

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: MARCH 7, 2014

**AGENDA ITEM  
C  
MARCH 12, 2014**

**PRESENTATIONS AND REPORTS**

The following presentations and reports are scheduled:

- C-1) REPORT ON FEBRUARY 26, 2014 REGULAR MEETING CLOSED SESSION  
Announcement of actions, if any, taken in Closed Session
- 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  
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**FEBRUARY 26, 2014 REGULAR MEETING  
CLOSED SESSION REPORT**

**ITEM**

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

**BACKGROUND**

The February 26, 2014 Regular Meeting Closed Session included:

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 PURSUANT TO GOVT. CODE §54956.9(a):  
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):  
Significant Exposure to Litigation - 1 case.
4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of case: NCSD v Troesh et. al. SLOCSC# CV130175

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

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN  
GENERAL MANAGER

*MSL*

DATE: MARCH 7, 2014

**AGENDA ITEM**

**D**

**MARCH 12, 2014**

**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 FEBRUARY 26, 2014 REGULAR BOARD MEETING MINUTES  
[RECOMMEND APPROVAL]

TO: BOARD OF DIRECTORS  
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**HAND WRITTEN CHECKS**

**TOTAL COMPUTER CHECKS  
 \$343,517.96**

02-12-14 10232 SLO COUNTY CLERK RECORDER  
 03-03-14 10233 PACIFIC BORING  
 03-12-14 10234 CHRIS & PATTI MCNABB  
 03-12-14 10235 THOMAS SHAHADEN  
 03-12-14 10236 HERBERT & JUDY JONES

LIEN RELEASE \$14.00  
 BP#3 ASSIGNMENT \$78,869.25  
 WASHER REBATE \$75.00  
 WASHER REBATE \$75.00  
 WASHER REBATE \$75.00

