

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**FEBRUARY 26, 2014 AT 9:00 A.M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### **BOARD of DIRECTORS**

CRAIG ARMSTRONG, **PRESIDENT**  
JAMES HARRISON, **VICE PRESIDENT**  
LARRY VIERHEILIG, **DIRECTOR**  
DAN GADDIS, **DIRECTOR**  
BOB BLAIR, **DIRECTOR**

### **PRINCIPAL STAFF**

MICHAEL S. LEBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **FINANCE DIRECTOR**  
MICHAEL W. SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**  
NITA WINDSOR, **BOARD CLERK**

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

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

*President Armstrong called the Regular Meeting of February 26, 2014 to order at 9:00 a.m. and led the flag salute.*

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

*At Roll Call, all Directors were present.*

*There was no public comment.*

00:56

#### C. PRESENTATIONS AND REPORTS

##### C-1) DIRECTOR OF ENGINEERING AND OPERATIONS

RE: Summary of Activities

*Peter Sevcik, Director of Engineering and Operations, provided the Engineering and Operations update for January 2014. Mr. Sevcik also provided Monthly Progress Reports on both the Southland WWTF Improvements Phase 1 Project and the Supplemental Water Project Bid Package 4. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his reports.*

##### C-2) REPORT ON FEBRUARY 12, 2014 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in Closed Session

*Michael Seitz, District Legal Counsel, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item Two (Conference with Legal Counsel pursuant to Govt. Code §54956.9(a): existing litigation – 1 case: Mesa Community Alliance vs. District, Case No. CV 130222 in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item Three (Conference with Legal Counsel pursuant to Govt. Code §54956.9(d)(2)&(e)(1): Significant Exposure to Litigation- 1 case in closed session, but took no reportable action.*

**PRESENTATIONS AND REPORTS (CONTINUED)**

**ITEM C-2 (CONTINUED)**

*Mr. Seitz reported that the Board discussed Item Four (Conference with Legal Counsel – existing litigation (Paragraph (1) of subdivision (d) of Section 54956.9) NCS D v Troesh, et. al SLOCSC# CV130175 in closed session, but took no reportable action.*

**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

- ◇ *Attended the SCAC Meeting on February 24*

Director Harrison

- ◇ *Attended SCAC Subcommittee meeting on Planning Review on February 10*
- ◇ *Attended the SCAC Traffic and Circulation Committee Meeting on February 13*
- ◇ *Attended the NCS D Finance and Audit Committee Meeting on February 19*
- ◇ *Attended a meeting regarding Viva Farms on February 25*

Director Vierheilig

- ◇ *Will be attending the NCS D Finance and Audit Committee Meeting on March 6*
- ◇ *Will be attending the Santa Barbara International Orchid Show, to be held March 14, 15 and 16*

Director Blair

- ◇ *Took a Snow Train trip in Northern California and commented on the lack of snow*

Director Armstrong

- ◇ *Attended the San Luis Obispo County CSDA Dinner on February 21*

**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 Harrison, the Board unanimously voted to receive and file the presentations and reports as submitted.*

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Vierheilig, Harrison, Blair, Gaddis and Armstrong</i>	<i>None</i>	<i>None</i>

**0:47:19** D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE FEBRUARY 12, 2014 REGULAR BOARD MEETING MINUTES

*President Armstrong asked if any Directors had any comments on Consent Agenda. Director Harrison and Director Gaddis requested clarification on warrants.*

*There was no public comment.*

*Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda.  
 Vote 5-0.*

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

**0:56:41** E. ADMINISTRATIVE ITEMS

- E-1) DISCUSS ALLOWANCE OF NEW WATER SERVICE DURING DROUGHT CONDITIONS

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun and Michael Seitz, District Legal Counsel answered questions from the Board. Mr. LeBrun noted that he will be attending a meeting with the San Luis Obispo County Planning and Building Department on March 7 to discuss the water shortage.*

*The Board took a 10-minute break from 10:15 a.m. to 10:25 a.m.*

*There was no public comment.*

*The Board directed staff to follow the guidelines outlined in the staff report, with actual implementation of the guidelines being subject to board approval at the time each drought stage is reached.*

**2:18:13** 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.*

**2:25:57** G. COMMITTEE REPORTS

- a. FEBRUARY 5, 2014 WATER RESOURCES COMMITTEE MEETING MINUTES
- b. FEBRUARY 19, 2014 FINANCE AND AUDIT COMMITTEE MEETING MINUTES

*Director Vierheilig noted two minor corrections to the February 5, 2014 Water Resources Committee Meeting minutes.*

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

**2:31:45** H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Vierheilig posed a question regarding the desalinization portion of capacity charges. Michael LeBrun, General Manager, stated that this is being discussed in the Finance and Audit Committee meetings.*

*Director Gaddis requested a tour of the Southland Wastewater Facility Phase 1 Construction Project.*

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 PURSUANT TO GOVT. CODE §54956.9(a):  
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):  
Significant Exposure to Litigation - 1 case.
4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of case: NCSO v Troesh et. al. SLOCSC# CV130175

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

**2:43:01** K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 12:00 p.m., and announced that the Board would take a 10 minute break prior to the beginning of closed session.*

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

*The Board came back into Open Session at 12:37 p.m.*

*Michael Seitz, District Legal Counsel, announced that the Board discussed Items One, Two, Three and Four listed above under closed session announcements, but took no reportable action.*

ADJOURN

*President Armstrong adjourned the meeting at 12:38 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	3 hours 1 minute
Closed Session	0 hour 37 minutes
TOTAL HOURS	3 hours 38 minutes