

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MEETING MINUTES

**JULY 23, 2014 AT 9:00 A.M.**

JON S. SEITZ 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.**

Mission Statement:

Provide our 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 July 23, 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 Board Members were present.*

#### *Public Comment*

*Dan Hall, BLMA representative, stated home owner's association has a backlog of applications from homeowners requesting approval to remove lawns and landscapes at Blacklake. CalFire conducted a survey of open space areas for fire hazards.*

*The Board thanked Mr. Hall for his comments.*

02:42

### C. PRESENTATIONS AND REPORTS

#### C-1) CAL FIRE BATTALION CHIEF PAUL VAN GERWEN

Update Report re: South County Cal Fire Activity and Department News

*Fire Battalion Chief Paul Van Gerwen did not attend meeting.*

#### C-2) REPORT ON JULY 9, 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 1(a) (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 1(b) (NCSD v. Troesh, et al.) in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item 1(c) (NCSD v. County SLOCSC) in closed session, but took no reportable action.*

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C-2) REPORT ON JULY 9, 2014 REGULAR MEETING CLOSED SESSION  
(Continued)

*Mr. Seitz reported that the Board discussed Item 1(d) (NCSD v. DeGroot) in closed session and voted 5-0 to deny Mr. DeGroot's request regarding the payment of fees required by the final judgment of CV 070066.*

*Mr. Seitz reported that the Board discussed Item 2 (Conference with Legal Counsel pursuant to Govt. Code §54956.95), in closed session; the Board gave direction, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item 3 (Annual Performance Review of District General Manager) pursuant to Govt. Code §54957, in closed session; the Board completed Mr. LeBrun's Performance Review.*

C-3) DIRECTOR OF ENGINEERING AND OPERATIONS  
Report on recent activities.

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

*There was no public comment.*

C-4) 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 July 14, 2014 Finance and Audit Committee Meeting
- ◇ Attended July 17, 2014 Personnel Committee Meeting

Director Harrison

- ◇ Attended the Fire Safe Council Executive Board Meeting

Director Vierheilig

- ◇ Attended July 14, 2014 Finance and Audit Committee Meeting
- ◇ Attended July 17, 2014 Personnel Committee Meeting

Director Armstrong

- ◇ Attended July 17, 2014 Nipomo Mesa Management Area Meeting

C-5) 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 Blair, the Board voted to receive and file the presentations and reports as submitted.*

*Vote 5-0.*

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

22:00

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JULY 9, 2014 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]
- D-3) RECEIVE QUARTERLY INVESTMENT REPORT [RECOMMEND RECEIVE REPORT]
- D-4) APPROVE AMENDED DISTRICT GENERAL MANAGER CONTRACT [RECOMMEND APPROVE CONTRACT]
- D-5) RE-ADOPT RESOLUTION TO AUTHORIZE COLLECTION OF FY 2014-15 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS [RECOMMEND - BY MOTION AND ROLL CALL VOTE RE-ADOPT RESOLUTION APPROVING ASSESSMENT REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS]
- D-6) AUTHORIZE REAL PROPERTY PURCHASE AGREEMENT IN SUPPORT OF SUPPLEMENTAL WATER PROJECT APN 090-341-033 TROESH [RECOMMEND BY MOTION AND ROLL CALL VOTE AUTHORIZE STAFF TO EXECUTE PURCHASE AGREEMENT FOR APN 090-341-033 IN AMOUNT OF \$100,000]

*Director Blair requested Item D-4 be pulled for separate consideration.*

*There was no public comment.*

*Upon the motion of Director Gaddis and seconded by Director Harrison, the Board voted to approve Item D-1, D-2, D-3, D-5 and D-6. Vote 5-0.*

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

**RESOLUTION 2014-1348 (re-adoption to correct Code Sections)  
 A RESOLUTION OF THE BOARD OF DIRECTORS OF  
 THE NIPOMO COMMUNITY SERVICES DISTRICT  
 PROVIDING FOR THE COLLECTION OF STREET LIGHT ASSESSMENTS ON  
 THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE  
 AND OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE BLACKLAKE VILLAGE**

*Item D-4*

*There was no public comment.*

*Upon the motion of Director Vierheilg and seconded by Director Blair, the Board voted to approve Item D-4. Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

26:12

- E-1) CONSIDER CHANGES TO ORGANIZATIONAL STRUCTURE, DUTY STATEMENTS, AND SALARY RANGE – VARIOUS POSITIONS [RECOMMEND CONSIDER INFORMATION AND PERSONNEL COMMITTEE RECOMMENDATION, ADOPT CHANGES AND/OR DIRECT STAFF]

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Item E-1 (continued)

Personnel Committee Members Gaddis and Vierheilig reviewed the proposed changes in Committee and stated they both support the recommended changes.

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board voted to approve the changes to the organizational structure, duty statements and salary ranges for various position.

Vote 5-0.

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

- E-2) CONSIDER MANDATORY WATER CONSERVATION REGULATIONS ADOPTED BY STATE WATER RESOURCES CONTROL BOARD [RECOMMEND CONSIDER REGULATIONS AND DIRECT STAFF]

General Manager, Michael LeBrun, and District Legal Counsel, Michael Seitz, reviewed the report and answered questions from the Board.

There was no public comment.

The Board took no action.

- E-3) CONSIDER CHANGES TO DISTRICT CONFLICT OF INTEREST CODE [RECOMMEND ADOPT RESOLUTION APPROVING DISTRICT CONFLICT OF INTEREST CODE AS AMENDED]

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Armstrong, the Board voted to approve the Conflict of Interest Code.

Vote 5-0.

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

2014-1353  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING A CONFLICT OF INTEREST CODE

52:26

NCS D PUBLIC FACILITIES CORPORATION ANNUAL MEETING

President Armstrong adjourned to the NCS D Public Facilities Corporation Annual Meeting.

ROLL CALL

At roll call, all Board Members were present.

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NCSO PUBLIC FACILITIES CORPORATION ANNUAL MEETING (continued)

A. APPROVE MINUTES OF THE JULY 24, 2013 MEETING

There was no public comment.

*Upon the motion of Director Harrison and seconded by Director Gaddis the Board unanimously approved the minutes of July 24, 2013.  
Vote 5-0.*

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

President Armstrong adjourned to NCSO Regular Board Meeting.

53:14 F. GENERAL MANAGER’S REPORT

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

*There was no public comment.*

57:16 G. COMMITTEE REPORTS

- July 7, 2014 Parks Committee Meeting Minutes
- July 14, 2014 Finance and Audit Committee Minutes

*There was no public comment.*

59:00 H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*None*

1:01:00 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).
  - b) NCSO v Troesh et. al. SLOCSC# CV130175
  - c) NCSO v County SLOCSC #CV090010
  
2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95:  
 Claimant: Specialty Construction  
 Agency: NCSO

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 10:04 a.m.*

02:15

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

*Michael Seitz, District Legal Counsel, announced that the Board discussed Item 1(a)-1(c) in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item 2 (Conference with Legal Counsel pursuant to Govt. Code §54956.95), in closed session; the Board unanimously agreed to deny the Claim. Vote 5-0*

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

ADJOURN

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

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 00 minutes
Closed Session	0 hour 51 minutes
<b>TOTAL HOURS</b>	<b>1 hour 51 minutes</b>