

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JULY 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**  
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 July 10, 2013, to order at 9:00 a.m. and led the flag salute.*

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

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

*There was no public comment.*

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) REPORT ON JUNE 26, 2013 REGULAR MEETING CLOSED SESSION

Announcement of actions, if any, taken in Closed Session at the previous meeting

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

*Regarding Item Three 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 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 is scheduled for approval under Item D-3.*

##### 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 Vierheilig

- ◇ *Tentative WRAC meeting on August 8 to review water resources for Laetitia Winery cluster development.*
- ◇ *There may be a WRAC Subcommittee meeting on July 18 (To be determined).*
- ◇ *July 23, the BLMA will meet to discuss landscaping.*

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Director Blair

- ◇ Twitchell Management Authority will meet on July 11 at 2:00 p.m. at Santa Barbara County Government Center in Santa Maria.

Director Harrison

- ◇ Tours of the Southland Plant for the Directors are this week.
- ◇ Chamber of Commerce mixer with Dana Adobe July 10.
- ◇ A dinner/concert featuring David Stamey will be August 24.

00:07:57

- 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 Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted. Vote 5-0.*

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

**Director Harrison re-opened Public Comment for Items Not on Agenda**

*The following member of the public spoke:*

*Bill Kengel, NCSD customer and project developer, stated he submitted his Intent-to-Serve application the previous day.*

D. CONSENT AGENDA

- D-1) WARRANTS

- D-2) APPROVE BOARD MEETING MINUTES:  
JUNE 26, 2013 REGULAR MEETING

- D-3) APPROVE AMENDED CONTRACT WITH GENERAL MANAGER

- D-4) AUTHORIZE PURCHASE OF REPLACEMENT UTILITY TRUCK

*Items D-3 and D-4 were pulled from the Consent Agenda.*

*There was no public comment.*

*Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board unanimously approved Items D-1 and D-2. Vote 5-0.*

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

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00:08:47

ITEM D-3

Mike Seitz, District Legal Counsel answered questions.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously approved Item D-3.

Vote 5-0.

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

ITEM D-4

Peter Sevcik, Director of Engineering and Operations, answered questions.

There was no public comment.

Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board unanimously approved Item D-4.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:19:02

E-1) CONSIDER SERVICE REQUEST 697 WEST TEFPT STREET, APN 092-577-008, SINGLE PARCEL COMMERCIAL DEVELOPMENT

Michael LeBrun, General Manager, and Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board Packet.

The following members of the public spoke:

Bill Kengel, NCS D customer and project developer, states he owns 50% of the water line and 100% of the sewer line in Blume pursuant to a recorded road agreement and he needs to make an Offer of Dedication to the District.

Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board unanimously approved the Intent-to-Serve letter including all terms and conditions as outlined in the Staff Report.

Vote 5-0.

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

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01:03:26

- E-2) AUTHORIZE CHANGE ORDER SOUTHLAND WASTEWATER TREATMENT FACILITY PHASE 1 IMPROVEMENT PROJECT IN THE AMOUNT \$876,900

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

*The following members of the public spoke:*

*Bill Kengel, NCSD customer and project developer, stated District should consider selling reclaimed water to City of Santa Maria.*

*Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board approved the Change Order in the amount of \$876,900, including the fence.*

*Vote 4-1.*

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

00:45:52

- E-3) AUTHORIZE REQUEST FOR WATER FUND RATE AND CAPACITY CHARGE STUDY PROPOSALS

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

*The following members of the public spoke:*

*Ed Eby, NCSD customer, stated RFP should include the cost/capital of selling City of Santa Maria water to other water purveyors.*

*Sam Scarborough, NCSD customer, stated the District should continue to care for the Community and congratulations.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously directed staff to amend the Draft RFP and authorize Staff to distribute the RFP.*

*Vote 5-0.*

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

**The Board took a break from 10:25 to 10:40 a.m.**

- E-4) CONSIDER DISTRICT RESPONSE TO WATER SUPPLY CONCERNS STEMMING FROM LOW RAINFALL AND DEPRESSED GROUNDWATER LEVEL

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. Much Board discussion ensued regarding conservation, mandatory restrictions and enforcement.*

*The following member of the public spoke:*

*Ed Eby, NCSD customer, read from the Stipulation and commented on water conservation.*

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**ITEM E-4 (CONTINUED)**

*Michael LeBrun, General Manager, will contact other agencies about their conservation programs, set up a Conservation Committee meeting and express our concerns about water conservation to the NMMA.*

02:12:45

**E-5) REVIEW DISTRICT POLICY REGARDING HYDRANT AND OUT OF AREA WATER SALES**

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet and answered questions from the Board. Much Board discussion ensued regarding fire hydrant use and sale of water from fire hydrants.*

*The following member of the public spoke:*

*Ed Eby, NCS D customer, spoke about public opinion/image, fire hydrant theft, and reclaimed water sales.*

*Upon the motion of Director Blair and seconded by Director Vierheilig, the Board unanimously agreed to leave the policy as is.*

*Vote 5-0.*

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

02:39:57

**I. CLOSED SESSION ANNOUNCEMENTS**

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCS D (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 11:56 a.m.*

**L. OPEN SESSION**

**ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION**

*The Board came back into Open Session at 1:20 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.*

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02:41:00

E-6) REVIEW BROWN ACT AND DISTRICT BYLAWS WITH GENERAL COUNSEL

*Mike Seitz, District Legal Counsel, reviewed the Brown Act and District By-Laws and answered questions.*

*There was no public comment.*

E-7) CONSIDER COMMISSIONING A PLAQUE RECOGNIZING FOUNDING DIRECTORS

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

*There was no public comment.*

*Upon the motion of President Harrison and seconded by Director Blair, the Board unanimously agreed to purchase a brass plaque commemorating District's founding Directors and to have the plaque mounted on the District office building exterior adjacent to the main entrance.*

*Vote 5-0.*

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

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

- ◇ *Asked about Southland Upgrade Landscape Plan and District ball caps.*

*There was no public comment.*

ADJOURN

*President Harrison adjourned the meeting at 2:10 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	3 hours 50 minutes
Closed Session	1 hour 20 minutes
TOTAL HOURS	5 hours 10 minutes