

# NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, September 5, 2012

1:30 P.M.

## **SPECIAL MEETING MINUTES** **SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE**

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### **APPOINTED COMMITTEE MEMBERS**

MICHAEL K. NUNLEY, CHAIRMAN (NON-VOTING)  
PETER V. SEVCIK, VICE CHAIRMAN (NON-VOTING)  
CRAIG ARMSTRONG (VOTING)  
DAN GARSON (VOTING)  
DENNIS GRAUE (VOTING)  
KATHIE MATSUYAMA (VOTING)  
ROBERT MILLER (VOTING)  
DAVE WATSON (VOTING)  
DAN WOODSON (VOTING)

### **PRINCIPAL STAFF**

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASST GM/FINANCE DIRECTOR

### **MEETING LOCATION - District Board Room** **148 S. Wilson Street, Nipomo, California**

#### **1. CALL TO ORDER, FLAG SALUTE AND ROLL CALL**

Chairman Nunley called the Special Meeting of September 5, 2012, to order at 1:30 p.m. and led the flag salute. At roll call, all committee members were present except member Matsuyama who joined the meeting during the discussion of Item 2.

#### **2. REVIEW COMMITTEE PURPOSE, GOALS, AND PROCESS**

Chairman Nunley introduced the item and gave an overview of the purpose, goals, and process as described in the Bylaws. There was no public comment.

Member Watson asked Vice Chair Sevcik to describe the "TBD AFY Phased Pipeline" identified in the Committee Bylaws as one of the projects to be evaluated. Mr. Sevcik stated that it was a modification of the Supplemental Water Project that would deliver a lower initial flow during the first project phase and allow less initial investment.

Member Graue asked the District to review Committee members' protection against liability. General Manager LeBrun said he would talk to District Counsel and respond to the Committee.

#### **3. INTRODUCTIONS BY COMMITTEE MEMBERS**

All committee members gave a brief introduction of themselves and described their backgrounds. There was no public comment.

#### **4. PRESENTATION OF COMMITTEE BYLAWS**

Chairman Nunley provided an overview of the Committee Bylaws, and particularly those sections not addressed in Item 2 above.

Member Miller asked if ranking and discussion of all alternatives by subcommittees or working groups would be brought back to the full Committee. Chairman Nunley said it would.

**5. PRESENTATION OF BROWN ACT AND DISCUSSION OF COMMUNICATION PROTOCOL FOR COMMITTEE MEMBERS**

General Manager LeBrun provided an overview of the Brown Act and discussed the communication protocol to be followed by Committee members. Working subcommittees will be established with no more than 3 members so that a majority (4 of 7) Committee members is not meeting without public notification and involvement. No emails or written correspondence should be directed from Committee members to all the other Committee members. However, emails or written correspondence can be directed to the non-voting Committee members. Mr. LeBrun advised Committee members to include SWAEC in the subject line of their emails to protect their other personal emails against possible public records requests in the future.

Member Watson asked if any special disclosures or filings would be required by Committee members. Mr. LeBrun stated he would ask District Counsel.

Public Comment:

Ed Eby, Nipomo CSD Board of Directors, asked the General Manager to look into any punitive issues if Committee members inadvertently violate the Brown Act.

Bill Kengel, Nipomo resident, said he had applied to the Committee and asked to stay in touch with the Committee. He asked if talking to each Committee member would violate the Brown Act. Mr. LeBrun responded that it would not violate the Brown Act.

**6. PRESENTATION OF THE HISTORY OF NIPOMO CSD SUPPLEMENTAL WATER PROJECTS**

Chairman Nunley presented a brief overview of prior Nipomo CSD supplemental water studies and major project milestones. Members discussed the range and type of alternatives that could be brought back to the Committee for consideration. Member Garson asked if the committee will select the alternatives to be evaluated, and whether projects such as reuse of petroleum refinery water could be reconsidered even though they had been previously evaluated. Chairman Nunley noted they could all be reconsidered. Member Matsuyama asked if new alternatives, beyond those previously reviewed, could be evaluated and Chairman Nunley answered they could. Member Matsuyama also requested clarification as to whether the Committee will be bringing back alternatives in addition to those in the Bylaws and the Chairman responded that they would.

