

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 44 - Years of Service 1965 - 2009*

## MINUTES

**JANUARY 13, 2010 AT 9AM**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
ED EBY, **DIRECTOR**  
BILL NELSON, **DIRECTOR**

### PRINCIPAL STAFF

MICHAEL LEBRUN, **INTERIM GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
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

Director Harrison called the Regular Meeting of the Nipomo Community Services District Board of Directors to order at 9:00 a.m. and led the flag salute.

00:00:45

#### B. ROLL CALL AND ACKNOWLEDGEMENT OF 2010 OFFICERS

At Roll Call, all Directors were present.

Michael LeBrun, Interim General Manager, announced the Board re-elected Director Harrison for President and Director Vierheilig for Vice President at the December 9, 2009 Regular Meeting, to be effective January 1, 2010.

00:01:33

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) SHERIFF COMMANDER BRIAN HASCALL

Update re: South County Law Enforcement Activities

Commander Brian Hascall reported that a golf cart missing from Nipomo High School was recovered and led to recovery of items from 10 other thefts.

A search warrant for a residence on Silva Place led to recovery of 10 stolen hand guns and rifles.

A transient in Oceano was arrested in possession of over 1,000 child pornography photos in his van.

##### C-2) CAL FIRE BATTALION CHIEF BILL FISHER

Update re: South County Cal Fire Activities

Michael DiLeo substituted for Chief Fisher.

He gave an update of the CalFire activities on the Nipomo Mesa and reviewed the activity report given to the Board and public.

In December 2009, Nipomo Station #20 had a total of 103 calls: 11 fire calls, 12 vehicle accidents, 56 medical aids and 24 other calls.

Mesa Station #22 had a total of 65 calls: 4 fire calls, 5 vehicle accidents, 42 medical aids and 14 other calls.

##### C-3) NCSO DISTRICT ENGINEER PETER SEVCIK

Update re: 2009 Summary of Activities

Peter Sevcik, District Engineer, reviewed the District activities for the year 2009. He answered question from the Board. The Board thanked Mr. Sevcik for his report.

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST  
Receive Announcements from Directors Items of District & Community Interest

Director Vierheilig

The Air Pollution Control District (APCD) had a workshop in December concerning particulate matter blowing from the dunes area at the beach. Tests will be performed to determine the amount of particulate matter generated during a normal day as compared to a busy weekend. After the report is completed, it will be posted on their website at [slocleanair.org](http://slocleanair.org).

Director Winn

01-06-10 – Water Resources Advisory Council (WRAC) met. Mike Winn and Sue Luft were re-elected as Chairperson and Vice Chairperson respectively. Water use in vineyards and coastal water use were discussed and new representatives for appointed by the BoS for those issues.

01-12-10 SLO Board of Supervisors meeting, Dan O'Grady appointed as new Planning Commissioner. Willow Road changes were approved. Mr. Miller, lobbyist from the Ferguson Group for the County gave a report on Federal funding. Deadline for project proposals to Senator Feinstein's office is Feb. 5 and to Senator Boxer's office is Feb. 12.

01-14-10 Planning Commission meeting at 1:30 p.m. It received a proposal from an oil company to do drilling in Huasna.

01-15-10 Interview with a group of people to talk see if CSD's pursuing projects to use

01-18-10 South County Advisory Committee (SCAC) Land Use Sub-Committee will meet at 9:00 a.m.

01-25-10 SCAC regular monthly meeting at 6:30 p.m.

01-22-10 NCSO Conservation Committee will meet at 9:00 a.m. in the District boardroom.

01-28-10 SLO Planning Commission will hold a scoping meeting for the EIR for the Land Use Element.

01-29-10 Will be attending UCLA for annual update on Land Use and Water Law.

02-19-10 The SLO County chapter of the California Special Districts Association will have its annual meeting at Blacklake Resort.

Department of Water Resources – California 2009 drought study update available on the web. A report on "20 by 2020" has come out.

Would like some consideration about bids for the Waterline Intertie Project.

