

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES OF THE BOARD OF DIRECTORS

AND

## MINUTES OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

JULY 25, 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.

00:00:40

#### A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the Regular Meeting of July 25, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:59

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

At Roll Call, Directors Gaddis, Eby, Winn, Vierheilg, and Harrison were present.

There was no public comment.

00:01:01

#### C. PRESENTATIONS AND REPORTS

##### C-1) SHERIFF COMMANDER JAMES TAYLOR

Update Report re: South County Law Enforcement and Department News

Sheriff Commander Taylor was unable to attend this meeting.

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

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

Captain Allen Patchett gave an update in place of Battalion Chief Bill Fisher and gave an update activity report for June 2012. Captain Patchett answered questions from the Board. The Board thanked Captain Patchett for his report.

##### C-3) NCSD UTILITIES SUPERINTENDENT TINA GRIETENS

Update Report re: Recent Activities

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. The Board thanked Ms. Grietens for her report.

*President Harrison re-opened public comment.*

The following member of the public spoke:

Phil Henry, NCSD customer, requested relief on his water bill due to having a leak.

Directors Winn, Eby, and Harrison commented on Mr. Henry's request.

Michael LeBrun, General Manager, answered questions from the Board.

00:42:58 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

- July 23, 2012 – SCAC met and announced that the nursery on Viva Way will be holding an open house on Saturday, July 28, 2012 from 3:00 to 5:00 p.m.
- July 26, 2012 – Nipomo Chamber of Commerce will hold a luncheon at Tahlia's Cucina.

Director Vierheilig

- Commented on Calpers' benefit fund and parts of the Brown Act being suspended.

Director Eby

- July 27, 2012 – NMMA TG will meet at 10:00 a.m. for stipulating parties only.
- July 27, 2012 – NCSD will hold its groundbreaking at 3:00 p.m. at the Southland yard.
- July 28, 2012 – Heritage Days at the Dana Adobe from 10 a.m. to 4:00 p.m.
- September 24-27 – CSDA Annual Conference will be held in San Diego.

Director Winn

- July 20, 2012 – SLO Chapter of CSDA met.
- July 24, 2012 – SLO Board of Supervisors met and discussed the DWR funding for the pipeline, what they affirmed is the County's "Plan A." Alternatives will be considered if NCSD cannot proceed.
- July 26, 2012 – The Planning Commission will discuss and possibly adopt the Draft Ordinance in response to the Resources Capacity Study for the Paso Robles Basin.
- August 7, 2012 – SLO Board of Supervisors will meet and discuss approving the Dana Adobe Land Use Ordinance.

Director Harrison

- July 26, 2012 – The Fire Safe Council will meet.
- July 27, 2012 – NMMA TG will meet at 10:00 a.m. Directors Eby and Harrison will attend.

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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 Harrison, the Board unanimously approved to receive and file the presentations and reports.  
Vote 5-0.

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

01:01:19

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE REGULAR BOARD MEETING MINUTES:  
JUNE 27, 2012  
JULY 11, 2012
- D-3) CONSIDER AUTHORIZE PURCHASE OF EASEMENT ON APN 090-291-041 JAUREQUI ET AL., IN AMOUNT OF \$13,200
- D-4) ACCEPT SECOND QUARTER INVESTMENT REPORT
- D-5) CONSIDER CONTRACT SALARY INCREASE FOR GENERAL MANAGER
- D-6) CONSIDER OFFER OF EASEMENT DEDICATION, TRACT 2734 DEBLAUW

Staff pulled Item D-6.

At the request of Director Gaddis, President Harrison pulled Item D-4.

Michael LeBrun, General Manager, answered questions from the Board.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Eby, the Board unanimously approved Items D-1, D-2, D-3, and D-4, as submitted.  
Vote 5-0.

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

Item D-5

The Board discussed this item.

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Item D-5 (Continued)

The following member of the public spoke:

Rod Everling, NCSD customer, questioned if the Board would accept the General Manager voluntarily taking a 1.5% raise.

