

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

AUGUST 8, 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.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of August 8, 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.

Aaron Hanke, representative for Stop the Oil & Gas Shutdown in San Luis Obispo County asked for the Board of Directors to support a "No" position on Measure G.

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

- *Encouraged everyone to watch the National Geographic film on water and power issues in California. It can be obtained through Netflix.*

Director Gaddis

- *July 30, attended Board Officer's meeting.*
- *August 1, attended the IRWVG meeting.*
- *August 6, attended the NCSD Finance and Audit Committee meeting.*

Director Eby

- *July 27, met with staff on the Water Shortage Response Management Plan.*
- *August 1, attended Board Officer's meeting.*
- *August 6, attended the NCSD Finance and Audit Committee meeting.*

C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There was no public comment.

*Upon the motion of Director Blair and seconded, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JULY 25, 2018, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ADOPT UPDATED CONFLICT OF INTEREST CODE [RECOMMEND ADOPT RESOLUTION UPDATING DISTRICT'S CONFLICT OF INTEREST CODE]
- D-4) AUTHORIZE PURCHASE OF REPLACEMENT VACUUM TRAILER IN ACCORDANCE WITH APPROVED FY 18-19 BUDGET [RECOMMEND AUTHORIZE STAFF TO PURCHASE VACUUM TRAILER FROM PRES TECH EQUIPMENT COMPANY AT A COST OF \$28,714]

President Eby requested Item D-1 be pulled for separate consideration.

There were no public comments.

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Consent Agenda Items D-2, D-3 and D-4.
Vote 5-0.*

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

**2018-1484
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN UPDATED CONFLICT OF INTEREST CODE**

President Eby questioned Check 4015 made out to SLO County Auditor Controller's Office for LAFCO charges for FY 18-19 in the amount of \$49,751.38. The methodology LAFCO used to compute the District's share is based on revenues reported to the State Controller's Office FY 15-16 that included revenues of approximately \$5M that the District did not actually receive. Staff was directed to engage LAFCO on this issue.

There were no public comments.

Upon motion of Director Eby and seconded, the Board unanimously approved Item D-1 with the exception of Check 4015 and directed Staff to issue a new check to LAFCO in an amount similar to the amount paid last year and work with LAFCO on this issue.
Vote 5-0.

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

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E. ADMINISTRATIVE ITEMS

- E-1) APN 091-325-022 FIRE SERVICE REQUEST SANDYDALE DRIVE AND NORTH FRONTAGE ROAD, NIPOMO [RECOMMEND CONSIDER INTENT TO SERVE LETTER AND APPROVE WITH CONDITIONS]

Peter Sevcik, Director of Engineering and Operations, presented the report as presented in the Board packet and answered questions from the Board.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Intent-To-Serve Letter with an additional condition that water from fire service can only be used for fire protection and no other use.

Vote 5-0.

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

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 Finance and Audit Committee meeting held on August 6 regarding Fund 300-Solid Waste. The Committee discussed reserve balances, use of funds for programs and disbursement of excess funds. The Committee could not reach an agreement on a recommendation to the Board. This item will be placed on the September 12 Board Meeting for the Board of Directors to discuss.

President Eby asked that the following questions be considered in the Staff Report at the September 12 Board Meeting:

1. Does the reserve policy language for Fund 300 need to be changed?
2. Should current reserve goal of \$115,000 be changed?
3. How should excess funds collected be disbursed?
4. What level over and above reserve balance should be disbursed and when?
5. What can funds be spent on?-need to explore options such as bio solid waste disposal

There were no public comments.

H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

President Eby requested an update on the progress with the County regarding the property tax increment.

There were no public comments.

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I. CLOSED SESSION

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

SMVWCD 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)

- 2. LIABILITY CLAIMS (Gov. Code 54956.95)
CLAIMANT: DANIEL MEDIEROS
AGENCY CLAIMED AGAINST: NIPOMO COMMUNITY SERVICES DISTRICT
- 3. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code 54957.6)
AGENCY DESIGNATED REPRESENTATIVES: BOARD PRESIDENT AND/OR VICE PRESIDENT, UNREPRESENTED EMPLOYEE: GENERAL MANAGER

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

Pam Wilson, NCSD customer, asked how to find out results of Closed Session Items.

Announcements are made after Closed Session and are recorded in the Minutes.

K. ADJOURN TO CLOSED SESSION

President Eby adjourned to Closed Session at 9:43 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Whitney McDonald, District Legal Counsel, announced that the Board discussed Items 2 and 3. Item 2, the Board denied the Claim. Item 3, the Board took no reportable action.

There were no public comments.

ADJOURN

President Eby adjourned the meeting at 10:55 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 43 minutes
Closed Session	1 hour 12 minutes
TOTAL HOURS	1 hour 55 minutes

Respectfully submitted,


Mario Iglesias, General Manager and Secretary to the Board

9/12/18
Date