

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JUNE 25, 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 25, 2014 to order at 9:03 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.*

02:00

#### C. PRESENTATIONS AND REPORTS

##### C-1) PRESENT RESOLUTION OF APPRECIATION (POSTHUMOUSLY) AND DEDICATION OF JON S. SEITZ BOARD ROOM

*Michael LeBrun, General Manager, welcomed those in attendance for the dedication of the Jon S. Seitz Board Room and asked Roseanne Seitz, Jon S. Seitz's widow, to come forward. Mr. LeBrun read Resolution No. 2014-1345 entitled:*

*A RESOLUTION EXPRESSING APPRECIATION AND GRATITUDE POSTHUMOUSLY TO  
JON S. SEITZ FOR HIS CONTRIBUTIONS TO NIPOMO COMMUNITY SERVICES DISTRICT  
AND DEDICATING THE DISTRICT BOARD ROOM IN HIS HONOR*

*Roseanne Seitz thanked the Board of Directors and Staff for the honor on behalf of Jon S. Seitz and family. Mrs. Seitz also shared a box of lug nuts from Jon's collection. She invited Jon's friends to take one home in his memory.*

*Vicki Janssen, California State Assembly District Director, for State Assemblyman Khatchick H. "Katcho" Achadjian, presented the Board of Directors a Certificate of Recognition upon the dedication of the Jon S. Seitz Board Room.*

*The following members of the public spoke:*

*John Wallace, of the Wallace Group, spoke fondly of Jon Seitz and commented on his contribution to all Community Services Districts in SLO County.*

*Mike Winn, former NCSD Director, reflected kindly on Jon's service to the District.*

*The Board of Directors unveiled the signage naming the Board Room the Jon S. Seitz Board Room.*

*The Board took a 15 minute break.*

14:12

C-2) REPORT ON JUNE 11, 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 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 General Manager) pursuant to Govt. Code §54957, in closed session; the Board gave direction, but took no reportable action.*

C-3) DIRECTOR OF ENGINEERING AND OPERATIONS  
Summary of recent activities

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

*The Board considered Item C-6 next.*

C-6) 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 BLMA meeting on June 17*

Director Harrison

- ◇ *Attended BLMA meeting on June 17*
- ◇ *Attended Old Towne Association meeting on June 18*

Director Gaddis

- ◇ *Attended BLMA meeting on June 17*
- ◇ *Attended Old Towne Association meeting on June 18*
- ◇ *Attended NMMA Meeting on June 19*
- ◇ *Attended IRWM Planning Workshop on June 20*
- ◇ *Attended SCAC meeting on June 23*

Director Armstrong

- ◇ *Attended NMMA Meeting on June 19*

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- C-7) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

*Bill Morrow, NCSD resident, commented on the Blacklake Golf Course.*

*Upon the motion of Director Harrison and seconded by Director Gaddis, the Board voted to receive and file the presentations and reports C-1, C-2, C-3 and C-6 as submitted. Vote 4-0.*

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

40:13

**D. CONSENT AGENDA**

- D-1) WARRANTS
- D-2) APPROVE JUNE 11, 2014 REGULAR BOARD MEETING MINUTES
- D-3) ACCEPT WATER AND SEWER IMPROVEMENTS AND EASEMENT FOR COUNTY PARCEL MAP 06-0225
- D-4) AUTHORIZE REAL PROPERTY PURCHASE AGREEMENT IN SUPPORT OF SUPPLEMENTAL WATER PROJECT APNS 090-341-019, 090-331-005, 090-331-006, 090-331-008 ANNIE E. PREISKER

*Michael Seitz, District Legal Counsel, stated he received an email from Mr. Kengel regarding Item D-3 requesting the Notice be placed on 1 of 2 lots. Mr. Seitz stated the Notice should be recorded on both lots.*

*Mr. Kengel, developer, stated his reasons for the request.*

*There was no public comment.*

*Upon the motion of Director Blair and seconded by Director Gaddis, the Board the approved Consent Agenda. Vote 3-1.*

