

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

DRAFT REGULAR MEETING MINUTES

AUGUST 13, 2014 AT 9:00 A.M.

JON S. SEITZ 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:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

00:00:00 A. CALL TO ORDER AND FLAG SALUTE

President Armstrong called the Regular Meeting of August 13, 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, all Board Members were present.

There was no public comment.

00:01:00 C. PRESENTATIONS AND REPORTS

C-1) REPORT ON JULY 23, 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) (NCSD v. County SLOCSC) 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; 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

Director Gaddis

- ◇ SCAC will meet on August 25 at 6:30 p.m.

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES**

Director Harrison

- ◇ Attended SLO Chapter CSDA meeting on July 25
- ◇ Attended a Rotary Fundraiser at Hearst Castle

Director Armstrong

- ◇ Attended WRAC on August 6

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 voted to receive and file the presentations and reports as submitted.

Vote 5-0.

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

00:04:00

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE JULY 23, 2014 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Blair, the Board voted to unanimously approve the Consent Agenda. Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:04:32

E-1) GROUNDWATER INDEX REVIEW AND PROPOSED IMPROVEMENTS [RECOMMEND REVIEW PRESENTATION ON CURRENT GROUNDWATER INDEX METHODOLOGY AND DIRECT STAFF]

Brad Newton, Ph.D, PG of Newton Geo-Hydrology Consulting Services, LLC reviewed the Ground Water Index and recommended improvements. Dr. Newton answered questions from the Board.

Ed Eby, NCSD customer, stated he is unsure what the output is and asked if the Groundwater Index is equal to storage above sea level.

Upon the motion of Director Harrison and seconded by Director Gaddis, the Board voted to approve the Task Order for Dr. Newton to perform work on the Ground Water Index. Vote 5-0.

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

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
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MINUTES

Armstrong		
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The Board took a ten minute break.

President Armstrong stated Item E-3 would be next.

01:00:00

E-3) CONSIDER SUPPLEMENTAL WATER PRICING AND RATE STUDY STATUS
[RECOMMEND CONSIDER INFORMATION AND DIRECT STAFF]

Clayton Tuckfield of Tuckfield & Associates presented the summary of work completed on the Water Rate Study which includes water rates, supplemental water rates, water shortage rates and capacity charges. Mr. Tuckfield answered questions from the Board. The Board discussed whether to proceed with both the supplemental water rates and water shortage rates in the upcoming Prop 218 notice or only proceed with supplemental water rates.

Ed Eby, NCSD customer, asked if you could adopt rates without implementing them.

Rick Bacon, NCSD customer, stated District can't justify drought rates because more are pulling from aquifer than just NCSD.

Upon the motion of Director Gaddis and seconded by Director Armstrong, the Board voted to direct Staff to prepare report with Supplemental Water Rates and exclude Water Shortage Rates. Vote 4-1.

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

Director Armstrong directed Mr. Tuckfield to work on a draft rate study for Water Shortage Rates and have it ready to go in the event it is needed.

01:50:00

E-2) ADOPT 2014 SAN LUIS OBISPO COUNTY INTEGRATED REGIONAL WATER
MANAGEMENT PLAN [ADOPT RESOLUTION APPROVING UPDATED PLAN]

Michael LeBrun, General Manager, presented the item and answered questions from the Board.

There was no public comment.

Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board voted to approve the Resolution. Vote 4-1.

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

2014-1354
RESOLUTION ADOPTING THE 2014 SAN LUIS OBISPO
COUNTY INTEGRATED REGIONAL WATER MANAGEMENT
PLAN AND FINDING THAT THE PROJECT IS EXEMPT FROM
SECTION 2100 ET SEQ. OF THE CALIFORNIA PUBLIC RESOURCES
CODE (CEQA)

SUBJECT TO BOARD APPROVAL

02:01:00 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

02:11:00 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTSDirector Vierheilig

- *Would like to see Blacklake Wastewater Master Plan Draft prior to the end of his term.*

President Armstrong

- *Requested the Solid Waste Committee meet. The Solid Waste Committee agreed to meet on Wednesday, September 3, 2014 at 10:00 a.m.*

02:15:00 I. CLOSED SESSION ANNOUNCEMENTS

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

- a) SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- b) NCSO v County SLOCSC #CV090010
- c) Bening Company LLC v NCSO Case # 14CV-0069

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

Claimant: Specialty Construction
Agency: NCSO

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 11:27 a.m.

02:55:00 L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:09 PM.

Michael Seitz, District Legal Counsel, announced that the Board discussed Item 1(a), Item 1(c) and Item 2 in closed session, but took no reportable action.

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ADJOURN

President Armstrong adjourned the meeting at 12:10 PM

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hour 15 minutes
Closed Session	0 hour 40 minutes
TOTAL HOURS	2 hour 55 minutes

SUBJECT TO BOARD APPROVAL