

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JUNE 26, 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**  
MIKE 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 June 26, 2013, to order at 9:00 a.m. and led the flag salute.*

00:00:40  
B. ROLL CALL

*At roll call, all Board members were present.*

*There was no public comment.*

*President Harrison considered public comment on closed session items next.*

*Eva Moss, NCSO customer, commented on leaks at her property due to high pressure and asked the Board to bear the responsibility.*

*President Harrison closed public comment on closed session items.*

*Michael LeBrun, General Manager, announced that amendments to the packet were placed at the back of the room.*

00:05:06  
C. PRESENTATIONS AND PUBLIC COMMENT

C-1) DIRECTOR OF ENGINEERING AND OPERATIONS  
Receive Update Report regarding recent activities

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

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 Armstrong

- ◇ *June 24, Attended (with the General Manager) the South County Advisory Council meeting and updated them on the Supplemental Water Project. The Council also reviewed the Supplemental Water Alternatives Evaluation Committee recommendations and agreed to submit a letter supporting those recommendations to the San Luis Obispo County Board of Supervisors.*

**Nipomo Community Services District  
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00:17:27

- 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.*

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

00:26:50

D. CONSENT AGENDA

- D-1) WARRANTS

- D-2) APPROVE BOARD MEETING MINUTES:  
JUNE 12, 2013 REGULAR MEETING  
JUNE 20, 2013 SPECIAL MEETING

- D-3) APPROVE AMENDED CONTRACT WITH DISTRICT LEGAL COUNSEL

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

*Director Gaddis had a minor change to the June 12, 2013 Regular Board Meeting Minutes.*

*There was no public comment.*

*Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board unanimously approved Items D-1, June 20, 2013 Special Meeting Minutes, and D-3 as submitted.  
Vote 5-0.*

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

**ITEM D-2 June 12, 2013 Regular Board Meeting Minutes**

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the Regular Board Meeting Minutes of June 12, 2013, as amended.*

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

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

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E. ADMINISTRATIVE ITEMS

00:33:21

E-1) CONSIDER SERVICE REQUEST JIM O. MILLER PARK

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Kathy Kubiak, President of Olde Towne Nipomo Association, and Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*Peg Miller, NCS D customer, thanked the Board members that were in support of the Jim O. Miller Park.*

*Rudy Stowell, NCS D customer, spoke in support of issuing an Intent-to-Serve letter for Jim O. Miller Park.*

*Mr. Stowell answered questions from the Board.*

*Ruth Brackett, NCS D customer, spoke in support of issuing the Intent-to-Serve letter for Jim O. Miller Park and supported the idea of a joint meeting with NCS D, Olde Towne Nipomo Association, and the County.*

*Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously approved to delay this item until after the County, Olde Towne Nipomo Association, and NCS D have met.*

*Vote 5-0.*

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

**The Board took a break from 10:05 to 10:15 a.m.**

*Director Gaddis was not present after the break.*

01:03:26

E-2) CONSIDER GRANT REQUEST FROM NIPOMO CHAMBER OF COMMERCE IN AMOUNT OF \$10,230 FOR SOLID WASTE REMOVAL IN NIPOMO COMMUNITY COMMON AREAS

*President Harrison introduced the item. Rudy Stowell, Nipomo Chamber of Commerce President, reviewed the report as presented in the Board Packet. Mr. Stowell answered questions from the Board.*

*Director Gaddis joined the meeting at 10:20 a.m.*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved the grant request and directed staff to execute a Grant Agreement with Nipomo Chamber of Commerce for not to exceed amount of \$10,230.*

*Vote 5-0.*

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

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01:10:50

E-3) CONSIDER REQUEST BY DEVELOPER OF HILLSIDE TERRACE APARTMENT PROJECT, APN 092-577-002, 530 HILL STREET, NIPOMO FOR INTENT-TO-SERVE LETTER EXTENSION

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

*The following member of the public spoke:*

*Bill Kengel, NCSD customer and project developer, handed the Board a stack of project information documents (documents available at the District office). He commented on the hard economic times and asked the Board to transfer his water allocation so he can apply for a new Intent-to-Serve letter.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously directed staff to work with Mr. Kengel, after receiving his Intent-to-Serve application, and bring back his application to the Board on the second meeting in July. Vote 5-0.*

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

01:26:56

E-4) CONSIDER SERVICE REQUEST – 164 S. MALLAGH STREET NIPOMO, MULTIFAMILY RESIDENTIAL DEVELOPMENT

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Mike Peachy, Project Developer, answered questions from the Board. Mr. Peachy handed the Board a copy of the conceptual duplex plan (See Exhibit "A").*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously approved the Intent-to-Serve letter including all terms and conditions. Vote 5-0.*

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

01:42:37

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.*

01:46:50

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- ◇ *Questioned staff about the progress on the plaque to honor the founding Board members of NCSD.*

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01:48:24

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
3. CONFERENCE WITH LEGAL COUNSEL RE: LIABILITY CLAIM PURSUANT TO GC SECTION 54956.95; EVA MOSS CLAIM AGAINST NCSD
4. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*Ed Eby, NCSD customer, made supportive comments on the job the General Manger is doing. He also stated that NCSD should keep the General Manager.*

K. ADJOURN TO CLOSED SESSION

*President Harrison adjourned to closed session at 11:05 a.m.*

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

*The Board came back into Open Session at 1:00 p.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.*

*Regarding Item Three listed above under closed session announcements, the Board discussed the item and on a 5-0 vote, the Board rejected the claim and directed staff to notice claimant.*

*Regarding Item Four listed above under closed session announcements, the Board completed the evaluation of the General Manager, and agreed to retain his services and to increase his base salary to \$150K and to provide an additional 5 days of administrative leave per year. The General Manager's revised contract will be scheduled for approval at the next regular Board meeting.*

ADJOURN

*President Harrison adjourned the meeting at 1:04 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 9 minutes
Closed Session	1 hour 55 minutes
TOTAL HOURS	4 hours 4 minutes