

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN  
GENERAL MANAGER

DATE: OCTOBER 8, 2015

**AGENDA ITEM**

**C**

**OCTOBER 14, 2015**

## **PRESENTATIONS AND REPORTS**

The following presentations and reports are scheduled:

- C-1) **REPORT ON PREVIOUS MEETING CLOSED SESSION**  
Announcement of actions, if any, taken during Closed Session at previous Board Meeting
- 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
- C-3) **RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS**

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: OCTOBER 8, 2015

**AGENDA ITEM  
C-1  
OCTOBER 14, 2015**

**CLOSED SESSION REPORT**

**ITEM**

Announcement of actions, if any, taken during Closed Session at previous Board Meetings [NO ACTION REQUESTED]

**BACKGROUND**

The September 30, 2015 Special Meeting Closed Session included:

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).
2. ANNUAL PERFORMANCE EVALUATION OF DISTRICT GENERAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

Staff will report on closed session action taken, if any.

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN  
GENERAL MANAGER

*MSL*

DATE: OCTOBER 8, 2015

**AGENDA ITEM**

**D**

**OCTOBER 14, 2015**

## **CONSENT AGENDA**

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members  
without removal from the Consent Agenda.**

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE SEPTEMBER 30, 2015 SPECIAL BOARD MEETING MINUTES  
[RECOMMEND APPROVAL]

TO: BOARD OF DIRECTOR

REVIEWED: MICHAEL S. LEBRUN  
GENERAL MANAGER

*MSL*

FROM: LISA BOGNUDA  
FINANCE DIRECTOR

*LSB*

DATE: OCTOBER 9, 2015



WARRANTS WILL BE DISTRIBUTED ON TUESDAY, OCTOBER 13, 2015

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *ML*  
GENERAL MANAGER

DATE: OCTOBER 8, 2015

**AGENDA ITEM  
D-2  
OCTOBER 14, 2015**

**APPROVE SEPTEMBER 30, 2015 SPECIAL BOARD MEETING  
MINUTES**

**ITEM**

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

**BACKGROUND**

The draft minutes are a written record of the previous Board Meeting action.

**RECOMMENDATION**

Approve Minutes

**ATTACHMENT**

- A. September 30, 2015 draft Special Board Meeting Minutes

October 14, 2015

ITEM D-2

ATTACHMENT A

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## DRAFT SPECIAL MINUTES

SEPTEMBER 30, 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 Special Meeting of September 30, 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.*

00:00:42 C. PRESENTATIONS AND REPORTS

C-1) DIRECTOR OF ENGINEERING AND OPERATIONS

*Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board Packet. Mr. Sevcik also reported the following:*

- Phase II of the Supplemental Water Project has been initiated and staff plan to prequalify contractors. Staff will bring to the Board for approval at the October 14<sup>th</sup> meeting.*
- Knollwood Well chloramination facilities are expected to be completed January 2016.*
- The Via Concha Well came back into service.*

*Mr. Sevcik answered questions from the Board.*

*There were no public comments.*

00:07:44 C-2) REPORT ON SEPTEMBER 9, 2015 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in Closed Session

*Michael LeBrun, General Manager, announced that the Board discussed the following items from the September 9, 2015 Regular Meeting in closed session:*

*Item I.1(a) (SMVWCD VS. NCSD) - heard an update and unanimously approved the water sales agreement with area purveyors subject to signature by purveyor parties.*

*Item I.1(b) (BENING VS. NCSD) - heard an update but took no reportable action.*

*Item I.2 (ROJAS VS. NCSD) – discussed and unanimously denied the claim.*

*Item I.3 - heard a report, but took no reportable action.*

*Item I.4 - accepted the General Manager's resignation and formed an Ad-Hoc committee.*

SUBJECT TO BOARD APPROVAL

*Item 1.5 - discussed and directed Legal Counsel to respond to Mr. Heal in writing.*

00:09:55

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 Eby

- ◇ *September 20-24, Attended the California Special District Association's (CSDA) Annual Conference in Monterey and attended several breakout sessions including Brown Act, how to handle disruptions at board meetings, General Manager performance attributes, media relations, and strategies to lower OPEB and pension liabilities.*
- ◇ *Attended a presentation of Monterey's latest desalination project which is supposed to deliver 6,500 to 9,500 AFY to the area by 2020, for \$300M at about \$3,000/AF. It is not yet designed or funded.*
- ◇ *The Nipomo Native Garden annual plant sale will be Saturday, October 3<sup>rd</sup> from 9AM – 1PM.*
- ◇ *September 15, Attended the Blacklake Management Association (BLMA) meeting where they mentioned that Rossi will be letting the Oaks Golf Course go to mothball state on November 1<sup>st</sup>.*

