

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 12, 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 March 12, 2014 to order at 9:00 a.m. and led the flag salute.

0:00:50 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Board Members were present.

Bill Morrow, NCS D Customer, expressed concerns on the timeline for the Woodgreen Lift Station repair. Michael LeBrun, General Manager, commented on Mr. Morrow's concerns.

Bill Kengel, NCS D Customer, expressed concerns regarding his pending subdivision. Michael LeBrun, General Manager, commented on Mr. Kengel's concerns. The Board directed Staff to place this item on the Agenda for the March 26, 2014 meeting.

0:12:01 C. PRESENTATIONS AND REPORTS

C-1) REPORT ON FEBRUARY 26, 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 NCS D). in closed session, but took no reportable action.

Mr. Seitz reported 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 reported that the Board discussed Item Three (Conference with Legal Counsel pursuant to Govt. Code §54956.9(d) (2) & (e) (1)), in closed session, but took no reportable action.

PRESENTATIONS AND REPORTS (CONTINUED)**ITEM C-1 (CONTINUED)**

Mr. Seitz reported that the Board discussed Item Four (Conference with Legal Counsel – existing litigation (Paragraph (1) of subdivision (d) of Section 54956.9) NCS D vs. Troesh et. al. SLOCSC# CV130175) in closed session, but took no reportable action.

C-2) 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

- ◇ *Attended meeting with Supervisor Caren Ray on February 26*

Director Vierheilig

- ◇ *Will be attending the Santa Barbara International Orchid Show in Santa Barbara on March 14, 15 and 16*
- ◇ *Will be attending the Central Coast Orchid Show on April 5 and 6, and announced a preview to be held on April 4 to benefit the Guadalupe Nipomo Dunes Center*

Director Harrison

- ◇ *Attended meeting with Supervisor Caren Ray on February 26*
- ◇ *Met with Lynn Compton, candidate for San Luis Obispo County 4th District Supervisor*
- ◇ *Attended Fire Safe Council Meeting*
- ◇ *Attended the Nipomo Chamber of Commerce Mixer on March 7*
- ◇ *Cleaned up Nipomo roadways on Thompson Road from Jocko's North to the Freeway with the Rotary Club on March 8*
- ◇ *Will attend the Olde Towne BBQ on March 13 at Miner's Hardware*

Director Gaddis

- ◇ *Attended the SCAC Town Hall Meeting on March 3*
- ◇ *Will be present at the SCAC Election on March 17*

Director Armstrong

- ◇ *Attended the WRAC Meeting on March 5*
- ◇ *Attended the San Luis Obispo County Board of Supervisors Meeting on March 11*

Director Harrison also mentioned the passing of the son of one of the SCAC members in an automobile accident.

C-3) 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.

PRESENTATIONS AND REPORTS (CONTINUED)

ITEM C-3 (CONTINUED)

*Upon the motion of Director Harrison and seconded by Director Gaddis, the Board unanimously voted to receive and file the presentations and reports as submitted.
 Vote 5-0.*

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

0:20:18 D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE FEBRUARY 26, 2014 REGULAR BOARD MEETING MINUTES

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. Directors Gaddis, Harrison, Vierheilig and Blair requested clarification on warrants.

There was no public comment.

*Upon the motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved the Consent Agenda.
 Vote 5-0.*

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

0:29:50 E. ADMINISTRATIVE ITEMS

- E-1) REVIEW DRAFT COMMENT LETTER REGARDING SLO COUNTY RESOURCE MANAGEMENT SYSTEM PROPOSED UPDATES

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 Vierheilig and seconded by Director Harrison, the Board unanimously approved the Draft Comment Letter, and directed staff to mail to the County of San Luis Obispo Planning and Building Department.
 Vote 5-0*

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

0:37:16 F. GENERAL MANAGER'S REPORT

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

The following members of the public spoke:

Bill Kengel, NCSD Customer, commented on the costs of the supplemental water pipeline. He also commented on the depths of various aquifers in the area.

Bill Morrow, NCSD Customer, expressed concerns regarding a potential rate increase.

Rick Bacon, NCSD Customer, expressed concerns regarding a potential rate increase.

1:20:52 G. COMMITTEE REPORTS

Michael LeBrun, General Manager, reviewed the minutes of the March 6, 2014 Finance and Audit Committee Meeting. Mr. LeBrun answered questions from the Board.

1:28:22 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

President Armstrong announced that he and Director Harrison will attend the NMMA TG meeting on March 20, 2014.

1:29:00 I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL 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) Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
- c) NCSD v Troesh et. al. SLOCSC# CV130175
- d) BenIng Company LLC v NCSD case# 14CV-0069

2. 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.

1:30:00 K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 10:30 a.m. and announced that the Board

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would take a 10-minute break prior to the beginning of closed session.

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

The Board came back into Open Session at 11:15 a.m.

Michael Seitz, District Legal Counsel, announced that the Board discussed Items One (4 items re: pending litigation) listed under closed session announcements. He reported that Item 1b has been dismissed, but took no reportable action on Items 1a, 1c and 1d.

The Board discussed Item Two listed under closed session announcements, but took no reportable action.

ADJOURN

President Armstrong adjourned the meeting at 11:16 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 31 minutes
Closed Session	0 hour 45 minutes
TOTAL HOURS	2 hours 16 minutes