

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JULY 22, 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 July 22, 2015 to order at 9:00 a.m. and led the flag salute.*

**00:00:32** B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, all Directors were present.*

*There were no public comments.*

**00:00:44** C. PRESENTATIONS AND REPORTS

C-1) DISTRICT DIRECTOR OF ENGINEERING AND OPERATIONS SUMMARY OF ACTIVITIES

*Peter Sevcik, Director of Engineering & Operations, reviewed the report as presented in the Board Packet. Mr. Sevcik also reported the following:*

- *Supplemental Water deliveries began July 2.*
- *Phase II of the Project has been initiated and staff expect to come before the Board for bid authorization by the end of the year.*
- *The Via Concha Well came back into service today.*
- *The District's Southland Wastewater Treatment Facility, Phase 1 Improvement Project received Environmental Engineering Project of the Year from the American Society of Civil Engineers (ASCE).*

*Mr. Sevcik answered questions from the Board.*

*The following members of the public spoke:*

*Jose Martinez, Nipomo resident, asked where in the system supplemental water is being delivered.*

**00:17:13** C-2) REPORT ON JUNE 24, 2015 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 June 24, 2015 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 also announced that the Board completed the annual performance review of District General Manager, Michael LeBrun, with a score of 1.32 - Outstanding.*

00:18:09

- 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 Blair

- ◇ Received a call from Supervisor Lynn Compton regarding a meeting with District staff.

Director Gaddis

- ◇ July 14, Attended a tour of the District's supplemental water pump station.

Director Eby

- ◇ July 21, Attended the Blacklake Homeowner's Association (HOA) meeting where the District reported on supplemental water and there was a discussion regarding the Rossi project.

Director Armstrong

- ◇ July 15, Attended the District's presentation at the Knollwood HOA meeting.

00:20:55

- 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

00:21:31

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS
  - JUNE 24, 2015 REGULAR MEETING
- D-3) INVESTMENT POLICY – SECOND QUARTER REPORT
- D-4) APPROVE AMENDED CONTRACT WITH DISTRICT GENERAL MANAGER
- D-5) UPDATE DISTRICT PROPOSITION 218 PROTEST GUIDELINES
- D-6) VIA CONCHA WELL REPAIR ACCEPTANCE

*Director Eby requested clarification on changes to be made to the 218 protest guidelines. Michael LeBrun, General Manager, responded.*

*Director Gaddis requested clarification on warrants. Michael LeBrun, General Manager, and Lisa Bognuda, Finance Director, responded.*

*There were no public comments.*

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved the consent agenda.  
Vote 5-0.

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

**RESOLUTION NO. 2015-1386**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO ARTICLE XIID, SECTION 6, OF THE CALIFORNIA CONSTITUTION, AND RELATED NOTICING**

E. ADMINISTRATIVE ITEMS

00:24:30

E-1) AUTHORIZE CHANGE ORDER FOR SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4

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

The following members of the public spoke:  
Jose Martinez, Nipomo resident, asked about the number of District wells. Mr. Sevcik responded.

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously authorized staff to issue a Change Order in the amount of \$252,900 to Spiess Construction Inc.  
Vote 5-0.

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

**RESOLUTION NO. 2015-1387**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING CHANGE ORDER FOR SUPPLEMENTAL WATER PROJECT PHASE I BID PACKAGE 4**

00:32:56

E-2) APPROVE PURCHASE OF WHEEL LOADER AND AMEND FY 2015/2016 BUDGET

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

Director Blair requested pictures be submitted with purchasing requests.

There were no public comments.

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved the Resolution authorizing purchase of a wheel loader and budget amendment.  
Vote 5-0.

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

**RESOLUTION NO. 2015-1388**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF WHEEL LOADER FROM QUINN COMPANY IN THE AMOUNT OF \$123,183 AND AMENDING 2015/2016 BUDGET**

00:39:19

E-3) INTRODUCE WATER SHORTAGE POLICY CLEAN-UP ORDINANCE, SET HEARING DATE FOR ADOPTION

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.*

*There were no public comments.*

*Upon the motion of Director Ed Eby and seconded, the Board unanimously authorized staff to read the proposed Ordinance by title only.*

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Eby, Armstrong, Blair, Woodson, and Gaddis</i>	<i>None</i>	<i>None</i>

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously set August 12, 2015 as the hearing date for adoption of the proposed Ordinance.*

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Eby, Blair, Woodson, and Gaddis</i>	<i>None</i>	<i>None</i>

00:43:14

NCS D PUBLIC FACILITIES CORPORATION ANNUAL MEETING

President Armstrong adjourned to the NCS D Public Facilities Corporation Annual Meeting.

ROLL

At roll call, all Board members were present.

A. APPROVE MINUTES OF THE JULY 23, 2014 MEETING

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board approved the minutes of July 23, 2014. Directors Eby and Woodson were not qualified to vote.*

*Vote 3-0.*

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

President Armstrong adjourned to NCS D Regular Board Meeting.

00:44:50

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. Mr. LeBrun also reported the following:*

- *Peter Sevcik, the District's Director of Engineering and Operations, received the Outstanding Civil Engineer in the Public Sector award from the American Society of Civil Engineers (ASCE).*
- *Reviewed the graph in Attachment A of the staff report.*

*There were no public comments.*

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

G. COMMITTEE REPORTS

*None.*

00:49:59 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Gaddis*

◇ *Would like to take a tour of the San Diego County desalinization plant.*

00:50:40 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).

00:50:52 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 9:51 a.m.*

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

*The Board came back into Open Session at 11:05 a.m.*

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

ADJOURN

*President Armstrong adjourned the meeting at 11:07 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	53 minutes
Closed Session	1 hour 14 minutes
TOTAL HOURS	2 hours 7 minutes

Respectfully submitted,



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

8/21/2015

Date