Director Harrison answered Mr. Everling's question.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved setting the General Manger's salary, as of July 12, 2012, at \$142,783, per his existing contract.

Vote 5-0.

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

*The Board took a break from 10:25 to 10:35 a.m.*

Item D-6

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilg, the Board unanimously approved to remove Item D-6 from the Agenda.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

E-1) RECEIVE SUPPLEMENTAL WATER PROJECT PHASING TECHNICAL FEASIBILITY STUDY

Peter Sevcik, District Engineer, reviewed the report as presented in the Board packet. Eileen Shields, AECOM Project Manager, reviewed the Draft Technical Memorandum. Ms. Shields and Mr. Sevcik answered questions from the Board.

There was no public comment.

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01:26:31

Item E-1 (Continued)

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

- Declared that the Phased project is feasible, with no fatal flaws.
- Continue detailed design and work leading to the identification of the Phase funding sources.
- Notify County Public Works of the District's intent to proceed.
- Proceed with option "B" (Max future capacity for Levee & River Crossings & pump station piping = 6,300 AFY.)
- Assure County Public Works that are no environmental issues to address.

Vote 5-0.

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

Upon the motion of Director Harrison and seconded by Director Eby, the Board unanimously directed staff to have AECOM do additional cost analysis of the project Phasing.

Vote 5-0.

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

02:17:03

E-2) **CONSIDER ADDENDUM TO SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE BYLAWS**

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 Eby and seconded by Director Winn, the Board unanimously adopt two amendments to the SWAEC By-Laws.

Vote 5-0.

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

02:19:45

E-3) STRATEGIC PLAN REVIEW

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.

The Board received the report and directed staff to bring the strategic plan review back to the Board in the middle of next year.

02:51:23

**ADJOURN TO PUBLIC FACILITIES CORPORATION**

ROLL CALL

At Roll Call, Directors Gaddis, Eby, Winn, Vierheilig, and Harrison were present.

A. NCS D PUBLIC FACILITIES CORPORATION ANNUAL MEETING

Approve Minutes

- JULY 27, 2011
- MAY 23, 2012

Michael LeBrun, General Manager, answered questions from the Board.

There was no public comment.

Upon the motion of Director Eby and seconded by Director Vierheilig, the Board unanimously approved the minutes of July 27, 2011, and May 23, 2012, NCS D Public Facilities Corporation.

Vote 5-0.

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

**ADJOURN TO NCS D REGULAR MEETING**

President Harrison adjourned the Public Facilities Corporation meeting and re-opened the regular meeting of the Nipomo Community Services District.

02:54:40

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCS D (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/NCS D (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)

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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 12:05 p.m.

02:55:14

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

The Board came back into Open Session at 12:35 p.m.

Mike Seitz, Deputy District Legal Counsel, announced that the Board discussed item 1 listed above for closed session, but took no reportable action. The Board discussed item 2 listed above in closed session and authorized retention of Dave Warren with a limited budget for the case.

02:56:05

F. 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

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

03:17:45

H. DIRECTOR'S REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- ◇ Commented on an ex parte conversation with Mr. Benham about the Dana Wells.

Director Eby

- ◇ Requested staff to look into NCSD's schedule in September, so that there will be no conflict with the CSDA Conference in San Diego.

Director Winn

- ◇ Commented on using the correct language when discussing District projects.
- ◇ Stated he will be out of State from August 12 through August 19.
- ◇ Requested staff to look into which portions of the Brown Act have been suspended.
- ◇ Commented on the book "The Big Thirst".
- ◇ Commented on automated meter reading in the future and lessons learned.

Director Harrison

- ◇ Commented on carefully choosing the correct words when discussing the Phased project.

ADJOURN

President Harrison adjourned the meeting at 1:15 p.m.

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MEETING SUMMARY	HOURS
Regular Meeting	3.30
Closed Session	.30
TOTAL HOURS	4.00