

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

DECEMBER 13, 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 December 13, 2017 to order at 9:00 a.m. and led the flag salute.

00:00:30 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

00:00:38 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 Woodson

- *December 9, Attended the South County Advisory Council (SCAC) meeting where they discussed the upcoming sewer improvements at Blacklake.*

Director Eby

- *December 5, Attended the District Board Officer's meeting.*
- *December 6, Attended the Water Resources Advisory Council (WRAC) meeting where they discussed the County taking over septic system management. He will attend a seminar at the County on December 18th at 5 p.m.*
- *The next Nipomo Mesa Management Area (NMMA) Technical Group meeting will take place on December 14th at NCSD.*

Director Armstrong

- *December 6, Attended the Water Resources Advisory Council (WRAC) meeting.*

Director Gaddis

- *November 9, Attended the South County Advisory Council (SCAC) Traffic Committee meeting.*
- *December 5, Attended the District Board Officer's meeting.*
- *December 6, Attended the Regional Water Management Group (RWMG) meeting in SLO.*

- 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 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

00:04:55

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) APPROVE NOVEMBER 8, REGULAR BOARD MEETING MINUTES AND SPECIAL MEETING MINUTES
- D-3) ACCEPT FIRST QUARTER FISCAL YEAR 2017-2018 QUARTERLY FINANCIAL REPORT
- D-4) CONSIDER RESOLUTION PROVIDING WORKERS' COMPENSATION COVERAGE FOR SAID INDIVIDUALS

Director Eby requested to pull item D-4 for discussion and separate consideration.

ITEMS D-1, D-2, and D-3

There were no public comments.

*Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved Items D-1, D-2, and D-3.
 Vote 5-0.*

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

ITEM D-4

Director Eby asked about worker's compensation coverage for Board members, volunteers and interns. Lisa Bognuda, Finance Director, responded.

The Board discussed.

There were no public comments.

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Upon the motion of Director Ed Eby and seconded, the Board unanimously approved Item D-4.
Vote 5-0.

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

RESOLUTION 2017-1464
A RESOLUTION OF THE GOVERNING BODY OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DECLARING THAT GOVERNING BODY MEMBERS AND VOLUNTEERS SHALL BE DEEMED TO BE EMPLOYEES OF
THE DISTRICT FOR THE PURPOSE OF PROVIDING WORKERS' COMPENSATION COVERAGE FOR SAID CERTAIN
INDIVIDUALS WHILE PROVIDING THEIR SERVICES

E. ADMINISTRATIVE ITEMS

00:10:40

E-1) FIRE SERVICE REQUEST 335 SUMMIT STATION ROAD, ARROYO GRANDE

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 answered questions from the Board.

Mr. Iglesias commented on flow capacity and pressure requirements.

Director Eby commented that the applicant should be made aware that he will be responsible for any NCSD system inadequacies to provide required pressure for this installation.

The following members of the public spoke:

Blair Sandberg, Applicant, commented that he would not hold the District responsible for any system inadequacies.

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

00:24:48

E-2) APPROVE NEWTON GEO-HYDROLOGY 2018 CONSULTING SERVICES CONTRACT SCOPE AND BUDGET

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

There were no public comments.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously approved the scope and \$90,000 budget for Newton Geo-Hydrology Consulting Services.
Vote 5-0.

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

00:27:02

E-3) INTRODUCE AN ORDINANCE OF THE BOARD OF DIRECTORS OF NIPOMO COMMUNITY SERVICES DISTRICT ADDING SECTION 3.05.080 TO THE NIPOMO COMMUNITY SERVICES DISTRICT CODE REQUIRING THE ABANDONMENT OF WATER WELLS UNDER CERTAIN CIRCUMSTANCES

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

Director Blair requested clarification on which wells would have to be abandoned if the customer chose to connect to District water service. Mr. Iglesias and Lisa Bognuda, Finance Director, responded.

The Board discussed.

Director Blair commented that the ordinance should allow for Board discretion. Whitney McDonald, Legal Counsel, commented on provisions in the ordinance.

Mr. Iglesias pointed out a formatting error in the proposed ordinance.

Director Eby asked about outside user agreements. Peter Sevcik, Director of Engineering and Operations, responded.