VOIDS - NONE

**COMPUTER GENERATED CHECKS**

22800	02/28/14	EMP01	EMPLOYMENT DEVELOP DEPT	B40225	02/25/14	STATE INCOME TAX	02-14	1155.11	1155.11
22801	02/28/14	MID01	RABOBANK-PAYROLL TAX DEPOS	B40225	02/25/14	FEDERAL INCOME TAX	02-14	3807.01	
22801	02/28/14	MID01	RABOBANK-PAYROLL TAX DEPOS	1B40225	02/25/14	FICA	02-14	86.80	
22801	02/28/14	MID01	RABOBANK-PAYROLL TAX DEPOS	2B40225	02/25/14	MEDICARE (FICA)	02-14	1042.76	4936.57
22802	02/28/14	MID02	RABOBANK-DIRECT DEPOSIT	B40225	02/25/14	NET PAY	02-14	26838.82	26838.82
22803	02/28/14	PER01	PERS RETIREMENT	B40225	02/25/14	PERS PAYROLL REMITTANCE	02-14	8682.79	8682.79
22804	02/28/14	STA01	CALPERS 457 DEFERRED COMP	B40225	02/25/14	457 DEFERRED COMP	02-14	2580.00	2580.00
022805	03/12/14	ABA01	ABALONE COAST BACTERIOLOG	5223.00	.00	5223.00	FEB 2014		LAB TESTS
022806	03/12/14	ADA01	ADAMSKI MOROSKI MADDEN CU	1540.00	.00	1540.00	32550		LEGAL SERVICES THRU 12/31
022807	03/12/14	ADV01	ADVANTAGE ANSWERING PLUS	134.85	.00	134.85	MAR 2014		ANSWERING SERVICE
022808	03/12/14	AEC01	AECOM USA INC	11013.30	.00	11013.30	37420608		SOUTHLAND WWTF UPGRADE
022809	03/12/14	ALX01	ALEXANDER'S CONTRACT SERV	3350.25	.00	3350.25	MAR 2014		METER READING
022810	03/12/14	AME03	AMERI PRIDE	169.46	.00	169.46	68318		UNIFORMS
				142.29	.00	142.29	72950		UNIFORMS
			<b>Check Total.....:</b>	<b>311.75</b>	<b>.00</b>	<b>311.75</b>			
022811	03/12/14	ATT01	AT&T	154.17	.00	154.17	5154273		TELEPHONE
				29.92	.00	29.92	5154517		TELEPHONE
				159.33	.00	159.33	5154587		TELEPHONE
			<b>Check Total.....:</b>	<b>343.42</b>	<b>.00</b>	<b>343.42</b>			
022812	03/12/14	BES01	BEST BEST & KRIEGER	4461.60	.00	4461.60	720468		PERSONNEL MANUAL UPDATE
				7492.16	.00	7492.16	720469		SUPPLEMENTAL WATER PROJEC
				7156.45	.00	7156.45	720470		MCA VS NCSD
			<b>Check Total.....:</b>	<b>19110.21</b>	<b>.00</b>	<b>19110.21</b>			
022813	03/12/14	BRE02	BRENNTAG PACIFIC INC.	421.28	.00	421.28	BPI391585		SODIUM HYPOCHLORITE
				376.08	.00	376.08	BPI391586		SODIUM HYPOCHLORITE
				421.28	.00	421.28	BPI393819		SODIUM HYPOCHLORITE
				611.17	.00	611.17	BPI393820		SODIUM HYPOCHLORITE
			<b>Check Total.....:</b>	<b>1829.81</b>	<b>.00</b>	<b>1829.81</b>			
022814	03/12/14	CAL16	CALPERS	28600.00	.00	28600.00	MAR 2014		QTRLY OPEB CONTRIBUTION
022815	03/12/14	CAN02	CANNON CORPORATION	4242.16	.00	4242.16	56020		BL WELL #4
022816	03/12/14	CAN03	CANVAS SOLUTIONS, INC.	840.00	.00	840.00	220788466		SUBSCRIPTION
022817	03/12/14	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	MAR 2014A		INTERNET-SOUTHLAND
				235.72	.00	235.72	MAR 2014B		INERNET-WILSON
			<b>Check Total.....:</b>	<b>440.71</b>	<b>.00</b>	<b>440.71</b>			
022818	03/12/14	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B402151		COMPUTER SUPPORT
022819	03/12/14	CRY01	CRYSTAL SPRINGS	31.41	.00	31.41	FEB 2014		DISTILLED WATER
022820	03/12/14	FAR02	FAR WEST EXPRESS	24.00	.00	24.00	FEB 2014		DELIVERY
022821	03/12/14	GIL01	GLM, INC.	340.00	.00	340.00	FEB 2014		LANDSCAPE MAINTENANCE
022822	03/12/14	GWA01	GWA INC	87.00	.00	87.00	MAR 2014A		ALARM-SHOP
				55.00	.00	55.00	MAR 2014B		ALARM-WILSON
				87.00	.00	87.00	MAR 2014C		ALARM-509 SOUTHLAND
			<b>Check Total.....:</b>	<b>229.00</b>	<b>.00</b>	<b>229.00</b>			
022823	03/12/14	HAC01	HACH COMPANY	267.68	.00	267.68	8699383		EZ COD RECYCLING KIT
022824	03/12/14	HAY01	HAYES ADVANCED DESIGN	1463.00	.00	1463.00	126		ASPHALT REPAIR

