

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: AUGUST 7, 2015

**AGENDA ITEM
C
AUGUST 12, 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 Meetings:
 - o July 22, 2015 Regular 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: AUGUST 7, 2015

AGENDA ITEM
C-1
AUGUST 12, 2015

CLOSED SESSION REPORT

ITEM

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

BACKGROUND

The July 22, 2015 Regular 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).

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

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN 
GENERAL MANAGER

DATE: AUGUST 7, 2015

AGENDA ITEM

D

AUGUST 12, 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 JULY 22, 2015 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]

TO: BOARD OF DIRECTOR

REVIEWED: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

FROM: LISA BOGNUDA *LSB*
FINANCE DIRECTOR

DATE: AUGUST 7, 2015

AGENDA ITEM
D-1
AUGUST 12, 2015

WARRANTS WILL BE DISTRIBUTED ON TUESDAY, AUGUST 11, 2015

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: AUGUST 7, 2015

**AGENDA ITEM
D-2
AUGUST 12, 2015**

APPROVE JULY 22, 2015 REGULAR 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. July 22, 2015, draft Regular Board Meeting Minutes

August 12, 2015

D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

DRAFT REGULAR MINUTES

JULY 22, 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 July 22, 2015 to order at 9:00 a.m. and led the flag salute.

00:00:32

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

At Roll Call, all Directors were present.

There were no public comments.

00:00:44

C. PRESENTATIONS AND REPORTS

C-1) DISTRICT DIRECTOR OF ENGINEERING AND OPERATIONS SUMMARY OF ACTIVITIES

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

- *Supplemental Water deliveries began July 2.*
- *Phase II of the Project has been initiated and staff expect to come before the Board for bid authorization by the end of the year.*
- *The Via Concha Well came back into service today.*
- *The District's Southland Wastewater Treatment Facility, Phase 1 Improvement Project received Environmental Engineering Project of the Year from the American Society of Civil Engineers (ASCE).*

Mr. Sevcik answered questions from the Board.

00:15:44

The following members of the public spoke:

Jose Martinez, Nipomo resident, asked where in the system supplemental water is being delivered.

00:17:13

C-2) REPORT ON JUNE 24, 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 June 24, 2015 Regular Meeting (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSO) in closed session, heard a report, but took no reportable action.

SUBJECT TO BOARD APPROVAL

Mr. Seitz also announced that the Board completed the annual performance review of District General Manager, Michael LeBrun, with a score of 1.32 - Outstanding.

00:18:09

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 Blair

- ◇ Received a call from Supervisor Lynn Compton regarding a meeting with District staff.

Director Gaddis

- ◇ July 14, Attended a tour of the District's supplemental water pump station.

Director Eby

- ◇ July 21, Attended the Blacklake Homeowner's Association (HOA) meeting where the District reported on supplemental water and there was a discussion regarding the Rossi project.

Director Armstrong

- ◇ July 15, Attended the District's presentation at the Knollwood HOA meeting.

00:20:55

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.

*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, Gaddis, Eby, Woodson, and Armstrong	None	None

00:21:31

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- JUNE 24, 2015 REGULAR MEETING

D-3) INVESTMENT POLICY – SECOND QUARTER REPORT

D-4) APPROVE AMENDED CONTRACT WITH DISTRICT GENERAL MANAGER

D-5) UPDATE DISTRICT PROPOSITION 218 PROTEST GUIDELINES

D-6) VIA CONCHA WELL REPAIR ACCEPTANCE

Nipomo Community Services District
REGULAR MEETING
MINUTES

Director Eby requested clarification on changes to be made to the 218 protest guidelines. Michael LeBrun, General Manager, responded.

Director Gaddis requested clarification on warrants. Michael LeBrun, General Manager, and Lisa Bognuda, Finance Director, responded.

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
Directors Gaddis, Eby, Blair, Woodson, and Armstrong	None	None

RESOLUTION NO. 2015-1386
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO ARTICLE XIIIID, SECTION 6, OF THE CALIFORNIA CONSTITUTION, AND RELATED NOTICING

00:24:30

E. ADMINISTRATIVE ITEMS

E-1) AUTHORIZE CHANGE ORDER FOR SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4

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

The following members of the public spoke:

Jose Martinez, Nipomo resident, asked about the number of District wells. Mr. Sevcik responded.

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously authorized staff to issue a Change Order in the amount of \$252,900 to Spiess Construction Inc.

Vote 5-0.

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

RESOLUTION NO. 2015-1387
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING CHANGE ORDER FOR SUPPLEMENTAL WATER PROJECT PHASE I BID PACKAGE 4

00:32:56

E-2) APPROVE PURCHASE OF WHEEL LOADER AND AMEND FY 2015/2016 BUDGET

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

Director Blair requested pictures be submitted with purchasing requests.

There were no public comments.

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved the Resolution authorizing purchase of a wheel loader and budget amendment. Vote 5-0.

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

RESOLUTION NO. 2015-1388
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING PURCHASE OF WHEEL LOADER FROM QUINN COMPANY IN THE AMOUNT OF \$123,183 AND
AMENDING 2015/2016 BUDGET

00:39:19

E-3) INTRODUCE WATER SHORTAGE POLICY CLEAN-UP ORDINANCE, SET HEARING DATE FOR ADOPTION

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

There were no public comments.

Upon the motion of Director Ed Eby and seconded, the Board unanimously authorized staff to read the proposed Ordinance by title only. Vote 5-0.

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

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously set August 12, 2015 as the hearing date for adoption of the proposed Ordinance. Vote 5-0.

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

00:43:14

NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING

President Armstrong adjourned to the NCSD Public Facilities Corporation Annual Meeting.

ROLL

At roll call, all Board members were present.

A. APPROVE MINUTES OF THE JULY 23, 2014 MEETING

There were no public comments.

Upon the motion of Director Craig Armstrong and seconded, the Board approved the minutes of July 23, 2014. Directors Eby and Woodson were not qualified to vote. Vote 3-0.

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

President Armstrong adjourned to NCSD Regular Board Meeting.
 SUBJECT TO BOARD APPROVAL

00:44:50

F. GENERAL MANAGER'S REPORT

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

- *Peter Sevcik, the District's Director of Engineering and Operations, received the Outstanding Civil Engineer in the Public Sector award from the American Society of Civil Engineers (ASCE).*
- *Reviewed the graph in Attachment A of the staff report.*

Mr. LeBrun answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None.

00:49:59

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis

- ◊ *Would like to take a tour of the San Diego County desalinization plant.*

00:50:40

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).

00:50:52

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 9:51 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 11:05 a.m.

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

ADJOURN

President Armstrong adjourned the meeting at 11:07 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	53 minutes
Closed Session	1 hour 14 minutes
TOTAL HOURS	2 hours 7 minutes

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

Respectfully submitted,

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

Date