

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

APRIL 8, 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 April 8, 2015 to order at 9:00 a.m. and led the flag salute.

00:00:36 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

There were no public comments.

President Armstrong announced that Item E-1 would be heard next.

00:01:11 E-1) CONSIDER REQUEST TO AMEND COUNTY SERVICE AREA 1 AGREEMENT TO ADD 1141 DIVISION STREET SUBDIVISION PROJECT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.

Michael Seitz, District Legal Counsel, commented on communication with the applicant's attorney and the application process.

The following members of the public spoke:

Tom Girard, Pro Real Estate, distributed materials to each Board member (Available for review at the District office). Mr. Girard reviewed the materials and commented on the property's current water and sewer connection capacities.

Andy Mangano, MFI Limited, commented on the application and what is needed in the Will-Serve letter from the District.

Sharon Tanner, NCSD Customer and owner of APN 092-181-035, commented on the subdivision.

The Directors considered the request and directed staff to coordinate with the applicant for the preparation of an Intent-to-Serve letter for the proposed project. The Board also directed staff to review the Agreement for allowance of 6 sewer connections. Staff will bring the item back before the Board at a future meeting.

President Armstrong announced that the Board would return to Presentations and Reports and hear Item C-1 next.

00:48:46

C. PRESENTATIONS AND REPORTS

- C-1) REPORT ON MARCH 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 March 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.

00:49:25

- C-2) 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

- ◇ March 23, Attended South County Advisory Council (SCAC) meeting
- ◇ Presented a card from SCAC to the Board thanking them for the use of the District Board room

Director Gaddis

- ◇ March 16, Attended Finance & Audit Committee meeting
- ◇ April 1, Attended the Regional Water Management Group's meeting where they discussed desalination
- ◇ April 1, Attended the Water Resources Advisory Committee meeting

Director Eby

- ◇ March 18, Attended the Nipomo Mesa Management Area Technical Group (NMMA TG) meeting where they discussed their annual report
- ◇ The next NMMA meeting will be April 13th at Wallace Group in San Luis Obispo

Director Armstrong

- ◇ March 18, Attended the NMMA TG meeting
- ◇ April 1, Attended the Water Resources Advisory Committee meeting

00:52:40

- C-3) 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 |

00:53:26

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS
 - MARCH 11, 2015 REGULAR MEETING

Nipomo Community Services District
REGULAR MEETING
MINUTES

- D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO.1
- D-4) APPROVE PURCHASE OF REPLACEMENT PUMPS FOR TEFFT STREET LIFT STATION
- D-5) APPROVE CONTRACT WITH TYLER TECHNOLOGIES TO PROVIDE NEW ACCOUNTING SOFTWARE, IMPLEMENTATION AND SUPPORT SERVICES FOR \$88,374 AND \$10,808 ANNUAL MAINTENANCE

Director Eby requested to pull Item D-3 for separate consideration.

Staff pulled Item D-4 for clarification and language modification.

Director Gaddis requested clarification on warrants.

ITEMS D-1, D-2 and D-5

There were no public comments.

*Upon the motion of Director Robert Blair and seconded, the Board unanimously approved Items D-1, D-2 and D-5.
Vote 5-0.*

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

ITEMS D-3 and D-4

Director Eby asked about the impact of Sacramento's water conservation directives on the Landscape Management District.

Mike Seitz, District Legal Counsel, added a paragraph to the Resolution in Item D-4.

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved Item D-3 and Item D-4 with modifications.
Vote 5-0.*

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

RESOLUTION NO. 2015-1369
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2015-2016 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

RESOLUTION NO. 2015-1370
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF REPLACEMENT PUMPS FOR TEFFT STREET LIFT STATION FROM FLO-SYSTEMS INC. IN THE AMOUNT OF \$40,615

01:01:01

01:03:29

E. ADMINISTRATIVE ITEMS

ITEM E-1 WAS HEARD EARLIER IN THE MEETING

E-2) ADOPT DISTRICT WATER RESOURCES POLICY

Michael LeBrun, General Manager, distributed a copy of the Water Resources Policy Statement Background to each Director (Available for review at the District office).

Director Eby commented on the Policy statement.

The following members of the public spoke:

Dustin Pierce, Arroyo Grande resident, asked whether or not the District will be placing a moratorium on water service. President Armstrong stated that this will be discussed in Item E-4.

Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the Resolution establishing a water resources policy.

Vote 5-0.

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

**RESOLUTION NO. 2015-1371
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A WATER RESOURCES POLICY**

01:10:20

E-3) ADOPT SUPPLEMENTAL WATER ACCOUNTING POLICY

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.

The following members of the public spoke:

Dustin Pierce, Arroyo Grande resident, asked how the accounting policy will affect Will-Serve letters. Mr. LeBrun responded.

Dan Garson, Woodlands Mutual Water Company, asked about the availability of supplemental water to other parts of Nipomo and capacity charges. Mr. LeBrun responded.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously adopted the Resolution establishing a supplemental water accounting policy.

Vote 5-0.

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

**RESOLUTION NO. 2015-1372
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A SUPPLEMENTAL WATER ACCOUNTING POLICY**

01:19:05

E-4) REVIEW DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

President Armstrong introduced the item and made suggestions for discussion on the topic.

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet and the Board discussed.

Mr. LeBrun reported that tiered water conservation rates will remain in effect and that the District will be compliant with the Governor's Executive Order.

The Board directed staff to add language to the Water Shortage Response and Management Plan that would express the District's cooperation with the Executive Order. The Board also directed staff to publish a press release.

Upon the motion of Director Craig Armstrong and seconded, the Board agreed to add the statement "and such mandates as issued from the State of California from time to time" to Stage I of the District's Water Shortage Response and Management Plan.

Vote 4-1.

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

01:49:40

E-5) CONSIDER BOARD MEETING SCHEDULE CHANGE

Michael LeBrun, General Manager, recommended that the second Board meeting in September be moved to Wednesday, September 30th due to Board attendance at a California Special District Association annual conference.

The Board discussed and agreed to move the meeting to September 30, 2015.

01:51:20

F. GENERAL MANAGER'S REPORT

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

- Directors Armstrong and Eby will attend the NMMA TG meeting on April 13th at Wallace Group in San Luis Obispo*
- On April 14th the SLO County Board of Supervisors will discuss the exportation of water outside the County*

Mr. LeBrun answered questions from the Board.

There were no public comments.

02:07:41

G. COMMITTEE REPORTS

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

02:07:54

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis

- Asked about Board tours of local facilities.*

02:09:19

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).

02:09:36

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

02:09:38

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 11:17 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:18 p.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 12:19 p.m.

| MEETING SUMMARY | HOURS & MINUTES |
|-----------------|--------------------|
| Regular Meeting | 2 hours 18 minutes |
| Closed Session | 1 hour 1 minute |
| TOTAL HOURS | 3 hours 19 minutes |

Respectfully submitted,

Michael S. LeBrun, General Manager and Secretary to the Board

Date