

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

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

00:00:40

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

At Roll Call, all Board Members were present.

The following members of the public spoke:

Valerie Williams, NCSD property owner, handed the Board a site plan and a letter of support (See Exhibit "A") for a proposed assisted living center. She urged the Board to remove the water moratorium.

Larry Ewing, NCSD property owner, supports the proposed assisted living center and would like the water moratorium lifted.

Kirby Gordon, non NCSD customer, questioned if Item D-3 will be pulled from today's Agenda and stated that item D-3 should not be on the Consent Agenda.

Mike Seitz, District Deputy Legal Counsel, confirmed that he will request Item D-3 be pulled from the today's Agenda.

00:03:28

C. PRESENTATIONS AND PUBLIC COMMENT

Michael LeBrun, General Manager, introduced Jessica Matson as the new Public Information Assistant.

President Harrison stated that contrary to some newspaper reports, this Public Information Assistant position is not an added position. It is downsizing from one full-time position to one part-time position.

C-1) RECOGNITION OF FORMER DIRECTORS MICHAEL W. WINN AND EDWARD D. EBY Present resolution commending service of former Directors

President Harrison presented former Director Michael Winn with a Resolution commending him for his 12 years of service with the District. Michael LeBrun, General Manager, presented former Director Michael Winn with an engraved clock for his 12 years of service with the District.

Note: Past Director Eby was not present to receive his Resolution. It will be presented to him at a later date by President Harrison and/or General Manager LeBrun.

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C-2) REPORT ON DECEMBER 12, 2012 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session

Mike Seitz, District Deputy 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, Whitlow/NCSD) in closed session, but took no reportable action.

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

C-3) NCSD DISTRICT ENGINEER PETER SEVCIK
Update Report re: Recent Activities

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

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 Vierheilig

- ◇ January 8, Attended Blacklake Master's Association meeting.
- ◇ January 17, Chamber of Commerce Annual Award Dinner.
- ◇ February 12, Blacklake Master's Association meeting at 3:00 p.m. in the Community Center.
- ◇ February 22, California Special District Association SLO County Annual meeting.
- ◇ March 8, All comments are due for the proposed reorganization of the Land Use and Circulation Elements of the County General Plan.

Director Gaddis

- ◇ January 21, South County Advisory Council Land Use will meet at NCSD at 9:00 a.m.
- ◇ January 28, South County Advisory Council will meet at NCSD at 6:30 p.m.

Director Harrison

- ◇ December 14, Attended the Garbage Man's Ball.
- ◇ December 18, The Fire Safe Council met and discussed how to distribute \$200,000 in grant money for 2013.
- ◇ December 18, SLO County Board of Supervisors met and approved the Nipomo Community Park PEIR.
- ◇ December 19, Attended Nipomo Mesa Management Area Technical Group meeting with Director Blair.
- ◇ December 19, Attended Supplemental Water Alternatives Evaluation Committee meeting.
- ◇ January 2, Water Resources Advisory Committee met.
- ◇ January 10, DANA Adobe EIR review at NCSD.
- ◇ January 23, Integrated Regional Water Management Plan will kick off a new program.

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

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

The Board took a break from 10:20 to 10:30 a.m.

01:16:03

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE DECEMBER 12, 2012 REGULAR BOARD MEETING MINUTES
- D-3) APPROVE DEVELOPMENT AGREEMENT WITH OWNERS OF MARIA VISTA ESTATES DEVELOPMENT
- D-4) APPROVE RESOLUTION RECOGNIZING STAFF SERVICE

At the request of Mike Seitz, Deputy District Legal Counsel, President Harrison pulled Item D-3 and directed staff to put it on a future Agenda.

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.

The following member of the public spoke:

Don Faye, Sunwood Associates, introduced himself and commented on working with the Board in resolving Maria Vista Estates' issues.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved Items D-1, D-2, and D-4 on the Consent Agenda.
 Vote 5-0.

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

RESOLUTION NO. 2013-1286

A RESOLUTION OF APPRECIATION TO
 LISA SOUZA BOGNUA FOR SERVICE
 TO THE NIPOMO COMMUNITY SERVICES DISTRICT

E. ADMINISTRATIVE ITEMS

01:23:05

- E-1) RECEIVE GROUNDWATER INDEX PRESENTATION BY BRAD NEWTON, PH.D. PG OF WAGNER & BONSIGNORE CONSULTING CIVIL ENGINEERS

Dr. Brad Newton, Wagner & Bonsignore, reviewed the report as presented in the Board packet. Dr. Newton answered questions from the Board. The Board thanked Dr. Newton for his report.

