

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

SEPTEMBER 26, 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 September 26, 2012, to order at 9:00 a.m. and led the flag salute.

00:00:55 B. ROLL CALL AND PUBLIC COMMENT ON ITEMS NOT ON AGENDA

At Roll Call, Directors Gaddis, Winn, Vierheilig and Harrison were present. Director Eby was not present due to a scheduled absence.

The following members of the public spoke:

Valerie Williams, area developer, spoke in opposition of the water moratorium and requested the Board to reconsider water services.

Robert Lorance, Consultant to BenIng Company, LLC, handed out copies of a letter to the Board of Directors and addressed the Board.

Deputy District Legal Counsel, Mike Seitz, announced that he responded to the BenIng Company request from the previous Board meeting, via U.S. mail, yesterday. The BenIng Company faxes do not have a return fax number or email address on it, or the BenIng Company could have had the Districts response yesterday.

00:10:38 C. PRESENTATIONS AND PUBLIC COMMENT

C-1) CAL FIRE BATTALIONS CHIEF FISHER AND LEE

Presentation on weed abatement program status and options.

Chief Battalion Lee was not present. Chief Battalion Fisher gave an update activity report for August 2012. Chief Fisher explained Cal Fire's policies and procedures for weed abatement within Nipomo. Chief Fisher answered questions from the Board. The Board thanked Chief Fisher for his report.

C-2) NCSU UTILITIES SUPERINTENDENT TINA GRIETENS

Update Report re: Recent Activities

Tina Grietens, NCSU 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 received a letter from Special District Risk Management Authority acknowledging the dedicated efforts of the Nipomo Community Services District resulting in No Paid Workers' Compensation claims in 2011-2012. The Board expressed thanks and asked Ms. Grietens to extend that thanks to the entire crew.

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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 Winn

- ◇ September 21, 2012 – Toured the Paso Robles Groundwater Basin.
- ◇ September 25, 2012 – The Board of Supervisors met. Director Winn corrected a Planning Department comment that the District's pipeline project "had collapsed".
- ◇ October 3, 2012 – The WRAC will host a workshop on DWR grant applications from 10:00 a.m. to 12:00 p.m. At 1:30 p.m. will be the regular monthly meeting of the WRAC.
- ◇ October 3, 2012 – The SLO County Department of Planning and Building will host a workshop on "Complete Communities" at 6:30 p.m. at Trilogy.
- ◇ October 11, 2012 – A WRAC subcommittee will meet and evaluate the various applicants for the Round 2 Prop 84 Integrated Regional Water Management Program Grant.
- ◇ October 13, 2012 – OctoberFest at the Nipomo Community Park from 10:00 a.m. to 5:00 p.m.

Director Vierheilig

- ◇ September 26, 2012 - Central Coast Chapter of Alzheimer's Association will meet at the Nipomo Library at 1:00 p.m.
- ◇ September 27, 2012 - Nipomo Chamber Luncheon at Tahlia's Cucina at 11:45 a.m.
- ◇ October 2, 2012 - The Personnel Committee will meet at 9:00 a.m. and the Finance Committee will meet at 10:00 a.m. at NCSD.
- ◇ October 7, 2012 – The fall annual Nipomo Native Gardens plant sale from 9:00 a.m. to 3:00 p.m. at the Nipomo Native Gardens.

Director Gaddis

- ◇ October 3, 2012 – The SLO County Department of Planning and Building will host a workshop on "Complete Communities" at 6:30 p.m. at Trilogy.

Director Harrison

- ◇ September 27, 2012 - Fire Safe Council will meet at 9:00 a.m.

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 4-0.

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

01:16:49

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE SEPTEMBER 12, 2012 REGULAR BOARD MEETING MINUTES

Item D-1

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 motion of Director Vierheilig and seconded by Director Winn, the Board unanimously approved the warrants as submitted.

Vote 4-0.

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

Item D-2

Director Gaddis made one correction to the minutes.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved the September 12, 2012, Regular Board Meeting minutes, as amended.

Vote 3-0.

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

Director Harrison didn't vote due to not attending the meeting.

E. ADMINISTRATIVE ITEMS

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01:26:37

- E-1) CONSIDER PROPOSAL BY NIPOMO CHAMBER OF COMMERCE AND OLDE TOWNE NIPOMO ASSOCIATION FOR CLEANUP AND MAINTENANCE OF NIPOMO COMMUNITY COMMON AREAS

Rudy Stowell, Nipomo Chamber of Commerce President, gave an update of the proposal. Mike Seitz, Deputy District Legal Counsel, Michael LeBrun, General Manager, and Mr. Stowell answered questions from the Board.

There was no public comment.

Upon motion of Director Winn and seconded by Director Vierheilig, the Board unanimously approved forming an Ad Hoc Committee to discuss and refine the Chamber's proposal. President Harrison appointed himself as the Chairman and Director Winn as the member.

Vote 4-0.

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

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

01:50:23

- E-2) CONSIDER UPDATES AND CHANGES TO PERSONNEL POLICIES AND PROCEDURES TO REVISE THE JOB DESCRIPTION FOR UTILITY OPERATOR/WATER QUALITY TECHNICIAN, REVISE SALARY RANGE, AUTHORIZE STAFF TO ADVERTISE AND RECRUIT UTILITY OPERATOR

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 Gaddis and seconded by Director Vierheilig, the Board unanimously adopted Resolution 2012-1277, a revised Utility Operator job description and salary range, and authorized staff to recruit a Utility Operator.

Vote 4-0.

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

RESOLUTION NO. 2012-1277

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE DISTRICT PERSONNEL POLICY TO  
REVISED UTILITY OPERATOR JOB DESCRIPTION

02:03:42

- E-3) DISCUSS FINAL NIPOMO COMMUNITY PARK MASTER PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT.

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Sheriff Commander Jim Taylor and Mr. LeBrun answered questions from the Board.

There was no public comment. There was no action taken.

02:21:01

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.

02:38:45

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)
3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(b):  
 Anticipated litigation - 1 case

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 12:00 p.m.

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

The Board came back into Open Session at 12:20 p.m.

Mike Seitz, Deputy District Legal Counsel, announced that the Board discussed items 1, 2, and 3, listed above for Closed Session but took no reportable action.

G. COMMITTEE REPORT

- SEPTEMBER 5, 2012 SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE MEETING MINUTES
- SEPTEMBER 10, 2012 WATER RESOURCES POLICY COMMITTEE MEETING MINUTES
- SEPTEMBER 20, 2012 PERSONNEL COMMITTEE MEETING MINUTES

The reports were as presented. There was no public comment.

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H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Winn

- ◇ Requested staff brief County Planning Department on the status of the District's Supplemental Water effort.
- ◇ Requested staff to agendize a discussion of LAFCO Public Member seat on November 14, 2012, Regular Agenda.
- ◇ Requested staff suggest to Cal Fire limiting weed abatement Ordinance to areas within the unincorporated Urban and Village Reserve Lines which, represent less than 3% of County lands.

Director Harrison

- ◇ Requested staff support Chamber of Commerce in setting up a debate/forum for candidates seeking election to NCSD Board of Directors.

ADJOURN

President Harrison adjourned the meeting at 12:40 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	3.20
Closed Session	0.20
TOTAL HOURS	3.40