Director Eby suggested additional wording to the ordinance. Ms. McDonald commented that the proposed ordinance is open to interpretation by staff, where appropriate.

There were no public comments.

Upon the motion of Director Bob Blair and seconded, the Board unanimously agreed to Introduce the Ordinance, "An Ordinance of the Board of Directors of the Nipomo Community Services District adding Section 3.05.080 to the Nipomo Community Services District Code requiring abandonment of water wells under certain circumstances," waive the full reading of the Ordinance, and set it for second reading and adoption at the next Regular Board meeting on January 10, 2018.

Vote 5-0.

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

00:50:30

E-4) REVIEW 2018 SOLID WASTE RATE ADJUSTMENT PROPOSED BY SOUTH COUNTY SANITARY SERVICES

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

Director Armstrong commented that the excess funds in the solid waste reserves account should be given back to the customers through a rate holiday or by subsidizing the franchise fee.

Director Blair commented that the District should increase the rate this time and then subsidize when it is higher.

Mr. Iglesias commented on the possibility of having the budgeted, new position handle the solid waste cleanup program in place of contracting with a third party.

The Board discussed.

Director Gaddis asked Lisa Bognuda, Finance Director, for her recommendation. Ms. Bognuda recommended having a rate holiday and not lowering the franchise fee.

The following members of the public spoke:

Pam Wilson, District customer, commented that she does not mind the \$0.42 increase and that trash service in Nipomo area is very good.

Upon the motion of Director Craig Armstrong and seconded, the Board unanimously agreed to increase the solid waste rates by 1.6%, provide customers a one-month rate holiday, and directed staff to work with South County Sanitary to develop a schedule for the rate holiday.

Vote 5-0.

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

E-5) ELECTION OF 2018 BOARD PRESIDENT AND VICE PRESIDENT

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

Director Gaddis commented on Director Eby's desire to be Board President.

Director Gaddis nominated Director Eby for President. Director Blair seconded the nomination. There were no other nominations for President.

There were no public comments.

By acclamation, Director Eby was appointed as President of the Board for 2018.

Director Eby nominated Director Gaddis for Vice President. There were no other nominations for Vice President.

There were no public comments.

By acclamation, Director Gaddis was appointed as Vice President of the Board for 2018.

E-6) APPROVE 2018 BOARD MEETING SCHEDULE

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

Director Eby commented that the California Special District Association (CSDA) Annual Conference will take place in August in Palm Springs and he does not plan to attend. All directors agreed.

Director Armstrong commented that the Board still has the option to cancel a meeting if there's no business to discuss.

There were no public comments.

01:08:25

01:13:56

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Upon the motion of Director Ed Eby and seconded, the Board unanimously approved the 2018 Board Meeting schedule.
Vote 5-0.

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

01:18:53 F. MANAGER'S REPORT

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

- The District is importing more water from the City of Santa Maria and exceeded our groundwater pumping reduction goal by 10%. Groundwater pumping for the month of November was 60% lower than in 2013.
- The District increased the Supplemental Water availability allocation due to expiration of some Intent-to-Serve (ITS) letters.

Mr. Iglesias answered questions from the Board.

Director Gaddis commented that the Nipomo Mesa Management Area (NMMA) Technical Group meeting will be on December 14th at NCSD. Director Eby will attend.

Director Eby requested clarification on Town Sewer financials. Lisa Bognuda, Finance Director, responded.

There were no public comments.

G. COMMITTEE REPORTS

None.

01:25:52 H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

01:26:26 I. CLOSED SESSION ANNOUNCEMENTS

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

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

Whitney McDonald, Legal Counsel, commented that there was nothing new to report on the Closed Session Item and the Board did not need to adjourn to Closed Session.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

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K. ADJOURN TO CLOSED SESSION

The Board did not adjourn to Closed Session.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board did not go into Closed Session. There were no actions to report.

ADJOURN

President Gaddis announced that the next Regular Board meeting would take place on January 10, 2018 at 9 a.m.

President Gaddis adjourned the meeting at 10:30 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 30 minutes
Closed Session	
TOTAL HOURS	1 hour 30 minutes

Respectfully submitted,


Mario Iglesias, General Manager and Secretary to the Board

1-10-18
Date