

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

OCTOBER 8, 2014, AT 9:00 A.M.

JON S. SEITZ 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.**  
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 October 8, 2014, to order at 9:00 a.m. and led the flag salute.*

00:00:27

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

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

*There were no public comments.*

00:00:40

#### C. PRESENTATIONS AND REPORTS

##### C-1) SAN LUIS OBISPO COUNTY SHERIFF

South County Watch Commander Jay Donovan did not attend the meeting.

##### C-2) SAN LUIS OBISPO COUNTY PLANNING STAFF WATER OFF-SET PROGRAM

San Luis Obispo County Planning Department, Senior Planner, James Caruso will provide a presentation regarding water offset program the County is developing.

*James Caruso, Senior Planner for the San Luis Obispo County Planning Department, made a presentation on the County's Water Off-Set Program. Mr. Caruso answered questions from the Board and Legal Counsel.*

*There were no public comments.*

00:43:43

##### C-3) REPORT ON SEPTEMBER 24, 2014 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in Closed Session

*Mike Seitz, District Legal Counsel, announced that the Board discussed Item I.1(a) from the September 24, 2014, 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 I.1(b) (NCSD v. County) in closed session, but took no reportable action.*

*Mr. Seitz reported that the Board discussed Item I.1(c) (Bening v. NCSD) in closed session, but took no reportable action.*

ITEM C-3 (Continued)

*The Board discussed Item 1.2 from the September 24, 2014, Regular Meeting (Conference with District Legal Counsel re: liability claim pursuant to GC §54956.9 Specialty Construction and NCSD) in closed session, but took no reportable action.*

00:44:37

- C-4) 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 Blair

- ◇ September 29 - October 2, Attended CSDA Conference in Palm Springs.

Director Vierheilig

- ◇ Nipomo Native Gardens had a successful plant sale on October 5<sup>th</sup>.

Director Harrison

- ◇ September 29 - October 2, Attended CSDA Conference in Palm Springs and received safety award on behalf of the District.
- ◇ Toured Paso Robles tanker base.

Director Gaddis

- ◇ September 30, Attended Phillips 66's open house at the South County Regional Center.

Director Armstrong

- ◇ October 1, Attended Water Resources Advisory Committee meeting.
- ◇ October 6, Attended Nipomo Mesa Management Area meeting.

00:54:36

- C-5) 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 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

00:55:20

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- SEPTEMBER 24, 2014 REGULAR MEETING

*Directors Harrison and Vierheilig asked for clarification on warrants.*

*There were no public comments.*

*Upon the motion of Director Vierheilig and seconded by Director Harrison, the Board unanimously approved the consent agenda.*

*Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

00:58:10

E-1) APPROVE RESOLUTION ADOPTING SOCIAL MEDIA POLICY

*Michael LeBrun, General Manager, reviewed the policy as presented in the Board packet and distributed revised staff guidelines. Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*Ed Eby, NCSD Customer, commented on the policy and asked questions regarding privacy and security.*

*Upon the motion of Director Harrison and seconded by Director Blair, the Board approved staff's recommendation to adopt a Resolution 2014-1387 creating social media policy subject to a one-year review period unless terminated by staff.*

*Vote 4-1.*

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

**RESOLUTION NO. 2014-1387  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING SOCIAL MEDIA POLICY FOR THE DISTRICT**

01:35:21

E-2) ANNUAL REVIEW OF CASH RESERVES IN ACCORDANCE WITH RESERVE POLICY

*Lisa Bognuda, Finance Director, reviewed the report as presented in the Board packet. Ms. Bognuda answered questions from the Board.*

*There were no public comments.*

*Upon the motion of Director Harrison and seconded by Director Gaddis, the Board unanimously approved staff's recommendation to transfer \$58,000 from Blacklake Sewer Fund #150 to Blacklake Sewer – Funded Replacement Fund #830.*

*Vote 5-0.*

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

01:41:41 F. GENERAL MANAGER’S REPORT

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun also reported the District had a 21% reduction in groundwater production for September. Mr. LeBrun answered questions from the Board.*

*There were no public comments.*

01:53:17 G. COMMITTEE REPORTS

- Finance & Audit Committee will meet October 9, 2014 @ 9 AM

01:54:21 H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Vierheilig

- *Would like an update on the replacement fund study.*

01:56:17 I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

- a) SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- b) NCSO v County SLOCSC #CV090010
- c) Bening v NCSO SLOCSC #14CV-0069

2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95:

Claimant: Specialty Construction  
Agency: NCSO

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

01:56:27 K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 11:10 a.m.*

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

*The Board came back into Open Session at 11:30 a.m.*

*Mike Seitz, District Legal Counsel, announced that the Board discussed Item 1(a), Item 1(c) and Item 2 in closed session but took no reportable action.*

ADJOURN

*President Armstrong adjourned the meeting at 11:31 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 11 minutes

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

Closed Session	20 minutes
TOTAL HOURS	2 hours 31 minutes