

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 22, 2017 AT 9:00 A.M.

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

BOARD of DIRECTORS

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

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
WHITNEY MCDONALD, **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 Gaddis called the Regular Meeting of March 22, 2017 to order at 9:00 a.m. and led the flag salute.

00:00:28 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors except Director Woodson were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

00:00:45 C-1) DIRECTOR OF ENGINEERING AND OPERATIONS SUMMARY OF ACTIVITIES – MONTHLY REPORT; JOSHUA ROAD PUMP STATION CONSTRUCTION

Peter Sevcik, Director of Engineering and Operations, reviewed the report distributed to the Board (available for review at the District office). Mr. Sevcik answered questions from the Board.

Mr. Sevcik commented that the Joshua Road Pump Station Reservoir is scheduled to be complete by the end of April 2017.

00:06:06 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 Eby

- *March 9, Attended the Sustainable Groundwater Management Act meeting.*
- *March 13, Attended the District Board Officer's meeting.*

Director Blair

- *March 9, Attended the Sustainable Groundwater Management Act meeting.*

Director Gaddis

- *March 13, Attended the District Board Officer's meeting.*

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- 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 Ed Eby and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 4-0.*

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

00:08:06

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE MARCH 8, REGULAR BOARD MEETING MINUTES
- D-3) CONSIDER AMENDMENT TO DEBT MANAGEMENT POLICY
- D-4) CONSIDER AMENDMENT TO CASH RESERVE POLICY

There were no public comments.

*Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Consent Agenda.
Vote 4-0.*

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

**RESOLUTION 2017-1434
A RESOLUTION OF THE BORD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE ADOPTION OF THE AMENDMENT TO THE DEBT MANAGEMENT POLICY FOR THE DISTRICT**

**RESOLUTION 2017-1435
A RESOLUTION OF THE BORD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE CASH RESERVE POLICY FOR THE DISTRICT**

E. ADMINISTRATIVE ITEMS

00:08:35

- E-1) CONSIDER ALTERNATIVES FOR COMPLYING WITH THE SUSTAINABLE GROUNDWATER ACT OF 2014 AND CONSIDER AUTHORIZING THE COUNTY OF SAN LUIS OBISPO TO ACT AS GROUNDWATER SUSTAINABILITY AGENCY FOR THE FRINGE AREAS OF THE SANTA MARIA GROUNDWATER BASIN

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

Director Eby commented on the March 9th meeting and, since the District does not produce water in the fringe areas addressed, the District should not manage the area.

Director Eby suggested changes to the Resolution.

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There were no public comments.

Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Resolution as amended.

Vote 4-0.

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

RESOLUTION 2017-1436
A RESOLUTION OF THE BORD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
RECOMMENDING THE COUNTY OF SAN LUIS OBISPO TO SERVE AS THE EXCLUSIVE GROUNDWATER
SUSTAINABILITY AGENCY WITHIN THE FRINGE AREAS OF THE SANTA MARIA GROUNDWATER BASIN WITHIN THE
NIPOMO COMMUNITY SERVICES DISTRICT BOUNDARIES

00:22:27

E-2) REVIEW AND CONSIDER FUTURE AMENDMENTS TO ELECTRONIC MAIL AND RECORD RETENTION POLICIES

Mario Iglesias, General Manager, introduced the Item in the Board packet.

Whitney McDonald, District Legal Counsel, reviewed the Supreme Court case and the Court's guidance to public agencies which mentioned the creation of an electronic mail policy. Ms. McDonald reviewed the District's current electronic mail policy.

Ms. McDonald commented that the Court's decision requires a search of public and personal accounts for District business when a Public Records Request is made.

The Board discussed the District's current Electronic Mail and Records Retention Policies. Mr. Iglesias and Ms. McDonald answered questions from the Board.

Director Armstrong commented in favor of only using a District email address for District-related business.

Director Eby commented that two issues need to be addressed: a policy on how the Board communicates with staff and the public electronically and an update to the District's Records Retention Policy.

[The District recorder unexpectedly stopped recording the meeting at 9:45 AM.]

The Board directed staff to consider developing a policy regarding electronic mail communications and update the District's current Records Retention Policy.

Ms. McDonald commented on the Government Code Sections currently referenced in the District's Records Retention Policy and the need for a records destruction process in the Policy.

Director Eby suggested changes to the Records Retention Policy and the Employee Handbook.

There were no public comments.

Staff will bring Item back for consideration at a future meeting.

E-3) CONSIDER CURRENT METHODOLOGY OF COST OF LIVING ADJUSTMENT (COLA) COMPUTATION AND RESOLUTION AMENDING METHODOLOGY OF COMPUTING COLA

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

Director Armstrong recommended using the California Consumer Price Index since it is more representative of cost of living on the Central Coast.

Director Eby spoke in favor of the Finance & Audit Committee's recommendation to change the COLA methodology.

Director Blair commented on the high cost of housing in San Luis Obispo County.

Director Gaddis commented that the California Consumer Price Index is a more fair assessment for San Luis Obispo County.

There were no public comments.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously adopted the Resolution.

Vote 4-0.

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

**RESOLUTION 2017-1437
 A RESOLUTION OF THE BORD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 AMENDING METHODOLOGY OF COMPUTING EMPLOYEE COST OF LIVING ADJUSTMENTS (COLA)**

F. MANAGER'S REPORT

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

Mr. Iglesias also reported the following:

- *The District has achieved a 53% reduction in Groundwater pumping.*

Director Gaddis commented that the Nipomo Mesa Management Area (NMMA) Technical Group meeting is on March 24th at 10 AM. Director Gaddis and Director Eby will attend.

Director Gaddis also commented that the California Special District Association (CSDA) Chapter meeting is on March 29th at 12 PM.

There were no public comments.

G. COMMITTEE REPORTS

None.

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H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

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) BENING VS. NCSD SAN LUIS OBISPO COUNTY CASE NO 14CV0069
- c) NCSD VS. LOS PRIMOS PROPERTIES LLC, SAN LUIS OBISPO COUNTY CASE NO. 16CV0512

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

President Gaddis adjourned to closed session at 10:20 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 10:55 a.m.

Whitney McDonald, District Legal Counsel, announced that the Board discussed Item I.1(a), 1(b), and 1(c), heard a report, but took no reportable action.

ADJOURN

President Gaddis adjourned the meeting at 10:57 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 22 minutes
Closed Session	35 minutes
TOTAL HOURS	1 hour 57 minutes

Respectfully submitted,



 Mario Iglesias, General Manager and Secretary to the Board

4/12/2017

 Date