

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JUNE 11, 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.**

Mission Statement: 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 June 11, 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, Directors Armstrong, Harrison, Blair and Gaddis were present. Director Vierheilig had a planned absence.

There was no public comment.

Lisa Bognuda, Assistant General Manager/Finance Director announced that Michael LeBrun, General Manager would not be in attendance at the meeting and that she would be filling in for him and Peter Sevcik, Director of Engineering and Operations, would be assisting her during the meeting.

02:00

The Board considered Item E-1 next.

E-1) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES

Lisa Bognuda, Assistant General Manager/Finance Director, reviewed the report as presented in the board packet and answered questions from the Board. Tom Martin and Amber Castro of South County Sanitary were present and answered questions.

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

There was no public comment.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Gaddis and seconded by Director Blair, the Board voted to approve Item E-1. Vote 4-0.

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

RESOLUTION 2014-1347
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER
FOR UNPAID SOLID WASTE COLLECTION CHARGES

C. PRESENTATIONS AND REPORTS

C-1) REPORT ON MAY 28, 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 1(a) (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS NCSD) in closed session, but took no reportable action.

Mr. Seitz reported that the Board discussed Item 1(b) (NCSD v. Troesh, et al.) in closed session, but took no reportable action.

Mr. Seitz reported that the Board discussed Item 1(c) (BenIng v. NCSD) but took no reportable action.

Mr. Seitz reported that the Board discussed Item 2 (Conference with Legal Counsel pursuant to Govt. Code §54956.95), in closed session; the Board gave direction, but took no reportable action.

Mr. Seitz reported that the Board discussed Item 3 (Annual Performance Review of District Legal Counsel) pursuant to Govt. Code §54957, in closed session and announced he will continue to serve as District Legal Counsel.

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 Blair

- ◇ *Attended Special District Association Legislative Days May 19-21*

Director Gaddis

- ◇ *Announced the passing of Laurie Vierheilg and the memorial service will be on June 21 at 1:00 p.m. at the Nipomo Presbyterian Church*
- ◇ *IRWM Workshop will be June 20 at 1:00 p.m. at NCSD Board Room*
- ◇ *SCAC will meet on June 23 at 6:30 p.m. at NCSD Board Room*

Director Harrison

- ◇ *Worked the election on June 3*

Director Armstrong

- ◇ *Attended WRAC Meeting on June 4 – IRWM and RMS Update were discussed*

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Gaddis, the Board voted to receive and file the presentations and reports as submitted.

Vote 4-0.

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

12:57 D. CONSENT AGENDA

D-1) WARRANTS

There were no questions or comments from the Board.

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Gaddis, the Board voted to approve Item D-1. Vote 4-0.

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

D-2) APPROVE MAY 28, 2014 REGULAR BOARD MEETING MINUTES

There were no questions or comments from the Board. Director Blair will not vote on this item since he was absent on May 28, 2014.

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Gaddis, the Board approved Item D-2. Vote 3-0.

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

14:00 E. ADMINISTRATIVE ITEMS

E-2) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2014-15 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS

Lisa Bognuda, Assistant General Manager/Finance Director, reviewed the report as presented in the board packet and answered questions from the Board.

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

Wally Crookes, NCSD customer, asked what the maximum allowable assessment was.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Blair and seconded by Director Harrison, the Board voted to approve Item E-2. Vote 4-0.

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

**RESOLUTION 2014-1348
 A RESOLUTION OF THE BOARD OF DIRECTORS OF
 THE NIPOMO COMMUNITY SERVICES DISTRICT
 PROVIDING FOR THE COLLECTION OF STREET LIGHT ASSESSMENTS ON
 THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE
 AND OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE BLACKLAKE VILLAGE**

17:38

E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2014-15 STREET LANDSCAPE MAINTENANCE DISTRICT ASSESSMENTS

Lisa Bognuda, Assistant General Manager/Finance Director, reviewed the report as presented in the board packet and answered questions from the Board.

