

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

AUGUST 23, 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 August 23, 2017 to order at 9:00 a.m. and led the flag salute.

00:00:29 B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, all Directors were present.

The following members of the public spoke:

Brad Anderson, Quiring representative and Nipomo Oaks developer, commented on the project and attempts to get a water meter. Mr. Anderson stated he may need to request a special meeting so he can move the project forward.

Peter Sevcik, Director of Engineering and Operations, responded regarding documentation needed for the Nipomo Oaks project and that he will follow-up with the project engineer.

The Board discussed and set a Special Meeting for August 30, 2017 at 8:30 AM to review Mr. Anderson's request for a water meter.

Pam Wilson, Nipomo resident, requested the Board reconsider the "all or nothing" policy regarding water meters. Ms. Wilson asked the Board to review options during their Strategic Planning session on August 30, 2017.

00:14:40 C. PRESENTATIONS AND REPORTS

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 Eby

- *August 10, Attended the District Board Officer's meeting.*
- *August 17, Attended the Local Area Formation Committee (LAFCO) meeting.*
- *August 22, Attended the District's Water Rate Study public workshop.*
- *The next Nipomo Mesa Management Area (NMMA) Technical Group meeting will be on September 15th.*
- *Twitchell reservoir is releasing 500 acre-feet of water per day.*

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Director Gaddis

- August 10, Attended the District Board Officer's meeting.
- August 22, Attended the District's Water Rate Study public workshop.

C-2) 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 5-0.

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

00:17:32 D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE AUGUST 9, REGULAR BOARD MEETING MINUTES

There were no public comments.

Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the Consent Agenda.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

00:18:03 E-1) CONSIDER ADOPTING A RESOLUTION FOR PUBLIC ART ON NIPOMO COMMUNITY SERVICES DISTRICT FACILITIES

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

The Board discussed.

There were no public comments.

Director Gaddis restated the disadvantages presented in the staff report and did not believe the benefits outweighed the drawbacks.

Director Eby commented that having a public art program would incur administrative costs and could pose difficulties for the fire department to locate District fire hydrants.

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*Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the Resolution.
Vote 5-0.*

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

**RESOLUTION 2017-1454
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A POLICY REGARDING PUBLIC ART ON DISTRICT PROPERTY OR EQUIPMENT**

00:26:28

- E-2) CONSIDER ADOPTING A RESOLUTION TO CONFIRM STAGE IV WATER SHORTAGE CONDITIONS, CONTINUE STAGE III RESPONSE ACTIONS UNDER THE WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN, AND ALLOW CONSTRUCTION AND DUST CONTROL WATER FOR CUSTOMERS WITH ACTIVE INTENT-TO-SERVE LETTERS

Mario Iglesias, General Manager, reviewed the report as presented in the Board Packet. Mr. Iglesias reported that currently there are 11 active Intent-to-Serve Letters (ITS), 2-4 projects are projected to come to fruition within the next year, and 5-10 acre feet of water could be used.

Director Gaddis clarified that the District will remain is a Stage IV water shortage, but remain at Stage III response actions.

Director Blair commented that the policy should allow 25 acre feet for individuals to build a single family home.

There were no public comments regarding Director Blair's request.

Director Blair made a motion to allow 25 acre feet of water for single family home development. The motion was not seconded.

Director Eby requested clarification on restrictions in the policy for the construction water and when it would be effective. Mr. Iglesias responded that construction water would be limited to active ITS letter holders and the policy would go into effect immediately.

Whitney McDonald, District Legal Counsel, clarified that this policy ties up loose ends and the District would remain in a Stage IV water shortage, stay with Stage III actions, and allow construction water for active ITS letter holders.

The Board discussed. Mr. Iglesias answered questions from the Board.

Ms. McDonald suggested adding the wording "any construction or dust control water allowed under this Resolution must be used on the site subject to the active Intent-to-Serve letter" and "this Resolution shall become effective immediately."

There were no public comments.

Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the Resolution as amended.
Vote 5-0.

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

RESOLUTION 2017-1455
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REVISING DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN PURSUANT TO WATER CODE 375

00:42:26

E-3) CONSIDER ADOPTION OF A MODIFIED POLICY ON THE USE OF EMAIL AND OTHER TECHNOLOGY RESOURCES

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

The Board discussed. Mr. Iglesias answered questions from the Board.

Director Eby commented that the Board By-laws may state that a previous resolution cannot be rescinded until after 6 months has passed since the adoption of the resolution.

Director Gaddis called a recess at 9:56 AM so District staff and legal counsel could review Board By-laws.

The Board came back into Open Session at 10:00 AM.

Whitney McDonald, District Legal Counsel, reviewed Board By-laws Section 3.2 and stated the Board can use their discretion on when to bring back a resolution for modification.

Ms. McDonald commented on legal concerns if the policy includes an acknowledgement form and the District carrying out actions uniformly. Ms. McDonald clarified staff's recommendation to adopt the policy excluding the acknowledgement form.

There were no public comments.

Upon the motion of Director Ed Eby and seconded, the Board unanimously adopted the modified policy excluding the acknowledgement form.
Vote 5-0.

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

RESOLUTION 2017-1456
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REPEALING RESOLUTION 2017-1452 AND ADOPTING POLICY ON THE USE OF EMAIL AND OTHER TECHNOLOGY RESOURCES

01:00:18

F. MANAGER'S REPORT

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

- Gave a summary of the Water Rate Study public workshops that were held on August 22nd.

Mr. Iglesias answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None.

01:07:25 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby

- *Requested the status of the Blacklake Sewer Master Plan. Mario Iglesias, General Manager, responded that the consultant has provided the District a draft report and it is currently being reviewed. It will then go to the Facilities/Water Resources Committee for review before sharing with the Blacklake Facilities Committee.*

Director Blair

- *Requested clarification on the Strategic Plan interviews. Mario Iglesias, General Manager, responded.*

01:11:39 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).
- b) NCSO 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 10:42 a.m.

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

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ADJOURN

President Gaddis adjourned the meeting at 10:43 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 17 minutes
Closed Session	22 minutes
TOTAL HOURS	1 hour 39 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

9-13-17

Date