

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

SPECIAL MINUTES

NOVEMBER 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 ALLEN 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 November 12, 2015 to order at 9:00 a.m. and led the flag salute.

00:00:42 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

00:00:49 C-1) REPORT ON OCTOBER 28, 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 October 14, 2015 Regular Meeting (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, heard a report but took no reportable action.

Mr. Seitz also reported that the Board discussed Item I.1(b) (HEAL VS. NCSD), heard a report but took no reportable action.

00:01:16 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 Gaddis

- ◇ *Missed the October 28th Regular Meeting due to jury duty.*

Director Eby

- ◇ *November 5, Attended a workshop sponsored by the State regarding planning during a water shortage.*
- ◇ *November 10, Attended the Blacklake Management Association (BLMA) meeting where they discussed the Rossi development project.*
- ◇ *Reported that there has been exportation of water from a private well off Eucalyptus Road; Supervisor Compton helped facilitate a County Code Enforcement citation.*

Nipomo Community Services District
SPECIAL MEETING
MINUTES

Director Armstrong

- ◇ Attended the Water Resources Advisory Committee (WRAC) meeting.
- ◇ November 10, Attended the Blacklake Management Association (BLMA) meeting where they discussed the Rossi development project.

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 Dan Allen Gaddis 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 Gaddis, Eby, Blair, Woodson, and Armstrong	None	None

00:05:05 D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- OCTOBER 28, 2015 REGULAR MEETING

D-3) ADOPT RESOLUTION REDUCING SOLID WASTE FRANCHISE FEE AND THEREBY BUYING DOWN PROPOSED SOLID WASTE RATE INCREASE

D-4) ADOPT RESOLUTION SUMMARIZING FISCAL YEAR 2015-2016 NIPOMO SUPPLEMENTAL WATER RATE SCHEDULE FOR PURVEYOR CUSTOMERS

D-5) APPROVE DRAINAGE FUND BUDGET AMENDMENT

D-6) AUTHORIZE PURCHASE AGREEMENT WITH LOS PRIMOS PROPERTIES IN AMOUNT OF \$24,000 TO ACQUIRE EASEMENTS (APN 090-291-039 & -046) IN SUPPORT OF CONSTRUCTING JOSHUA ROAD PUMP STATION RESERVOIR

Mike Seitz, District Legal Counsel, stated that Item D-2 would need to be pulled for separate consideration.

Director Woodson requested clarification on the easement in Item D-6. Michael LeBrun, General Manager, responded.

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

There were no public comments.

ITEMS D-1, D-3, D-4, D-5, D-6

Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Items D-1, D-3, D-4, D-5, and D-6.

Vote 5-0.

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

RESOLUTION NO. 2015-1393
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REDUCING THE FRANCHISE FEE PAYMENT FROM SOUTH COUNTY SANITARY FROM 8.13% TO 5.14%

RESOLUTION NO. 2015-1394
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT FORMALIZING CHARGES FOR NIPOMO SUPPLEMENTAL WATER

RESOLUTION NO. 2015-1395
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING DRAINAGE FUND BUDGET AMENDMENT IN THE AMOUNT OF \$15,000

ITEM D-2

Upon the motion of Director Bob Blair and seconded, the Board approved Item D-2. Director Gaddis was not qualified to vote.

Vote 4-0.

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

00:08:17

E. ADMINISTRATIVE ITEMS

E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND IF THERE IS NOT A MAJORITY PROTEST CONSIDER ADOPTION OF RESOLUTION INCREASING TOWN SEWER USER FEES

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING.

There were no public comments.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING.

Mr. LeBrun tallied all written protests and reported that the District had received 13 protests as of the close of the hearing.

A MAJORITY PROTEST WAS DETERMINED TO NOT EXIST.

Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted a Resolution approving an increase to sewer rates within the Town Division.

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

RESOLUTION NO. 2015-1396
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING APPENDIX A TO CHAPTER 4.12 IF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO INCREASE SEWER RATES WITHIN THE TOWN DIVISION

00:09:11

E-2) SOLID WASTE FRANCHISE AGREEMENT TERM EXTENSION

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

Director Gaddis requested clarification on the location for the organics program as well as the 20-yr term extension.

Director Eby stated that he did not support adding 20 years to the Agreement with the District.

Directors Blair and Woodson stated they are comfortable with the extension based on past performance.

