

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

NOVEMBER 13, 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**  
MICHAEL W. SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**  
MERRIE WALLRAVIN, **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 Harrison called the Regular Meeting of November 13, 2013, to order at 9:00 a.m. and led the flag salute.*

00:00:40

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

*At roll call, all Board members were present.*

*President Harrison pulled Item D-3 and put it at the front of the Agenda.*

#### D-3) ADOPT RESOLUTION RECOGNIZING STAFF SERVICE

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

*There was no public comment.*

*Upon the motion of Director Vierheilig, and seconded by Director Armstrong the Board unanimously adopted Resolution 2013-1323, A Resolution of appreciation to Kathy Beltran for service to the Nipomo Community Services District.*

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

RESOLUTION 2013-1323

A RESOLUTION OF APPRECIATION TO  
KATHY BELTRAN FOR SERVICE TO THE  
NIPOMO COMMUNITY SERVICES DISTRICT

*The Board considered Item C-1 next*

00:03:14

#### C-1) RECOGNIZE RETIRING BILLING CLERK KATHY BELTRAN FOR 23 YEARS OF SERVICE TO DISTRICT

*President Harrison read Resolution 2013-1323 aloud and presented Kathy Beltran with the Resolution and a retirement clock. The staff, directors, and audience gave Ms. Beltran a standing ovation. The Board thanked Ms. Beltran for her 23 years of service.*

00:07:57

*The Board considered Item C-2 next.*

#### C-2) UNVEIL FOUNDING DIRECTOR RECOGNITION PLAQUE

*At 9:10 a.m. the Board and the Public gathered in the office lobby. President Harrison*

*unveiled the plaque and recognized the founding Directors. Founding Director Cecil Davis commented on the formation of the District. Peg Miller, widow of founding Director and first Board President Jim O. Miller, commented on the changes she has witnessed over the last 50 years. The Board thanked Mr. Davis and Mrs. Miller for their attendance.*

*The Board and the Public returned to the Board Room at 9:15 a.m.*

*The Board considered Public comment for items not on the Agenda next.*

*The following members of the public spoke:*

*Sam Scarbrough, NCSD customer, thanked the Board for their efforts in getting the Nipomo Community another source of water.*

00:10:19

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-3) REPORT ON OCTOBER 23, 2013 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session

*Mike 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.*

*The Board discussed Item Two (Conference with District Legal Counsel re: anticipated litigation pursuant to GC §54956.9 MCA VS. NCSD) in closed session, but took no reportable action.*

*The Board discussed Item Three (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 NCSD VS. County SLO) in closed session, but took no reportable action.*

##### C-4) DIRECTOR OF ENGINEERING AND OPERATIONS RE: Summary of recent activities

*Peter Sevcik, Director of Engineering and Operations, gave an update of recent activities. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.*

##### C-5) 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 Armstrong

◇ *October 28, Attended SCAC meeting.*

#### **ITEM C-5 (CONTINUED)**

Director Gaddis

◇ *Commented on the River Crossing Celebration and commended the General Manager for his efforts.*

Nipomo Community Services District  
**REGULAR MEETING  
 MINUTES**

- ◇ October 24, Attended the Home Builders Association of the Central Coast’s Public Officials Night.
- ◇ November 7, NMMA TG met and elected new officers.
- ◇ Announced that Golden State Water Company submitted an application to purchase Rural Water Company.

Director Vierheilig

- ◇ November 1, Blacklake Management Association met and discussed a proposed traffic light at the intersection of Willow Road and Pomeroy Road.
- ◇ November 6, WRAC met and discussed the Paso Robles Groundwater Basin, IRWM Plan, and had a presentation on recycled water.
- ◇ Announced that the Final EIR for the Dana Adobe is out and will be considered by the SLO County Board of Supervisors on December 10, 2013.
- ◇ November 12, Finance and Audit Committee met and discussed the draft audit.
- ◇ November 19, Water Resources Committee will meet at 2:00 p.m. at NCSD.

Director Blair

- ◇ Commented on the River Crossing Celebration.
- ◇ Commented on recycled water and the refinery on the Nipomo Mesa.
- ◇ Commented on the County requiring a right turn lane for the proposed Nursing Home in Nipomo.

Director Harrison

- ◇ November 5, SLO County Board of Supervisors met and approved the revised MOU with the County and Olde Towne Nipomo Association for Jim O. Miller Park.
- ◇ November 7, Attended the NMMA TG meeting.
- ◇ November 11, Attended SCAC Land Use meeting.
- ◇ November 12, Attended the Finance and Audit Committee meeting.
- ◇ November 15, Supervisor Ray will hold a public meeting at the Trilogy to discuss the Phillips Refinery rail service expansion.

C-6) 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, Armstrong, and Harrison	None	None

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE OCTOBER 23, 2013 REGULAR BOARD MEETING MINUTES

D-3) ADOPT RESOLUTION RECOGNIZING STAFF SERVICE

D-4) APPROVE AMENDMENT TO DEBT POLICY

*Michael LeBrun, General Manager, announced that Item D-3 was pulled off the consent agenda and heard earlier in the agenda.*

*Michael LeBrun, General Manager, answered questions from the Board.*

*Director Vierheilig handed staff minor punctuation corrections for the debt policy.*

*The following members of the public spoke:*

*Ed Eby, NCSD customer, questioned the requirements and how long they stay in place for the debt policy.*

*Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously approved Items D-1, D-2, and D-4, as amended.*

*Vote 5-0.*

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

**RESOLUTION 2013-1324**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING THE ADOPTION OF THE AMENDMENT TO  
THE DEBT MANAGEMENT POLICY FOR THE DISTRICT**

E. ADMINISTRATIVE ITEMS

00:43:28

E-1) CONSIDER GRANT REQUEST FROM NIPOMO CHAMBER OF COMMERCE IN AMOUNT OF \$10,230 FOR SOLID WASTE REMOVAL IN NIPOMO COMMUNITY COMMON AREAS

*Michael LeBrun, General Manager, reviewed the report as presented in the Board Packet. Rudy Stowell, Nipomo Chamber President, answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the grant request and directed staff to execute a grant agreement amendment with Nipomo Chamber of Commerce for not to exceed \$10,230.*

*Vote 5-0.*

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

E-2) CONSIDER LOCAL AREA FORMATION COMMISSION BALLOT FOR ALTERNATE SPECIAL DISTRICT MEMBER

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

*The following members of the public spoke:*

*Ed Eby, NCSD customer, stressed the importance of this seat and urged the Board to vote for Dan Gaddis.*

*Mr. Eby answered questions from the Board.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously nominated Dan Gaddis for the LAFCO Special District Alternate Member and directed staff to file completed ballot with LAFCO no later than December 6, 2013. Vote 5-0.*

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

00:59:51

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 REPORTS

*There were no committee reports.*

H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*There were no requests to staff.*

01:21:25

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
3. 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

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

*There was no public comment.*

K. ADJOURN TO CLOSED SESSION

*President Harrison adjourned to closed session at 10:30 a.m.*

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

*The Board came back into Open Session at 11:13 a.m.*

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

ADJOURN

*President Harrison adjourned the meeting at 11:15 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 30 minutes
Closed Session	45 minutes
TOTAL HOURS	2 hours 15 minutes