT, TROESH ASSESSOR'S PARCEL NUMBERS 090-341-002, 023, 033

Mike Seitz, Deputy District Legal Counsel, announced the process of the public hearing.

President Harrison opened the public hearing.

There was no public comment.

President Harrison closed the public hearing.

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Item E-2 Continued

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board adopted the Resolution 2013-1299, Resolution of Necessity and authorized and directed staff that eminent domain proceedings be filed to acquire the subject property, as amended.

Vote 4-1

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Vierheilg, and Harrison	Director Blair	None

RESOLUTION NO. 2013-1299

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DECLARING CERTAIN REAL PROPERTY NECESSARY
FOR THE CONSTRUCTION OF THE WATERLINE INTERTIE
PROJECT AND AUTHORIZING THE ACQUISITION THEREOF
(TROESH PROPERTIES & INVESTMENTS, LLC, APNS 090-341-002,
023, and 033)

00:58:39

- E-3) APPROVE LICENSE AGREEMENT WITH SANTA BARBARA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR ACCESSING SANTA MARIA RIVER LEVEE IN SUPPORT OF CONSTRUCTING SUPPLEMENTAL WATER PROJECT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Vierheilg, the Board approved the License Agreement, as amended.

Vote 4-1.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Vierheilg, Gaddis, and Harrison	Director Blair	None

01:15:39

- E-4) AUTHORIZE PURCHASE AGREEMENT WITH LINDA VISTA FARMS IN AMOUNT OF \$113,500 TO ACQUIRE EASEMENTS AND FEE TITLE PROPERTY (APN 090-291-039, -040, -043, & -044) IN SUPPORT OF CONSTRUCTING SUPPLEMENTAL WATER PROJECT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations, and Mr. LeBrun answered questions from the Board.

There was no public comment.

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Item E-4 Continued

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board approved the easement purchase for \$113,500 with Linda Vista Farms Association Inc. Vote 4-1.

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Gaddis, Vierheilig, and Harrison</i>	<i>Director Blair</i>	<i>None</i>

01:22:01

E-5) CONSIDER FORMATION OF A SOLID WASTE COMMITTEE

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 Gaddis and seconded by Director Blair, the Board unanimously approved the formation of a Solid Waste Committee. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Gaddis, Blair, Armstrong, Vierheilig, and Harrison</i>	<i>None</i>	<i>None</i>

Upon the motion of Director Harrison and seconded by Director Armstrong, the Board unanimously appointed Director Gaddis as the Chairperson of the Solid Waste Committee and Director Blair as the member of the Solid Waste Committee.

Director Gaddis left the meeting at 10:47 a.m.

01:31:03

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.

G. COMMITTEE REPORT

There were no committee reports.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◇ *Commented on recognizing BLMA for their efforts to reduce water use.*

Director Blair

- ◇ *Requested staff agendize CO 06-0225 (Kengel).*
- ◇ *Questioned the District fees and the collection of fees for connecting to the Districts water and sewer systems.*

Peter Sevcik, Director of Engineering and Operations answered questions from the Board.

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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, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
- 3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(b):
Anticipated litigation - 1 case
- 4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:00 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:24 p.m.

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Items one, two three, and four listed above for closed session, but took no reportable action.

ADJOURN

President Harrison adjourned the meeting at 12:25 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	2.00
Closed Session	1.25
TOTAL HOURS	3.25