

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JANUARY 23, 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 23, 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, Directors Armstrong, Gaddis, Vierheilig, and Harrison were present. Director Blair was not present due to a scheduled absence.

The following member of the public spoke:

Paula Goodwin, NCS D property owner, was in opposition of the water moratorium and would like the Board to consider lifting the water moratorium.

00:05:42

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) RECOGNITION OF STAFF FOR DEDICATED SERVICE

Present resolution commending Assistant General Manager/Finance Director for twenty-years of dedicated and exceptional service to the District.

President Harrison presented Assistant General Manager/Finance Director Lisa Souza Bognuda with a Resolution commending her for her 20 years of service with the District.

Michael LeBrun, General Manager, commended Ms. Bognuda for her 20 years of service with the District.

C-2) SHERIFF COMMANDER JAMES TAYLOR

Update Report re: South County Law Enforcement and Department News.

Sargent Anthony Perry in place of Sheriff Commander James Taylor gave an update of the law enforcement activities in South County. Sargent Perry answered questions from the Board.

C-3) CAL FIRE BATTALION CHIEF JAMES TULLY

Update Report re: South County Cal Fire Activity and Department News.

CALFIRE Firefighter John Byrne in place of Battalion Chief James Tully gave an activity report for December 2012 (See Exhibit "A"). Firefighter Byrne answered questions from the Board. The Board thanked Firefighter Byrne for his report.

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- 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

- ◇ January 28, South County Advisory Council will meet at NCSD at 6:30 p.m.

Director Vierheilig

- ◇ January 25, Supplemental Water Alternatives Evaluation Committee Meeting at 9:30 a.m. at NCSD.
- ◇ January 31, Personnel Committee Meeting at 10:00 a.m. at NCSD.
- ◇ January 31, Finance and Audit Committee Meeting at 3:00 p.m. at NCSD.
- ◇ February 6, Water Resources Advisory Committee will meet at 1:30 p.m.

Director Harrison

- ◇ January 14, Attended the Supplemental Water Alternatives Evaluation Committee Meeting.
- ◇ January 17, Attended the Chamber of Commerce Annual Installation Dinner.
- ◇ January 24, The Fire Safe Council will meet. They will appoint a new President and finalize how to distribute \$200,000 in grant money for 2013.

00:24:30

- 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 4-0.*

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

00:25:21

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE JANUARY 9, 2013 REGULAR BOARD MEETING MINUTES
- D-3) RECEIVE QUARTERLY INVESTMENT REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Lisa Bognuda, Finance Director, and Mr. LeBrun answered questions from the Board.

Item D (Continued)

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the Consent Agenda as submitted.
 Vote 4-0.*

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

E. ADMINISTRATIVE ITEMS

00:29:52

E-1) AWARD BLACKLAKE WASTEWATER RECLAMATION FACILITY MASTER PLAN DEVELOPMENT CONTRACT

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 Armstrong and seconded by Director Vierheilig, the Board unanimously authorized staff to issue a Task Order to Michael K. Nunley & Associates for a not to exceed amount of \$59,040 for preparation of the Blacklake Sewer Master Plan and update of the Blacklake Wastewater Reclamation Facility Operation and Maintenance Manual.
 Vote 4-0.*

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

00:47:34

E-2) CONSIDER SCOPE AND BUDGET AMENDMENT FOR SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE CHAIRMAN CONTRACT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Michael Nunley, Michael K. Nunley & Associates, and Mr. LeBrun answered questions from the Board.

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved scope and budget amendment in the amount of \$14,120 for Supplemental Water Alternatives Evaluation Committee Chairman services with Michael K. Nunley & Associates increasing contract not exceed value to \$39,120 and direct staff to issue a Task Order.
 Vote 4-0.*

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

00:58:11

E-3) CONDUCT ANNUAL REVIEW OF DISTRICT INVESTMENT POLICY

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 Vierheilig and seconded by Director Armstrong, the Board unanimously adopted Resolution 2013-1287, 2013 Investment Policy, Vote 4-0.

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

RESOLUTION NO. 2013-1287

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE YEAR 2013 DISTRICT INVESTMENT POLICY

The Board took a break from 10:00 to 10:10 a.m.

01:00:35

E-4) CONSIDER REQUEST BY VALERIE WILLIAMS TO RECIND DISTRICT POLICY WHICH SUSPENDS PROCESSING OF APPLICATIONS FOR NEW WATER SERVICE

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

The following members of the public spoke:

Valerie Williams, NCS D property owner, questioned the water severity level and

Ed Eby, former Director and NCS D customer, commented on the reason NCS D implemented the water moratorium, variances, and water code section 355.

Upon the motion of Director Gaddis and seconded by Director Vierheilig, the Board denied the request and directed staff to bring the item back to the Board in April. Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Vierheilig, and Armstrong	Director Harrison	Director Blair

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01:27:16

E-5) CONSIDER REQUEST BY OLDE TOWNE NIPOMO ASSOCIATION REGARDING JIM MILLER PARK

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

The following members of the public spoke:

Kathy Kubiak, Olde Towne Nipomo Association President, read a portion of a letter from Supervisor Teixeira and requested the Board issue a will-serve letter so the Jim O. Miller Park can move forward with development.

Jim Tefft, NCSD customer, spoke in support of the Jim O. Miller Park and requested the Board issue a will-serve letter so the project can move forward.

Clyde Cruise, NCSD customer, spoke in support of the Jim O. Miller Park.

Patrick Sturm, NCSD customer, read aloud his support letter for Jim O. Miller Park (See Exhibit "B").

Teresa Crandall, Nipomo resident, stated that the Board should be consistent, if Ms. Williams request was denied, then so should Jim O. Miller Parks request.

