

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

NOVEMBER 14, 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 November 14, 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.

C. PRESENTATIONS AND REPORTS

C-1) FLUME COMPANY METER LEAK DETECTION AND USAGE PRESENTATION [RECOMMEND RECEIVE AND FILE PRESENTATION]

Joe Fazio, Vice President Business Development of Flumetech, presented his meter leak detection product and answered questions from the Board. President Eby's home was used as a meter beta test site and he presented his findings on the use of the product.

There were no public comments.

C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Director Gaddis.

- November 5, attended Board Officer's meeting.
- November 7, attended IRWM meeting.
- November 8, attended meeting to hear update on Rossi project.

Director Armstrong

- November 7, attended WRAC meeting.

Director Eby

- November 2, attended NMMA Technical group meeting.
- November 5, attended Board Officer's meeting.
- November 7, attended WRAC meeting.
- November 8, attended meeting to hear update on Rossi project.
- November 8, attended Ad Hoc meeting.

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C-3) 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.

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

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE OCTOBER 24, 2018, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

There were no public comments.

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

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

E-1) APPROVE FINAL DRAFT OF THE BLACKLACK SEWER RATE STUDY REPORT AND DIRECT STAFF TO INITIATE A PROP 218 PROCESS TO INCLUDE SETTING THE PUBLIC HEARING FOR JANUARY 23, 2019 [RECOMMEND APPROVE REPORT, DIRECT STAFF TO INITIATE PROP 218 PROCESS AND SET JANUARY 23, 2019 FOR PUBLIC HEARING]

Alison Lechowicz, Lechowicz and Tseng Municipal Consultants (L&T), presented the final Blacklake Sewer Rate Study Report and answered questions from the Board

Ken Pacofsky, Blacklake resident, commented on the Blacklake Oversight Committee's consideration of sending out a letter to the residents.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the final Blacklake Sewer Rate study dated November 14, 2018, and directed Staff to give an update at the next Board Meeting regarding the mailing of the Prop 218 notice and setting the Public Hearing date.

Vote 5-0.

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

The Board took a ten minute break.

E-2) ADOPT ORDINANCE ADDING CHAPTER 2.43 TO THE NIPOMO COMMUNITY SERVICES DISTRICT CODE REGARDING THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT AND ADOPT RESOLUTION ELECTING TO BECOME SUBJECT TO THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT (CUPCCA)

RECOMMEND:

- (1) SECOND READING: READ FULL TITLE, WAIVE FURTHER READING OF THE ORDINANCE, ADOPT ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER GOVERNMENT CODE SECTION 25124.
- (2) ADOPT RESOLUTION ELECTING TO BECOME SUBJECT TO THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PROCEDURES

Whitney McDonald, District Legal Counsel, presented the item and answered questions from the Board. Peter Sevcik, Director of Engineering and Operations, stated his future quarterly reports to the Board of Directors will include notification when the CUPCCA has been used by the District.

There was no public comment.

Upon motion of Director Armstrong and seconded, the Board unanimously adopted AN ORDINANCE OF BOARD OF DIRECTORS OF THE NIUPOMO COMMUNITY SERVICES DISTRICT ADDING CHAPTER 2.43 TO THE NIPOMO COMMUNITY SERVICES DISTRICT CODE REGARDING THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNT ACT, waived further reading of the ordinance, and directed District counsel and staff to prepare and publish the ordinance in accordance with Government Code Section 25124.

Vote 5-0.

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

ORDINANCE NO. 2018-127
AN ORDINANCE OF BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADDING CHAPTER 2.43 TO THE NIPOMO COMMUNITY SERVICES DISTRICT CODE REGARDING THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT

Upon the motion of Director Armstrong and seconded, the Board unanimously adopted Resolution 2018-1490.

Vote 5-0.

