

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

OCTOBER 11, 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.
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00:00:00 A. CALL TO ORDER AND FLAG SALUTE

President Gaddis called the Regular Meeting of October 11, 2017 to order at 9:00 a.m. and led the flag salute.

The audio recorder was not operational for this portion of the meeting.

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

At Roll Call, all Directors were present.

There were no public comments.

President Gaddis called for a moment of silence for the victims of the Las Vegas shooting.

00:03:00 C. PRESENTATIONS AND REPORTS

PRESIDENT GADDIS ANNOUNCED THAT THE BOARD WOULD HEAR ITEM C-2 NEXT.

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

- September 25-28, Attended the California Special District Association (CSDA) Annual Conference in Monterey where he attended various sessions including one on the Brown Act.

Director Blair

- September 25-28, Attended the California Special District Association (CSDA) Annual Conference in Monterey and completed his Ethics training.

Audio recording resumed.

Director Eby

- September 25-28, Attended the California Special District Association (CSDA) Annual Conference in Monterey.
- October 2, Attended the Blacklake Wastewater Treatment Plant (WWTP) Master Plan Ad Hoc meeting with the Blacklake Facilities Committee members.
- October 2, Attended the District Board Officer's meeting.

Nipomo Community Services District
REGULAR MEETING
MINUTES

- *October 8, Attended the Nipomo Octoberfest where the District had an informational booth.*

Director Gaddis

- *September 24-28, Attended the California Special District Association (CSDA) Annual Conference in Monterey and attended a presentation on new cannabis laws and how it can affect the workplace.*
- *October 2, Attended the District Board Officer's meeting.*
- *October 4, Attended the Regional Water Management Group (RWMG) meeting.*

PRESIDENT GADDIS ANNOUNCED THAT THE BOARD WOULD HEAR ITEM D-1 NEXT.

00:12:00

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE SEPTEMBER 13, REGULAR BOARD MEETING MINUTES

Directors Woodson requested clarification on warrants. Mario Iglesias, General Manager, and Jessica Matson, Public Information Director, 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
<i>Directors Armstrong, Blair, Woodson, Eby, and Gaddis</i>	<i>None</i>	<i>None</i>

PRESIDENT GADDIS ANNOUNCED THAT THE BOARD WOULD RETURN TO ITEM C-1.

00:15:00

C-1) 2017 GROUNDWATER INDEX PRESENTATION – DISTRICT GEO-HYDROLOGIST DR. BRAD NEWTON

Dr. Brad Newton, from Newton Geo-Hydrology Consulting Services, gave a presentation on data collection methods and results from the latest readings. Dr. Newton commented that the method of auto readings allows quicker access to data. Data from the Spring 2017 readings show the groundwater table improved some.

The Board discussed. Dr. Newton answered questions from the Board.

The following members of the public spoke:

Abigail Davis, NCSD Customer, asked about the average depth of wells in the area since she interested in agriculture options. Dr. Newton responded.

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.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

*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, Woodson, Blair, and Gaddis	None	None

E. ADMINISTRATIVE ITEMS

E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND IF THERE IS NOT A MAJORITY PROTEST CONSIDER ADOPTION OF RESOLUTION INCREASING DISTRICT WATER USER FEES

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

PRESIDENT GADDIS OPENED THE PUBLIC HEARING AND INSTRUCTED PUBLIC TO DELIVER ANY WRITTEN PROTESTS TO LEGAL COUNSEL.

*The following members of the public spoke:
Joe Dominic, NCSO Customer, commented on District costs of service.*

Abigail Davis, NCSO Customer, commented on the possibility of a special agriculture rate. Mr. Iglesias responded about rates being tied to cost of service and there is no mechanism to determine that for agriculture.

Joanne Dominic, NCSO Customer, asked about the rate structure and growth of cannabis. Mr. Iglesias responded that the cannabis farms are outside the District's boundaries.

Joe Dominic, NCSO Customer, asked about meter sizes and associated rates. Mr. Iglesias responded.

PRESIDENT GADDIS CLOSED THE PUBLIC HEARING.

Mr. Iglesias tallied all written protests and reported that the District had received 59 protests as of the close of the hearing.

A MAJORITY PROTEST WAS DETERMINED TO NOT EXIST.

