

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JANUARY 22, 2014 AT 9:00 A.M.**

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.**  
NITA WINDSOR, **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** A. CALL TO ORDER AND FLAG SALUTE

*President Armstrong called the Regular Meeting of January 22, 2014 to order at 9:00 a.m. and led the flag salute.*

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

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

*Kevin Beauchamp, NCSO Customer, commented on the current drought affecting the housing market, the Supplemental Water Project, the potential for future desalination projects and the Santa Maria Refinery Rail Spur.*

*Ed Eby, NCSO Customer, suggested that the Board of Directors meet with 4<sup>th</sup> District Supervisor Ray on a regular basis to better serve both NCSO customers and Nipomo residents.*

**0:06:37** C. PRESENTATIONS AND REPORTS

C-1) SAN LUIS OBISPO COUNTY SHERIFF COMMANDER JAY DONOVAN  
Update Report re: South County Law Enforcement and Department News

*San Luis Obispo County Sheriff Senior Deputy Bill Miller attended in place of Sheriff Commander Jay Donovan. Deputy Miller gave an update on criminal activity in the area, and answered questions from the Board. The Board thanked Deputy Miller for his update.*

C-2) CAL FIRE BATTALION CHIEF PAUL VAN GERWEN  
Update Report re: South County Cal Fire Activity and Department News

*Chief Van Gerwen was not in attendance.*

**PRESENTATIONS AND REPORTS (CONTINUED)**C-3) DIRECTOR OF ENGINEERING AND OPERATIONS  
RE: Summary of Activities

*Peter Sevcik, Director of Engineering and Operations, provided the Engineering and Operations update for 2013. Mr. Sevcik also provided Monthly Progress Reports on both the Southland WWTF Improvements Phase 1 Project and the Supplemental Water Project Bid Package 1. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his reports.*

C-4) REPORT ON JANUARY 8, 2014 REGULAR MEETING CLOSED SESSION  
Announcement of actions, if any, taken in Closed Session

*Michael Seitz, District Legal Counsel, announced that the Board discussed Item One (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 announced that the Board discussed Item Two (Conference with legal counsel pursuant to Govt. Code §54956.9(a): existing litigation – 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222 in closed session but took no reportable action. Mr. Seitz also announced that the Court ruled in favor of the District on January 21, 2014.*

## C-5) DIRECTORS' ANNOUNCEMENTS OF DISTRICT &amp; COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Director Vierheilig

- ◇ *Attended the BLMA Meeting on January 14*
- ◇ *Spoke with Santa Maria Mayor Alice Patino and Pismo Beach Mayor Shelly Higginbotham regarding regional water issues*
- ◇ *Will see both Mayors again in April*

Director Gaddis

- ◇ *Attended the NCSD Special Meeting on January 10*
- ◇ *Attended the NCSD Board Workshop on January 16*
- ◇ *Attended the Nipomo Chamber of Commerce Installation Dinner on January 16*
- ◇ *Attended Court Hearing – MCA vs. NCSD in San Luis Obispo on January 21*

Director Harrison

- ◇ *Attended NMMA Meeting on January 14*
- ◇ *Attended the NCSD Board Workshop on January 16*
- ◇ *Attended the Nipomo Chamber of Commerce Installation Dinner on January 16*
- ◇ *Met with 4<sup>th</sup> District Supervisor Caren Ray on January 21*
- ◇ *Attended Court Hearing – MCA vs. NCSD in San Luis Obispo on January 21*
- ◇ *Attended Nipomo Old Town Meeting on January 15*

- C-6) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

*Ed Eby, NCSD Customer, inquired if the District can recoup legal fees from MCA.*

*Kevin Beauchamp, NCSD Customer, requested clarification on the termination of Construction contract for Supplemental Water Project Phase 1, Bid Package 3.*

*Upon the motion of Director Harrison and seconded by Director Gaddis, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Harrison, Gaddis, Vierheilig, and Armstrong	None	Blair

**0:43:10** D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE DECEMBER 11, 2013 REGULAR BOARD MEETING MINUTES
- D-3) RECEIVE QUARTERLY INVESTMENT REPORT
- D-4) SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 1 – SANTA MARIA RIVER CROSSING PROJECT ACCEPTANCE

*President Armstrong asked if any Directors desired to pull items from the Consent Agenda or had any questions. No items were pulled from the Consent Agenda. Lisa Bogmuda, Finance Director, and Mr. LeBrun answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board unanimously approved the Consent Agenda.. Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Gaddis, Harrison, and Armstrong	None	Blair

**0:47:56** E. ADMINISTRATIVE ITEMS

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

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet, and answered questions from the Board. President Armstrong directed Staff to place approval of the By-Laws on the agenda for the next Regular Board Meeting*

*There was no public comment.*

E-2) REVIEW AND DISCUSS SLO COUNTY DRAFT CHANGES TO RESOURCE MANAGEMENT SYSTEM

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

*The following members of the public spoke:*

*Ed Eby, NCSD Customer, commented on the report and expressed concern as to the formatting and content of report, and suggested that the Board should review further.*

*Mr. LeBrun indicated that he would obtain a clearer copy of the report for further Committee review.*

*Director Vierheilig suggested that he and Ed Eby meet to review this report. Michael Seitz, District Legal Counsel, confirmed that this outside meeting would not conflict with Brown Act compliance, nor would it conflict with Standing Committees. Director Vierheilig will bring back review results for Standing Committee and Board consideration before the April deadline.*

*The Board took a break at 10:27 a.m. and reconvened at 10:39 a.m.*

1:26:58 F. GENERAL MANAGER'S REPORT

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun also commented on Governor Brown's January 17, 2014 Drought Declaration. Mr. LeBrun answered questions from the board.*

*There was no public comment.*

G. COMMITTEE REPORTS

*There were no committee reports.*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*President Armstrong announced that he and Director Harrison will attend the NMMA meeting on February 4, 2014 in the NCSD Board room.*

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

**CLOSED SESSION ANNOUNCEMENTS (CONTINUED)**

- 2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(a):  
 Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
  
- 3. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):  
 Significant Exposure to Litigation - 1 case.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

0:02:00 K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 11:00 a.m.*

0:03:13 L. OPEN SESSION  
 ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*The Board came back into Open Session at 12:13 p.m.*

*Michael Seitz, District Legal Counsel, announced that the Board discussed Items One, Two and Three listed above under closed session announcements, but took no reportable action.*

ADJOURN

*President Armstrong adjourned the meeting at 12:15 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 02 minutes
Closed Session	1 hour 13 minutes
<b>TOTAL HOURS</b>	<b>3 hours 15 minutes</b>