

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JULY 11, 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 July 11, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:40

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

At Roll Call, all Board members were present.

There was no public comment.

00:02:09

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) 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.

President Harrison announced that San Luis Obispo County Sheriff Commander James Taylor is in attendance.

Commander Taylor gave an update of the law enforcement activities in South County and Commander Taylor answered questions from the Board. The Board thanked Commander Taylor for his report.

C-2) 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

- ◇ July 15, 2012 – Red Skunk Band will be performing in the Arroyo Grande Village at 1:00 p.m. for summer Concerts in the Village.

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Item C-2 (Continued)

Director Vierheilig

- ◇ July 17, 2012 – The SLO County Board of Supervisors will meet and will hear a report on the Economic Effects of Smart Growth.

Director Eby

- ◇ July 19, 2012 - LAFCO will meet.

Director Winn

- ◇ July 9, 2012 – WRAC held a special meeting.
- ◇ July 20, 2012 – The SLO County Chapter of CSDA will meet at the Wallace Group in San Luis Obispo.
- ◇ July 26, 2012 – The SLO County Planning Commission will meet at 9:00 a.m. and discuss proposed County ordinances in response to the Paso Robles Groundwater Basin Resource Capacity Study.
- ◇ August 14, 2012 – The SLO County Board of Supervisors will meet and discuss a Greenbuild Ordinance.

Director Harrison

- ◇ July 16, 2012 – Agenda setting meeting with General Manager and Director Vierheilig.
- ◇ July 27, 2012 – Southland WWTF Phase I Groundbreaking at 3:00 p.m. and BBQ/Open House at 4:00 p.m.

C-3) 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 Winn, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 5-0.

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

00:32:59

D. CONSENT AGENDA

D-1) WARRANTS

D-2) CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL GENERAL ELECTION

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 Vierheilg, the Board unanimously approved the Consent Agenda as submitted.
Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:35:47

E-1) CONSIDER REQUEST FROM CITY OF ARROYO GRANDE FOR A LETTER FROM DISTRICT SUPPORTING CITY'S GROUNDWATER MODELING GRANT APPLICATION

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.

President Harrison announced that the Board will continue this item at the foot of the agenda.

The Board took a break from 10:05 to 10:15 a.m.

01:04:55

E-2) CONSIDER EXTENDING DEFERRAL OF SOLID WASTE RATE INCREASE

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 to Director Eby, the Board unanimously approved extending the deferral of solid waste rate increase for a year.
Vote 5-0.

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

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01:14:20

E-3) REVIEW SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE MEMBER QUALIFICATIONS AND APPLICATION

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.

The following member of the public spoke:

Robert McGill, NCSD customer, was in support of this committee and stated that it will be great for this community.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved the following:

- Posting the application form, by-laws, and qualifications on the District web-site, as amended.
- Sending a press release and advertising the application process in local newspapers.
- Continue gathering candidates for the nominating committee to consider.
- Setting the application deadline for the close of business August 3, 2012.
- All applications compiled will be delivered to the nominating committee after the August 3, 2012 deadline.

Item E-3 (Continued)

Vote 5-0.

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

02:05:52

E-4) APPOINT FOUR PERSONS TO NINE MEMBER NOMINATING COMMITTEE FOR THE SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

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.

The following member of the public spoke:

Robert McGill, NCSD customer, questioned if the committee will conduct interviews.

Director Winn answered Mr. McGill's question.

The Board eliminated Jacqueline Fredrick, Dan Woodson, and Ian Wallace, but added Mike Winn and Dan Hall to the list of potential Nomination Committee appointees presented in the Board packet.

Michael LeBrun, General Manager, handed the ballots to the Board. President Harrison instructed the Board to pick the top six people they would like to nominate by assigning numbers one through six, with six being the top nominee.

Mr. LeBrun and Mr. Seitz tabulated the votes. Mr. LeBrun announced the results as follows:

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Mike Winn, Bob McGill, Dan Hall, and Michael LeBrun, will be the four appointees to the Nomination Committee for Supplemental Water. (See Attachment "A")

Mr. LeBrun handed out new ballots for the alternate position.