Director Eby

SCAC yearly elections schedule:

|                                        |                                      |                   |
|----------------------------------------|--------------------------------------|-------------------|
| Accept Nomination Applications         | Mon, Feb. 8 to<br>Mon, March 8, 2010 | 6:30 p.m.         |
| Town Hall Meeting/Introduce Candidates | Mon, March 8, 2010                   | 6:30 p.m.         |
| SCAC Advisory Council Election Day     | Mon, March 15, 2010                  | 5:00 to 8:00 p.m. |
| Seat Elected SCAC Members              | Mon, March 22, 2010                  | 6:30 p.m.         |

01-18-10 SCAC Land Use 9:00 a.m. – Key issue – Minor Use Permit application for a medical marijuana facility at 425B N. Frontage. This issue will also be on the 1-25-10 meeting agenda.

01-21-10 LAFCO elections will be held to replace retired member Barbara Mann.

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST

Director Harrison

02-06-10 – Nipomo Incorporation Committee for Education (NICE) will hold a candidates' forum in the Avila Room at Trilogy.

NCSD will not be coordinating the chipping event this year.

C-5) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

Peg Miller, NCSD resident, stated that she has received three requests for renting one of her units for the medical marijuana facility. She turned down all three.

00:41:50

D. CONSENT AGENDA

D-1) APPROVE WARRANTS

D-2) APPROVE BOARD MEETING MINUTES

Approve Minutes of December 9, 2009, Regular Meeting.

Approve Minutes of December 16, 2009, Special Meeting

D-3) CONFIRM 2010 BOARD MEETING SCHEDULE

The Board pulled Items D-4 and D-5 for separate consideration.

There was one correction in Item D-3 on the Board Meeting Schedule for 2010. The March 20 date should have been March 24. There was no public comment.

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved Items D-1, D-2, and D-3, as amended in D-3. Vote 5-0.

| YES VOTES                                             | NO VOTES | ABSENT |
|-------------------------------------------------------|----------|--------|
| Directors Winn, Eby, Vierheilig, Nelson, and Harrison | None     | None   |

D-4) RATIFY 2010 COMMITTEE APPOINTMENTS

The Board discussed the proposed 2010 Committee/Delegate assignments.

Jon Seitz, District Legal Counsel, explained that Ad Hoc Committees will be appointed on an as-needed basis. There was no public comment. Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved the following assignments, as modified and to send a letter to WRAC explaining the general manager situation. Vote 5-0.

|                                                                    |                  |                      |
|--------------------------------------------------------------------|------------------|----------------------|
| Supplemental Water Project Design & Construction                   | Ed Eby           | Jim Harrison         |
| Finance and Audit                                                  | Larry Vierheilig | Ed Eby               |
| Parks                                                              | Jim Harrison     | Bill Nelson          |
| Southland Wastewater Treatment Facility Upgrade                    | Michael Winn     | Jim Harrison         |
| Water Conservation                                                 | Michael Winn     | Larry Vierheilig     |
| Personnel                                                          | Larry Vierheilig | Jim Harrison         |
| <b>DELEGATES</b>                                                   | <b>MEMBER</b>    | <b>ALTERNATE</b>     |
| SCAC                                                               | Michael Winn     | None per SCAC Bylaws |
| Water Resources Advisory Committee (WRAC)                          | Ed Eby           |                      |
| Chamber of Commerce                                                | Bill Nelson      | Jim Harrison         |
| City of Santa Maria/CCWA                                           | Jim Harrison     | Ed Eby               |
| Olde Towne Nipomo Association                                      | Larry Vierheilig | Jim Harrison         |
| Blacklake Village Council/Committees                               | Bill Nelson      | Jim Harrison         |
| Liaison to the Nipomo Incorporation Committee for Education (NICE) | Jim Harrison     | Larry Vierheilig     |
| Representative to the Board of Supervisors                         | Jim Harrison     | Michael Winn         |
| Representative to the Planning Commission                          | Michael Winn     | Jim Harrison         |

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

D-4) RATIFY 2010 COMMITTEE APPOINTMENTS (CONTINUED)

| YES VOTES                                            | NO VOTES | ABSENT |
|------------------------------------------------------|----------|--------|
| Directors Winn, Eby, Vierheilg, Nelson, and Harrison | None     | None   |

D-5) APPROVE PURCHASE OF TRUCK AND VALVE EXERCISER

Michael LeBrun, Interim General Manager, reviewed the proposal to purchase a truck and a valve exerciser.

