

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JUNE 6, 2014



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) REPORT ON MAY 28, 2014 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session
- 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
- C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS
PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE
PRESENTATIONS AND REPORTS

t:\board matters\board meetings\board letter\2014\section letters\presentations and reports.docx

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN
GENERAL MANAGER

DATE: JUNE 6, 2014

AGENDA ITEM
C-1
JUNE 11, 2014

**MAY 28, 2014 REGULAR MEETING
CLOSED SESSION REPORT**

ITEM

Announcement of actions, if any, taken during Closed Session at previous Board Meeting [NO ACTION REQUESTED]

BACKGROUND

The May 28, 2014 Regular Meeting Closed Session included:

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) Bening v NCSD SLOCSC #14CV-0069
2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95:
Claimant: Specialty Construction
Agency: NCSD
3. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

Staff will report on closed session action taken, if any.

TO: BOARD OF DIRECTORS
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GENERAL MANAGER
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CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MAY 28, 2014 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVAL]

TO: BOARD OF DIRECTORS
 FROM: MICHAEL S. LEBRUN *MSL*
 GENERAL MANAGER
 DATE: JUNE 6, 2014

**AGENDA ITEM
 D-1
 JUNE 11, 2014**

HAND WRITTEN CHECKS

06-02-14 10257 PGE
 06-03-14 10258 ASCE

TOTAL COMPUTER CHECKS

\$464,051.59
 \$55,715.45
 \$200.00

ELECTRICITY
 GROUNDWATER SEMINAR

VOIDS - NONE

COMPUTER GENERATED CHECKS

23138	06/06/14	EMP01	EMPLOYMENT DEVELOP DEPT	66.00	.00	66.00	B40602	STATE INCOME TAX
				1328.16	.00	1328.16	1B40602	STATE INCOME TAX
			Check Total.....:	1394.16	.00	1394.16		
23139	06/06/14	MID01	RABOBANK-PAYROLL TAX DEPO	250.00	.00	250.00	B40602	FEDERAL INCOME TAX
				29.00	.00	29.00	1B40602	MEDICARE (FICA)
				4163.13	.00	4163.13	2B40602	FEDERAL INCOME TAX
				49.60	.00	49.60	3B40602	FICA
				1020.46	.00	1020.46	4B40602	MEDICARE (FICA)
			Check Total.....:	5512.19	.00	5512.19		
23140	06/06/14	MID02	RABOBANK-DIRECT DEPOSIT	25586.18	.00	25586.18	B40602	NET PAY
23141	06/06/14	PER01	PERS RETIREMENT	167.72	.00	167.72	B40602	PERS PAYROLL REMITTANCE
				8489.89	.00	8489.89	1B40602	PERS PAYROLL REMITTANCE
			Check Total.....:	8657.61	.00	8657.61		
23142	06/06/14	STA01	CALPERS 457 DEFERRED COMP	2580.00	.00	2580.00	B40602	457 DEFERRED COMP
023143	06/11/14	ABA01	ABALONE COAST BACTERIOLOG	4105.00	.00	4105.00	MAY 2014	LAB TESTS
023144	06/11/14	ADV01	ADVANTAGE ANSWERING PLUS	134.85	.00	134.85	5252014	ANSWERING SERVICE
023145	06/11/14	AEC01	AECOM USA INC	58572.45	.00	58572.45	37443550	SUPPLEMENTAL WATER
023146	06/11/14	ALP02	ALPINE REFRIGERATION	384.35	.00	384.35	15290	AIR CONDITIONING REPAIR
023147	06/11/14	ALX01	ALEXANDER'S CONTRACT SERV	2444.51	.00	2444.51	20140529	METER READING
023148	06/11/14	AME03	AMERI PRIDE	137.06	.00	137.06	130045	UNIFORMS
				157.48	.00	157.48	1134273	UNIFORMS
			Check Total.....:	294.54	.00	294.54		
023149	06/11/14	ATT01	AT&T	154.41	.00	154.41	5418372	TELEPHONE
				22.61	.00	22.61	5418616	TELEPHONE
				180.80	.00	180.80	5418686	TELEPHONE
			Check Total.....:	357.82	.00	357.82		
023150	06/11/14	BCP00	B C PUMP SALES & SERVICE	8887.87	.00	8887.87	28845	LIFT STATION PUMP-MARIA V
023151	06/11/14	BEE01	BEE SAFE LOCK & KEY	68.00	.00	68.00	92892	REKEY
023152	06/11/14	BIG01	BIG BRAND TIRE & SERVICE	80.97	.00	80.97	226410	F250 OIL CHANGE
				26.85	.00	26.85	226422	F150 OIL CHANGE
			Check Total.....:	107.82	.00	107.82		
023153	06/11/14	BRE02	BRENNTAG PACIFIC INC.	360.68	.00	360.68	BPI418920	SODIUM HYPOCHLORITE
				378.88	.00	378.88	BPI418921	SODIUM HYPOCHLORITE
				306.42	.00	306.42	BPI420838	SODIUM HYPOCHLORITE
				686.19	.00	686.19	BPI420839	SODIUM HYPOCHLORITE
			Check Total.....:	1732.17	.00	1732.17		
023154	06/11/14	CAL16	CALPERS	28600.00	.00	28600.00	JUNE 2014	QTRLY OPEB CONTRIBUTION
023155	06/11/14	CAL18	CAL PORTLAND COMPANY	622.45	.00	622.45	92129715	CLASS II BASE
023156	06/11/14	CAL21	CALLEJA, DEREK	114.68	.00	114.68	B40602	CALLEJA-REIMBURSEMENT
023157	06/11/14	CHA02	CHARTER COMMUNICATIONS	238.56	.00	238.56	JUN 2014A	INTERNET-SOUTHLAND
023158	06/11/14	CLE06	CNSSLO INC	434.15	.00	434.15	18321	REPLACEMENT MONITORS
023159	06/11/14	CRO03	CROSNO CONSTRUCTION INC	45988.71	.00	45988.71	#3	PROGRESS PAYMENT #3