The following member of the public spoke:

Mike Winn, former Director and NCSD customer, gave appreciation for Dr. Newton's reports and commented on NCSD making policy before seawater intrusion occurs here.

02:14:57

- E-2) APPROVE CONTRACT FOR WAGNER & BONSIGNORE 2013 CONSULTING SERVICES SCOPE AND BUDGET FOR NOT TO EXCEED \$90,000

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Dr. Brad Newton, Wagner & Bonsignore, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved the 2013 Support Services Contract with Wagner & Bonsignore for a not to exceed amount of \$90,000 and directed staff to issue Task Order 100-13 in the amount of \$10,000 and Task order 200-13 in the amount of \$80,000, as amended. Vote 5-0.

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

02:20:28

- E-3) AUTHORIZE PURCHASE OF A HEAVY DUTY SERVICE TRUCK FOR A NOT TO EXCEED \$81,000

Tina Grietens, NCSD Utility Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Ms. Grietens answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Harrison, the Board approved the purchase of a Ford F550 with a Utility Body for a not to exceed amount of \$81,000, including sales tax at 7.5%, from Mullahey Ford. Vote 4-1.

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

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02:36:56

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

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.

L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:00 p.m.

Mike Seitz, Deputy District Legal Counsel, announced that the Board discussed Items 1, 2, and 3, listed above for Closed Session but took no reportable action.

02:38:42

E-4) CONSIDER DRAFT HIGH WATER BILL RELIEF POLICY

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mike Seitz, District Deputy Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously directed staff to draft a policy to offer relief of a high water bill due to a leak, charging the customer Tier I rates above their prior comparable usage; no more than once every 36 months.

Vote 5-0.

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

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03:15:06

E-5) APPROVE LOCAL AREA FORMATION COMMISSION BALLOT FOR SPECIAL DISTRICT SEAT

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 Vierheilig, the Board unanimously directed staff to file the completed ballot, nominating Muril Clift for the LAFCO Special District position, no later than January 31, 2013.

Vote 5-0.

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

03:17:36

E-6) RATIFY 2013 BOARD COMMITTEE ASSIGNMENTS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, District Engineer, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously approved the 2013 Board Committee Assignments, as amended.

Vote 5-0.

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

03:31:45

E-7) AFFIRM 2013 BOARD MEETING SCHEDULE

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

There was no public comment.

Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board unanimously approved the 2013 Regular Board Meeting schedule as submitted.

Vote 5-0.

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

03:34:11

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.

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03:51:36

G. COMMITTEE REPORT

The report was as presented. There was no public comment.

03:53:36

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- ◇ Requested customer billing be put on a future Agenda.

Director Harrison

- ◇ January 24, Fire Safe Council will meet.
- ◇ Commented on possible Jury Duty the week of January 21, 2013.

ADJOURN

President Harrison adjourned the meeting at 2:15 p.m.