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022825	03/12/14	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	61074	LANDSCAPE MAINTENANCE
022826	03/12/14	LEE02	LEE CENTRAL COAST NEWSPAP	332.36	.00	332.36	FEB 2014	WATER CONSERVATION ADS
022827	03/12/14	MAR04	MARIS, LLC	20.00	.00	20.00	24258	COMPUTER TESTING
022828	03/12/14	MIC01	MICROSCOPE WORLD	3525.00	.00	3525.00	140126	MICROSCOPE
022829	03/12/14	MIN02	MINER'S ACE HARDWARE	700.62	.00	700.62	FEB 2014	SUPPLIES
022830	03/12/14	MNS01	MNS ENGINEERS INC	48090.50	.00	48090.50	64087	SOUTHLAND WWTF UPGRADE
				22501.51	.00	22501.51	64088	SUPPLEMENTAL WATER PROJEC
			Check Total.....:	70592.01	.00	70592.01		
022831	03/12/14	NEW05	NEWTON GEO-HYDROLOGY CONS	6660.73	.00	6660.73	FEB 2014	LITIGATION SUPPORT
022832	03/12/14	NEX03	NEXTRAQ	408.50	.00	408.50	AT1012333	GPS SERVICE
022833	03/12/14	NIP05	NIPOMO CHAMBER OF COMMERC	2343.00	.00	2343.00	FEB 2014	NIP CHAMBER OF COMMERCE G
				209.00	.00	209.00	DEC 2013C	NIP CHAMBER OF COMMERCE G
				258.10	.00	258.10	DEC 2013D	NIP CHAMBER OF COMMERCE G
			Check Total.....:	2810.10	.00	2810.10		
022834	03/12/14	OFF01	OFFICE DEPOT	108.31	.00	108.31	2706001	OFFICE SUPPLIES
022835	03/12/14	POO01	POOR RICHARD'S PRESS	627.03	.00	627.03	258096A	NEWSLETTERS
				1330.62	.00	1330.62	258096B	POSTAGE FOR NEWSLETTERS
			Check Total.....:	1957.65	.00	1957.65		
022836	03/12/14	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	245	JANITORIAL
022837	03/12/14	RAU01	RAUCH COMMUNICATION CONSU	4203.73	.00	4203.73	FEB-1409	PROGRESS PMT-STRATEGIC PL
022838	03/12/14	SOU01	SOUTH COUNTY SANITARY	43.98	.00	43.98	4398162	WASTE COLLECTION OFFICE
				193.70	.00	193.70	4399391	OLDE TOWN WASTE COLLECTIO
			Check Total.....:	237.68	.00	237.68		
022839	03/12/14	SPE01	SPECIAL DISTRICT RISK	4722.00	.00	4722.00	46181	WORKERS COMP-4TH QTR
022840	03/12/14	TES01	TESCO CONTROLS, INC.	110660.00	.00	110660.00	53683	SOUTHLAND WWTF
				3450.00	.00	3450.00	53688	FIELD WORK
			Check Total.....:	114110.00	.00	114110.00		
022841	03/12/14	THE01	THE GAS COMPANY	44.13	.00	44.13	FEB 2014	HEAT-WILSON
				34.35	.00	34.35	FEB 2014A	HEAT-SOUTHLAND
			Check Total.....:	78.48	.00	78.48		
022842	03/12/14	USA01	USA BLUEBOOK	278.23	.00	278.23	280118	FOOD GRADE ANTI-SEIZE
022843	03/12/14	USB01	US BANK (VISA)	115.28	.00	115.28	22414A	MEETING SUPPLIES
				1036.80	.00	1036.80	22414B	CONSERVATION PROGRAM
				690.06	.00	690.06	22414E	OFFICE SUPPLIES
				47.09	.00	47.09	22414F	POSTAGE
				30.00	.00	30.00	22414G	RECORDING FEE
				168.00	.00	168.00	22414H	OFFICE SUPPLIES
				290.00	.00	290.00	22414I	WEB SITE HOSTING
				1046.20	.00	1046.20	022114D	POSTAGE
				190.29	.00	190.29	022414C	PRINTER REPAIR
			Check Total.....:	3613.72	.00	3613.72		
022844	03/12/14	VER01	VERIZON	48.62	.00	48.62	840305	TELEPHONE
022845	03/12/14	VER03	VERIZON WIRELESS	421.98	.00	421.98	20616358A	CELL SERVICE
				3046.57	.00	3046.57	20616358B	EQUIPMENT
			Check Total.....:	3468.55	.00	3468.55		
022846	03/12/14	WAT06	WATERISAC	499.00	.00	499.00	14-62999	MEMBERSHIP DUES

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FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR  
SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT

Cushman Contracting	Period 2/1/14 to 2/31/14	\$233,509.30
First Republic Bank	Period 2/1/14 to 2/31/14	\$12,289.96
	TOTAL	\$245,799.26

FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR  
SUPPLEMENTAL WATER PROJECT PHASE 1 – BID PACKAGE #1

ARB, Inc.	Retention Released	\$303,413.88
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## APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

### ITEM

Approve action minutes from previous Board meetings. [RECOMMENDED APPROVE MINUTES]

### BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

### RECOMMENDATION

Approve minutes as part of Consent Agenda.

### ATTACHMENT

- A. February 26, 2014 draft Board Meeting Minutes

MARCH 12, 2014

ITEM D-2

ATTACHMENT A



# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**FEBRUARY 26, 2014 AT 9:00 A.M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

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

### PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR  
MICHAEL W. SEITZ, GENERAL COUNSEL  
PETER SEVCIK, DIRECTOR OF ENG. & OPS.  
NITA WINDSOR, 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

#### A. CALL TO ORDER AND FLAG SALUTE

*President Armstrong called the Regular Meeting of February 26, 2014 to order at 9:00 a.m. and led the flag salute.*

