

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JUNE 13, 2018 AT 9:00 A.M.**

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

### BOARD of DIRECTORS

ED EBY, **PRESIDENT**  
DAN ALLEN GADDIS, **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.**

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 Eby called the Regular Meeting of June 13, 2018 to order at 9:00 a.m. and led the flag salute.*

#### B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, all Directors were present.*

*There was no public comment.*

#### C. PRESENTATIONS AND REPORTS

##### C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

###### Director Woodson

- *June 14, will attend the Traffic Committee meeting.*

###### Director Blair

- *May 23, attended CSDA Legislative Days in Sacramento.*

###### Director Gaddis

- *June 4, attended Board Officers meeting.*

###### Director Armstrong

- *June 6, attended Water Resources Advisory Committee (WRAC).*

###### Director Eby

- *May 29, attended SCAC meeting.*
- *May 31, attended Skate Park design meeting.*
- *June 4, attended Board Officers meeting.*
- *June 6, attended Water Resources Advisory Committee (WRAC.)*
- *June 12, attended BLMA proposal review meeting.*

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

00:05:41

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MAY 23, 2018, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) APPROVE RESOLUTION AUTHORIZING THE OPENING OF AN ACCOUNT AT FIVE STAR BANK [RECOMMEND APPROVAL]
- D-4) REQUEST CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL GENERAL ELECTION [RECOMMEND ADOPT RESOLUTION]
- D-5) DECLARE WATER STORAGE TANK SURPLUS AND AUTHORIZE ITS SALE [RECOMMEND DECLARE WATER STORAGE TANK SURPLUS AND AUTHORIZE ITS SALE]

Mario Iglesias, General Manager, stated Item D-4 Resolution has a correction in Section 1. The election is for three members not two members as stated.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Consent Agenda with the amendment to Item D-4.  
 Vote 5-0.*

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

**RESOLUTION 2018-1476  
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
 NIPOMO COMMUNITY SERVICES DISTRICT  
 AUTHORIZING THE OPENING OF AN ACCOUNT  
 AT FIVE STAR BANK**

**RESOLUTION 2018-1477  
 A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 REQUESTING THE BOARD OF SUPERVISORS OF  
 THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE  
 A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 6, 2018,  
 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE  
 SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE**

0:09:52

E. ADMINISTRATIVE ITEMS

- E-1) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES [RECOMMEND CONDUCT HEARING AMEND GENERAL MANAGER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING

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Mario Iglesias, General Manager, and Lisa Bognuda, Finance Director, presented the item.

Amber Castro, Collection Service Representative from South County Sanitary, answered questions from the Board.

President Eby opened the Public Hearing.

Bill Kengel, NCSD customer, asked about tenant garbage bills and the responsibility of the owner.

*Upon the motion of Director Blair and seconded, the Board unanimously approved the Resolution.*

*Vote 5-0.*

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

**RESOLUTION 2018-1478**  
A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER  
AND ORDERING THE COLLECTION OF UNPAID

00:16:20

- E-2) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2018-19 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS [RECOMMEND CONDUCT HEARING AMEND ASSESSMENT REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING ASSESSMENT REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS]

Mario Iglesias, General Manager, and Lisa Bognuda, Finance Director, presented the item.

President Eby opened the Public Hearing.

There were no public comments.

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Resolution.*

*Vote 5-0.*

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

**RESOLUTION 2018-1479**  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACKLAKE VILLAGE

00:21:15

- E-3 (A) PUBLIC HEARING – ADOPT 2018-19 FISCAL YEAR BUDGET [RECOMMEND CONDUCT PUBLIC HEARING, CONSIDER TESTIMONY, ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING 2018-2019 FISCAL YEAR BUDGET AND APPROPRIATION LIMITATION]

Mario Iglesias, General Manager, and Lisa Bognuda, Finance Director, presented the item.

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President Eby opened the Public Hearing.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Resolutions adopting the Budget and the Appropriations Limitation.  
Vote 5-0.*

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

**RESOLUTION 2018-1480**  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 2018-2019 FISCAL YEAR BUDGET

**RESOLUTION 2018-1481**  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DETERMINING THE APPROPRIATION LIMITATION FOR THE 2018-2019 FISCAL YEAR

(B) PUBLIC HEARING – ADOPT 2018-19 FISCAL YEAR BUDGET FOR NIPOMO SUPPLEMENTAL WATER PROJECT (NSWP) [RECOMMEND CONDUCT PUBLIC HEARING CONSIDER TESTIMONY ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING 2018-2019 FISCAL YEAR BUDGET]

Mario Iglesias, General Manager, and Lisa Bognuda, Finance Director, presented the item.

