

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**MAY 27, 2015, AT 9:00 A.M.**

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### **BOARD of DIRECTORS**

CRAIG ARMSTRONG, **PRESIDENT**  
DAN GADDIS, **VICE PRESIDENT**  
BOB BLAIR, **DIRECTOR**  
ED EBY, **DIRECTOR**  
DAN WOODSON, **DIRECTOR**

### **PRINCIPAL STAFF**

MICHAEL S. LEBRUN, **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 May 27, 2015 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 Directors were present.*

*There were no public comments.*

00:00:43

#### C. PRESENTATIONS AND REPORTS

##### C-1) DIRECTOR OF ENGINEERING AND OPERATIONS Summary of recent activities

*Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board Packet. Mr. Sevcik also reported that the Supplemental Water Project was in the final stages of construction and scheduled to go online in July. Mr. Sevcik answered questions from the Board.*

*There were no public comments.*

00:07:37

##### C-2) REPORT ON MAY 12, 2015 REGULAR MEETING AND MAY 21, 2015 SPECIAL MEETING CLOSED SESSIONS

Announcement of actions, if any, taken in Closed Session

*Mike Seitz, District Legal Counsel, announced that the Board discussed Item 1.1(a) from the May 12, 2015 Regular Meeting (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 1.2 (Navarro v. NCSD) in closed session, voted 5-0 to reject the claim, directed staff to provide notice of rejection to the claimants and directed that the defense of the claims be tendered to D-KAL.*

*Mr. Seitz announced that the Board discussed Item 4(a) from the May 21, 2015 Special Meeting (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, gave direction, but took no reportable action.*

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00:08:40

- 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 Woodson

- ◇ May 18, Attended the South County Advisory Council (SCAC) meeting where they discussed the District's letter to the County regarding water conservation measures, and voted unanimously to support the letter and send to the County.

Director Blair

- ◇ May 19-20, Attended the California Special District Association's (CSDA) Legislative Days in Sacramento where they discussed several bills up for consideration. Director Blair also reported that he met with Assemblyman Katcho Achadjian.

Director Gaddis

- ◇ May 18, Attended Nipomo Mesa Management Area's (NMMA) meeting.
- ◇ May 21, Attended NCSD Special Meeting declaring Stage III Water Shortage.

Director Eby

- ◇ May 12, Attended the Blacklake Management Association's meeting where they discussed the Rossi development project.
- ◇ May 19, Attended a presentation by Rossi regarding the project at Blacklake which will go before the County Board of Supervisors in August.
- ◇ The next NMMA meeting will be on June 16<sup>th</sup>.

00:15:23

- C-4) 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 Bob Blair 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 Blair, Gaddis, Eby, Woodson, and Armstrong	None	None

00:16:13

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- MAY 12, 2015 REGULAR MEETING

D-3) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- MAY 21, 2015 SPECIAL MEETING

Director Eby requested clarification on warrants. Michael LeBrun, General Manager, responded.

There were no public comments.

**ITEMS D-1 and D-2**

Upon the motion of Director Dan Gaddis and seconded, the Board unanimously approved Items D-1 and D-2.

Vote 5-0.

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

**ITEM D-3**

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the minutes from the May 21, 2015 Special Meeting. (Director Blair was not qualified to vote.)

Vote 4-0.

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

**E. ADMINISTRATIVE ITEMS**

00:18:21

**E-1) SEWER SERVICE REQUEST FOR 1141 DIVISION STREET 17-LOT RESIDENTIAL SUBDIVISION (APN 092-181-035)**

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

The following members of the public spoke:

Tom Girard, Pro Real Estate, handed materials to the Board (available for review at the District office) and commented on the conditions of the Intent-to-Serve and associated fees due. Mr. LeBrun responded. Mr. Girard answered questions from the Board.

Andy Mangano, MFI Limited, asked about existing hook-ups to the sewer system and fees paid. Mr. LeBrun responded.

Sharon Tanner, Nipomo resident and owner of APN 092-181-035, commented on the parcel and fees she believes have been paid.

Mike Seitz, District Legal Counsel, commented that the burden is on the applicant to provide proof of payment.

President Armstrong suggested the applicant go to the County to research the parcel and any payments made.

Andy Mangano, MFI Limited, asked about the ability to purchase water from the District. Mr. Seitz commented that this parcel is in Golden State Water company's boundary and Agreements are not yet in place.

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Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Intent-to-Serve Letter with conditions.  
Vote 5-0.

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

01:00:05

E-2) SERVICE REQUEST – TRACT 2558, 15-LOT RESIDENTIAL DEVELOPMENT

Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board.

The following members of the public spoke:  
George Newman, developer, commented on the location of the lot.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Intent-to-Serve Letter with conditions.  
Vote 5-0.

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

01:05:30

E-3) SERVICE REQUEST – APN 091-073-021 AND 091-073-022 4-LOT RESIDENTIAL DEVELOPMENT

Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board.

There were no public comments.

Upon the motion of Director Bob Blair and seconded, the Board unanimously approved the Intent-to-Serve Letter with conditions.  
Vote 5-0.

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

01:08:13

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun also reported the following:

- He had a discussion with 4<sup>th</sup> District Supervisor Lynn Compton's legislative aid, Jocelyn Brennan regarding the District's water shortage.
- Pending applications for service will be reflected in the Supplemental Water Accounting table in future Manager's Reports.
- The District plans to conduct another water rate study in 18 months.
- The California Special District Association (CSDA) annual conference is in September and is open to all Board members.

Mr. LeBrun answered questions from the Board.

There were no public comments.

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G. COMMITTEE REPORTS

*None.*

01:21:53

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*There were no requests.*

01:22:32

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).

01:22:43

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 10:23 a.m.*

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*The Board came back into Open Session at 10:42 a.m.*

*Mike Seitz, District Legal Counsel, announced that the Board discussed Item 1(a) but took no reportable action.*

ADJOURN

*President Armstrong adjourned the meeting at 10:43 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 24 minutes
Closed Session	19 minutes
TOTAL HOURS	1 hour 43 minutes

Respectfully submitted,

*Michael S. LeBrun*

Michael S. LeBrun, General Manager and Secretary to the Board

*6/11/15*

Date