

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

OCTOBER 28, 2015, 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**

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 28, 2015 to order at 9:00 a.m. and led the flag salute.*

00:00:35 B. ROLL CALL

*At Roll Call, Directors Armstrong, Blair, Eby and Woodson were present. Director Gaddis was absent.*

President Armstrong announced that the Board would go into Closed Session.

00:00:37 I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL AND SPECIAL 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).
- b) HEAL VS. NCSD (SAN LUIS OBISPO COUNTY CASE NO CV 15-0539)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 9:03 a.m.*

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*The Board came back into Open Session at 9:55 a.m.*

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

*Mr. Seitz also announced that the Board discussed Item I.1(b), heard a report, but took no reportable action.*

President Armstrong announced that Item E-1 would be heard next.

**REGULAR MEETING  
MINUTES**

00:04:05

**E-1) COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY PRESENTATION ON PROPOSED ORGANICS MANAGEMENT PROGRAM**

*Michael LeBrun, General Manager, introduced Bill Worrell from the County Integrated Waste Management Authority (IWMA). Mr. Worrell gave a presentation on IWMA's proposed Organics Management Program and answered questions from the Board.*

*Mr. LeBrun stated that staff will bring back a Resolution to buy down the franchise fee and a proposal for a conditional extension to the current franchise agreement to the Board for approval at the next meeting.*

President Armstrong announced that the Board would return to Item B for public comment.

00:30:04

**B. PUBLIC COMMENT FOR ITEMS NOT ON AGENDA**

*There were no public comments.*

**C. PRESENTATIONS AND REPORTS**

00:31:04

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

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

00:37:22

**C-2) REPORT ON OCTOBER 14, 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 October 14, 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 reported that the Board discussed Item I.2 and completed the annual performance review of General Counsel.*

*Mr. Seitz also reported that the Board discussed Item I.3 (HEAL VS. NCSD) and were advised that the action had been filed.*

00:38:12

**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**

- ◇ *October 20, Attended the Blacklake Management Association (BLMA) meeting where they discussed the Rossi development project.*
- ◇ *October 23, Attended the SLO County Chapter of the California Special Districts Association (CSDA) meeting.*
- ◇ *October 27, Attended the SLO County Board of Supervisors meeting regarding a County-wide Conservation Program. The District requested to be removed from the plan.*

Director Blair

- ◇ October 23, Attended the SLO County Chapter of the California Special Districts Association (CSDA) meeting.
- ◇ October 25-26, Attended a tour for the Cachuma Lake Project and an Association of California Water Agencies (ACWA) presentation.
- ◇ October 27, Attended the SLO County Board of Supervisors meeting regarding a County-wide Conservation Program.

Director Woodson

- ◇ October 26, Attended the South County Advisory Council (SCAC) meeting.

Director Armstrong

- ◇ October 20, Attended the Blacklake Management Association (BLMA) meeting where they discussed the Rossi development project.
- ◇ October 27, Attended the SLO County Board of Supervisors meeting regarding a County-wide Conservation Program.

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 Ed Eby and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.  
 Vote 4-0.*

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

00:42:21

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- OCTOBER 14, 2015 REGULAR MEETING

D-3) INVESTMENT POLICY – THIRD QUARTER REPORT

*Director Eby requested clarification on Item D-3. Lisa Bognuda, Finance Director, responded.*

*There were no public comments.*

*Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Consent Agenda.  
 Vote 4-0.*

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

E. ADMINISTRATIVE ITEMS

ITEM E-1 WAS HEARD EARLIER IN THE MEETING

00:45:35

E-2) REVIEW NEED FOR SCHEDULED WATER RATE INCREASE

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun and Lisa Bognuda, Finance Director, answered questions from the Board.*

*There were no public comments.*

*No action was taken.*

00:53:44

E-3) APPROVE PURCHASE OF REPLACEMENT INFLUENT PUMP FOR SOUTHLAND WASTEWATER TREATMENT FACILITY

*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 Dan Woodson and seconded, the Board unanimously adopted the Resolution authorizing purchase of one replacement pump for the Southland Wastewater Treatment Facility.  
 Vote 4-0.*

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

**RESOLUTION NO. 2015-1392  
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 AUTHORIZING PURCHASE OF A REPLACEMENT INFLUENT PUMP FOR THE SOUTHLAND WASTEWATER  
 TREATMENT FACILITY FROM FLO-SYSTEMS INC. IN THE AMOUNT OF \$51,995**

01:04:09

E-4) ANNUAL REVIEW OF SUSPENDED DISTRICT ORDINANCE 2012-117

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

*Director Eby stated that the Ordinance should remain suspended.*

*There were no public comments.*

*Mike Seitz, District Legal Counsel, stated that he would need to review the Ordinance based on discussion in today's Closed Session. He will report back to the Board at a later time.*

01:08:45

F. GENERAL MANAGER'S REPORT

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

- The County is currently out measuring area wells and the District has requested the data. Once completed, the data will be provided to Newton Geohydrology Consulting Services for analysis and presentation to the Board in December.
- The District's conservation campaign "Brown is the New Green" concluded in September and the District saw an average decrease in pumping of 33%.

Mr. LeBrun answered questions from the Board.

Director Eby requested more information on the Board of Supervisor's decision for a Countywide Conservation Program. Director Armstrong directed Mr. LeBrun to contact County staff for clarification on how the decision affects the District.

Director Eby commented that the deadline for General Manager applications is November 2<sup>nd</sup> and requested that the Ad-Hoc committee meet. Mr. LeBrun will schedule a meeting to review applications next week.

There were no public comments.

G. COMMITTEE REPORTS

None.

01:26:04

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson

- ◇ Asked if staff were aware of water being hauled from a property on Eucalyptus Road. Staff is aware and it has been discussed with Special Counsel.

Director Blair

- ◇ Received a letter with a lighting complaint and asked how the District can respond. Staff stated it is a public safety requirement and the District is in compliance with the project's Environmental Impact Report (EIR). The individual has already been contacted.

ADJOURN

President Armstrong adjourned the meeting at 11:28 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 36 minutes
Closed Session	52 minutes
TOTAL HOURS	2 hours 28 minutes

Respectfully submitted,

*Michael S. LeBrun*

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

*11/12/15*

Date