President Eby opened the Public Hearing.

There were no public comments.

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

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

**RESOLUTION 2018-1482**  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE NSWP (NIPOMO SUPPLEMENTAL WATER PROJECT)  
2018-2019 FISCAL YEAR BUDGET

E-4) CONSIDER FUNDING REQUEST TO SUPPORT WATER BOTTLE FILLING STATIONS TO BE INSTALLED AT TWO LOCAL HIGH SCHOOLS [RECOMMEND REVIEW AND DISCUSS REQUEST AND DIRECT STAFF

Whitney McDonald, District Legal Counsel, stated solid waste funds could be used to fund this project since re-fill stations would assist in eliminating and/or reducing the use of disposable plastic bottles.

The following members of the public spoke:

Gary Halverson, NCSD customer, expressed his concerns and stated this was premature at best and did not think it appropriate for the District to spend funds on this project.

00:28:13

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Jason Kern and Christy Aguilar, Students at Central Coast New Tech High School (CCNTH), gave a presentation on the purpose for requesting funds to place re-fill water stations at CCNTH and Nipomo High School. Purposes include plastic waste reduction, improved student health, better access to water and convenience. Students have raised \$8,500 for the project.

Mike Eisner, Lions Club representative, stated Lucia Mar Unified School District has received bids for \$1,500 per re-fill station and school maintenance staff will perform the on-going maintenance.

Upon questioning by the NCSD Board; applicants for the funding request stated that the Lucia Mar Unified School District already has approved and funded facility project for their District schools, including Nipomo High School & Central Coast New Tech High School to install water bottle filling stations. They also stated that if NCSD donated any funds, the check should be made out to Lucia Mar Unified School District.

*The Board of Directors directed Staff to request a letter from the organization asking for specific details such as how much funding they are asking for, what is the purpose of the funds (a one-time expenditure or an on-going maintenance amount), when the funds would be needed, who will receive the funding, etc in order to better evaluate their request.*

01:08:00 E-5) APPROVE JOB DESCRIPTION MODIFICATIONS AND SALARY RANGE FOR THE POSITION OF ADMINISTRATION SUPERVISOR [RECOMMEND APPROVAL]

Mario Iglesias, General Manager, stated Staff is requesting changes to the job title, description and salary range of the Public Information/Clerk position to Administrative Supervisor.

There were no public comments.

*Upon the motion of Director Blair and seconded, the Board unanimously approved the job title, job description and salary range for the Administrative Supervisor.  
Vote 5-0.*

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

01:16:00 E-6) INTRODUCE ORDINANCE AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTION 3.03.190 [RECOMMEND INTRODUCE, READ FULL TITLE, WAIVE FURTHER READING OF THE ORDINANCE, AND DIRECT DISTRICT COUSEL AND STAFF TO PREPARE AND PULISH SUMMARY OF ORDINANCE PER GOVERNMENT CODE SECTION 25124]

Whitney McDonald, District Legal Counsel, stated the proposed Ordinance is to acknowledge and update old statues regarding the lien process and authorize the General Manager to file such liens after 60 days delinquency.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the*

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*introduction of AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO SERVICES DISTRICT CODE SECTION 3.03.190, waive further reading of the ordinance and direct District counsel and staff to prepare and publish a summary of the ordinance in accordance with Government Code Section 25124.*

*Vote 5-0.*

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

**ORDINANCE 2018-126  
AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTION 3.03.190**

01:25:00

**F. MANAGER'S REPORT**

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

*There were no public comments.*

**G. COMMITTEE REPORTS**

*Director Armstrong reported on the Ad Hoc Blacklake Sewer Committee meeting that was held on Tuesday, June 13. The committee selected a rate consultant firm and will make a recommendation to the Board of Directors on June 27.*

01:25:00

**H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS**

*President Eby directed Staff to contact Lucia Mar Unified School District to ensure they thoroughly respond to the request for information on the re-fill water stations.*

01:37:00

*There were no public comments.*

**I. CLOSED SESSION**

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

- a) SMWWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)
- b) BENING VS. NCSD 14CV-0069

**J PUBLIC COMMENT ON CLOSED SESSION ITEMS**

*There were no public comments.*

**K. ADJOURN TO CLOSED SESSION**

*The Board took a ten minute recess at 10:40 a.m.*

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*President Eby adjourned to Closed Session at 10:50 a.m.*

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

There were no public comments.

ADJOURN

*President Eby adjourned the meeting at 11:55 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 40 minutes
Closed Session	1 hour 15 minutes
TOTAL HOURS	2 hour 55 minutes

Respectfully submitted,

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

6-27-18  
 Date