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

**RESOLUTION 2014-1352  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING WATER AND SEWER IMPROVEMENTS AND  
EASEMENTS FOR COUNTY PARCEL MAP 06-0225, A  
TWO PARCEL DEVELOPMENT**

**14:00** E. ADMINISTRATIVE ITEMS

E-1) SUPPLEMENTAL WATER PROJECT PHASE 1 BLOSSER ROAD WATER MAIN AUTHORIZATION TO BID

*Peter Sevcik, Director of Engineering and Operations, reviewed the report and answered questions from the Board.*

*There was no public comment.*

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

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

**54:14** E-2) VOTE BALLOT CALIFORNIA SPECIAL DISTRICT ASSOCIATION REGION 5, SEAT C

*There was no public comment.*

*Upon the motion of Director Harrison and seconded by Director Gaddis, the Board voted to nominate Vincent Ferrante. Vote 4-0.*

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

**58:08** E-3) CONSIDER INTERIM COMMITTEE ASSIGNMENTS DURING DIRECTOR VIERHEILIG'S LEAVE OF ABSENCE

*There was no public comment.*

*This item was tabled.*

**58:57** F. GENERAL MANAGER'S REPORT

*Michael LeBrun, General Manager, 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 requested staff prepare comparison of water revenue versus budget.*

*There was no public comment.*

1:07

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
- c) NCSD v County SLOCSC #CV090010

2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95:

Claimant: Specialty Construction  
Agency: NCSD

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.*

K. ADJOURN TO CLOSED SESSION

*President Armstrong adjourned to closed session at 10:30 a.m.*

*The Board took a break.*

1:08

The following presentation, Item C-4, was made at 11:00 a.m.

C-4) PRESENT AWARDS FOR 2014 WATER CONSERVATION POSTER CONTEST

President Armstrong presented the following awards:

*3<sup>rd</sup>/4<sup>th</sup> Grade Category:*

- Kylie Zamora, 1<sup>st</sup> Place*
- Chloe Wells, 2<sup>nd</sup> Place*
- Mia Renteria & Kate Barnett, 3<sup>rd</sup> Place*
- Gavin Brown, Honorable Mention*

*5<sup>th</sup>/6<sup>th</sup> Grade Category:*

- Jazmine Galvan, 1<sup>st</sup> Place*
- Claire Wellenkamp, 2<sup>nd</sup> Place*
- Yuliana Vazquez, 3<sup>rd</sup> Place*

- Mrs. Elliott, 3<sup>rd</sup> Grade, Dorothea Lange*
- Mr. Meenzhuber, 5<sup>th</sup> Grade, Nipomo Elementary*
- Mrs. Johnson, 6<sup>th</sup> Grade, Dorothea Lange*

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C-4) PRESENT AWARDS FOR 2014 WATER CONSERVATION POSTER CONTEST  
(continued)

There was no public comment.

*Upon the motion of Director Harrison and seconded by Director Armstrong the Board voted to accept Item C-4. Vote 4-0.*

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

The Board returned to Closed Session at 11:15 a.m.

00:00  
audio  
restart

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

*The Board came back into Open Session at 1:05 p.m.*

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

*There was no public comment.*

01:29

*The following presentation, Item C-5, was made at 1:00 p.m.*

C-5) PRESENTATION OF SPRING 2014 GROUNDWATER INDEX

Dr. Brad Newton of Newton Geo-Hydrology presented the Spring Groundwater Index

Ed Eby, NCSD customer, stated report should be converted to Acre Feet and a three year trailing average cumulative groundwater index would be helpful.

*Upon the motion of Director Harrison and seconded by Director Gaddis the Board voted to accept Item C-5. Vote 4-0.*

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

ADJOURN

*President Armstrong adjourned the meeting at 1:30 p.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 30 minutes
Closed Session	1 hours 00 minutes
<b>TOTAL HOURS</b>	<b>4 hours 30 minutes</b>