

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

FEBRUARY 10, 2016 AT 9:00 A.M.

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

BOARD of DIRECTORS

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

PRINCIPAL STAFF

MARIO IGLESIAS, **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 February 10, 2016 to order at 9:00 a.m. and led the flag salute.

00:00:37 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

00:00:45 C-1) PRESENT A RESOLUTION OF APPRECIATION TO FORMER GENERAL MANAGER MICHAEL S. LEBRUN

President Armstrong introduced former District General Manager, Michael S. LeBrun, and commended him for his service to the District.

Vicki Jansen, District Director for Assemblyman Katcho Achadjian, presented Mr. LeBrun with a Resolution for his service.

County 4th District Supervisor, Lynn Compton, presented Mr. LeBrun with a Resolution for his service.

President Armstrong presented Mr. LeBrun with a Resolution of Appreciation for his dedicated service to the District.

The following members of the public spoke:

Michael S. LeBrun, former District General Manager, commented on the presentations and thanked the Board and public for the recognition.

President Armstrong called a recess at 9:15 a.m.

President Armstrong called the meeting back into session at 9:52 a.m.

00:11:18

C-2) REPORT ON PREVIOUS MEETING CLOSED SESSION

Announcement of actions, if any, taken during Closed Session at previous Board Meeting

Mike Seitz, District Legal Counsel, announced that the Board discussed Item I.1(a) from the January 27, 2016 Regular Meeting (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, heard a report but took no reportable action.

Mr. Seitz reported that the Board discussed Item I.1(b), 1(c), and 1(d), heard a report but took no reportable action.

Mr. Seitz also reported that the Board discussed Item I.2, voted unanimously to reject the claim and directed the General Manager to prepare and send the rejection notice.

00:12:06

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 Eby

- ◇ February 3, Attended the Water Resources Advisory Council (WRAC) meeting.

Director Gaddis

- ◇ February 3, Attended the Regional Water Management meeting where they discussed new Proposition 1 funds and the central coast funding area.
- ◇ February 3, Attended the Water Resources Advisory Council (WRAC) meeting.

Director Armstrong

- ◇ February 3, Attended the Water Resources Advisory Council (WRAC) meeting.

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 Dan Allen Gaddis 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 Gaddis, Blair, Eby, Woodson, and Armstrong | None | None |

00:17:23

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- JANUARY 27, 2016 REGULAR MEETING

D-3) SUPPLEMENTAL WATER PROJECT PHASE I, CONSIDER REQUEST FOR PARTIAL RELEASE OF RETENTION

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There were no public comments.

Directors Woodson, Gaddis and Blair asked questions regarding the warrants. Lisa Bognuda, Finance Director, and Peter Sevcik, Director of Engineering & Operations, responded.

Upon the motion of Director Dan Woodson and seconded, the Board unanimously approved the Consent Items.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:23:18

E-1) REVIEW BOARD BY-LAWS AND POLICIES AND PROPOSE EDITS FOR CONSIDERATION

Mario Iglesias, General Manager, reviewed the report as presented in the Board packet.

Mike Seitz, District Legal Counsel, commented that there were no laws passed during 2015 that would require a revision to the By-Laws.

Director Woodson commented on the presence of more than two directors at a public meeting and whether it is a violation of the Brown Act. Mr. Seitz responded that it is not a violation if the meeting is open to the public and no District business is discussed.

Director Eby suggested a non-substantive edit to the By-Laws.

President Armstrong encouraged Board discussion on reducing Regular meetings to once a month. Administrative items needing Board attention are tapering off. The Board discussed the pros and cons of reducing the number of Board Meetings. Mario Iglesias, General Manager, and Lisa Bognuda, Finance Director, answered questions from the Board.

Mr. Iglesias handed out copies of the District's Purchasing Policy to the Board (available for review at the District office).

There were no public comments.

The Board members agreed that the current process for scheduling and cancelling Regular meetings would remain in effect, but directed staff, in an effort to increase efficiencies, to inform the Board Officers of meeting consolidation opportunities throughout the year.

00:42:17

E-2) REVIEW NEW LAWS IMPACTING DISTRICT ADMINISTRATION AND GOVERNANCE

Mike Seitz, District Legal Counsel, reviewed the report as presented in the Board packet. Mr. Seitz answered questions from the Board.

There were no public comments.

00:52:38 F. GENERAL MANAGER'S REPORT

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

- *District groundwater pumping is the lowest it's been thanks to the arrival of supplemental water.*
- *The District's Supplemental Water Project received Project of the Year award from the American Public Works Association (APWA), California Central Coast Chapter and will be nominated at the National level.*
- *The Governor currently has proposed legislation that will extend drought regulation through October 2016.*

Mr. Iglesias answered questions from the Board.

There were no public comments.

00:59:39 G. COMMITTEE REPORTS

Director Gaddis reported that the Finance & Audit Committee met on February 9th and discussed the FY 2016-2017 Budget timeline, a Request for Proposal (RFP) process for audit services, and the District's Cash Reserve Policy. The next meeting is scheduled for March 7, 2016.

01:00:46 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- *Requested the Board re-visit the Intent-to-Serve (ITS) Policy at a future meeting.*

01:01:33 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) HEAL VS. NCSO (SAN LUIS OBISPO COUNTY CASE NO CV 15-0539)
 - c) INTERINSURANCE EXCHANGE OF THE AUTO CLUB (AN INTERINSURANCE EXCHANGE) VS. NCSO ET.AL. SAN LUIS OBISPO SUPERIOR COURT CASE NO. 15CV3808

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 10:52 a.m.

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

The Board came back into Open Session at 11:12 a.m.

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Mike Seitz, District Legal Counsel, announced that the Board discussed Item I.1(a), 1(b), and 1(c), heard a report, but took no reportable action.

ADJOURN

President Armstrong adjourned the meeting at 11:13 a.m.

| MEETING SUMMARY | HOURS & MINUTES |
|-----------------|-------------------|
| Regular Meeting | 1 hour 16 minutes |
| Closed Session | 20 minutes |
| TOTAL HOURS | 1 hour 36 minutes |

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

2-25-16

Date