TO: BOARD OF DIRECTORS
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023160	06/11/14	DEW01	J B DEWAR INC	130.29	.00	130.29	398087	CHEVRON RANDO HD/GREASE
				79.10	.00	79.10	398119	CHEVRON RANDO HD 46
				20.94	.00	20.94	398132	OIL FILTERS
			Check Total.....:	230.33	.00	230.33		
023161	06/11/14	FAR01	FARM SUPPLY COMPANY	72.46	.00	72.46	17010	ABSORB-IT/SCH 40 FITTINGS
023162	06/11/14	FAR02	FAR WEST EXPRESS	25.00	.00	25.00	MAY 2014	DELIVERY
023163	06/11/14	FER01	FERGUSON ENTERPRISES INC	3082.05	.00	3082.05	662342	CURB STOPS/RELEASE VALVES
				165.43	.00	165.43	691017	VALVE
				1330.96	.00	1330.96	662342-1	5 SAND ENC
			Check Total.....:	4578.44	.00	4578.44		
023164	06/11/14	FGL01	FGL ENVIRONMENTAL	417.70	.00	417.70	481227	LAB TEST
				21.45	.00	21.45	481373	LAB TESTS
			Check Total.....:	439.15	.00	439.15		
023165	06/11/14	GIL01	GLM, INC.	340.00	.00	340.00	MAY 2014	LANDSCAPING
023166	06/11/14	GRA05	GRAINGER	328.35	.00	328.35	6634215	GAS CYLINDER
023167	06/11/14	GWA01	GWA INC	55.00	.00	55.00	JUN 2014A	ALARM-WILSON
				87.00	.00	87.00	JUN 2014B	ALARM-509 SOUTHLAND
				87.00	.00	87.00	JUN 2014C	ALARM-SHOP
			Check Total.....:	229.00	.00	229.00		
023168	06/11/14	HOD03	HODGE CONSULTING	780.00	.00	780.00	2603	CONSULTING-SW BID #3
023169	06/11/14	LAN02	LANDMARK LANDSCAPE CO INC	214.00	.00	214.00	61875	LANDSCAPE MAINT DISTRICT
023170	06/11/14	LEE02	LEE CENTRAL COAST NEWSPAP	344.70	.00	344.70	MAY 2014A	CLASSIFIED AD
				323.50	.00	323.50	MAY 2014B	PUBLIC HEARING-LMD
			Check Total.....:	668.20	.00	668.20		
023171	06/11/14	MAR05	MARK SWITZER EXCAVATING	6780.00	.00	6780.00	8533	RIP/CLEAN PONDS SOUTHLAND
023172	06/11/14	MIN02	MINER'S ACE HARDWARE	359.04	.00	359.04	MAY 2014	SUPPLIES
023173	06/11/14	MNS01	MNS ENGINEERS INC	53080.00	.00	53080.00	64353	SOUTHLAND WWTF
				3997.63	.00	3997.63	64354	SUPPLEMENTAL WATER PROJEC
			Check Total.....:	57077.63	.00	57077.63		
023174	06/11/14	NEW05	NEWTON GEO-HYDROLOGY CONS	1017.50	.00	1017.50	MAY 20141	GENERAL CONSULATION
				6290.73	.00	6290.73	MAY 20142	GROUNDWATER LITIGATION SU
			Check Total.....:	7308.23	.00	7308.23		
023175	06/11/14	NUN01	NUNLEY, MICHAEL K. & ASSO	4472.50	.00	4472.50	310	PCIA-697 WEST TEFPT
				825.00	.00	825.00	319	GIS/INFRAMAP SUPPORT
			Check Total.....:	5297.50	.00	5297.50		
023176	06/11/14	OFF01	OFFICE DEPOT	96.21	.00	96.21	4271001	OFFICE SUPPLIES
				7.94	.00	7.94	34663001	OFFICE SUPPLIES
			Check Total.....:	104.15	.00	104.15		
023177	06/11/14	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	248	JANITORIAL
023178	06/11/14	QUI03	QUINN COMPANY	-1534.10	.00	-1534.10	30000016C	CREDIT MEMO
				496.37	.00	496.37	30000603	REPLACE BLOCK HEATER
				1406.72	.00	1406.72	300000596	REPAIR GENERATOR
			Check Total.....:	368.99	.00	368.99		
023179	06/11/14	RAU01	RAUCH COMMUNICATION CONSU	2569.34	.00	2569.34	1408A	STRATEGIC PLAN
				6307.50	.00	6307.50	1408B	CONSERVATION PROGRAM
			Check Total.....:	8876.84	.00	8876.84		
023180	06/11/14	SLO02	DIV OF ENVIRON HEALTH	1104.90	.00	1104.90	9816	CROSS CONNECTION
023181	06/11/14	SOU01	SOUTH COUNTY SANITARY	77.96	.00	77.96	4494998	WASTE COLLECTION-WILSON
				188.70	.00	188.70	4496210	OLDE TOWN WASTE COLLECTIO
				190.06	.00	190.06	4496797	WASTE COLLECTION-SOUTHLAN
			Check Total.....:	456.72	.00	456.72		

