

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

FEBRUARY 27, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
DAN GADDIS, DIRECTOR
BOB BLAIR, DIRECTOR
CRAIG ARMSTRONG, DIRECTOR

PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
MERRIE WALLRAVIN, 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 Harrison called the Regular Meeting of February 27, 2013, to order at 9:00 a.m. and led the flag salute.

00:00:38

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

At Roll Call, all Board members were present.

The following member of the public spoke:

Bob Rampton, NCS D customer, asked several questions on receiving Supplemental Water from the City of Santa Maria.

President Harrison and Michael LeBrun, General Manager, answered Mr. Rampton's questions.

00:09:39

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE PRESENTATION OF DRAFT-FINAL REPORT

Receive report from Citizen's Committee

Michael LeBrun, General Manager, introduced the item. Michael Nunley, SWAEC non-voting member and Chairman, handed out the SWAEC's Alternative Evaluation Draft Final Report (See Exhibit A) and introduced the members of the SWAEC.

Dave Watson, SWAEC voting member and spokesperson, outlined the SWAEC's draft final report. Sam Saltoun, SWAEC voting member and spokesperson, gave a detailed report of the SWAEC's Draft Final Report. Mr. Saltoun answered questions from the Board. The Board thanked the SWAEC for an outstanding job and report.

The SWAEC received a round of applause from the Board, staff, and the audience.

C-2) DISTRICT UTILITIES SUPERINTENDENT TINA GRIETENS Receive 2012 Annual Summary and January 2013 Monthly Summary

Tina Grietens, Utilities Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.

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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 Gaddis

- ◇ March 4, Application deadline for candidates for SCAC election and Town Hall meeting at NCSD to meet the candidates.
- ◇ March 18, SCAC Election, open for voters from 5:00 to 8:00 p.m. at NCSD.
- ◇ March 24, Dixieland Jazz Band will perform at the Pismo Beach Vets Hall at 1:00 p.m. and 3:45 p.m.

Director Vierheilig

- ◇ March 5, Finance and Audit Committee Meeting at 2:00 p.m. at NCSD.
- ◇ March 6, WRAC will meet at 1:30 p.m. at the San Luis Obispo Library.
- ◇ March 8-10, Santa Barbara Orchid Show at the Earl Warren Showground.
- ◇ April 5, Orchid Show Preview Benefit for the Guadalupe-Nipomo Dunes Center. Contact Director Vierheilig for Tickets.
- ◇ April 6 and 7, Central Coast Orchid Show at the South County Regional Center.

Director Harrison

- ◇ February 20, Attended the Nipomo Olde Towne Association Meeting about Miller Park.
- ◇ February 22, Attended the Supplemental Water Alternatives Committee Meeting.
- ◇ Met with the Nipomo Chamber of Commerce President in regards to grant money.

00:24:30

C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 5-0.

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

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D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE FEBRUARY 13, 2013 REGULAR BOARD MEETING MINUTES

D-3) APPROVE BOARD BY-LAWS AND POLICES

Michael LeBrun, General Manager, announced 3 corrections to the February 13, 2013, minutes.

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

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda as amended.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Vierheilig, Blair, Gaddis, and Harrison</i>	None	None

RESOLUTION NO. 2013-1293

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BOARD BY-LAWS AND POLICIES (2013)**

E. ADMINISTRATIVE ITEMS

01:16:52

E-1) SUSPEND ORDINANCE 2012-117 TO ALLOW PROCESSING OF APPLICATIONS FOR NEW DISTRICT WATER SERVICE

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mike Seitz, Deputy District Legal Counsel and Mr. LeBrun answered questions from the Board.

The following member of the public spoke:

Ed Eby, NCS D customer, spoke in opposition of allowing the processing of new applications for District water service.

Greg Nester, NCS D customer, spoke in support of allowing the processing of new applications for District water service.

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

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Blair, Vierheilig, Gaddis, and Harrison</i>	None	None

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Item E-1 (Continued)

Mike Seitz, Deputy District Legal Counsel read aloud the proposed Ordinance by title only: "An Ordinance of the Board of Directors of the Nipomo Community Services District suspending enforcement of Ordinance Number 2012-117."