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

RESOLUTION NO. 2018-1490
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ELECTING TO BECOME SUBJECT TO THE CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT PROCEDURES

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- E-3) AUTHORIZE TASK ORDER FOR SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION PUMP #4 IMPROVEMENTS INSTRUMENTATION AND SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM INTEGRATION [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE TASK ORDER IN THE AMOUNT OF \$49,750 WITH TESCO CONTROLS, INC.]

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

There was no public comment.

*Upon the motion of Director Gaddis and seconded, the Board unanimously adopted Resolution 2018-1491.
Vote 5-0.*

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

RESOLUTION 2018-1491
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A TASK ORDER FOR SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION PUMP #4 IMPROVEMENTS INSTRUMENTATION AND SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM INTEGRATION WITH TESCO CONTROLS INC.

- E-4) ADOPT POLICY GOVERNING THE USE OF FRANCHISE FEES GENERATED FROM THE SOLID WASTE FRANCHISE AGREEMENT BETWEEN THE NIPOMO COMMUNITY SERVICES DISTRICT AND SOUTH COUNTY SANITARY SERVICES [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION THAT ADOPTS THE POLICY GOVERNING THE USE OF FRANCHISE FEES]

Mario Iglesias, General Manager, presented the report.

There were no public comments

*Upon the motion of Director Armstrong and seconded, the Board unanimously adopted Resolution 2018-1492.
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors	None	None

RESOLUTION 2018-1492
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING POLICY GOVERNING THE USE OF FRANCHISE FEES GENERATED FROM THE NIPOMO COMMUNITY SERVICES DISTRICT'S SOLID WASTE COLLECTION FRANCHISE AGREEMENT

- E-5) REVIEW AND DISCUSS UPCOMING 2019 BOARD OFFICER ELECTION. [RECOMMEND DISCUSS UPCOMING BOARD OFFICER ELECTIONS AND DIRECT STAFF]

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

President Eby, presented the item and suggested, at a minimum, that Board Members make it known their desire or willingness to serve as Board Officers prior to the last meeting of the calendar year. This would allow (1) board Members time to consider candidates prior to casting their vote should a vote be necessary, and (2) determine if there is interest or a lack of interest by any Board Member to serve in this capacity.

Director Blair stated he is not interested in serving in a Board Officer position but stated he would support President Eby to serve as President for another term.

Director Woodson stated he is not interested in serving as a Board Officer.

Director Armstrong stated he not interested in serving as a Board Officer.

Director Gaddis stated he is interested in serving as a Board Officer.

President Eby stated he is interested in serving as a Board Officer.

There was no public comment

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

Mario Iglesias, General Manager, reported on the Ad Hoc Committee work completed to date. The purpose of the Ad Hoc Committee was to evaluate the effectiveness of the District’s Water Shortage Response and Management Plan (“WSRMP”) in protecting the health of groundwater basin. Three recommendations will be put forward for Board consideration:

1. Amend the District's Water Conservation Ordinance to address the shortfalls built into the District’s WSRMP.
2. Pass a resolution that repeals the District’s WSRMP and replaces it with a WSRMP consistent with the Nipomo Mesa Management Area’s plan.
3. Form an Ad Hoc Committee to evaluate the District Water Resource Policy and update Resolution 2015-1371 now that supplemental water is being imported.

Olga Arrendondo, District customer, stated customers are utilizing drought tolerant landscaping to lower water bills.

H. DIRECTORS’ REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

None

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
 - a) SMWWCD V. NCSO (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) SMART, ET AL. V. NCSO (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 18LC-0908)

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2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code 54956.8)

Property: [APN 091-301-038]
Agency negotiator: Mario Iglesias
Negotiating parties: Sprint PCS Assets
Under negotiation: Price, terms of payment, or both

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Eby adjourned to Closed Session at 11:20 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 1(a) and 1(b) and 2. The Board took no reportable action.

There were no public comments.

ADJOURN

President Eby adjourned the meeting at 11:54 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 20 minutes
Closed Session	0 hours 34 minutes
TOTAL HOURS	2 hours 54 minutes

Respectfully submitted,


Mario Iglesias, General Manager and Secretary to the Board

11-29-18
Date