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023182	06/11/14	SPI01	SPIESS CONSTRUCTION CO.	153957.00	.00	153957.00	4	SWP-PROGRESS PMT #4
023183	06/11/14	SPI02	RABOBANK	8103.00	.00	8103.00	4	RETENTION PMT #4
023184	06/11/14	THE01	THE GAS COMPANY	2.53	.00	2.53	052014	HEAT-SOUTHLAND
				21.10	.00	21.10	052214	HEAT-WILSON
			Check Total.....:	23.63	.00	23.63		
023185	06/11/14	THE02	THE TRIBUNE SLO CO NEWSPAP	145.60	.00	145.60	B40602	ANNUAL SUBSCRIPTION
023186	06/11/14	TUC01	TUCKFIELD & ASSOCIATES	3029.46	.00	3029.46	378	WATER RATE STUDY
				3273.75	.00	3273.75	379	WATER RATE STUDY AMEND#2
			Check Total.....:	6303.21	.00	6303.21		
023187	06/11/14	UND01	UNDERGROUND SERVICE ALERT	132.00	.00	132.00	14050027	UNDERGROUND SERVICE ALERT
023188	06/11/14	USA01	USA BLUEBOOK	764.54	.00	764.54	354986	GUAGES/FH PAINT
				133.82	.00	133.82	356720	BALL VALVE
			Check Total.....:	898.36	.00	898.36		
023189	06/11/14	USB01	US BANK (VISA)	475.00	.00	475.00	MAY 2014A	CLASSIFIED ADS
				72.84	.00	72.84	MAY 2014B	CONSERVATION MATERIALS
				40.00	.00	40.00	MAY 2014C	CHAMBER LUNCHES
				66.35	.00	66.35	MAY 2014D	FLAG FOR OFFICE
				113.97	.00	113.97	MAY 2014E	SUPPLIES
				176.98	.00	176.98	MAY 2014F	OFFICE SUPPLIES
			Check Total.....:	945.14	.00	945.14		
023190	06/11/14	VER01	VERIZON	48.74	.00	48.74	B40602	TELEPHONE
023191	06/11/14	VER03	VERIZON WIRELESS	289.17	.00	289.17	725756850	CELL PHONES
023192	06/11/14	\D007	DESERT ICE HOLDINGS LLC,	98.74	.00	98.74	000B40601	MQ CUSTOMER REFUND

**FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR
 SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT**

Cushman Contracting	Period 5/1/14 to 5/31/14	\$366,776.36
First Republic Bank	Period 5/1/14 to 5/31/14	\$19,304.02
	TOTAL	\$386,080.38

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JUNE 6, 2014



APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

ITEM

Approve action minutes from previous Board meetings. [RECOMMENDED APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve minutes as part of Consent Agenda.

