

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JULY 26, 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 July 26, 2017 to order at 9:00 a.m. and led the flag salute.*

**00:00:32** B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, all Directors were present.*

*There were no public comments.*

**00:00:43** C. PRESENTATIONS AND REPORTS

C-1) 1<sup>st</sup> QUARTER ENGINEERS REPORT – DIRECTOR OF ENGINEERING AND OPERATIONS REPORT ON DISTRICT PROJECTS SYSTEM-WIDE

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board Packet.*

*Mr. Sevcik commented that the most significant projects listed in the report include completion of the Supplemental Water Project's Joshua Road Pump Station Reservoir as well as the Blacklake Wastewater Treatment Facility Headworks Rehabilitation and Orchard Road waterline project.*

*Director Armstrong asked about lead testing at the schools. Mr. Sevcik responded that the District has reached out to the schools offering to test but they have to request it. Mario Iglesias, General Manager, stated the District can send a letter to the Superintendent.*

*Mr. Sevcik answered questions from the Board.*

**00:32:57** 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 Woodson

- *July 24, Attended the South County Advisory Council (SCAC) meeting where they discussed District projects, the County's cannabis Ordinance and water availability on the mesa.*

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Director Blair

- Received a letter from one of our constituents regarding their well levels.

Director Eby

- July 17, Attended the District Board Officer's meeting.
- July 24, Attended the SCAC meeting.
- July 25, Listened to the County Board of Supervisors meeting where they discussed how and if marijuana will be taxed.

Director Gaddis

- July 17, Attended the District Board Officer's meeting.
- July 13, Attended a meeting where Supervisor Compton was the speaker and discussed her tour of cannabis farms

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 Craig Armstrong 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 Armstrong, Eby, Blair, Woodson and Gaddis	None	None

00:40:15 D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE JULY 12, REGULAR BOARD MEETING MINUTES

D-3) REVIEW INVESTMENT POLICY SECOND QUARTER REPORT

*Director Gaddis requested clarification on warrants. Mario Iglesias, General Manager, responded.*

*There were no public comments.*

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Consent Agenda.  
Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

00:41:36 E-1) HYDRO-GEOLOGIC SERVICES FOR EUREKA WELL REPLACEMENT PROJECT

*Mario Iglesias, General Manager, introduced the item. Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board Packet. Mr. Sevcik*

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answered questions from the Board.

There were no public comments.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously authorized a contract with Martin B. Feeney in the amount of \$49,008 and contingency of \$15,000 for Hydro-Geologic Services.

Vote 5-0.

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

**RESOLUTION 2017-1450**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A CONTRACT WITH MARTIN B. FEENEY, CONSULTING HYDROGEOLOGIST, FOR HYDROGEOLOGIC SERVICES IN SUPPORT OF THE EUREKA WELL REPLACEMENT PROJECT**

00:52:05

E-2) DESIGN ENGINEERING SERVICES FOR EUREKA WELL REPLACEMENT PROJECT

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Peter Sevcik, Director of Engineering and Operations, answered questions from the Board.

There were no public comments.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously authorized a design contract with Cannon Corporation in the amount of \$116,446.

Vote 5-0.

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

**RESOLUTION 2017-1451**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A CONTRACT WITH CANNON ENGINEERS FOR ENGINEERING SERVICES IN SUPPORT OF THE EUREKA WELL REPLACEMENT PROJECT**

00:54:20

E-3) REVIEW AND CONSIDER ADOPTING POLICY ON THE USE OF EMAIL AND OTHER TECHNOLOGY RESOURCES

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

Whitney McDonald, District Legal Counsel, commented on the proposed policy and clarified the Supreme Court decision.

The Board discussed language in the proposed policy and their responsibilities under the Public Records Act.

Ms. McDonald commented on a correction to the proposed policy. Ms. McDonald also clarified the intent of the proposed policy and staying consistent with the Public Records Act. The Law and policy allow you to delete emails that do not pertain to District business.

Director Armstrong suggested the policy mandate use of District email accounts only. Ms. McDonald clarified staff would need to rewrite the policy and bring back to the Board for approval.

