

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JUNE 8, 2016 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

CRAIG ARMSTRONG, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
BOB BLAIR, **DIRECTOR**
ED EBY, **DIRECTOR**
DAN WOODSON, **DIRECTOR**

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
MICHAEL W. SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
JESSICA MATSON, **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.

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

President Armstrong called the Regular Meeting of June 8, 2016 to order at 9:00 a.m. and led the flag salute.

00:00:34 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

00:01:08 C-1) 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

- ◇ June 1, Attended the South SLO County Sanitation District public hearing.

Director Gaddis

- ◇ Did not attend the last meeting due to a scheduled vacation.

Director Eby

- ◇ Did not attend the last meeting due to a scheduled vacation.

C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Eby, Blair, Woodson, and Armstrong	None	None

00:04:44

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MINUTES OF PREVIOUS BOARD MEETINGS

- MAY 25, 2016 REGULAR MEETING

President Armstrong pulled Item D-2 for separate consideration.

Director Eby requested clarification on warrants. Lisa Bognuda, Finance Director, responded.

There were no public comments.

Item D-1

Upon the motion of Director Dan Woodson and seconded, the Board unanimously approved the Consent Items.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Woodson, Eby, Blair, Gaddis, and Armstrong	None	None

Item D-2

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Consent Items. Directors Gaddis and Eby were not qualified to vote.

Vote 3-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, and Woodson	None	None

E. ADMINISTRATIVE ITEMS

00:07:46

E-1) PUBLIC HEARING – 2015 URBAN WATER MANAGEMENT PLAN ADOPTION

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Mr. Iglesias answered questions from the Board.

00:10:00

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

The following members of the public spoke:

Noel Heal, Blacklake resident, asked about the stages in the District's Water Shortage Response and Management Plan. President Armstrong responded.

Director Eby asked if the Plan Draft for Adoption had any significant changes from the Public Review Draft. Mike Nunley, consultant with MKN & Associates, responded that only formatting changes were made.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

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Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Resolution adopting the 2015 Urban Water Management Plan and directed staff to file the Plan with the California Department of Water Resources within 30 days.
Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Woodson, Blair, Gaddis, and Armstrong	None	None

RESOLUTION NO. 2016-1414
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE URBAN WATER MANAGEMENT PLAN 2015 UPDATE

00:15:00 E-2) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.

00:18:00 **PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING**

The following members of the public spoke:

Jeffrey Gill, renter of Jason Priest’s property, commented that he was representing Mr. Priest since he could not attend to protest the lien. Mr. Gill commented that the property does not need trash service since he takes care of it himself. Mike Seitz, District Legal Counsel, responded regarding the District Ordinance & contractual obligation with South County Sanitary. Amber Castro, South County Sanitary, commented that she makes every effort to contact customers regarding their trash service and bill.

Director Eby commented on the reasoning behind the District Ordinance and questioned the amount on particular liens. Ms. Castro responded.

Director Eby suggested staff consider the cost of report preparation next time there is a review of District miscellaneous fees.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously adopted the Resolution approving the General Manager’s report and authorizing recordation of liens.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Woodson, Blair, Gaddis, and Armstrong	None	None

RESOLUTION NO. 2016-1415
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

00:24:41 E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2016-17 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.

00:27:00 **PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING**

The following members of the public spoke:

Noel Heal, Blacklake resident, asked about how the collected money is spent. Mr. Iglesias responded.

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PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously adopted the Resolution approving the assessment report and authorizing collections of assessments.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Eby, Blair, Woodson, and Armstrong	None	None

RESOLUTION NO. 2016-1416
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

00:28:12

E-4) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2016-17 STREET LANDSCAPE MAINTENANCE DISTRICT ASSESSMENTS

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet and disclosed that he resides within this Landscape Maintenance District. Mike Seitz, District Legal Counsel, stated that there is no conflict of interest since Mr. Iglesias does not vote.

00:30:00

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

Lisa Bognuda, Finance Director; and Peter Sevcik, Director of Engineering & Operations, answered questions from the Board.

There were no public comments.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

Upon the motion of Director Bob Blair and seconded, the Board unanimously adopted the Resolution approving the engineer’s report and authorized collection of assessments.
Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Blair, Woodson, Eby, Gaddis, and Armstrong	None	None

RESOLUTION NO. 2016-1417
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 2016-2017

00:32:16

E-5(A)PUBLIC HEARING – ADOPT 2016-17 FISCAL YEAR BUDGET

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet.

00:34:00

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

There were no public comments.

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

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*Upon the motion of Director Dan Allen Gaddis and seconded, the Board unanimously adopted the Resolution approving 2016-2017 Fiscal Year Budget.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Eby, Woodson, Blair, and Armstrong	None	None

RESOLUTION NO. 2016-1418
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2016-2017 FISCAL YEAR BUDGET

E-5(B)PUBLIC HEARING – ADOPT 2016-17 FISCAL YEAR BUDGET FOR NIPOMO SUPPLEMENTAL WATER PROJECT (NSWP)

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Mr. Iglesias answered questions from the Board.

PRESIDENT ARMSTRONG OPENED THE PUBLIC HEARING

*The following members of the public spoke:
Eric Benham, Bening Company, commented on his public comment at a previous Board meeting and adding an item to the Agenda. Mike Seitz, District Legal Counsel, responded regarding ongoing litigation.*

PRESIDENT ARMSTRONG CLOSED THE PUBLIC HEARING

*Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the Resolution approving 2016-2017 Fiscal Year Budget for the Nipomo Supplemental Water Project.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Eby, Gaddis, Blair, Woodson and Armstrong	None	None

RESOLUTION NO. 2016-1419
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE NSWP (NIPOMO SUPPLEMENTAL WATER PROJECT) 2016-2017 FISCAL YEAR BUDGET

*President Armstrong allowed the following members of the public to give public comment:
Noel Heal, Blacklake resident, commented on the District's addition of items to the Board Packet prior to the meeting. Mike Seitz, District Legal Counsel, and Director Eby commented that Brown Act rules and Agenda posting requirements were followed.*

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, reviewed the report as presented in the Board packet. Mr. Iglesias also reported the following:

- *Corrections and a table was added to the report.*

Mr. Iglesias answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None.

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00:47:15 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- Asked staff to consider placing an ad in the paper regarding leaking toilets.
- Would like to add a discussion regarding the District's Water Shortage Response & Management Plan to a future Board Agenda.

Director Eby

- Would like to add a discussion regarding the District's Other Post Employment Benefits (OPEB) to a future Board Agenda.

00:50:44 I. CLOSED SESSION ANNOUNCEMENTS

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

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

00:51:01 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

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

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

The Board came back into Open Session at 10:47 a.m.

Mike Seitz, District Legal Counsel, announced that the Board discussed Item I.1(a), heard a report, but took no reportable action.

ADJOURN

President Armstrong adjourned the meeting at 10:49 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	52 minutes
Closed Session	57 minutes
TOTAL HOURS	1 hour 49 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

6-22-16

Date