ATTACHMENT

- A. May 28, 2014 draft Board Meeting Minutes

JUNE 11, 2014

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MAY 28, 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 May 28, 2014 to order at 9:00 a.m. and led the flag salute.

00:02 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, Directors Armstrong, Harrison, Vierheilig, and Gaddis were present. Director Blair was absent.

There was no public comment.

02:22 *The Board considered Item D next.*

D. CONSENT AGENDA

President Armstrong asked if any Director desired to pull items from the Consent Agenda or had any questions. Director Harrison requested that Item D-4 and D-6 be pulled for discussion.

D-4) ADOPT RESOLUTION APPROVING A 1.87% DECREASE IN DISTRICT SOLID WASTE FRANCHISE FEE

Director Harrison stated he preferred a buy-down versus a reduction in the franchise fee. Michael Seitz, District Legal Counsel, stated it could be done either way, but the end result was the same.

There was no public comment.

Upon the motion of Director Vierheilig and seconded by Director Gaddis, the Board voted to approve Item D-4. Vote 3-1.

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

RESOLUTION 2014-1343
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
REDUCING THE FRANCHISE FEE FROM SOUTH
COUNTY SANITARY FROM 10% TO 8.13%

SUBJECT TO APPROVAL

Nipomo Community Services District
**REGULAR MEETING
 MINUTES**

D. CONSENT AGENDA (Continued)

D-6) ADOPT RESOLUTION APPROVING UPDATED EMPLOYEE HANDBOOK

Director Harrison asked for clarification on sections of the Employee Handbook.

There was no public comment.

Upon the motion of Director Vierheilg and seconded by Director Gaddis, the Board voted to approve Item D-6. Vote 3-1.

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

RESOLUTION 2014-1344
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING EMPLOYEE HANDBOOK

- D-1) WARRANTS
- D-2) APPROVE MAY 14, 2014 REGULAR BOARD MEETING MINUTES
- D-3) APPROVE BUDGET AMENDMENT FOR CONSTRUCTION MANAGEMENT SERVICES WITH CANNON RELATED TO BLACKLAKE WELL #4 REPLACEMENT PROJECT
- D-5) ADOPT RESOLUTION RECOGNIZING JON S. SEITZ POSTHUMOUSLY FOR EXEMPLARY SERVICE TO THE DISTRICT

The Board discussed Item D-3. Michael LeBrun, General Manager, and Peter Sevcik, Director of Engineering and Operations, answered questions from the Board. Director Vierheilg noted corrections to Item D-5 Resolution.

The following member of the public spoke:

Mark Westfall, NCS D Customer, stated Blacklake Well #4 project does not look complete.

Peter Sevcik, Director of Engineering and Operations, stated Blacklake Well #4 Replacement Project is complete. The current construction work at the well site is for a new project related to the Supplemental Water Project.

Upon the motion of Director Harrison and seconded by Director Gaddis, the Board unanimously approved Items D-1, D-2, D-3, and D-5, with corrections. Vote 4-0.

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

RESOLUTION 2014-1345
A RESOLUTION EXPRESSING APPRECIATION AND
GRATITUDE TO JON S. SEITZ FOR HIS CONTRIBUTIONS
TO NIPOMO COMMUNITY SERVICES DISTRICT AND
DEDICATING THE DISTRICT BOARD ROOM IN HIS HONOR

38:33

C. PRESENTATIONS AND REPORTS

C-1) DIRECTOR OF ENGINEERING AND OPERATIONS

Report on recent activities.

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board. The Board thanked Mr. Sevcik for his report.

There was no public comment.

53:28

C-2) REPORT ON MAY 14, 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 did not discuss Item 1(b) (NCSD v. Troesh, et al.) or Item 1(c) in closed session.

Mr. Seitz reported that the Board discussed Item 2 (Conference with Legal Counsel pursuant to Govt. Code §54956.95), in closed session, and unanimously agreed to pay \$148,000 to resolve Specialty Construction, Inc. claim.

Mr. Seitz reported that the Board discussed Item 3 (Annual Performance Review of District Legal Counsel) pursuant to Govt. Code §54957, in closed session, but took no reportable action.