Peg Miller, NCSD customer, spoke in support of the Jim O. Miller Park and asked the Board to look into another avenue for issuing Jim O. Miller Park a will-serve letter.

Greg Larson, NCSD customer, spoke in support of the Jim O. Miller Park and asked the Board to look into public verses private developers.

Rudy Stowell, NCSD customer, Nipomo Chamber of Commerce President, spoke in support of the Jim O. Miller Park.

Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board denied the request and directed staff to bring the item back to the Board in April. Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Armstrong, and Vierheilig	Director Harrison	Director Blair

01:51:52

E-6) APPROVE DEVELOPMENT AGREEMENT WITH OWNERS OF MARIA VISTA ESTATES DEVELOPMENT

Mike Seitz, Deputy District Legal Counsel, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Mr. Seitz 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 Maria Vista Estates Development Agreement, as amended. Vote 4-0.

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

02:06:05

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.

02:18:20

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Harrison

- ◇ *Confirmed that staff will put Jim O. Miller Park on the April Agenda.*
- ◇ *Confirmed the next Agenda setting meeting with General Manager and Vice President.*

02:20:07

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (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/NCSO (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; NCSO VS. COUNTY SLO, ET AL. (CASE #CV090010)

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:30 a.m.

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

The Board came back into Open Session at 12:18 p.m.

Mike Seitz, Deputy District Legal Counsel, announced that the Board heard a report from the General Manager and Legal Counsel for Item 1, listed above for Closed Session but took no reportable action.

The Board heard an update from Legal Counsel for Items 2 and 3, listed above for Closed Session but took no reportable action.

The Board heard an update from Legal Counsel and provided direction for staff for Item 4, listed above for Closed Session but there was no reportable action.

ADJOURN

President Harrison adjourned the meeting at 12:20 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	2.30
Closed Session	.50
TOTAL HOURS	3.20

JANUARY 23, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"



CAL FIRE
San Luis Obispo
County Fire Department

635 N. Santa Rosa • San Luis Obispo, CA 93405
 Phone: 805-543-4244 • Fax: 805-543-4248
www.calfireslo.org



Robert Lewin, Fire Chief

December, 2012 Activity Report for Nipomo

Emergency Responses:

Nipomo Station 20: December Total Calls 105

- 2 Fires
- 59 Medical
- 10 Vehicle Accidents
- 34 Other

Nipomo Station 20, 2012 Total Calls 1,225.....(2011= 1216 Total calls)

- 75 Fires
- 703 Medical
- 146 Vehicle Accidents
- 301 Other

2013 Year to Date 68

Mesa Station 22: December Total Calls 74

- 3 Fire
- 42 Medical
- 6 Vehicle Accidents
- 23 Other

Mesa Station 22, 2012 Total Calls 797.....(2011= 802 Total calls)

- 19 Fires
- 423 Medical
- 74 Vehicle Accidents
- 516 Other

2013 Year to Date 55

2012 Combined total for Station 20 and 22 is 2,022.....(2011 combined total= 2018)

Staffing: Chief Bill Fisher has retired (30+ years of service)

Chief James Tully has been appointed as Chief for Battalion Two

- "Operation Santa Clause" ,(Toy collection for children under the care of Child Protective Services) teamed up with the Sand Luis Obispo Food Bank this season with successful results. All CALFIRE San Luis Obispo Fire Stations were able to make the program a major success

- Fund raiser by John Byrne for his sister Lauren Byrne enabled the purchase of a Honda Pilot. The vehicle was given to Lauren on Christmas Morning at Station 20

- Chipping Flyers for 2013 will be coming out in the next two months

- 5 Christmas trees were donated to the fire station and given out in December.

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EXHIBIT "B"

Jan 22, 2013

Patrick M. Sturm

Commander, Nipomo Veterans of Foreign Wars Post 10978

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Nipomo, California 93444

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Nipomo Community Services District

PO Box 326

Nipomo, CA 93444

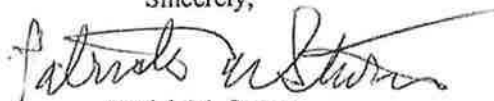
Dear Board Members

As a resident of Nipomo and the Commander of the Nipomo Veterans of Foreign Wars Post 10978, I respectfully request that the NCS D Board support the "letter of intent" to serve water to Jim O. Miller Park at no cost. As you probably already know, there will be a Veterans Memorial built in the park. Thus, your support of this proposal will allow our residents greater opportunity to enjoy the outdoors as well as serve as a reminder of the enduring sacrifices made by veterans.

In preparation to write this letter I searched the internet for the names of Nipomo area service members who died serving our country. To my dismay I was not able to find the names of these courageous individuals. Therefore, it will be a privilege and an obligation to etch their hallowed names into the Veterans Memorial at Jim O. Miller Park, so that it will serve as a permanent teaching tool to our school children and all other residents. There may be some who would argue that a Veterans Memorial would glorify war and violence; however the opposite is true. The Veterans Memorial will serve as a reminder to our community that we should attempt to resolve all disputes peacefully and only resort to war as a last resort. The inscription of the names of those who valiantly surrendered their lives so that we may continue to be a free nation will serve as a reminder of the incalculable price that was paid to guarantee our freedom. Additionally the acknowledgement of the sacrificial contributions made by all veterans will further promote service to our beloved country.

Therefore in closing, the membership of the Nipomo Veterans of Foreign Wars commends your diligent efforts to develop Jim O. Miller Park. ~~And as you well know, the park will be a more viable presence in our community if it is served water at no cost.~~ Thank you very much for your support of this measure.

Sincerely,



Patrick M. Sturm