Tina Grietens, Utility Superintendent, answered questions from the Board concerning the quotes received. There was no public comment. Upon motion by Director Vierheilg and seconded by Director Nelson, the Board unanimously approved the purchase of the valve exercising equipment from E.H. Wachs Company and the ¾ ton F-250 truck from Mullahey Ford. Vote 5-0.

| YES VOTES                                            | NO VOTES | ABSENT |
|------------------------------------------------------|----------|--------|
| Directors Vierheilg, Nelson, Winn, Eby, and Harrison | None     | None   |

The Board took a break at 10:12 a.m. and returned at 10:22 a.m.

E. ADMINISTRATIVE ITEMS

The Board considered Item E-2 next.

01:10:12

E-2) REVIEW MILLER PARK ASSESSMENT VOTE

Michael LeBrun, Interim General Manager, reviewed the events of the Miller Park Assessment vote. The consensus before the vote was taken, consisting of a phone survey and citizens attending information meetings, seemed to be in favor of the park.

Jon Seitz, District Legal Counsel, answered questions about LAFCO approval and other items concerning formation of park powers. LAFCO requires funding be available before approval of a park.

The following members of the public spoke:

Christy Laschiver, NCSD resident, asked if the Zone-of-Benefit were to be extended, how far would it go.

Jon Seitz, District Legal Counsel, stated that he will check with the assessment district engineers to get that answer.

Jim Tefft, Nipomo resident, thanked the Board and the Parks Committee for all the work and commitment that NCSD has made into formation of the park so far. He asked the Board to continue its efforts.

Paul Teixeira, representative for Supervisor Achadjian, asked the Board not to give up. Supervisor Achadjian fully supports the park.

Peg Miller, NCSD resident, expressed appreciation to NCSD and to Olde Towne for efforts to beautify downtown Nipomo. She asked that the Board continue its efforts and not give up.

The Board discussed different aspects of continuing efforts for the park in some way: possibly postponing until supplemental water is resolved, until the voters can be asked why they voted as they did, finding about property taxes, and checking on the time limits involved. Director Harrison would like to continue with the park project.

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

E-2) REVIEW MILLER PARK ASSESSMENT VOTE

Upon motion by Director Vierheilg and seconded by Director Winn, the Board agreed to request staff to learn about time limits required from LAFCO and about the MOU with the County and bring that information back to the Board.

The following member of the public spoke:

Jim Tefft, Nipomo resident, asked if the District could ask LAFCo could change its resolution in light of the vote.

Jon Seitz, District Legal Counsel, suggested that the District ask LAFCO if the time condition can be changed.

Vote 4-1, with Director Harrison voting no.

| YES VOTES                                 | NO VOTES          | ABSENT |
|-------------------------------------------|-------------------|--------|
| Directors Vierheilg, Winn, Eby and Nelson | Director Harrison | None   |

The Board considered Item E-1 next.

02:03:00

E-1) CONSIDER SAIC PROPOSAL FOR SERVICES AND BUDGET FOR 2010 SERVICES RELATED TO NMMA TECHNICAL GROUP

Michael LeBrun, Interim General Manager, reviewed the proposal from Science Application International Corporation (SAIC) for professional services related to the NMMA Technical Group and general consultation.

The Board discussed the services included in the proposal. Those things that should be included are: an annual groundwater index, general advice concerning the pipeline, etc, an representation with the NMMA Technical Group.

There was no public present to comment.

Upon motion by Director Eby and seconded by Director Vierheilg, the Board unanimously authorized the President to execute an amendment to the March 23, 2006 SAIC Agreement extending the term through December 2010 and authorizing a total budget of \$100,000 for the two Task Orders, limiting the General Manager's authority to net increase up to \$10,000 without Board approval. Vote 5-0.

| YES VOTES                                            | NO VOTES | ABSENT |
|------------------------------------------------------|----------|--------|
| Directors Eby, Vierheilg, Nelson, Winn, and Harrison | None     | None   |

02:31:15

E-3) CONSIDER STRATEGIC PLAN UPDATE PROPOSAL

Michael LeBrun, Interim General Manager, reviewed the proposal from BHI Management Consulting to prepare and update the District's Strategic Plan.

The Board discussed the proposal and the work to be accomplished.

