

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**AUGUST 8, 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 August 8, 2012, to order at 9:00 a.m. and led the flag salute.

00:01:30 B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

At Roll Call, all Board members were present.

Robert Lorange, Consultant to BenIng Company, LLC, handed out copies of a letter to the Board of Directors and requested that matter be placed on a future agenda.

Deputy District Legal Counsel, Mike Seitz, advised Mr. Lorange of the Summary Judgment in the 2009 case filed by Maria Vista against NCSD and provided him with copies of the California Code of Civil Procedures section 128.5.

00:07:47 President Harrison announced that Closed Session would be heard next and Regular Session would resume at 10:30 a.m. There was no public comment.

### CLOSED SESSION ANNOUNCEMENTS

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).

Open Session reconvened at 10:30 a.m.

Deputy District Legal Counsel, Mike Seitz, announced that the Board discussed the above item but took no reportable action.

There was no public comment.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON JULY 25, 2012 REGULAR MEETING CLOSED SESSION  
Announcement of Actions, if any, taken in Closed Session

Deputy District Legal Counsel, Mike Seitz, announced the Board discussed the two items listed on Closed Session but took no reportable action.

Sergeant Perry arrived and gave an update on the Sheriff Department's activity in Nipomo.

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- C-2) NCSD DISTRICT ENGINEER PETER SEVCIK  
Update Report re: Recent Activities

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

- C-3) 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

- ◇ August 27 - SCAC Meeting at 6:30 p.m.

Director Vierheilig

- ◇ August 8– Nipomo Chamber Mixer at Dana Adobe from 5:00 – 7:00 p.m.
- ◇ August 9 – Dedication for Technical High School from 12:00 - 2:00 p.m.
- ◇ August 15 – CSDA Webinar on Emergency Preparedness from 10:00 a.m. – 12:00 p.m.

Director Eby

- ◇ August 10 – Nomination Committee will meet at 8:00 a.m.
- ◇ August 16 – LAFCO Meeting at 9:00 a.m.
- ◇ September 24-27 – CSDA Annual Conference in San Diego. He will tour a desal facility.

Director Winn

- ◇ July 26 – Planning Commission recommended Land Use Ordinance for the Paso Robles Groundwater Basin to Board of Supervisors.
- ◇ August 7 – Board of Supervisors considered DANA Adobe Land Use Ordinance. DANA withdrew their application for an LUO until after an EIR is conducted.
- ◇ No WRAC meeting in August.
- ◇ August 9 – Subcommittee of WRAC will review Plan “B” projects.
- ◇ September 5 – WRAC will meet.

Director Harrison

- ◇ Fire Safe Council met and received grant money. \$90K has been allocated for the 2013 Chipping Events throughout the County.
- ◇ Attended a Hospice Fundraiser and helped BBQ.
- ◇ Met with a member of the Olde Towne Association regarding the Jim Miller Park.

- C-4) 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

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00:36:59

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE JULY 25, 2012 REGULAR BOARD MEETING MINUTES

Director Winn made one correction to the minutes.

There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:39:36

E-1) CONSIDER STAFF RECOMMENDATION FOR SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE CHAIRPERSON [RECOMMEND CONSIDER STAFF RECOMMENDATION AND, IF WARRANTED, DIRECT STAFF TO INITIATE A CONTRACT WITH MKN & ASSOCIATES ENGINEERING]

Michael LeBrun, General Manager, presented his report and recommended the Board of Directors initiate a contract (not-to-exceed \$25,000) with MKN & Associates to serve as Chairperson of the Supplemental Water Alternatives Evaluation Committee. The Chairperson will not be a voting member of the Committee.

There was no public comment.

Upon motion of Director Eby and seconded by Director Gaddis, the Board unanimously approved initiating a contract with MKN & Associates. Vote 5-0.

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

00:55:42

E-2) UPDATE ON SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE SELECTION PROCESS [RECOMMEND CONSIDER INFORMATION AND PROVIDE DIRECTION REGARDING EVALUATION COMMITTEE MEMBER SELECTION]

Michael LeBrun, General Manager, presented an updated list that included the names of 16 applicants for the Supplemental Water Alternatives Evaluation Committee. The Nomination Committee met on July 31 and elected Bob McGill as Chairman and Ken Peterson as Vice-Chairman.

The following member of the public spoke:

Bob McGill, Nomination Committee Chairman, stated the applicants are excellent and it will be tough to make their selection and is open to discussion on how best to evaluate the applicants.

## Item E-2 (Continued)

Director Eby suggested that the Nomination Committee provide two choices and one alternate for each position.

01:09:28 E-3) UPDATE ON SUPPLEMENTAL WATER PROJECT (SANTA MARIA INTERTIE PIPELINE) PHASING STUDY [RECOMMEND CONSIDER INFORMATION AND DIRECT STAFF]

Michael LeBrun, General Manager, presented an update on the phasing study. More information will be provided to the Board at the September 12, 2012 Regular Meeting.

The following member of the public spoke:

Sam Saltoun, Nipomo resident, stated he is comfortable with the parallel paths of proceeding with a phased project and the formation of Evaluation Committee; however, others may be somewhat confused.

01:30:20 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.

01:38:48 G. COMMITTEE REPORT  
MINUTES OF JULY 23, 2012 WATER RESOURCES POLICY COMMITTEE  
MINUTES OF JULY 31, 2012 NOMINATION COMMITTEE

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

01:40:00 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn would like the URL for the Santa Maria Groundwater litigation appeal briefs and their replies so he can read them online.

There was no public comment.

01:44:52 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)

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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 12:08 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 12:37 p.m.

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

ADJOURN

President Harrison adjourned the meeting at 12:38 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	1.50
Closed Session	2.00
TOTAL HOURS	3.50