

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

SEPTEMBER 12, 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

Vice President Vierheilig called the Regular Meeting of September 12, 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, Directors Gaddis, Eby, Winn, and Vierheilig were present. Director Harrison was not present due to a scheduled absence.

The following members of the public spoke:

Liz Lopez Byrnes, People's Self Help Housing Coordinator, requested a \$50.00 fee be waved for use of the District Board Room on Tuesday, September 18, 2012.

Director Eby agreed to open and close the District Board Room so the \$50.00 fee would be waved for People's Self Help Housing.

Robert Lorance, Consultant to Trincon, Inc., handed out a table of contents and addressed the Board.

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

Commander Taylor answered questions from the Board.

Director Eby clarified that he asked the previous speaker (Robert Lorance) for details of a contract and not documents.

Robert Lorance, Consultant to Trincon, Inc., addressed the Board.

Eric Benham, Trincon, Inc., addressed the Board and requested to be on a future Agenda.

00:18:14 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON AUGUST 8, 2012 REGULAR MEETING CLOSED SESSION
Announcement of Actions, if any, taken in Closed Session

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 NCSO VS COUNTY SLO) in closed session, but took no reportable action.

Item C-1 (Continued)

The Board discussed Item Three (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9, Whitlow/NCSD) in closed session, but took no reportable action.

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) NCSD UTILITIES SUPERINTENDENT TINA GRIETENS
Update Report re: Recent Activities (written report only)

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

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

- ◇ September 24, 2012 – SCAC will meet at 6:30 p.m. at NCSD.

Director Eby

- ◇ September 5, 2012 – Supplemental Water Alternatives Evaluation Committee Meeting met.
- ◇ September 20, 2012 – LAFCO will meet. At issue is the refusal of the City of Pismo Beach to honor its written agreement to indemnify and defend LAFCO from a lawsuit by the developer of Los Robles Del Mar. If funds are not paid by Pismo Beach, all LAFCO agencies will be invoiced for the balance.
- ◇ Director Eby will not attend the next Board meeting, due to the CSDA Conference in San Diego.

Director Winn

- ◇ September 5, 2012 – The WRAC met in San Luis Obispo. The next meeting will be on October 3, 2012.
- ◇ September 11, 2012 – Santa Maria Valley Groundwater Lawsuit, appeal hearing in San Jose. No decision was rendered at that time.
- ◇ September 18, 2012 – Cal Poly classes start.

Director Vierheilig

- ◇ September 12, 2012 – Nipomo Chamber of Commerce Mixer at Wells Fargo Bank open to the public from 5:30 – 7:00 p.m.

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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 Winn and seconded by Director Eby, the Board unanimously approved to receive and file the presentations and reports as submitted.

Vote 4-0.

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

00:41:35

D. CONSENT AGENDA

- D-1) WARRANTS

- D-2) APPROVE BOARD MEETING MINUTES:

- AUGUST 8, 2012 REGULAR MEETING
- AUGUST 14, 2012 SPECIAL MEETING

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 Vierheilig, the Board unanimously approved the Consent Agenda as amended.

Vote 4-0.

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

Item D-2

August 14, 2012, Special Meeting Minutes - Director Winn abstained since he did not attend the meeting.

E. ADMINISTRATIVE ITEMS

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00:47:51

- E-1) RECEIVE PRESENTATION FROM SAN LUIS OBISPO COUNTY STAFF REGARDING DRAFT UPDATE TO MEMORANDUM OF UNDERSTANDING ADDRESSES INTEGRATED REGIONAL WATER MANAGEMENT COORDINATION

Courtney Howard, San Luis Obispo County Public Works Department, gave an overview of the County's Integrated Regional Water Management Program. Ms. Howard answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Eby, the Board unanimously thanked staff for the presentation and directed staff to sign the Memorandum of Understanding.

Vote 4-0.

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

01:26:03

- E-2) CONSIDER AECOM CONTRACT AMENDMENT IN AMOUNT OF \$219,619 FOR SUPPLEMENTAL WATER PROJECT PHASE 1 FINAL DESIGN AND CONSIDER REVISED PROJECT SCHEDULE. REVIEW FUNDING SOURCES

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.

There was no public comment.

Director Eby stated that the phased pipeline project the District is proposing to proceed with does not increase property taxes like the Assessment District would have.

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved the contract amendment in the amount of \$89,976 with AECOM, bringing the total AECOM contract amount to \$219,619, and directed staff to open a discussion with the other water purveyors to get assistance with the funding.

Vote 4-0.

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

The Board took a break from 10:50 to 11:05 a.m.

The Board considered Item E-4 next.

01:49:15

- E-4) CONSIDER PROPOSAL BY NIPOMO CHAMBER OF COMMERCE AND OLDE TOWNE NIPOMO ASSOCIATION FOR CLEANUP AND MAINTENANCE OF NIPOMO COMMUNITY COMMON AREAS

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Rudy Stowell, Nipomo Chamber of Commerce President, and Jacqueline Frederick, Olde Towne Nipomo Association, provided a presentation. Mike Seitz, District Deputy Legal Counsel, Mr. LeBrun, Mr. Stowell, and Ms. Frederick answered questions from the Board. The Board thanked Mr. Stowell and Ms. Frederick for their presentation which also included some privately owned vacant lots.

There was no public comment.

The Board directed staff to put this item on the next agenda with more detailed information.

02:44:25

- E-3) RECEIVE UPDATE REGARDING SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

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 took no action.

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, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

Vice President Vierheilg adjourned to closed session at 12:15 p.m.

03:01:27

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

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

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed items 1 and 2 listed above for closed session but took no reportable action.

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03:01:45

E-5) CONSIDER CHANGES TO CONFLICT OF INTEREST CODE

Mike Seitz, Deputy District Legal Counsel, reviewed the report as presented in the Board packet. Mr. Seitz answered questions from the Board.

There was no public comment.

Upon the motion of Director Winn and seconded by Director Vierheilg, the Board unanimously adopted a revised conflict of interest code, Resolution 2012-1276. Vote 4-0.

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

RESOLUTION NO. 2012-1276

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A CONFLICT OF INTEREST CODE

03:09:03

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 was no public comment.

03:32:10

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis

- ◇ Requested staff to contact Chief Bill Fisher to attend the next regular Board meeting for information on weed abatement.

Director Winn

- ◇ Suggested that the County Fire Marshall, Battalion Commander Paul Lee, would be the CalFire person most involved with policy questions.

Director Vierheilg

- ◇ Requested staff to look into the solid waste rate deferrals.

ADJOURN

Vice President Vierheilg adjourned the meeting at 1:40 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	4.40
Closed Session	1.00
TOTAL HOURS	5.40