There was no public present to comment. Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously approved the proposal from BHI and directed staff to execute a contract. Vote 5-0.

| YES VOTES                                            | NO VOTES | ABSENT |
|------------------------------------------------------|----------|--------|
| Directors Winn, Eby, Vierheilg, Nelson, and Harrison | None     | None   |

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

03:11:02

E-4) WATERLINE INTERTIE PROJECT OUTREACH AND EDUCATION DISCUSSION

Michael LeBrun, Interim General Manager, reviewed the proposal to hire an outreach and education consultant to assist with the Waterline Intertie Project. A successful assessment vote, expected to be conducted this year, is necessary to help fund a significant portion of the \$23.6M project.

Jon Seitz, District Legal Counsel, and Mr. LeBrun answered questions from the Board and made suggestions for the RFP.

There was no public present to comment. Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to direct staff to develop a Request for Proposal for the next meeting and to provide a list of interested firms. Vote 5-0.

| YES VOTES                                             | NO VOTES | ABSENT |
|-------------------------------------------------------|----------|--------|
| Directors Eby, Winn, Vierheilig, Nelson, and Harrison | None     | None   |

The Board considered Closed Session next.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the following items to be considered during Closed Session:

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. INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 ( 1 CASE)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:42 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board returned to Open Session at 1:19 p.m.

Jon Seitz, District Legal Counsel, announced that the three items were discussed, with no reportable action taken.

03:16:12

E-5) WASHINGTON D.C. LOBBYING TRIP

Michael LeBrun, Interim General Manager, reviewed the proposal for representatives from NCSD to travel to Washington, D. C. in an effort to promote the Waterline Intertie Project and to pursue Federal funds. To date, \$80,000 has been expended on lobbying efforts to secure funds.

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

E-5) WASHINGTON D.C. LOBBYING TRIP (CONTINUED)

There was no public present to comment. Upon motion by Director Winn and seconded by Director Eby, the Board unanimously authorized to send two representatives of the NCSD to Washington, D. C. to meet with Congresswoman Lois Capps and others concerning the funding for the Waterline Intertie Project. Vote 5-0.

| YES VOTES                                            | NO VOTES | ABSENT |
|------------------------------------------------------|----------|--------|
| Directors Winn, Eby, Vierheilg, Nelson, and Harrison | None     | None   |

03:31:12

E-6) LAFCO REQUEST FOR NOMINATIONS TO FILL COMMISSION'S VACANT SPECIAL DISTRICT MEMBER SEAT

Michael LeBrun, Interim General Manager, asked the Board to consider nominations for a LAFCO Special District member to fill the position vacated by the resignation of Barbara Mann.

Director Winn nominated Director Eby for the position. There were no other nominations. There was no public comment. Upon motion by Director Winn and seconded by Director Vierheilg, the Board unanimously agreed to nominate Director Eby for LAFCO Special District Member. Vote 5-0.

| YES VOTES                                            | NO VOTES | ABSENT |
|------------------------------------------------------|----------|--------|
| Directors Winn, Vierheilg, Nelson, Eby, and Harrison | None     | None   |

03:35:00

F. MANAGER'S REPORT

Michael LeBrun, Interim General Manager, reviewed the Manager's Report and answered questions from the Board. He provided the Board and the public with a copy of a letter from the California Regional Water Quality Control Board, Central Coast Region, outlining the Regional Board's authority, responsibilities, goals, etc. There will be a Waterline Intertie all-hands meeting January 19<sup>th</sup>.

G. COMMITTEE REPORT

The Minutes of the Parks Committee are in the Manager's Report.

04:05:01

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

Asked staff to check into Water Master Plan for San Luis Obispo County Planning Area 13. The Northern Cities Management Area is a critical member of the Santa Maria Groundwater Settlement, but will not be a separate management area in the Master Water Plan.

Land Use and Circulation Element EIR to be addressed at the Planning Commission meeting January 14, 2010 at 1:30 p.m.

Would like to get Northern Cities to release well data at least quarterly.

When APCD's particulate matter study comes out, please inform Board.

Asked about letters from District Counsel to Chuck Baker and SLO County concerning water movement to the NCMA and new wells there.

ADJOURN

President Harrison adjourned the meeting at 2:57 p.m.