*Upon the motion of Director Craig Armstrong and seconded, the Board adopted the Resolution increasing District water user fees.
Vote 5-0.*

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

**RESOLUTION 2017-1460
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SETTING WATER RATES AND PRIVATE FIRE PROTECTION CHARGES**

01:00:00

01:28:00

E-2) INTRODUCE AN ORDINANCE OF THE BOARD OF DIRECTORS OF NIPOMO COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.180

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

Whitney McDonald, District Legal Counsel, explained the ordinance adoption process and read the Ordinance by title only. Ms. McDonald also reviewed the proposed changes shown in Attachment A of the staff report which include changes to the district's leak adjustment process.

The Board discussed. Ms. McDonald and Mr. Iglesias answered questions from the Board.

Director Blair expressed opposition to Code Section 3.03.180 stating he did not see this provision when the original Ordinance passed in 2014.

The Board discussed the language in Code Section 3.03.180.

Director Armstrong suggested keeping the proposed wording and directed staff to follow-up with Director Blair regarding his claims.

Ms. McDonald commented on her detailed research of Code Section 3.03.180, the Assessment District, Ordinances, review of Summit Station and stated the Assessment did not cover meter costs directly.

The following members of the public spoke:

Mike Werland, NCSO Customer, commented on his understanding that the District owns the meter and customers pay a standby charge for use of the meter.

Upon the motion of Director Craig Armstrong and seconded, the Board agreed to introduce the Ordinance, "An Ordinance of the Board of Directors of the Nipomo Community Services District Amending Nipomo Community Services District Code Sections 3.03.110, 3.03.120, 3.03.180, and 3.04.140," waive the full reading of the Ordinance, and set it for second reading and adoption at the next Regular Board meeting on October 25, 2017.

Vote 4-1.

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

02:00:00

E-3) APPROVE SEWER SERVICE REQUEST FOR DANA ELEMENTARY SCHOOL, 920 WEST TEFFT STREET, NIPOMO

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

The following members of the public spoke:

Alberto Lopez, project representative for Dana Elementary, commented that no schools in the Lucia Mar School District do any food preparation on site and grease separators have been removed – food is brought in.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the Intent-to-Serve Letter with conditions.
 Vote 5-0.*

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

02:10:00

F. MANAGER'S REPORT

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

- *The supplemental water deliveries are on schedule.*
- *The District reduced groundwater pumping by 58% in September and 52% year-to-date, meeting the target of 50%.*
- *He attended a seminar on how to report the Water Loss Audit and reduce water loss.*
- *Lucia Mar School District has requested testing for lead at each of their sites within the District.*
- *The District received the Special District Risk Management Association's (SDRMA) President's Special Acknowledgement Award for having no paid claims during the prior five consecutive program years.*
- *The District also received the Special District Leadership Foundation's (SDLF) Excellence in Transparency Award for a third time.*

Mr. Iglesias answered questions from the Board.

Director Eby requested staff review District policy for compliance with latest cannabis laws and report back to the Board at a future meeting.

There were no public comments.

02:20:00

G. COMMITTEE REPORTS

Director Eby reported that the Blacklake Sewer Master Plan Ad Hoc Committee met and reviewed the Master Plan with the Blacklake Facilities Committee who accepted the technical and financial findings. The Plan will be presented at the next Regular Board meeting.

Director Eby requested financial and outreach plans as well as a schedule for roll-out to the Blacklake community.

The Ad Hoc Committee would also like to see a better name for the Master Plan since "regionalization" is too vague.

02:35:00

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- *Requested staff look at the possibility of meter turn on/off fees.*

02:37:00

I. CLOSED SESSION ANNOUNCEMENTS

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

- a) SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
- b) NCSD VS. LOS PRIMOS PROPERTIES LLC, SAN LUIS OBISPO COUNTY CASE NO. 16CV0512

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Gov't Code §54956.8)

PROPERTY: 793 GUADALUPE ROAD, NIPOMO CALIFORNIA, APN 090-192-052
 AGENCY NEGOTIATOR: MARIO IGLESIAS
 NEGOTIATING PARTIES: NIPOMO COMMUNITY SERVICES DISTRICT,
 JAMES AMBURGEY, AND SYLVIA AMBURGEY
 UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT

Whitney McDonald, District Legal Counsel, clarified that Item 2 is an easement.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

President Gaddis adjourned to closed session at 11:39 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 12:13 p.m.

Whitney McDonald, District Legal Counsel, announced that the Board discussed Item 1.1(a), 1(b), and 1.2, but took no reportable action.

ADJOURN

President Gaddis adjourned the meeting at 12:14 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 40 minutes
Closed Session	34 minutes
TOTAL HOURS	3 hours 14 minutes

Respectfully submitted,



 Mario Iglesias, General Manager and Secretary to the Board

10-25-17

 Date