The following members of the public spoke:

Pat Fenton, South County Sanitary, answered questions from the Board regarding the organics program and the need for a 20-year franchise term extension.

Mike Seitz, District Legal Counsel, commented that the District has the right to terminate the Agreement with six months written notice, if needed, based on the conditions.

Upon the motion of Director Bob Blair and seconded, the Board approved a conditional extension to the solid waste franchise agreement with South County Sanitary Services. Vote 4-1.

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

00:22:51

E-3) AUTHORIZE TASK ORDER WITH MICHAEL K. NUNLEY & ASSOCIATES FOR SUPPLEMENTAL WATER PROJECT PHASE 1 OPERATIONS AND MAINTENANCE MANUAL

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

Director Eby requested clarification on how edits will be made to the manual once the reservoir tank is complete. Mr. Sevcik responded.

There were no public comments.

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously Authorized a Task Order with Michael K. Nunley & Associates in the amount of \$38,670 and a Change Order Contingency in the amount of \$4,000.

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

00:32:20

E-4) ANNUAL REVIEW OF SOCIAL MEDIA POLICY

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

Director Gaddis asked how staff felt social media has improved the District's public outreach. Jessica Matson, Public Information Director, responded.

Director Blair commended staff for their work.

There were no public comments.

No action was taken.

00:36:53 E-5) ANNUAL REVIEW OF DISTRICT WATER CONSERVATION PROGRAM

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

Mr. LeBrun commented that the District's conservation program has been centered on education and outreach.

Director Gaddis asked if there were any turf removal rebates available to customers. Mr. LeBrun responded that the State is offering a turf removal rebate.

The following members of the public spoke:

Noel Heal, NCSO Customer, requested clarification on the phrases "water production" and "reduction in groundwater production." Mr. LeBrun responded.

Director Eby asked about how long the Governor's Mandate will be in effect. Mr. LeBrun responded that it expires February 2016 but the State has scheduled a workshop to discuss a possible extension.

No action was taken.

00:48:12 F. GENERAL MANAGER'S REPORT

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

- There will be a Special Board Meeting on November 18th and materials will go out early next week.
- The Nipomo Mesa Management Area (NMMA) Technical Group meeting will be on November 16th. Directors Eby and Gaddis will attend.
- The SLO County Chapter of the California Special District Association (CSDA) meeting will take place on November 20th from 11:30 AM – 1 PM at Wallace Group. Directors Eby and Blair will attend.
- The District will be delivering the first payment for supplemental water to the City of Santa Maria today.

Mr. LeBrun answered questions from the Board.

Director Woodson commented that he received an invitation to attend an Integrated Regional Water Management workshop at the Oceano CSD on November 19th. Mr. LeBrun commented that it's a public meeting and anyone can attend.

Director Eby requested an update on the County's water conservation Ordinance and how it will affect the District. Staff will follow-up.

There were no public comments.

00:58:27 G. COMMITTEE REPORTS

Director Eby reported that the Ad-Hoc committee, formed for the recruitment of a new General Manager, met and reviewed all applications. Interviews have been scheduled and the committee will pick 2-4 candidates to come before the Board for an interview.

01:03:51 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson

- ◇ *Requested an update on the District's GIS activities. Peter Sevcik, Director of Engineering and Operations, will provide the update.*

Director Armstrong

- ◇ *Asked about the status of litigation regarding tiered water rates that is ongoing elsewhere in the State. Mike Seitz, District Legal Counsel, responded and stated he would keep the Board updated.*
- ◇ *Requested that a review of how to expend the \$425,000 collected under SLO County Ordinance 3160 be added to a future Agenda.*

Director Eby

- ◇ *Asked if there is a fall reading of area groundwater wells. Michael LeBrun, General Manager, stated that Dr. Brad Newton will be at the next Regular Board meeting with an update.*

01:08:06

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL AND SPECIAL 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).
- b) HEAL VS. NCSD (SAN LUIS OBISPO COUNTY CASE NO CV 15-0539)

01:08:24

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

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

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

The Board came back into Open Session at 10:45 a.m.

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

Mr. Seitz also announced that the Board discussed Item I.1(b), heard a report but took no reportable action.

Nipomo Community Services District
SPECIAL MEETING
MINUTES

ADJOURN

President Armstrong adjourned the meeting at 10:46 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 10 minutes
Closed Session	36 minutes
TOTAL HOURS	1 hour 46 minutes

Respectfully submitted,



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



Date