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

*At Roll Call, all Directors were present.*

*There was no public comment.*

00:56

#### C. PRESENTATIONS AND REPORTS

##### C-1) DIRECTOR OF ENGINEERING AND OPERATIONS

RE: Summary of Activities

*Peter Sevcik, Director of Engineering and Operations, provided the Engineering and Operations update for January 2014. Mr. Sevcik also provided Monthly Progress Reports on both the Southland WWTF Improvements Phase 1 Project and the Supplemental Water Project Bid Package 4. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his reports.*

##### C-2) REPORT ON FEBRUARY 12, 2014 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in Closed Session

*Michael Seitz, District Legal Counsel, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item Two (Conference with Legal Counsel pursuant to Govt. Code §54956.9(a): existing litigation – 1 case: Mesa Community Alliance vs. District, Case No. CV 130222 in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item Three (Conference with Legal Counsel pursuant to Govt. Code §54956.9(d)(2)&(e)(1): Significant Exposure to Litigation- 1 case in closed session, but took no reportable action.*

Subject to Board Approval

**PRESENTATIONS AND REPORTS (CONTINUED)**

**ITEM C-2 (CONTINUED)**

*Mr. Seitz reported that the Board discussed Item Four (Conference with Legal Counsel – existing litigation (Paragraph (1) of subdivision (d) of Section 54956.9) NCS D v Troesh, et. al SLOCSC# CV130175 in closed session, but took no reportable action.*

**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

- ◇ Attended the SCAC Meeting on February 24

Director Harrison

- ◇ Attended SCAC Subcommittee meeting on Planning Review on February 10
- ◇ Attended the SCAC Traffic and Circulation Committee Meeting on February 13
- ◇ Attended the NCS D Finance and Audit Committee Meeting on February 19
- ◇ Attended a meeting regarding Viva Farms on February 25

Director Vierheilg

- ◇ Will be attending the NCS D Finance and Audit Committee Meeting on March 6
- ◇ Will be attending the Santa Barbara International Orchid Show, to be held March 14, 15 and 16

Director Blair

- ◇ Took a Snow Train trip in Northern California and commented on the lack of snow

Director Armstrong

- ◇ Attended the San Luis Obispo County CSDA Dinner on February 21

**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 Vierheilg and seconded by Director Harrison, the Board unanimously voted to receive and file the presentations and reports as submitted.  
Vote 5-0.*

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

0:47:19 D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE FEBRUARY 12, 2014 REGULAR BOARD MEETING MINUTES

*President Armstrong asked if any Directors had any comments on Consent Agenda. Director Harrison and Director Gaddis requested clarification on warrants.*

*There was no public comment.*

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

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

0:56:41 E. ADMINISTRATIVE ITEMS

- E-1) DISCUSS ALLOWANCE OF NEW WATER SERVICE DURING DROUGHT CONDITIONS

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun and Michael Seitz, District Legal Counsel answered questions from the Board. Mr. LeBrun noted that he will be attending a meeting with the San Luis Obispo County Planning and Building Department on March 7 to discuss the water shortage.*

*The Board took a 10-minute break from 10:15 a.m. to 10:25 a.m.*

*There was no public comment.*

*The Board directed staff to follow the guidelines outlined in the staff report, with actual implementation of the guidelines being subject to board approval at the time each drought stage is reached.*

2:18:13 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.*

2:25:57 G. COMMITTEE REPORTS

- a. FEBRUARY 5, 2014 WATER RESOURCES COMMITTEE MEETING MINUTES
- b. FEBRUARY 19, 2014 FINANCE AND AUDIT COMMITTEE MEETING MINUTES

*Director Vierheilig noted two minor corrections to the February 5, 2014 Water Resources Committee Meeting minutes.*

**2:31:45** H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Vierheilig posed a question regarding the desalinization portion of capacity charges. Michael LeBrun, General Manager, stated that this is being discussed in the Finance and Audit Committee meetings.*

*Director Gaddis requested a tour of the Southland Wastewater Facility Phase 1 Construction Project.*

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(a):  
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
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Significant Exposure to Litigation - 1 case.
4. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of case: NCSO v Troesh et. al. SLOCSC# CV130175

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

**2:43:01** K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 12:00 p.m., and announced that the Board would take a 10 minute break prior to the beginning of closed session.*

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*The Board came back into Open Session at 12:37 p.m.*

*Michael Seitz, District Legal Counsel, announced that the Board discussed Items One, Two, Three and Four listed above under closed session announcements, but took no reportable action.*

ADJOURN

*President Armstrong adjourned the meeting at 12:38 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	3 hours 1 minute
Closed Session	0 hour 37 minutes
TOTAL HOURS	3 hours 38 minutes