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 Gaddis

- ◇ *Attended Special District Association Legislative Days May 19-21 and met with various legislators and attended workshops*
- ◇ *Attended the SCAC Meeting on May 27*

Director Harrison

- ◇ *Attended Special District Association Legislative Days May 19-21 and met with various legislators and attended workshops*
- ◇ *Attended the Fire Safe Council meeting on May 22*
- ◇ *Attended Voter Precinct Worker Training on May 27*

Director Vierheilig

- ◇ *Attended the NMMA meeting on May 19*

SUBJECT TO APPROVAL

C. PRESENTATIONS AND REPORTS (continued)

- C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

The following member of the public spoke:

Mark Westfall, NCS D Customer, stated Blacklake residents are waiting for the results of Spring well readings and asked when they will be released.

Upon the motion of Director Vierheilig and seconded by Director Harrison, the Board unanimously voted to receive and file the presentations and reports as submitted.
 Vote 4-0.

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

E. ADMINISTRATIVE ITEMS

1:05:36

- E-1) REVIEW DRAFT FISCAL YEAR 2014-2015 BUDGET

Michael LeBrun, General Manager, and Lisa Bognuda, Finance Director, reviewed the draft Fiscal Year 2014-2105 Budget and answered questions from the Board.

There was no public comment.

Upon the motion of Director Gaddis and seconded by Director Harrison, the Board unanimously voted to set the Public Hearing for the adoption of the Fiscal 2014-2015 Budget on June 11, 2014. Vote 4-0.

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

The Board took a break from 10:18 a.m. to 10:30 a.m.

1:17:48

- E-2) CONSIDER OFFER OF WATER AND SEWER IMPROVEMENTS FOR 697 WEST TEFFT, APN 092-577-008

Michael LeBrun, General Manager, and Peter Sevcik, Director of Engineering and Operations, answered questions from the Board. A draft Resolution was presented to the Board for review and consideration.

The following member of the public spoke:

Bill Kengel, NCS D Customer, stated the improvements were installed 4.5 years ago and could not be accepted because the title is clouded.

E. ADMINISTRATIVE ITEMS (Continued)

ITEM E-2 (CONTINUED)

Upon the motion of Director Harrison and seconded by Director Vierheilig, the Board unanimously adopted the Resolution, as presented, conditionally accepting the water and sewer improvements and directed Staff to ensure that all conditions are met and report back to the Board. Vote 4-0.

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

RESOLUTION 2014-1346
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING WATER AND SEWER IMPROVEMENTS FOR
697 WEST TEFFT STREET, APN 092-577-008

1:29:52

E-3) CONSIDER OFFER OF WATER AND SEWER IMPROVEMENTS FOR COUNTY PARCEL MAP 06-0225

Michael LeBrun, General Manager, stated a draft resolution would not be presented to the Board because additional capacity charges are due prior to acceptance. Peter Sevcik, Director of Engineering and Operations, and Mr. LeBrun answered questions from the Board.

The following member of the public spoke:

Bill Kengel, developer, requested the Board transfer funds from his capacity charge deposit to pay the additional capacity charges due or defer the payment of the additional fees.

Upon the motion of President Harrison and seconded by Director Armstrong, the Board directed Staff to research options for payment and come back on June 11. In addition, the Board directed Staff to report back on the status of Item E-2. Vote 4-0.

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

1:40:39

The Board considered item I - L next.

I. CLOSED SESSION ANNOUNCEMENTS

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

- a) SMWWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- b) NCSO v Troesh, et al. SLOCSC# CV130175
- c) Bening v NCSO SLOCSC #14CV-0069

I. CLOSED SESSION ANNOUNCEMENTS (Continued)

2. CONFERENCE WITH LEGAL COUNSEL: LIABILITY CLAIM PURSUANT TO SECTION 54956.95:
Claimant: Specialty Construction
Agency: NCSD
3. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

01:50

K. ADJOURN TO CLOSED SESSION

President Armstrong adjourned to closed session at 11:02 a.m.

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

The Board came back into Open Session at 11:36 a.m.

Michael Seitz, District Legal Counsel, announced that the Board discussed Items 1(a), 1(b), and 2 listed above under closed session announcements, but took no reportable action. Item 1 (c) was not discussed.

Michael LeBrun, General Manager, reported the Board discussed Item 3 and unanimously expressed confidence in Mr. Seitz, commended his performance, and look forward to years of his continued service to the District.

There was no public comment.

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. The Board thanked Mr. LeBrun for his report.

G. COMMITTEE REPORTS

None to report.

President Armstrong left the meeting at 11:45 a.m.

Nipomo Community Services District
REGULAR MEETING
MINUTES

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

There was no public comment.

ADJOURN

Vice President Harrison adjourned the meeting at 11:52 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 02 minutes
Closed Session	16 minutes
TOTAL HOURS	2 hours 18 minutes