Director Gaddis

- ◇ *September 16, Attended the Ad-Hoc meeting for selecting a new General Manager.*
- ◇ *September 20-24, Attended the California Special District Association's (CSDA) Annual Conference in Monterey and attended several breakout sessions as well as a tour of a water recycling center.*

Director Blair

- ◇ *September 20-24, Attended the California Special District Association's (CSDA) Annual Conference in Monterey and attended several breakout sessions as well as an ethics class.*

Director Woodson

- ◇ *September 20-24, Attended the California Special District Association's (CSDA) Annual Conference in Monterey and attended several breakout sessions and a district networking meeting.*
- ◇ *September 28, Attended the South County Advisory Council (SCAC) meeting where there were complaints regarding taste and odor in the water and litter from garbage trucks.*

Director Armstrong

- ◇ *September 15, Attended the Blacklake Management Association (BLMA) meeting.*
- ◇ *September 28, Attended the South County Advisory Council (SCAC) meeting.*

00:16:20

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.*

SUBJECT TO BOARD APPROVAL



**Nipomo Community Services District  
SPECIAL MEETING  
MINUTES**

*Upon the motion of Director Ed Eby and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.  
Vote 5-0.*

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

**D. CONSENT AGENDA**

**D-1) WARRANTS**

**D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS**

- **SEPTEMBER 9, 2015 REGULAR MEETING**

*There were no public comments.*

*Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved the Consent Agenda.  
Vote 5-0.*

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

**E. ADMINISTRATIVE ITEMS**

**E-1) APPROVE GENERAL MANAGER JOB DESCRIPTION AND SALARY RANGE, CONSIDER RECRUITMENT MATERIALS**

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

*Mr. LeBrun distributed a schedule for recruitment, salary table, and draft recruitment brochure to the Board (available for review at the District office).*

*Mr. LeBrun stated that staff expects to advertise the position October 2<sup>nd</sup> and the Ad-Hoc committee of Director Eby and Director Gaddis along with himself and the District's Finance Director will review all applicants.*

*The Board directed staff to make edits to the job description and recruitment schedule as well as change the compensation statement to read "The starting salary for the General Manager is \$135,000 and up depending on qualifications."*

*There were no public comments.*

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the job description and salary statement as directed.  
Vote 5-0.*

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

00:51:48

F. GENERAL MANAGER'S REPORT

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

- *District pumping decreased by 56% for the month of August. Overall demand decreased by 34%.*
- *District Director of Engineering & Operations has been selected as the American Society of Civil Engineers (ASCE), Los Angeles Section Outstanding Civil Engineer in the Public Sector.*
- *The Notice for the proposed Town Sewer Rate Increase has been mailed.*

*Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*Noel Heal, Blacklake Resident, asked questions regarding the Director of Engineering & Operations' Report. Mr. Heal also asked for clarification on the Supplemental Water Capacity Accounting. Mr. LeBrun responded.*

01:03:33

G. COMMITTEE REPORTS

*None.*

01:03:38

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson

- ◇ *Asked whether or not Woodlands has interconnections to the District's system.*

Director Gaddis

- ◇ *Asked if the signed agreements with area water purveyors were imminent.*

Director Eby

- ◇ *Will provide copies of the OPEB presentation he received at the CSDA conference to staff and asked that they consider it for the Finance & Audit Committee meeting.*

01:06:58

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).
2. ANNUAL PERFORMANCE EVALUATION OF DISTRICT GENERAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

01:07:34

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

K. ADJOURN TO CLOSED SESSION

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

Nipomo Community Services District  
SPECIAL MEETING  
MINUTES

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

*The Board came back into Open Session at 11:06 a.m.*

*Michael LeBrun, General Manager, announced that the Board discussed Item 1.1(a), heard an update, but took no reportable action.*

*Mr. LeBrun also announced that the Board discussed Item 2, gave direction, but took no reportable action.*

ADJOURN

*President Armstrong adjourned the meeting at 11:08 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 12 minutes
Closed Session	56 minutes
TOTAL HOURS	2 hours 8 minutes

Respectfully submitted,

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

\_\_\_\_\_  
Date