

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

APRIL 10, 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**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**  
MERRIE WALLRAVIN, **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 April 10, 2013, to order at 9:00 a.m. and led the flag salute.*

00:00:37

#### B. ROLL CALL

*At Roll Call, all Board members were present.*

*There was no public comment.*

*Michael LeBrun, General Manager, announced that there were additional items for E-2 at the back of the room.*

00:01:38

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT ON MARCH 13, 2013 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session

*Mike Seitz, District Deputy Legal Counsel, announced that the Board heard an update from Legal Counsel for 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 heard an update from Legal Counsel for Item Two (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9, Whitlow/NCSD) in closed session, but took no reportable action.*

*The Board heard an update from Legal Counsel for Item Three (Conference with Legal Counsel pursuant to GC §54956.9, Anticipated litigation) in closed session, but took no reportable action.*

*The Board heard an update from Legal Counsel and provided direction for staff for Item Four (Conference with Legal Counsel re: pending litigation pursuant to GC Section 54956.9; NCSD vs. County SLO, ET AL) in closed session, but there was no reportable action.*

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- C-2) DIRECTOR OF ENGINEERING AND OPERATIONS  
RE: Summary of recent activities.

*Peter Sevcik, Director of Engineering and Operations, introduced Ms. Jessica Garcia as the Assistant Engineer. Mr. Sevcik reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.*

00:11:46

- 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 Vierheilig

- ◇ April 12, Assemblyman "Katcho" Achadjian will be at the Santa Maria City Hall from 4 to 6 p.m.
- ◇ April 13, Central Coast Greenhouse Association Open House from 9:00 a.m. to 3:00 p.m.
- ◇ April 17, Finance and Audit Committee Meeting at 10:00 a.m.
- ◇ April 23, Blacklake Management Association will meet at 2:00 p.m.

Director Gaddis

- ◇ Commented on setting up a Solid Waste Committee Meeting.
- ◇ Commented on his trip to Oregon.

Director Blair

- ◇ Commented on the upcoming chipping event.
- ◇ Commented on changing the May 22 Regular Board Meeting to May 29.

Director Harrison

- ◇ April 16, The Santa Barbara County Board of Supervisors will meet and discuss the proposed Supplemental Water Project Agreement.
- ◇ April 17, Supplemental Water Committee will meet at 9:00 a.m.

- 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 Vierheilig and seconded by Director Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted.*

*Vote 5-0.*

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

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

00:17:20

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MARCH 27, 2013 REGULAR BOARD MEETING MINUTES

D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO.1

*Michael LeBrun, General Manager, answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Vierheilg and seconded by Director Gaddis, the Board unanimously approved the Consent Agenda as submitted.*

*Vote 5-0.*

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

RESOLUTION NO. 2013-1300

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS  
FOR FISCAL YEAR 2013-2014 PURSUANT TO THE PROVISIONS OF  
PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND  
HIGHWAY CODES

*President Harrison announced that the Board will be going into closed session now and will return to open session at 11:00 a.m. starting with Item E-1.*

00:19:35

I. CLOSED SESSION ANNOUNCEMENTS

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

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

K. ADJOURN TO CLOSED SESSION

*President Harrison adjourned to closed session at 9:40 a.m.*

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*The Board came back into Open Session at 11:00 a.m.*

*Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Item One listed above for closed session, but took no reportable action.*

E. ADMINISTRATIVE ITEMS

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

00:20:54

E-1) REVIEW SUPPLEMENTAL WATER PROJECT PHASE 1 PROJECTED COSTS AND PROPOSED FINANCING PLAN

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Peter Sevcik, Director of Engineering and Operations, Mike Seitz, District Deputy Legal Counsel, and Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*Bill Petrick, NCSD customer, spoke in opposition of the Supplemental Water Project Phase I proposed financing plan.*

*Ed Eby, NCSD customer, spoke in support of the Supplemental Water Project Phase I proposed financing plan.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board approved continuing the process as staff outlined with awarding the bid on May 22, 2012, and directed staff to keep the Board well informed on pending items.*

*Vote 4-1.*

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

E-2) CONSIDER AND VOTE LOCAL AREA FORMATION COMMISSION (LAFCO) BALLOT FOR SPECIAL DISTRICT MEMBER

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet.*

*The following member of the public spoke:*

*Ed Eby, NCSD customer, spoke in support of Marshall Ochylski for LAFCO special District Member.*

*Upon the motion of Director Blair and seconded by Director Vierheilig, the Board unanimously directed staff to file completed ballot with LAFCO no later than May 2, 2013, nominating Marshall Ochylski as the Special District Member.*

*Vote 5-0.*

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

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.*

G. COMMITTEE REPORT

*There were no committee reports.*

00:46:56

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

00:51:28

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- ◇ *Questioned the timing of NCSD displaying a plaque acknowledging the founders of NCSD.*

ADJOURN

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

MEETING SUMMARY	HOURS
Regular Meeting	1.10
Closed Session	1.20
TOTAL HOURS	2.30