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

Bill Kengel, Developer, stated the landscape maintenance district is setting a good precedent.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Blair and seconded by Director Gaddis, the Board voted to approve Item E-3. Vote 4-0.

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

RESOLUTION 2014-1349
 A RESOLUTION OF THE BOARD OF DIRECTORS OF
 THE NIPOMO COMMUNITY SERVICES DISTRICT
 ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
 FOR THE NIPOMO COMMUNITY SERVICES DISTRICT STREET
 LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2014-2015

E-4) PUBLIC HEARING – ADOPT FISCAL YEAR 2014-15 BUDGET

22:48

Lisa Bognuda, Assistant General Manager/Finance Director, reviewed the report as presented in the board packet and answered questions from the Board.

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

Wally Crookes, NCS D customer, asked about fixed assets and cash reserves.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Blair and seconded by Director Armstrong the Board voted to approve the 2014-2015 Appropriations Limitation for Fiscal Year 2014-2015. Vote 4-0.

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

RESOLUTION 2014-1350
 A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 DETERMINING THE APPROPRIATION LIMITATION FOR
 THE 2014-2015 FISCAL YEAR

Upon the motion of Director Gaddis and seconded by Director Armstrong the Board voted to approve the 2014-2015 Budget for Fiscal Year 2014-2015. Vote 4-0.

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

RESOLUTION 2014-1351
 A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 ADOPTING THE 2013-2014 FISCAL YEAR BUDGET

33:12

E-5) CONSIDER OFFER OF WATER AND SEWER IMPROVEMENTS FOR COUNTY PARCEL MAP 06-0225

Michael Seitz, District Legal Counsel, reviewed the report as presented in the board packet, handed out a draft Resolution for the Board to consider, and answered questions from the Board.

In order to secure the payment of fees as a condition of accepting water and sewer improvements and easement, and prior to setting of water meters, Mr. Seitz suggested the Board consider adopting a Notice of Property Owner Failure to Comply with District Rules and Regulations. Mr. Seitz stated that if Mr. Kengel is willing to waive his right to a Public Hearing, this item can be placed on the Consent Agenda of the June 25 Board Meeting.

Bill Kengel, Developer, stated he was not clear about the Notice of Violation, was concerned about a future moratorium, and asked if his property could be exempt.

Mr. Seitz stated that the Recorded Notice of Violation would ensure that all fees will be paid to the District. Mr. Seitz also stated there currently are no restrictions on service and his request cannot be considered because it is not on the agenda.

Staff was directed to place this item on the Consent Agenda of the June 25 Board Meeting.

F. GENERAL MANAGER'S REPORT

Lisa Bognuda, Assistant General Manager/Finance Director, reviewed the report as presented in the Board Packet.

There was no public comment.

G. COMMITTEE REPORTS

None to report.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

President Armstrong stated that the Society of Civil Engineers will be hosting an day-long seminar on water law on June 18.

Director Blair would like to be nominated for CSDA regional representative.

Director Gaddis stated that a Ribbon Cutting ceremony for the Southland WWTF will be held on July 30, 2014 at 9:00 a.m.

There was no public comment.

Nipomo Community Services District
REGULAR MEETING
MINUTES

48:31

I. CLOSED SESSION ANNOUNCEMENTS

1.CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

a.SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).

b.NCSD v Troesh et. al. SLOCSC# CV130175

2.CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(d)(2)&(e)(1):

Significant Exposure to Litigation - 1 case.

3.ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

49:20

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 9:50 a.m.

The Board took a break from 9:50 a.m. to 10:00 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 10:20 a.m.

Michael Seitz, District Legal Counsel, announced that the Board discussed Items 1(a), 1(b), 2 and 3 listed above under closed session announcements, but took no reportable action.

There was no public comment.

ADJOURN

President Armstrong adjourned the meeting at 10:25 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 05 minutes
Closed Session	20 minutes
TOTAL HOURS	1 hour 25 minutes