

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

DECEMBER 9, 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 Regular Meeting of December 9, 2015 to order at 9:00 a.m. and led the flag salute.*

**00:00:34** B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, all Directors were present.*

*The following members of the public spoke:*

*John Snyder, Nipomo resident, distributed an article (available for review at the District office) to staff regarding a presentation to the Board on the status of the groundwater basin. Michael LeBrun, General Manager, stated that the presentation is scheduled to take place at the January 13<sup>th</sup> Regular Board meeting.*

President Armstrong announced that the Board would go into Closed Session.

**00:03:23** I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL AND SPECIAL COUNSEL  
RE: PENDING LITIGATION PURSUANT TO GC §54956.9
  - a) SMVWCD VS. NCS (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
  - b) HEAL VS. NCS (SAN LUIS OBISPO COUNTY CASE NO CV 15-0539)
2. PUBLIC EMPLOYEE APPOINTMENT – GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

**00:03:53** J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*The following members of the public spoke:*

*John Snyder, Nipomo resident, commented on the Closed Session Item regarding the groundwater litigation and the need for a report on the status of the basin. Mike Seitz, Legal Counsel, commented on the Agendized Item.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 9:08 a.m.*

The Board came out of Closed Session at 1:15 p.m. and took a recess until 1:30 p.m.

00:06:29

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

*The Board came back into Open Session at 1:30 p.m.*

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

*Mr. Seitz also announced that the Board discussed Item 2, interviewed two candidates, but took no reportable action.*

President Armstrong announced that Item E-1 would be heard next.

00:07:04

E-1) FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2014-2015

*Michael LeBrun, General Manager, introduced Robert Crosby, auditor from the Crosby Company. Mr. Crosby presented the financial audit report for fiscal year 2014-2015 and reported that the District received a "clean audit." Mr. Crosby answered questions from the Board.*

*Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously accepted the Financial Audit Report and directed staff to file the Report.  
Vote 5-0.*

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

President Armstrong announced that the Board would return to Item C.

C. PRESENTATIONS AND REPORTS

00:16:12

C-1) REPORT ON NOVEMBER 12, 2015 SPECIAL 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 November 12, 2015 Special 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.*

00:16:41

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 Woodson

- ◇ *Attended the SLO Citizens Transportation Advisory meeting where they discussed a cutback in use of public transportation due to the presence of Uber.*

Director Blair

- ◇ *November 20, Attended the CSDA (California Special District Association) SLO County Chapter meeting where County Public Works presented a list of roads that will be paved.*

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Director Gaddis

- ◇ November 20, Attended Ad-Hoc Committee meeting where they interviewed candidates for General Manager.
- ◇ November 23, Attended Ad-Hoc Committee meeting where they interviewed candidates for General Manager.
- ◇ November 24, Attended the Finance & Audit Committee meeting.
- ◇ November 30, Attended an officers meeting.
- ◇ December 2, Attended the WRAC (Water Resources Advisory Council) meeting and heard a presentation on the distribution of bio solids.
- ◇ December 7, Attended Ad-Hoc Committee meeting.

Director Eby

- ◇ November 19, Attended an Integrated Water Resource Management workshop with Director Woodson and Michael LeBrun.
- ◇ November 20, Attended the CSDA (California Special District Association) SLO County Chapter meeting where they discussed a LAFCO (Local Area Formation Committee) Board seat opening and election procedures.

Director Armstrong

- ◇ December 2, Attended the Water Resources Advisory Committee (WRAC) meeting.

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
<i>Directors Blair, Gaddis, Eby, Woodson, and Armstrong</i>	<i>None</i>	<i>None</i>

00:21:38

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- NOVEMBER 12, 2015 SPECIAL MEETING

D-3) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- NOVEMBER 18, 2015 SPECIAL MEETING

*President Armstrong stated that he did not attend the November 18<sup>th</sup> Special Meeting so Item D-3 would need to be considered separately.*

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

*There were no public comments.*

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**ITEMS D-1 and D-2**

Upon the motion of Director Ed Eby and seconded, the Board unanimously approved Items D-1 and D-2.  
Vote 5-0.

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

**ITEM D-3**

Upon the motion of Director Ed Eby and seconded, the Board approved Item D-3. Director Armstrong was not qualified to vote.  
Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

ITEM E-1 WAS HEARD EARLIER IN THE MEETING

00:24:39

E-2) AUTHORIZE TASK ORDER FOR SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM CHLORINE ANALYZER PROJECT

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

*There were no public comments.*

*Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved the Resolution authorizing staff to execute a Task Order in the amount of \$47,050 with Tesco Controls, Inc., a Change Order Contingency in the amount of \$5,000, and authorized a budget amendment.*

*Vote 5-0.*

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

**RESOLUTION NO. 2015-1398**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**AUTHORIZING A TASK ORDER FOR THE SUPERVISORY CONTROL AND DATA ACQUISITION CHLORINE ANALYZER PROJECT WITH TESCO CONTROLS INC.**

00:29:41

E-3) APPROVE 2016 BOARD MEETING SCHEDULE

*The Board of Directors reviewed the 2016 Board Meeting schedule as presented in the Board Packet.*

*There were no public comments.*

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Upon the motion of Director Dan Woodson and seconded, the Board unanimously approved the 2016 Board Meeting schedule.  
Vote 5-0.

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

00:31:40

E-4) ELECTION OF 2016 BOARD PRESIDENT AND VICE PRESIDENT

Director Gaddis nominated Director Armstrong for President. There were no other nominations for President.

There were no public comments.

By acclamation, Director Armstrong was appointed as President of the Board for 2016.

Director Eby nominated Director Gaddis for Vice President. There were no other nominations for Vice President.

There were no public comments.

By acclamation, Director Gaddis was appointed as Vice President of the Board for 2016.

00:32:46

F. GENERAL MANAGER'S REPORT

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

- An invitation to the Nipomo Chamber of Commerce's Annual Installation and Awards Dinner on January 21<sup>st</sup> was distributed to the Board. The District will be receiving the Keeping Nipomo Clean award.
- He received a ballot for the California Urban Water Conservation Council (CUWCC) and requested direction from the Board. Director Armstrong requested staff email him a copy.
- The Supplemental Water Accounting shows no change since the District stopped accepting applications for new service.
- The Nipomo Mesa Management Area (NMMA) meeting will take place on December 15<sup>th</sup> at 10 AM at NCSD. Directors Armstrong and Eby will attend.

Mr. LeBrun answered questions from the Board.

Director Gaddis asked about contact information for the State's toilet and turf replacement rebates. Jessica Matson, Public Information Director, responded that rebate information and applications are available on the State's website.

There were no public comments.

00:47:21

G. COMMITTEE REPORTS

Director Eby reported that the Ad-Hoc committee, formed for the recruitment of a new General Manager, met and interviewed candidates in November. The Committee recommended two candidates to be considered by the whole Board.

Director Armstrong reported that the Finance & Audit Committee met on November 24<sup>th</sup>. There were no comments on the committee meeting minutes included in the Board Packet.

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H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*None.*

ADJOURN

*President Armstrong adjourned the meeting at 2:12 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	50 minutes
Closed Session	4 hours 7 minutes
TOTAL HOURS	4 hour 57 minutes