

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

FEBRUARY 25, 2015, AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

CRAIG ARMSTRONG, **PRESIDENT**
DAN GADDIS, **VICE PRESIDENT**
BOB BLAIR, **DIRECTOR**
ED EBY, **DIRECTOR**
DAN WOODSON, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
MICHAEL W. SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
JESSICA MATSON, **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.

00:00:00

A. CALL TO ORDER AND FLAG SALUTE

President Armstrong called the Regular Meeting of February 25, 2015 to order at 9:00 a.m. and led the flag salute.

00:00:35

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

At Roll Call, all Directors were present.

There were no public comments.

00:00:45

C. PRESENTATIONS AND REPORTS

C-1) DISTRICT DIRECTOR OF ENGINEERING AND OPERATIONS SUMMARY OF ACTIVITIES

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board.

00:06:32

C-2) REPORT ON FEBRUARY 11, 2015 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session

Mike Seitz, District Legal Counsel, announced that the Board discussed Item I.1(a) from the February 11, 2015 Regular Meeting (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, but took no reportable action.

00:06:53

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 Woodson

◇ *February 23, Attended South County Advisory Committee meeting.*

Director Blair

◇ *February 23, Attended South County Advisory Committee meeting.*

00:08:15

- C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Robert Blair and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Blair, Gaddis, Eby, Woodson, and Armstrong	None	None

00:08:43

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS
 - FEBRUARY 11, 2015 REGULAR MEETING
- D-3) REVISE DISTRICT CASH RESERVE POLICY

President Armstrong requested to pull Item D-2 for separate consideration.

ITEMS D-1 and D-3

There were no public comments.

Upon the motion of Director Ed Eby and seconded, the Board unanimously approved Items D-1 and D-3.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Blair, Woodson, Gaddis and Armstrong	None	None

RESOLUTION NO. 2015-1365
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE CASH RESERVE POLICY FOR THE DISTRICT

ITEM D-2

There were no public comments.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the minutes from the February 11, 2015 Regular Meeting. (Directors Gaddis and Blair were not qualified to vote.)

Vote 3-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Woodson, and Armstrong	None	None

00:10:31

E. ADMINISTRATIVE ITEMS

- E-1) INTRODUCE ORDINANCE TO REPEAL DISTRICT CODE SECTIONS 3.05.10 THROUGH 3.05.060 AND 3.05.080 THROUGH 3.05.170 WATER ALLOCATION POLICY

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet and introduced the proposed Ordinance.

The following members of the public spoke:

Wally Crooks, NCSD Customer, asked the Board about the Supplemental Water Project's water allocation and accounting. Michael LeBrun, General Manager, answered Mr. Crooks's question.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously authorized staff to read the proposed Ordinance by title only.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Blair, Eby, Woodson, and Gaddis</i>	<i>None</i>	<i>None</i>

*Upon the motion of Director Ed Eby and seconded, the Board unanimously set March 11, 2015 as the hearing date for adoption of the proposed Ordinance.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Eby, Blair, Woodson, Gaddis, and Armstrong</i>	<i>None</i>	<i>None</i>

00:20:40

- E-2) AECOM SCOPE AMENDMENT # 9 FOR THE SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT

Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board.

There were no public comments.

*Upon the motion of Director Dan A. Gaddis and seconded, the Board unanimously adopted the Resolution approving a scope amendment with AECOM in the amount of \$40,170 and authorized staff to execute a Task Order.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Gaddis, Woodson, Blair, Eby, and Armstrong</i>	<i>None</i>	<i>None</i>

**RESOLUTION NO. 2015-1366
AUTHORIZING A TASK ORDER WITH AECOM FOR SCOPE AMENDMENT #9 FOR ENGINEERING SERVICES FOR SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT IN THE AMOUNT OF \$40,170**

00:25:55

E-3) CONSIDER PROPOSED BY-LAW CHANGES

Michael LeBrun, General Manager, presented the work that had been completed on the By-Laws since the last meeting. Mr. LeBrun commented on making changes to the title of the Board By-Laws and requested other proposed edits.

Mike Seitz, District Legal Counsel, reviewed the proposed By-Law changes and addressed questions regarding Brown Act compliance.

Directors suggested changes to the Board By-Laws.

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously adopted the Resolution with changes as amended.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, Eby, and Woodson	None	None

**RESOLUTION NO. 2015-1367
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AMENDED BOARD BY-LAWS AND POLICIES**

00:37:55

E-4) SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY BOARD NOMINATIONS

Board President Craig Armstrong presented the nomination opportunity for the Special District Risk Management Authority.

The Board discussed and did not make any nominations.

00:38:58

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun also reported the following:

- *An updated chart regarding accumulated rainfall in California*
- *The California Special District Association's Legislative Days will be May 19th-20th*
- *Possible tours in San Luis Obispo, Cambria, Morro Bay, and Paso Robles*
- *The District will have a presence at St. Joseph Catholic Church's festival on March 22nd*
- *Mr. LeBrun will be attending a meeting on March 3rd with the County and representatives from the northern cities area to discuss area groundwater adjudication*

Mr. LeBrun answered questions from the Board.

Director Gaddis recommended that staff comment regarding a regional desalination plant at the next Regional Water Management Group meeting.

There were no public comments.

01:06:54

G. COMMITTEE REPORTS

There were no comments on the committee meeting minutes included in the Board Packet.

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:07:29

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There were no requests.

01:07:51

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

- a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

01:08:06

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

01:09:01

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 10:09 a.m.

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

The Board came back into Open Session at 11:30 a.m.

Mike Seitz, District Legal Counsel, announced that the Board discussed Item 1(a), but took no reportable action.

ADJOURN

President Armstrong adjourned the meeting at 11:31 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 10 minutes
Closed Session	1 hour 21 minutes
TOTAL HOURS	2 hours 31 minutes