

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MEETING MINUTES

**JANUARY 8, 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.

**0:00:00** A. CALL TO ORDER AND FLAG SALUTE

*President Armstrong called the Regular Meeting of January 8, 2014 to order at 9:00 a.m. and Led the flag salute.*

**0:00:40** B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, all Board members were present.*

*Homer Fox, NCSD Customer, requested an updated Will-Serve letter from the Board, and also commented on the fact that the door was locked at the Southland office.*

*President Armstrong directed Staff to place Mr. Fox's request on the February 12, 2014 agenda.*

C. PRESENTATIONS AND REPORTS

*President Armstrong presented James Harrison, 2013 Board President, with a gavel as a thank you for his service as President from 2009-2013.*

C-1) REPORT ON DECEMBER 11, 2013 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.*

*Michael Seitz, District Legal Counsel, announced that Item Two (Conference with Legal Counsel re: pending litigation pursuant to GC §54956.9 WHITLOW VS. NCSD) is now closed.*

*The Board discussed Item Three (Conference with Legal Counsel – existing litigation (Paragraph (1) of subdivision (d) of Section 54956.9 NCSD VS. TROESH, et al) in closed session, but took no reportable action.*

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- C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Director Vierheilig

- ◇ January 14, 2014, Blacklake Management Association meeting at 2:00 p.m.

Director Harrison

- ◇ December 12, 2013, Attended meeting regarding the Santa Maria Refinery proposed rail spur.
- ◇ December 15, 2013, Met with 4<sup>th</sup> District Supervisor Caren Ray
- ◇ December 17, 2013, Attended County Board of Supervisors Meeting
- ◇ Met with 4<sup>th</sup> District Supervisor candidate Lynn Compton

- C-3) 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 Gaddis, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 5-0.*

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

0:15:19

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE DECEMBER 11, 2013 REGULAR BOARD MEETING MINUTES

*Director Gaddis requested item D-2 be pulled for discussion and requested clarification on warrants.*

*There was no public comment.*

*Upon the motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved Item D-1. Vote 5-0.*

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

**CONSENT AGENDA (CONTINUED)**

*Item D-2*

*Director Gaddis noted the omission of the board election which was held in December in the December 11, 2013 Board Minutes.*

*There was no public comment.*

*Upon the motion of Director Gaddis and seconded by Director Vierheilig, the Board voted to withhold the approval of the December 11, 2013 Board Meeting minutes pending correction of the omission as stated above until the next regular Board Meeting on January 22, 2014.*

*Vote 5-0.*

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

**E. ADMINISTRATIVE ITEMS**

**E-1) CONSIDER RESOLUTION IMPLEMENTING FINGER PRINTING OF DISTRICT STAFF**

*Michael LeBrun, General Manager, reviewed the report as presented in the Board Packet.*

*There was no public comment.*

*Upon the motion of Director Harrison and seconded by Director Gaddis the Board unanimously approved Resolution No. 2014-1327.*

*Vote 5-0.*

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

**RESOLUTION NO. 2014-1327**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 TO IMPLEMENT LIVESCAN FINGERPRINTING**

**E-2) ANNUAL REVIEW OF DISTRICT INVESTMENT POLICY**

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.*

*There was no public comment.*

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**ITEM E-2 (CONTINUED)**

*Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved Resolution 2014-1328.  
Vote 5-0.*

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

*RESOLUTION NO. 2014-1328*

*A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE YEAR 2014 DISTRICT INVESTMENT POLICY*

**E-3) AFFIRM 2014 BOARD MEETING SCHEDULE**

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.*

*There was no public comment.*

*Upon the motion of Director Gaddis and seconded by Director Vierheilig, the Board unanimously approved the 2014 Board Meeting Schedule.  
Vote 5-0.*

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

**E-4) RATIFY 2014 BOARD COMMITTEE ASSIGNMENTS**

*Director Harrison noted that SCAC does not allow for an Alternate.*

*There was no public comment.*

*Upon the motion of Director Vierheilig and seconded by Director Harrison, the Board unanimously agreed to ratify the 2014 Board Committee Assignments with the correction as stated above.  
Vote 5-0.*

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

**00:42:47 F. GENERAL MANAGER’S REPORT**

*Michael LeBrun, General Manager, announced a Special Board Meeting to be held January 10, 2014 at 9:00 a.m.*

*Mr. LeBrun reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.*

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**GENERAL MANAGER’S REPORT (CONTINUED)**

*There was no public comment.*

G. COMMITTEE REPORTS

*There were no committee reports.*

H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Gaddis suggested that the Board invite Supervisor Ray to attend a future Board Meeting.*

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 PURSUANT TO GOVT. CODE §54956.9(a):  
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 10:00 a.m.*

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

*The Board came back into Open Session at 10:55 a.m.*

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

ADJOURN

*President Harrison adjourned the meeting at 10:56 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hours 00 minutes
Closed Session	55 minutes
<b>TOTAL HOURS</b>	<b>1 hours 55 minutes</b>