

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

DECEMBER 11, 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 December 11, 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, Directors Armstrong, Blair, Vierheilig and Harrison were present.

00:10:19

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) REPORT ON NOVEMBER 11, 2013 REGULAR MEETING CLOSED SESSION Announcement of actions, if any, taken in Closed Session

00:04:53

Acting District Legal Counsel, Jeffrey Minnery of Adamski Moroski Madden Cumberland & Green, announced no reportable action.

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

Peter Sevcik, Director of Engineering and Operations, gave an update of recent activities. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

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 Armstrong

- ◇ November 25, Attended SCAC meeting
- ◇ November 15, Attended SWAEC presentation to Supervisor Ray

Director Blair

- ◇ November 15, Attended SWAEC presentation to Supervisor Ray
- ◇ Showed the Board a poster used in classrooms regarding water conservation

Director Vierheilig

- ◇ January 8, 2014, WRAC will meet at 1:30 p.m. at SLO County Library
- ◇ January 14, 2014, BLMA Board Meeting at 2:00 p.m. at Community Room

ITEM C-3 (CONTINUED)

Director Harrison

- ◇ Served Thanksgiving dinners in Nipomo and Pismo Beach
- ◇ Fire Safe Council toured Los Osos brush removal project
- ◇ Read thank you notes received from the Miller Family and former NCSD Billing Clerk Kathy Beltran

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 4-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE NOVEMBER 13, 2013 REGULAR BOARD MEETING MINUTES
- D-3) APPROVE SERVICE REQUEST - 545 GRANDE AVENUE NIPOMO, 18-LOT RESIDENTIAL DEVELOPMENT

Director Harrison pulled Item D-3 for discussion.

There was no public comment on Items D-1 and D-2.

*Upon the motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved Items D-1 and D-2.
 Vote 4-0.*

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

Item D-3

The following members of the public spoke:

Jennifer Martin, Project Architect, answered questions about the project.

*Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board approved Item D-3.
 Vote 3-1.*

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Armstrong, and Blair	Harrison	Gaddis

E. ADMINISTRATIVE ITEMS

00:37:19

E-1) FINANCIAL AUDIT REPORT FOR FISCAL 2012-2013

Michael LeBrun, General Manager, introduced auditor, Robert Crosby, CPA, who presented the FY 2012-2013 Audit Report. This is the first year the audit is presented in the Comprehensive Annual Financial Report (CAFR) format.

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Vierheilig the Board unanimously approved the FY 2012-2013 Audit Report
 Vote 4-0.*

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

00:46:51

E-2) AWARD CONTRACT FOR STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet.

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously approved Resolution 2013-1325.
 Vote 4-0.*

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

RESOLUTION 2013-1325

**A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 AWARDED THE BID FOR THE STANDPIPE TANK MODIFICATION
 AND REHABILITATION PROJECT TO CROSNO CONSTRUCTION, INC.
 IN THE AMOUNT OF \$263,350 AND AUTHORIZING CONSTRUCTION
 CONTINGENCY OF \$25,000**

00:52:12

E-2) AUTHORIZE TASK ORDER WITH CANNON ASSOCIATES FOR CONSTRUCTION MANAGEMENT SERVICES FOR STANDPIPE TANK MODIFICATION AND REHABILITATION PROJECT

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet.

The following members of the public spoke:

Rob Morrow, Cannon Representative, commented on the project.

*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously approved Resolution 2013-1326.
 Vote 4-0.*

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

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RESOLUTION 2013-1326

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING TASK ORDER FOR STANDPIPE TANK
MODIFICATION AND REHABILITATION PROJECT
CONSTRUCTION MANAGEMENT SERVICES WITH CANNON
IN THE AMOUNT OF \$54,591 AND AUTHORIZING
CONTINGENCY OF \$5,000

The Board took a 15 minute break at 9:58 a.m. and reconvened at 10:13 a.m.

00:57:21

E-4) RECEIVE FALL 2013 GROUNDWATER INDEX REPORT BY BRAD NEWTON, PH.D, PG

Michael LeBrun, General Manager, introduced Dr. Newton. Dr. Newton presented the Fall Groundwater Index and answered questions of the Board. Dr. Newton also commented briefly on the Fourth Quarter 2013 Sentry Well Monitoring Report Northern Cities Management Area prepared by Fugro.

The following members of the public spoke:

Mike Winn, NCSD customer, stated SLO County should be solving regional problem and the Board should consider discontinuing the Groundwater Index because it causes confusion with the NMMA Key Well Index. The NMMA Key Well Index is the only index recognized by the Courts.

Ed Eby, NCSD customer, expressed concern about Northern Cities Sentry Wells and their effect on NCSD.

Acting District Counsel, Jeffrey Minnery of Adamski Moroski Madden Cumberland & Green, disclosed for the record that he has been serving as District Counsel for Oceano Community Services District for the past two months.

Bill Kengel, NCSD customer, asked if we had data on Santa Maria Valley groundwater levels.

Dave Watson, stated we should find a way to work collaboratively across the artificial regional boundaries for the good of the entire groundwater basin.

President Harrison directed Staff to bring back an item on a future agenda to discuss the possibility of discontinuing the semi-annual groundwater index report.

Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously agreed to receive and file the report.

Vote 4-0.

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

02:10:00

E-5) APPROVE TASK ORDER SCOPE AND \$90,000 BUDGET FOR NEWTON GEO-HYDROLOGY CONSULTING SERVICES FOR 2014

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

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*Upon the motion of Director Armstrong and seconded by Director Vierheilig, the Board unanimously agreed to approve the Task Order scope and \$90,000 budget.
Vote 4-0.*

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

02:19:00

E-6) CONSIDER DRAFT WATER POLICY STATEMENT

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

Ed Eby, NCSO customer, suggested graphics should be included in the policy and commented on items # 2, 3 and 6.

Dave Watson, commented on items #2, 5 and 6.

Staff will engage NMMA, meet with Supervisor Ray, present policy to the WRAC in March and ultimately present the policy to the SLO County Board of Supervisors.

No action was taken.

E-7) ELECTION OF 2014 BOARD OFFICERS

President Harrison called for nominations for President. Director Vierheilig nominated Director Armstrong. Director Blair nominated Director Harrison. Director Harrison declined the nomination.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Harrison, the Board unanimously approved Director Armstrong as President for 2014.
Vote 4-0.

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

President Harrison called for nominations for Vice President. Director Vierheilig nominated Director Harrison.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board unanimously approved Director Harrison as Vice President for 2014.
Vote 4-0.

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

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02:40:00

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 RE: PENDING LITIGATION PURSUANT TO GC SECTION 54956.9, WHITLOW/NCSD (CASE # E20112E1116-00-APS FILED WITH THE DEPARTMENT OF FAIR HOUSING AND EMPLOYMENT)
3. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: NCSD v Troesh et. al. SLOCSC# CV130175

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:55 a.m.

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

The Board came back into Open Session at 1:40 p.m.

Acting District Legal Counsel, Jeffrey Minnery, announced that the Board discussed Items One, Two, and Three listed above under closed session announcements, but took no reportable action.

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 REPORTS

- NOVEMBER 12, 2013 FINANCE AND AUDIT COMMITTEE
- NOVEMBER 19, 2013 WATER RESOURCES COMMITTEE

There was no public comment.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair asked that the newsletter mailing database be corrected so that he would receive a single copy of the District's newsletter. He is currently getting four.

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ADJOURN

President Harrison adjourned the meeting at 2:07 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	3 hour 30 minutes
Closed Session	1 hour 40 minutes
TOTAL HOURS	5 hours10 minutes