Director Blair disagreed with the suggestion. Director Gaddis stated the whole Board should

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*agree or they will not mandate use of District email accounts.*

*Director Eby stated he did not agree with having to sign the policy since that is not required for other policies.*

*Director Gaddis suggested edits to the proposed policy.*

*Director Armstrong suggested leaving Exhibit A in place and agreed with Director Gaddis's suggested edits.*

*Ms. McDonald commented that if there is no good policy in place, it could create problems for the District.*

*There were no public comments.*

*Upon the motion of Director Craig Armstrong and seconded, the Board adopted the Resolution and Policy as amended.*

*Vote 4-1.*

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

**RESOLUTION 2017-1452  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING POLICY ON THE USE OF EMAIL AND OTHER TECHNOLOGY RESOURCES**

01:44:00

**E-4) CONSIDER MODIFYING BOARD MEETING SCHEDULE**

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

*The Board discussed adding a Board meeting on August 23, 2017 and cancelling September 27, 2017 Board meeting.*

*There were no public comments.*

*Upon the motion of Director Ed Eby and seconded, the Board agreed to modify the Board Meeting Schedule for 2017 as discussed.*

*Vote 5-0.*

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

01:47:01

**E-5) CONSIDER ENDORSING AN ADVANCED METER INFRASTRUCTURE (AMI) SOLUTION FOR LEAK DETECTION AND METER READING**

*Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Mr. Iglesias commented that the system will allow the District to save water by catching leaks quickly and improve customer service.*

*The Board discussed the costs and benefits of the system. Mr. Iglesias answered questions from the Board.*

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*Director Eby commented that he supported the concept, but would like assurance in the reliability of the system.*

*Mr. Iglesias commented that the program fits into the new Senate Bill regarding water loss detection and prevention.*

*Director Armstrong asked about the District's water losses and requested staff provide the water audit at a future Board meeting.*

*Director Armstrong suggested the money could be used to complete the Supplemental Water Project which will reduce groundwater pumping and conserve water. Whitney McDonald, District Legal Counsel, reviewed County Ordinance 3160 and how water conservation money can be used.*

*Director Blair commented in support of the program and its benefit to the District long-term.*

*Director Woodson commented on PGE and the Gas Company's efforts with this type of system and saving money.*

*The Board directed staff to bring a cost/benefit analysis and further legal analysis to the Finance & Audit Committee for review. The Board also directed staff to bring the system schematics to the Facilities/Water Resources Committee for review.*

*There were no public comments.*

**02:33:40 NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING**

President Gaddis adjourned to the NCSD Public Facilities Corporation Annual Meeting.

**ROLL**

At roll call, all Board members were present.

**A. APPROVE MINUTES OF THE JULY 27, 2016 MEETING**

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the minutes of July 27, 2016.*

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Eby, Blair, Woodson, and Gaddis</i>	<i>None</i>	<i>None</i>

President Gaddis adjourned to NCSD Regular Board Meeting.

**02:35:31 F. MANAGER'S REPORT**

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

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- *Distributed summary of the Southland Wastewater Treatment Facility sludge management (available for review at the District office). The sludge will be leaving the facility later in the week and staff is planning ways to prevent the issue in the future.*
- *The District will be hosting a backflow course the beginning of August.*
- *The California Special District Association (CSDA) annual meeting is July 27<sup>th</sup> and an alternate route is suggested due to fair traffic.*
- *He will be giving a presentation at the Nipomo Chamber of Commerce luncheon on July 27<sup>th</sup>.*
- *Willow Market completed their lift station and there has been a reduction in noxious gasses, but grease is still getting into the wet well. The District will be inspecting and assisting the market to take care of the issues.*

*Mr. Iglesias answered questions from the Board.*

*Directors Gaddis and Eby will attend the August 4<sup>th</sup> Nipomo Mesa Management Area (NMMA) Technical Group meeting.*

*Director Armstrong requested staff send a direct mail piece to customers regarding ongoing Stage IV water shortage conditions.*

*There were no public comments.*

**G. COMMITTEE REPORTS**

*None.*

**02:51:59 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS**

Director Gaddis

- *Requested an estimate on when the District will receive Proposition 1 funds and the deadline.*

**02:54:40 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 VS. LOS PRIMOS PROPERTIES LLC, SAN LUIS OBISPO COUNTY CASE NO. 16CV0512**

**02:54:50 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

*There were no public comments.*

**K. ADJOURN TO CLOSED SESSION**

*President Gaddis adjourned to closed session at 12:05 p.m.*

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

*The Board came back into Open Session at 12:48.*

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

ADJOURN

*President Gaddis adjourned the meeting at 12:50.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	3 hours 7 minutes
Closed Session	43 minutes
TOTAL HOURS	3 hours 50 minutes

Respectfully submitted,

  
\_\_\_\_\_  
Mario Iglesias, General Manager and Secretary to the Board

*8-9-17*  
\_\_\_\_\_  
Date