

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**FEBRUARY 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 February 12, 2014 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 Directors were present.*

*Frank Freitas, NCS D Customer, expressed his appreciation of the Board and District Staff, for working to bring supplemental water to the District.*

**0:01:40** C. PRESENTATIONS AND REPORTS

C-1) REPORT ON JANUARY 22, 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): Significant Exposure to Litigation- 1 case 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

**PRESENTATIONS AND REPORTS (CONTINUED)**

**ITEM C-2 (CONTINUED)**

Director Blair

- ◇ *Commented on recent rainfall in Marin County*

Director Vierheilig

- ◇ *Met with Ed Eby on January 29 regarding County Resource Management System*
- ◇ *Attended the Water Resource Committee Meeting with President Armstrong on February 5*

Director Harrison

- ◇ *Attended Fire Safe Council Board of Directors Meeting*
- ◇ *Attended a Rotary Club meeting on January 25*
- ◇ *Attended SCAC Meeting on January 27*
- ◇ *Attended the San Luis Obispo County Board of Supervisors Meeting on January 28*
- ◇ *Met with the Manager of ECOSLO*
- ◇ *Attended the Strategic Plan Workshop on February 3*
- ◇ *Attended the NMMA Meeting on February 4*

Director Gaddis

- ◇ *Attended the Strategic Plan Workshop on February 3*
- ◇ *Attended SCAC Meeting on January 27*

Director Armstrong

- ◇ *Attended the NMMA Meeting on February 4*
- ◇ *Attended the Water Resources Committee Meeting on February 5*
- ◇ *Attended the Water Resources Advisory Committee Meeting on February 5*

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

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

**0:09:31** D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE JANUARY 8, 2014 REGULAR BOARD MEETING MINUTES
- D-3) APPROVE JANUARY 10, 2014 SPECIAL BOARD MEETING MINUTES
- D-4) APPROVE JANUARY 16, 2014 SPECIAL BOARD MEETING MINUTES
- D-5) APPROVE JANUARY 22, 2014 REGULAR BOARD MEETING MINUTES
- D-6) APPROVE FEBRUARY 3, 2014 SPECIAL BOARD MEETING MINUTES
- D-7) ADOPT RESOLUTION APPROVING 2014 BOARD BY-LAWS
- D-8) RECEIVE DECEMBER 2014 (MID FISCAL-YEAR) FINANCIAL SUMMARY

*President Armstrong asked if any Directors had any comments on Consent Agenda. Director Gaddis and Director Harrison requested clarification on warrants.*

*Michael LeBrun, General Manager, reported that two of the warrants listed (check no(s). 022699 and 022709) were to be voided, and a third would be added in the amount of \$28,651.51 to Mid State Concrete. Mr. LeBrun also stated that there was a revision to the Resolution Approving 2014 Board By-Laws, as the Board Packet version was incomplete.*

*There was no public comment.*

*Upon the motion of Director Vierheilg and seconded by Director Harrison, the Board unanimously approved the Consent Agenda, as amended.  
 Vote 5-0.*

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

**RESOLUTION NO. 2014-1330**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 ADOPTING AMENDED BOARD BY-LAWS AND POLICIES (2014)**

**0:16:07** E. ADMINISTRATIVE ITEMS

E-1) REVIEW WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

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

*The following member of the public spoke:*

*Mark Westfall, NCSD Customer, commented on the report and questioned whether the water use payment tiers would increase if the drought continues.*

*Upon the motion of Director Vierheilg and seconded by Director Armstrong, the Board approved the Water Shortage Response and Management Plan.  
 Vote 3-2.*

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

**1:02:51** 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

*Director Vierheilig reported that he attended the Water Resources Committee Meeting on February 5.*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*There were no requests to staff.*

**1:10:50** 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 PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):  
Significant Exposure to Litigation - 1 case.
4. 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 Armstrong adjourned to closed session at 10:12 a.m. and announced that the Board 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 10:51 a.m.*

## L. OPEN SESSION (CONTINUED)

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

## ADJOURN

*President Armstrong adjourned the meeting at 10:52 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 12 minutes
Closed Session	0 hour 40 minutes
TOTAL HOURS	1 hour 52 minutes