Mr. LeBrun and Mr. Seitz tabulated the votes. Mr. LeBrun announced the results as follows:

Dan Gaddis, Ken Shamordola, and Stan Liechty all tied. (See Attachment "B")

The Board took a break from 12:00 to 12:05 p.m.

Mr. LeBrun handed out new ballots for the alternate position.

Mr. LeBrun and Mr. Seitz tabulated the votes. Mr. LeBrun announced the results as follows:

Dan Gaddis and Ken Shamordola tied again. (See Attachment "C")

Mr. LeBrun took a hand vote for the alternate position between Dan Gaddis and Ken Shamordola.

Item E-4 (Continued)

Directors Gaddis, Eby, and Vierheilig voted for Dan Gaddis.

Directors Harrison and Winn voted for Ken Shamordola.

Mr. LeBrun announced that the alternate will be Dan Gaddis.

President Harrison announced that Bob McGill will be the Interim Chair for the Nomination Committee, which will choose its permanent Chair in its first meeting.

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 RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
4. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

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.

02:41:42 L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

Jon Seitz, District Legal Counsel, announced that the Board discussed items 1, 2, and 3, listed above for closed session but took no reportable action. For Item 4 listed above for closed session, The Board, on a 5-0 vote issued the following statement:

“During the past six months, Mr. LeBrun has consistently met or exceeded all of the Boards expectations for the position of the General Manager.”

02:42:02 E-5) REVIEW DISTRICT EMERGENCY WATER SHORTAGE REGULATIONS

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.

The Board directed staff to agendize this item again after the Water Conservation Committee has met.

03:11:11 E-6) REVIEW DISTRICT POLICY ON WATER SALES OUTSIDE OF THE DISTRICT BOUNDARY

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.

The Board directed staff to do the following:

- Review the status of Resolution 419, if it remains active, then agendize it for discussion and review.
- Review outside users rate charges.

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E-7) REVIEW STATUS OF PROPOSED JIM O MILLER PARK AND COUNTY PARK AND RIDE

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.

The Board received the report and took no action.

Item E-1 (Continued)

Jon Seitz, District Legal Counsel, answered questions from the Board.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board approved the draft letter of support for the City of Arroyo Grande, as amended.
Vote 4-1.

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

03:51:52

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.

G. COMMITTEE REPORT
MINUTES OF JUNE 25, 2012 WATER RESOURCES POLICY COMMITTEE

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

04:02:35

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

◇ Commented on appraisals previously commissioned by the District.

ADJOURN

President Harrison adjourned the meeting at 2:30 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.30
Closed Session	1.00
TOTAL HOURS	5.30

ATTACHMENT "A"

7/11/12 Nomination Committee Appointee Ballot

Jim

Person	"X" to vote
Bob McGill	6
Dan Gaddis	
Dan Hall	4
Dieter Thiel	1
Ken Shamordola	3
Michael LeBrun	
Mike Winn	5
Stan Liechty	2

7/11/12 Nomination Committee Appointee Ballot

Carvy

Person	"X" to vote
Bob McGill	6
Dan Gaddis	4
Dan Hall	5
Dieter Thiel	5
Ken Shamordola	3
Michael LeBrun	
Mike Winn	2
Stan Liechty	

ATTACHMENT "A"

Mike

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote
Bob McGill	5
Dan Gaddis	
Dan Hall	1
Dieter Thiel	4
Ken Shamordola	2
Michael LeBrun	
Mike Winn	6
Stan Liechty	3

7/11/12 Nomination Committee Appointee Ballot

Ed Eby

Person	"X" to vote
Bob McGill	
Dan Gaddis	5
Dan Hall	3
Dieter Thiel	1
Ken Shamordola	2
Michael LeBrun	6
Mike Winn	4
Stan Liechty	

ATTACHMENT "A"

7/11/12 Nomination Committee Appointee Ballot

DAN

Person	"X" to vote
Bob McGill	4
Dan Gaddis	1
Dan Hall	3
Dieter Thiel	2
Ken Shamordola	
Michael LeBrun	6
Mike Winn	5
Stan Liechty	

ATTACHMENT "A"

Handwritten signature

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					Total
	EW	MD	JH			
Bob McGill	4	6	5	6		21
Dan Gaddis	1	4	5			10
Dan Hall	3	5	3	1	4	16
Dieter Thiel	2	1	1	4	1	9
Ken Shamordola		3	2	2	3	10
Michael LeBrun	6		6			12
Mike Winn	5	2	4	6	5	22
Stan Liechty				3	2	5

