

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

OCTOBER 9, 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 October 9, 2013, to order at 9:00 a.m. and led the flag salute.

00:00:40

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

At roll call, all Board members were present.

The following member of the public spoke:

Jay Donovan, South Patrol Station Sheriff Commander, introduced himself and gave a brief update of South County Law Enforcement activities and Department News. Commander Donovan answered questions from the Board. The Board thanked Commander Donovan.

00:06:11

C. PRESENTATIONS AND PUBLIC COMMENT

At 9:10 a.m. the Board and the Public continued the meeting outside for the presentation of the new utility service truck.

C-1) UTILITY SERVICE TRUCK REVIEW

District operations staff will present the District's heavy duty utility truck and crane

Peter Sevcik, Director of Engineering and Operations, presented the new utility truck and crane. Mr. Sevcik answered questions from the Board.

At 9:20 a.m. the Board continued the meeting to the Board Room.

C-2) REPORT ON SEPTEMBER 25, 2013 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in 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.

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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 the swearing in of newly appointed District 4 Supervisor, Caren Ray, Supervisor Ray's assistant Elizabeth Ruth, and Supervisor Ray's support of the extension of urgency Ordinance 3246 (to address water demand within the Paso Robles Groundwater Basin).

Director Vierheilg

- ◇ September 17, Attended the Blacklake Management Association meeting discussing replacement of turf with artificial turf, holding a meeting for public input on artificial turf, and in the future discussing drought tolerant landscaping.
- ◇ October 2, Attended the Water Resources Advisory Committee meeting. WRAC supports the Paso Robles Groundwater Basin's urgency Ordinance 3246 and discussed the purpose of WRAC, and reviewed the IRWM Plan.

Director Blair

- ◇ Commented on a new artificial turf that looks good and costs about \$8 a square foot.
- ◇ October 10, Will be attending a meeting at 8:00 a.m. regarding the maintenance of oil pipelines.

Director Harrison

- ◇ October 3, Attended NMMA TG meeting at NCSD.
- ◇ October 7, Attended the Water Resources Committee Meeting at NCSD.
- ◇ Commented on the Ride Nipomo's successful fundraiser on Saturday, September 28.
- ◇ November 16, Thanksgiving in Nipomo, sponsored by local service clubs, Turkey dinner at St. Joseph's Catholic Church and delivering of dinners for those who are home bound.
- ◇ October 9, COLAB of San Luis Obispo County Director Mike Brown will speaker at the Edwards Barn at 5:30 p.m.
- ◇ October 12 and 13, Nipomo's Best OctoberFest at the Nipomo Park.
- ◇ October 24, Nipomo Chamber of Commerce Luncheon.
- ◇ October 10, Lynn Compton will host a meeting at the Edwards Barn to discuss her candidacy for 4th District Supervisor.

- 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 Vierheilg and seconded by Director Blair, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 5-0.*

| YES VOTES | NO VOTES | ABSENT |
|--|----------|--------|
| Directors Vierheilg, Blair, Armstrong Gaddis, and Harrison | None | None |

00:16:58

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE BOARD MEETING MINUTES:
SEPTEMBER 25, 2013 REGULAR MEETING

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

ITEM D-1

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved the warrants.

Vote 5-0.

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

ITEM D-2

There was no public comment.

Upon the motion of Director Blair and seconded by Director Armstrong, the Board unanimously approved the September 25, 2013 Regular Board Meeting Minutes.

Vote 4-0. (Director Vierheilig was not qualified to vote.)

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

E. ADMINISTRATIVE ITEMS

00:25:40

E-1) APPROVE SUPPORT SERVICES CONTRACT FOR WATER SYSTEMS CONSULTING INC.

Michael LeBrun, General Manager, reviewed the report as presented in the Board Packet. Mike Seitz, Legal Counsel, and Mr. LeBrun answered questions from the Board.

The following members of the public spoke:

Ruth Brackett, NCS D customer, had questions on the court order and the biggest water user, Agriculture.

Michael LeBrun, General Manager, answered Ms. Brackett's questions.

Ed Eby, NCS D customer, spoke in support of the water demand analysis and questioned if the Districts tier rate structure is serving its purpose.

Spencer Waterman, Water Systems Consulting, Inc. Staff Planner, answered questions from the Board.

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ITEM E-1 (CONTINUED)

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved WSC providing a water demand analysis and directed staff to issue WSC a task order with a not to exceed value of \$20,000 for these services.
Vote 5-0.*

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

E-2) REVIEW DRAFT REVISED MEMORANDUM OF UNDERSTANDING WITH COUNTY REGARDING DEVELOPMENT OF JIM O MILLER PARK

Michael LeBrun, General Manager, announced that supplemental materials for this item were placed at the back of the room.

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mike Seitz, Legal Counsel, Kathy Kubiak, Olde Towne Nipomo Association Executive Director, Ruth Brackett, Olde Towne Nipomo Association member, and Mr. LeBrun answered questions from the Board.

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the proposed amendment as submitted.
Vote 5-0.*

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

President Harrison directed staff to bring Olde Towne Nipomo Association's proposed intent-to-serve back to the Board at its next Board meeting.

The Board took a break from 10:30 to 10:44 a.m.

E-3) APPROVE SUPPORT SERVICES CONTRACT FOR RAUCH COMMUNICATIONS CONSULTANTS INC. TO PROVIDE STRATEGIC PLANNING SERVICES

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 Gaddis and seconded by Director Vierheilig, the Board unanimously approved to award a contract for strategic plan development to Rauch Communications Consultants Inc. for a not to exceed amount of \$17,250.
Vote 5-0.*

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

00:47:56

01:28:17

F. GENERAL MANAGER'S REPORT

Peter Sevcik, Director of Engineering and Operations, gave an update on the progress of the Supplemental Water Project. Mr. Sevcik answered questions from the Board.

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.

G. COMMITTEE REPORTS

There were no committee reports.

02:04:05

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- *Questioned when the District will reveal the plaque for the founders of the District.*

Director Harrison

- *Questioned if the District will have a public tour of the Southland Wastewater Treatment Plant Upgrade.*

02:10:16

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 11:35 a.m.

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

The Board came back into Open Session at 12:18 p.m.

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ITEM L (CONTINUED)

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 12:20 p.m.

| MEETING SUMMARY | HOURS & MINUTES |
|--------------------|---------------------------|
| Regular Meeting | 2 hours 35 minutes |
| Closed Session | 45 minutes |
| TOTAL HOURS | 3 hours 20 minutes |