

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MAY 12, 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 May 12, 2015 to order at 9:00 a.m. and led the flag salute.

00:00:38

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

At Roll Call, all Directors were present.

There were no public comments.

00:00:42

C. PRESENTATIONS AND REPORTS

C-1) REPORT ON APRIL 22, 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 April 22, 2015 Regular Meeting (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSO) in closed session, but took no reportable action.

00:01:09

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 Eby

- ◇ *April 27, Attended the Santa Barbara Chapter of California Special District Association's (CSDA) Monthly Meeting and heard a presentation regarding cloud seeding*

Director Gaddis

- ◇ *May 6, Attended Regional Water Management Group's (RWMG) meeting in San Luis Obispo*
- ◇ *May 6, Attended presentation by Tetra Tech regarding desalination*
- ◇ *May 6, Attended Water Resources Advisory Council (WRAC) meeting*

Director Blair

- ◇ *April 27, Attended the Santa Barbara Chapter of California Special District Association's (CSDA) Monthly Meeting and heard a presentation regarding cloud seeding*

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Director Woodson

- ◇ May 11, Attended the South County Advisory Council (SCAC) meeting
- ◇ The next SCAC meeting will be held on May 18th regarding the County's water conservation measures

Director Armstrong

- ◇ May 6, Attended WRAC meeting

00:13:13

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 Bob 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, Woodson, Eby, Gaddis, and Armstrong	None	None

00:13:23

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- APRIL 22, 2015 REGULAR MEETING

D-3) INVESTMENT POLICY – FIRST QUARTER REPORT

D-4) THIRD QUARTER FINANCIAL REPORT

D-5) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2015-2016

D-6) ADOPT RESOLUTION ACCEPTING DEED RESTRICTION FOR 298 SOUTH THOMPSON AVENUE, APN 090-111-008

Director Gaddis requested clarification on warrants. Michael LeBrun, General Manager, responded.

Mr. LeBrun commented that there is a number correction to Item D-5 on page 2 of the attached Resolution.

Director Armstrong requested clarification on the financial report. Lisa Bognuda, Finance Director, responded.

There were no public comments.

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Upon the motion of Director Dan A. Gaddis and seconded, the Board unanimously approved Items D-1, D-2, D-3, D-4, D-6 and Item D-5 as corrected.
Vote 5-0.

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

RESOLUTION NO. 2015-1375
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2015-2016

RESOLUTION NO. 2015-1376
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2015-2016

RESOLUTION NO. 2015-1377
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING DEED RESTRICTION FROM ROMAN CATHOLIC BISHOP OF MONTEREY FOR 298 SOUTH THOMPSON AVENUE APN 090-111-008

E. ADMINISTRATIVE ITEMS

00:16:11

E-1) SERVICE REQUEST TRACT 2652 COMMERCIAL DEVELOPMENT

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

Director Eby questioned ownership information on the application.

Directors Eby, Gaddis, Blair and Woodson commented on the request.

The following members of the public spoke:

George Newman, developer and original owner of Tract 2652, commented on the project and asked about costs affiliated with the project. Mr. Newman answered questions from the Board.

The Board requested that the application reflect the true ownership of the property.

Upon the motion of Director Dan A. Gaddis and seconded, the Board unanimously approved the Intent-to-Serve Letter with conditions and edits to the application.
Vote 5-0.

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

00:35:15

E-2) CONSIDER COUNTYWIDE WATER CONSERVATION PROGRAM AND DRAFT ADDENDUM EIR

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

Director Armstrong requested that staff provide a copy of the District's comments on the Draft Addendum EIR to Director Woodson for review by the South County Advisory Council (SCAC).

Item E-2 continued

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously agreed and directed staff to submit the District's comments to the County as edited.
Vote 5-0.*

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

00:42:48

E-3) DRAFT 2015-2016 BUDGET REVIEW

Lisa Bognuda, Finance Director, reviewed the report as presented in the Board packet. Ms. Bognuda answered questions from the Board.

Directors Woodson, Blair, and Gaddis commented on the draft budget.

There were no public comments.

The Board discussed and agreed to set a public hearing date of June 10, 2015 at 9 AM for adoption of the 2015-2016 Budget.

00:47:17

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun distributed the District's monthly production report to the Board (available for review at the District office). Mr. LeBrun also reported the following:

- *The District's reduction goal is 28% and a summer outreach campaign is being implemented.*
- *The State is conducting a drought webinar on May 12th and he will attend.*

Mr. LeBrun answered questions from the Board.

There were no public comments.

01:01:15

G. COMMITTEE REPORTS

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

01:01:28

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

There were no requests.

01:01:46

I. CLOSED SESSION ANNOUNCEMENTS

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

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

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- 2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIMS PURSUANT TO SECTION 54956.95:
Claimants: Navarro
Agency: NCSD

01:02:08

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 10:02 a.m.

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

The Board came back into Open Session at 10:50 a.m.

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

Mr. Seitz also announced that the Board discussed Item 2, voted 5-0 to reject the claim, directed the General Manager to provide notice of the rejection to the claimants and directed that the defense of the claims be tendered to D-KAL.

ADJOURN

President Armstrong adjourned the meeting at 10:51 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 3 minutes
Closed Session	48 minutes
TOTAL HOURS	1 hour 51 minutes

Respectfully submitted,


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

5/27/15
 Date