Primary

JS

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					Total
Bob McGill	4	6	5	5	6	21
Dan Gaddis	1	4	5			10
Dan Hall	3	5	3	1	4	16
Dieter Thiel	2	1	1	4	1	9
Ken Shamordola		3	2	2	3	10
Michael LeBrun	6		6			12
Mike Winn	5	2	4	6	5	22
Stan Liechty				3	2	5

ATTACHMENT "B"

7/11/12 Nomination Committee Appointee Ballot

Jim

Person	"X" to vote
Bob McGill	
Dan Gaddis	1
Dan Hall	
Dieter Thiel	2
Ken Shamordola	3
Michael LeBrun	
Mike Winn	
Stan Liechty	4

7/11/12 Nomination Committee Appointee Ballot

Leary

Person	"X" to vote
Bob McGill	✓
Dan Gaddis	4 ✓
Dan Hall	✓
Dieter Thiel	1
Ken Shamordola	3 ✓
Michael LeBrun	✓
Mike Winn	✓
Stan Liechty	2

ATTACHMENT "B"

7/11/12 Nomination Committee Appointee Ballot

Mike

Person	"X" to vote
Bob McGill	X X X X X
Dan Gaddis	
Dan Hall	
Dieter Thiel	2 X X
Ken Shamordola	3
Michael LeBrun	
Mike Winn	X X
Stan Liechty	4

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote
Bob McGill	
Dan Gaddis	4
Dan Hall	
Dieter Thiel	2
Ken Shamordola	3
Michael LeBrun	
Mike Winn	
Stan Liechty	1

Ed Eby

ATTACHMENT "B"

7/11/12 Nomination Committee Appointee Ballot

DAN

Person	"X" to vote
✓ Bob McGill	
Dan Gaddis ✓	4
✓ Dan Hall	
Dieter Thiel	3
Ken Shamordola ✓	1
✓ Michael LeBrun	
✓ Mike Winn	
Stan Liechty	2

ATTACHMENT "B"

ACTS

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					
Bob McGill						
Dan Gaddis	4	4		4	1	13
Dan Hall						
Dieter Thiel	3	1	2	2	2	10
Ken Shamordola	1	3	3	3	3	13
Michael LeBrun						
Mike Winn						
Stan Liechty	2	2	4	1	4	13

ACTS JS

7/11/12 Nomination Committee Appointee Ballot

Person	"X" to vote					
Bob McGill						
Dan Gaddis	4	4	4	1		13
Dan Hall						
Dieter Thiel	3	1	2	2	2	10
Ken Shamordola	1	3	3	3	3	13
Michael LeBrun						
Mike Winn						
Stan Liechty	2	2	4	1	4	13

ATTACHMENT "C"

JIM

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote
Dan Gaddis	1
Ken Shamordola	2
Stan Liechty	3

7/11/12 Nomination Committee Appointee Alternates Ballot

LARRY

Person	"X" to vote
Dan Gaddis	3
Ken Shamordola	2
Stan Liechty	(

ATTACHMENT "C"

Mike

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote
Dan Gaddis	
Ken Shamordola	3
Stan Liechty	2

7/11/12 Nomination Committee Appointee Alternates Ballot

Ed Eby

Person	"X" to vote
Dan Gaddis	3
Ken Shamordola	2
Stan Liechty	1

ATTACHMENT "C"

7/11/12 Nomination Committee Appointee Alternates Ballot

DAM

Person	"X" to vote
Dan Gaddis	3
Ken Shamordola	1
Stan Liechty	2

ATTACHMENT "C"

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote				
Dan Gaddis	3	3	3	1	
Ken Shamordola	3	2	1	2	2
Stan Liechty	2	1	2	1	3

10

10

9

3

Hand
Vote

DG, EE, LV
MW, abstain
Shamordola

7/11/12 Nomination Committee Appointee Alternates Ballot

Person	"X" to vote				
Dan Gaddis	0	3	3	3	1
Ken Shamordola	3	2	1	2	2
Stan Liechty	2	1	2	1	3

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