

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

SEPTEMBER 25, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
DAN GADDIS, DIRECTOR
BOB BLAIR, DIRECTOR
CRAIG ARMSTRONG, DIRECTOR

PRINCIPAL STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
MICHAEL W. SEITZ, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.
MERRIE WALLRAVIN, 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 Harrison called the Regular Meeting of September 25, 2013, to order at 9:00 a.m. and led the flag salute.

00:01:53

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

At roll call, Directors Armstrong, Gaddis Blair, and Harrison were present. Director Vierheilig was not present.

There was no public comment.

Michael LeBrun, General Manager, announced the recording device is experiencing technical difficulties and is not recording.

President Harrison announced a recent military incident that claimed the life of a central coast resident.

Michael LeBrun announced that Director Vierheilig was not present due to a family emergency.

00:02:04

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON SEPTEMBER 11, 2013 REGULAR MEETING CLOSED SESSION

Mike 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.

The Board discussed Item Two (Conference with District Legal Counsel re: anticipated litigation pursuant to GC §54956.9 MCA VS. NCSD) in closed session, but took no reportable action.

C-2) DIRECTOR OF ENGINEERING AND OPERATIONS

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager and Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

At approximately 9:15 a.m., Michael LeBrun, General Manager, announced the recording was restored.

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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 Gaddis

- ◇ Commented on his attendance at the CSDA annual conference September 15th to 18th.
- ◇ September 23, attended the South County Advisory Council meeting and heard an update of South County law enforcement news from the new Sheriff Commander Jay Donovan.
- ◇ October 12 & 13, OctoberFest at the Nipomo Park.
- ◇ Commented on the Nipomo Chamber of Commerce new location.
- ◇ September 20, Attended the local CSD meeting at the Wallace Group in San Luis Obispo.
- ◇ September 26, Nipomo Chamber of Commerce luncheon at the Edwards Barn.

Director Blair

- ◇ Commented on a Santa Maria Times news article on water supply.

Director Harrison

- ◇ Commented on his attendance at the CSDA annual conference.
- ◇ September 12, Attended NMMA TG meeting at the Wallace Group.
- ◇ September 14, the Rotary club of Nipomo and Five Cities Eco Club cleaned up the center divider on Tefft Street in front of Vons and CVS.

C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There was no public comment.

*Upon the motion of Director Blair 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 Blair, Gaddis, Armstrong, and Harrison	None	Director Vierheilig

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE BOARD MEETING MINUTES:
SEPTEMBER 11, 2013 REGULAR MEETING

D-3) ADOPT RESOLUTION ACCEPTING DEED RESTRICTION AND WATER LINE AND SEWER LINE EASEMENT FOR 697 WEST TEFFT STREET, APN 092-577-008

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun read aloud 5 checks that were added to the warrant list and one check that needs to be voided. Mr. LeBrun answered questions from the Board.

President Harrison pulled Item D-3 for separate consideration.

00:43:01

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ITEM D-1

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the warrants, as amended.

Vote 4-0.

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

ITEM D-2

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the September 11, 2013 Regular Board Meeting Minutes.

Vote 3-0. (Director Blair was not qualified to vote.)

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

ITEM D-3

Peter Sevcik, Director of Engineering and Operations, Mike Seitz, Legal Counsel, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Blair, the Board unanimously adopted Resolution 2013-1322, A Resolution accepting a water pipeline and sewer pipeline easement from Ahmad Mashayekan for 697 West Tefft Street, APN 092-577-008.

Vote 4-0.

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

RESOLUTION 2013-1322

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A WATER PIPELINE AND SEWER PIPELINE
EASEMENT FROM AHMAD MASHAYEKAN FOR 697 WEST
TEFFT STREET, APN 092-577-008**

00:58:56

President Harrison opened Public Comment for items not on the Agenda.

The following member of the public spoke:

Dan Hall, Blacklake Management Association President, informed the Board that on a 5-4 vote BLMA, authorized owners to use artificial turf.

Mr. Hall answered questions from the Board.

E. ADMINISTRATIVE ITEMS

01:05:03

E-1) AWARD CONTRACT FOR WATER RATE AND CAPACITY CHARGE STUDY

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

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously awarded the contract to Tuckfield & Associates and directed staff to issue a task order for not to exceed \$38,000.

Vote 4-0.

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

The Board took a break from 10:30 to 10:40 a.m.

President Harrison opened Public Comment for items not on the Agenda.

The following member of the public spoke:

Homer Fox, NCSD customer, questioned where the Supplemental Water would be stored and had concerns with storing it in the ground.

President Harrison commented on Mr. Fox's question and concern.

01:18:14

E-2) STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT AUTHORIZATION TO BID

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

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously authorized staff to solicit bids to construct the Standpipe Modification and Rehabilitation Project and authorize staff to file a Notice of Exemption for the Project.

Vote 4-0.

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

01:24:49

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.

There was no public comment.

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G. COMMITTEE REPORTS
SEPTEMBER 12, 2013 FINANCE AND AUDIT COMMITTEE MEETING MINUTES

The committee reports were as presented. There was no public comment.

01:48:53

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).

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

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:12 a.m.

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

The Board came back into Open Session at 11:28 a.m.

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

ADJOURN

President Harrison adjourned the meeting at 11:30 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 14 minutes
Closed Session	0 hour 16 minutes
TOTAL HOURS	2 hours 30 minutes