*Upon the motion of Director Armstrong and seconded by Director Blair, the Board introduced the Ordinance and set the hearing date of March 13, 2013 for adoption.
Vote 4-1.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Gaddis, and Harrison	Director Vierheilg	None

The Board took a break from 10:35 to 10:45 a.m.

01:32:31

E-2) INTRODUCE ORDINANCE TO CHANGE DISTRICT WATER CODE ALLOWING FOR GENERAL MANAGER TO GRANT RELIEF UNDER CERTAIN CIRCUMSTANCES WHEN CUSTOMER LEAKS LEAD TO HIGH WATER BILLS

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

There was no public comment.

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

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

Mike Seitz, Deputy District Legal Counsel read aloud the proposed Ordinance by title only: "An Ordinance of the Board of Directors of the Nipomo Community Services District amending Nipomo District code section 3.03.110 and adding section 3.03.120 to allow consideration of relief from water leak related high water bills."

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously introduced the Ordinance and set the hearing date of March 13, 2013 for adoption.
Vote 5-0.*

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

01:47:46

E-3) AWARD CONTRACT FOR BLACKLAKE WELL 4 PUMP REPLACEMENT PROJECT

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

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board adopted Resolution 2013-1294, a Resolution awarding the bid for the Blacklake Well 4 Pump replacement project to Sansone Company, Inc. in the amount of \$202,086.25 and authorizing a construction contingency of \$10,000.

Vote 5-0.

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

RESOLUTION NO. 2013-1294

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE BLACKLAKE WELL 4 PUMP REPLACEMENT PROJECT TO SANSONE COMPANY, INC. IN THE AMOUNT OF \$202,086.25 AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$10,000

E-4) AUTHORIZE TASK ORDER FOR CONSTRUCTION MANAGEMENT SERVICES FOR BLACKLAKE WELL 4 PUMP REPLACEMENT 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 was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously adopted Resolution 2013-1295, a Resolution authorizing a task order for Blacklake Well 4 Pump replacement project construction management services with Cannon in the amount of \$38,860 and authorizing a contingency of \$5,000.

Vote 5-0.

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

RESOLUTION NO. 2013-1295

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING TASK ORDER FOR BLACKLAKE WELL 4 PUMP REPLACEMENT PROJECT CONSTRUCTION MANAGEMENT SERVICES WITH CANNON IN THE AMOUNT OF \$38,860 AND AUTHORIZING CONTINGENCY OF \$5,000

02:01:02

E-5) REVIEW DISTRICT STRATEGIC PLAN

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

There was no public comment.

The Board reviewed the materials and gave direction to staff.

02:16:10

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.

G. COMMITTEE REPORT

There were no committee reports.

02:29:01

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(b):
Anticipated litigation - 1 case
4. CONFERENCE WITH LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9; NCSD VS. COUNTY SLO, ET AL. (CASE #CV090010)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:45 a.m.

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

The Board came back into Open Session at 12:45 p.m.

Mike Seitz, District Deputy Legal Counsel, announced that the Board heard an update from Legal Counsel and the General Manager for item one, listed above for closed session but took no reportable action. Mr. Seitz announced the California Supreme Court has denied petition for review of the case.

The Board discussed Items two, three, and four listed above for closed session, but took no reportable action.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Armstrong

- ◇ *Questioned commenting on the SWAEC's Draft Final Report.*

Director Blair

- ◇ *Address customer concerns regarding a bollard the District installed on Dale Avenue.*
- ◇ *Questioned when duplicate billing will be available.*
- ◇ *Requested staff to look into acknowledging the founders of NCS D with a plaque in public view.*

ADJOURN

President Harrison adjourned the meeting at 12:55 p.m.

MEETING SUMMARY	HOURS
Regular Meeting	2.55
Closed Session	1.00
TOTAL HOURS	3.55

FEBRUARY 27, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

SUPPLEMENTAL WATER ALTERNATIVES EVALUATION COMMITTEE

ALTERNATIVE EVALUATION DRAFT FINAL REPORT

IS POSTED TO THE DISTRICT WEBSITE (NCS.D.CA.GOV)

**HARD COPIES ARE AVAILABLE FOR REVIEW AND/OR PURCHASE AT THE DISTRICT
OFFICE.**

NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET

NIPOMO, CA 93444

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