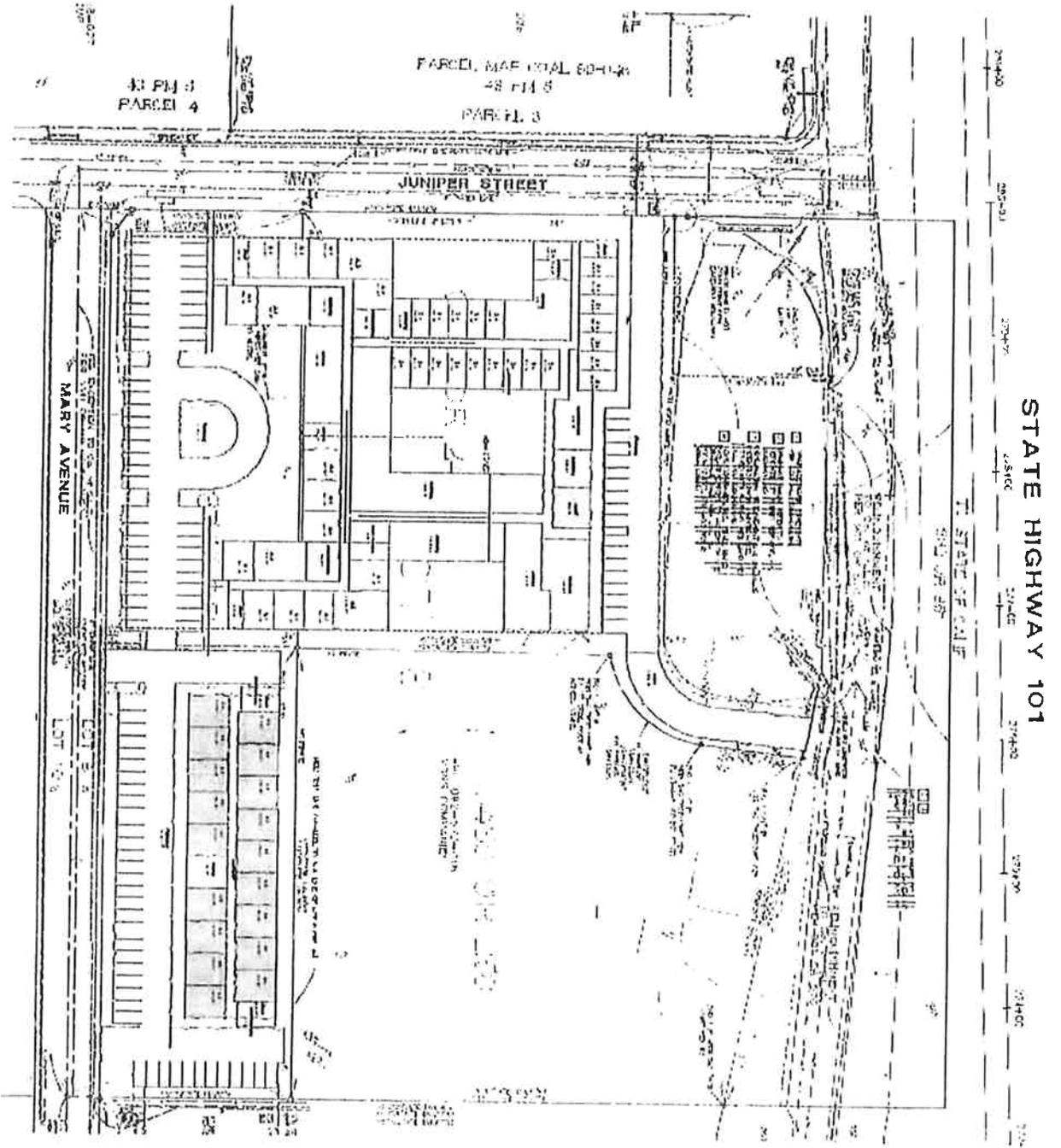
MEETING SUMMARY	HOURS
Regular Meeting	4.15
Closed Session	1.00
TOTAL HOURS	5.15

JANUARY 9, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

1/9/13 Board Meeting
Public Comment



STATE HIGHWAY 101

MARY AVENUE

JUNIPER STREET

PARCEL 4

PARCEL 3



Michael Brannan Associates

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Exhibit 2
Site Plan

NIPOMO ASSISTED LIVING AND MEMORY CARE CENTER PROJECT

From: Todd Crandall <todd_c@shoalwater.net>
Subject: NCS
Date: January 6, 2013 8:55:54 AM PST
To: Valerie Williams <valerie.williams@ncsd.org>

Valerie, please copy this for each board member as my wife and I will be out of town.

Dear NCS Board Member,

My wife and I have been residents of Nipomo for over 11 years and grew up from children in the Santa Maria Valley. We worked in construction, owning our own construction business, TLC Backhoe Service, for 25 years. We had many opportunities to work with NCS on various water/sewer projects over that time. Each of those projects was well managed and a great benefit to the people of Nipomo.

I believe the project being debated would likewise be an outstanding benefit and positive addition to the area. We personally had a family member living in an "assisted" care facility and greatly appreciated the opportunity for this person to be safe and well cared for. The need for this type of business is not declining but increasing. Our city is filled with retirees and building an assisted living facility along with affordable housing just makes practical and economic sense.

My wife and I, my daughter and friends have all supported this project. This will create jobs and build something of value for the community. We hope that you will allow the water for this project that has been in the planning for ten years.

Respectfully,
Todd and Teresa Crandall