Public Comment:

Bill Kengel, Nipomo resident, said he had an alternative that had not been considered previously. He asked how to incorporate them. Chairman Nunley asked Mr. Kengel to provide his information and the Chairman would determine how to get it to the Committee. (Following the meeting, the General Manager directed Mr. Kengel to bring the information to the next Committee meeting.)

Margaret Lange, Nipomo resident, asked if all previously-reviewed alternatives (including those that had not been considered preferred alternatives) are on the table. Chairman Nunley responded that they were.

**7. DISCUSSION OF ASSIGNMENTS FOR NEXT MEETING**

The Committee discussed the assignment for next meeting: Each member would develop a list of alternatives to be evaluated by the Committee. An initial limit of 4 alternatives was presented in the Staff Report for this Item.

Various members discussed a preference to expand the list of alternatives beyond 4 per member. Member Miller asked how alternatives would be analyzed if they had not been

considered before and original analytical work would be required. Chairman Nunley responded that it would depend on the alternative and what original work would be required to properly analyze it. General Manager LeBrun referred the Committee back to the Bylaws for guiding the analytical approach, and stated that many alternatives had been reviewed in the past and significant information is available for many alternatives.

Member Graue asked how to bring back reference documents to the Committee for use in the evaluation, other than those listed in the Bylaws. Chairman Nunley suggested the members bring the documents to the meetings for review and discussion by the Committee prior to incorporating them as approved reference materials. Chairman Nunley noted that any documents could be used for identifying alternatives – not just the documents identified in the Bylaws. The documents referenced in the Bylaws can be considered reliable information sources for performing the actual evaluation.

Member Woodson asked about grant issues associated with the current project. General Manager LeBrun noted the District had received a \$2.3M grant from the Proposition 84 Integrated Regional Water Management Plan program for the Supplemental Water Project, and the District was working with the County to determine impact of project changes on the ability of the District to use that grant. The Committee will not be responsible for considering the grant funding or timeline in their analysis.

Member Watson asked if resource documents for the phased Supplemental Water Project and the technical reports for the Nipomo Mesa Management Area, Santa Maria Valley technical group, and Northern Cities Management Area could be provided. General Manager LeBrun stated that access would be provided through the District's website.

Member Watson suggested that the list of alternatives not be limited, and noted that he would like the Committee to look at relationships in the groundwater basin among the Five Cities, Nipomo, and Santa Maria. The Committee discussed expanding the list of alternatives beyond 4 per member and inviting the public to bring alternatives as well.

Public Comment:

Tom Rinn, Arroyo Grande area resident, asked if target dates had been established for completing the analysis. Chairman Nunley said they had not, and timing would depend on the number of alternatives and type of alternatives, but the Committee would move as quickly as possible.

Bill Kengel, Nipomo resident, asked how the working subcommittees would be formed to perform the analysis so the different disciplines would work together (financial, engineering, environmental, etc.) Chairman Nunley stated that it was the intention of the Board of Directors that the Committee would have balanced teams reviewing each alternative – all disciplines should be represented in these working groups to the extent possible.

Greg Nester, Nipomo resident, suggested the Committee and Board of Directors look at different methods to finance the project. He noted that he serves on the San Luis Obispo County Water Resources Advisory Committee and that many agencies are competing for the County's share of the Proposition 84 grant money, including Nipomo's grant for the Supplemental Water Project. In his opinion, the grant money could be unavailable by next month.

Margaret Lange, Nipomo resident, asked if it would be possible to combine alternatives to create projects. Chairman Nunley replied that any projects that meet the goals and constraints could qualify even if there are multiple components.

The Committee voted to direct the Committee members to review prior supplemental water studies, the Northern Cities Management Area technical reports, Santa Maria Valley technical reports, and phased Supplemental Water Project report; and develop a list of supplemental water alternatives for discussion at the next Committee meeting, prior to establishing the list of alternatives to be evaluated by the Committee.

**8. SET NEXT COMMITTEE MEETING**

The Committee tentatively set Monday September 24, 1:30 PM, as next meeting.

**9. ADJOURN**

Chairman Nunley adjourned the meeting at 3:13 PM.