

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JULY 27, 2016 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**

MARIO IGLESIAS, **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 27, 2016 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.*

*There were no public comments.*

C. PRESENTATIONS AND REPORTS

00:00:48 C-1) DIRECTOR OF ENGINEERING AND OPERATIONS SUMMARY OF ACTIVITIES – JOSHUA ROAD PUMP STATION CONSTRUCTION

*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.*

00:07:16 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 Woodson

- ◇ *July 25, Attended the South County Advisory Council (SCAC) meeting where they discussed the District's current water savings and today's Agenda. Director Woodson also mentioned that Stephanie Fuhs is our area's new County Planning Representative.*

Director Blair

- ◇ *July 26, Attended the County Board of Supervisors Meeting.*

Director Gaddis

- ◇ *July 18, Attended the NCSO officer's meeting.*

Director Eby

- ◇ *July 21, Attended the Local Area Formation Commission (LAFCO) 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 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

00:12:33 D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS  
 • JULY 13, 2016 REGULAR MEETING

D-3) REVIEW INVESTMENT POLICY SECOND QUARTER REPORT

*President Armstrong directed staff to discuss items in the Investment Policy with District water purveyor partners.*

*Directors Gaddis and Blair requested clarification on warrants. Mario Iglesias, General Manager, responded.*

*There were no public comments.*

*Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Consent Items.  
 Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

00:16:08 E-1) CONDUCT A HEARING TO ADOPT AN ORDINANCE REPEALING CHAPTER 3.05 SUBSECTION .070.B.1 AND RENUMBER SUBSECTIONS .070.B.2 AND 070.B.3 OF DISTRICT CODE

**PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING**

*Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Mr. Iglesias answered questions from the Board.*

*Mike Seitz, District Legal Counsel, reminded the Board that any changes to the Ordinance today would start the process over.*

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*The following members of the public spoke:*

Noel Heal, Blacklake resident, questioned the severity of removing language in the Ordinance and suggested a more moderate approach be considered.

*Upon the motion of Director Bob Blair and seconded, the Board unanimously agreed to authorize staff to adopt the Ordinance by Title.*

*Vote 5-0.*

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

**PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING**

*Mike Seitz, District Legal Counsel, read the Ordinance by Title.*

*Upon the motion of Director Bob Blair and seconded, the Board unanimously adopted the Ordinance repealing subsection .070.B.1 in Chapter 3.05 of District Code.*

*Vote 5-0.*

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

**ORDINANCE NO. 2016-123**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REPEALING SECTION 3.05.070.B.1. AND RENUMBERING SECTION 3.05.070.B.2. TO 3.05.070.B.1. AND 3.05.070.B.3. TO 3.05.070.B.2. OF THE DISTRICT CODE**

00:21:48

- E-2) ADOPT A RESOLUTION DECLARING STAGE IV OF DISTRICT'S WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN PURSUENT TO NIPOMO MESA MANAGEMENT AREA TECHNICAL GROUP'S JUNE 23, 2016 DECLARATION OF A STAGE IV WATER SHORTAGE CONDITION

*Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.*

*Director Eby requested non-substantive changes to the Resolution. Director Eby also requested clarification on the review period for the targeted 50% reduction. Mr. Iglesias responded that the review period would be from July – December 2016.*

*Director Gaddis clarified for the public that 50% reduction is a target and the District is already achieving a 46% reduction in groundwater pumping.*

*The following members of the public spoke:*

Craig Losey, Cal Williams San Luis Obispo, commented on the projects and clients he represents and requested the Board not halt processing current applications.

Dale Torrey, Developer, commented on his Town Square project and the benefit it will have to the community.

Noel Heal, Blacklake resident, asked a question regarding the 50% reduction target and the possibility of moving into Stage V. Mike Seitz, District Legal Counsel, clarified the stages. Mr. Iglesias clarified the 50% reduction criteria.

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*Upon the motion of Director Bob Blair and seconded, the Board unanimously adopted the Resolution as edited.*

*Vote 5-0.*

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

**RESOLUTION NO. 2016-1421**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**DECLARING STAGE IV WATER SHORTAGE CONDITIONS**

00:40:00 NCS D PUBLIC FACILITIES CORPORATION ANNUAL MEETING

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

ROLL

At roll call, all Board members were present.

A. APPROVE MINUTES OF THE JULY 22, 2015 MEETING

There were no public comments.

*Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved the minutes of July 22, 2015.*

*Vote 5-0.*

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

President Armstrong adjourned to NCS D Regular Board Meeting.

00:41:30 F. GENERAL MANAGER'S REPORT

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

*There were no public comments.*

G. COMMITTEE REPORTS

*None.*

00:51:46 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson

- *Stated there is public concern regarding where the Nipomo Oaks construction crew is receiving their construction water. Mario Iglesias, General Manager, responded that they are getting water outside of the District.*
- *Asked if there is a change in water quality test results now that we are receiving water from Santa Maria. Mr. Iglesias responded that Santa Maria water quality is included in the District's current Consumer Confidence Report (CCR) (water quality report).*

Director Eby

- *Asked for clarification on the reporting of Santa Maria water in the District's CCR. Mr. Iglesias responded.*

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00:57:16

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).
- b) BENING VS. NCSD (SAN LUIS OBISPO SUPERIOR COURT CASE NO 14CV0069)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 9:57 a.m.*

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

*The Board came back into Open Session at 10:51 a.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.*

ADJOURN

*President Armstrong adjourned the meeting at 10:52 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	58 minutes
Closed Session	54 minutes
TOTAL HOURS	1 hour 52 minutes

Respectfully submitted,

  
 \_\_\_\_\_  
 Mario Iglesias, General Manager and Secretary to the Board

*8-11-16*  
 \_\_\_\_\_  
 Date