

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

MARCH 13, 2019 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 March 13, 2019, 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 Board Members were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS [RECEIVE ANNOUNCEMENTS AND REPORTS FROM DIRECTORS]

Director Gaddis

- March 4, attended Board Officer's meeting.
- March 6, attended Finance and Audit Committee meeting.

Director Armstrong

- March 6, attended WRAC meeting.

Director Eby

- March 1, attended NMMA Technical Group meeting.
- March 4, attended Board Officer's meeting.
- March 5, attended Ad Hoc Committee meeting.

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.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.

Vote 5-0.

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE FEBRUARY 27, 2019 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) EUREKA WELL REPLACEMENT PROJECT WELL DRILLING IMPLEMENTATION ASSISTANCE [RECOMMEND AUTHORIZE TASK ORDER WITH CANNON CORPORATION IN THE AMOUNT OF \$44,988]
- D-4) AUTHORIZE STAFF TO BID SOUTHLAND WASTEWATER TREATMENT FACILITY STORAGE BUILDING PROJECT AND AMEND FY 2018-2019 BUDGET [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO ADVERTISE PROJECT FOR BID AND APPROVING BUDGET AMENDMENT]
- D-5) ACCEPT SOUTHLAND WASTEWATER TREATMENT FACILITY SLUDGE DRYING BED COVER PROJECT [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ACCEPT PROJECT AND DIRECT STAFF TO FILE NOTICE OF COMPLETION]

There were no public comments.

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

Vote.5-0

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

RESOLUTION 2019-1498
 A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 AUTHORIZING A CONTRACT WITH CANNON CORPORATION
 FOR WELL DRILLING IMPLEMENTATION ASSISTANCE SERVICES
 IN SUPPORT OF THE EUREKA WELL REPLACEMENT PROJECT

RESOLUTION 2019-1499
 A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 AUTHORIZING STAFF TO BID SOUTHLAND WASTEWATER
 TREATMENT FACILITY STORAGE BUILDING PROJECT AND
 APPROVE BUDGET AMENDMENT

E. ADMINISTRATIVE ITEMS

- E-1) EVALUATE AND CONSIDER ADOPTING RESOLUTION APPROVING AN AMENDED WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN [RECOMMEND DISCUSS AND EVALUATE EXISTING WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN AND ADOPT RESOLUTION AMENDING NIPOMO COMMUNITY SERVICES DISTRICT WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN]

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

The following members of the public spoke:

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Richard Malvarose, NCSD customer, agreed it was time to re-evaluate the Water Shortage Response and Management Plan.

Pam Wilson, NCSD customer, asked about the time frame for issuance of new service connections.

Upon the motion of Director Blair and seconded, the Board unanimously approved the Resolution to amend the Water Shortage Response and Management Plan.

Vote.5-0

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

**RESOLUTION 2019-1500
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN AMENDED WATER SHORTAGE
RESPONSE AND MANAGEMENT PLAN**

- E-2) APPROVE REVISED BOARD BY-LAWS AND POLICIES AND DISCUSS BOARD COMPENSATION PROVISIONS [RECOMMEND REVIEW AND ADOPT RESOLUTION APPROVING BOARD BY-LAWS AND POLICIES, AND DISCUSS AND PROVIDE DIRECTION TO STAFF REGARDING BOARD COMPENSATION PROVISIONS]

Whitney McDonald, District Legal Counsel, presented the item and answered questions from the Board.

The following members of the public spoke:

Pam Wilson, NCSD customer, asked what the impact would be on the budget if Board compensation was amended.

President Eby called for a Straw Vote to determine if Chapter 9, Chapter 9, should be amended.

Vote 2-3

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

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Resolution to amend the Board By-Laws.

Vote.5-0

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

**RESOLUTION 2019-1501
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN AMENDED BOARD BY-LAWS
AND POLICIES**

- E-3) APPROVE AGREEMENT WITH ROGERS, ANDERSON, MALODY, & SCOTT PROPOSAL FOR 3 YEARS OF AUDITING SERVICES [RECOMMEND APPROVE AGREEMENT]

Mario Iglesias, General Manager, presented the item and answered questions from the Board. Lisa Bognuda, Finance Director, answered questions from the Board.

The following members of the public spoke:

Ken Pacofsky, NCSD customer, asked about the code section requiring the rotation of auditors and is it a federal requirement.

*Upon the motion of Director Armstrong and seconded, the Board agreed to approve the proposal of Rogers, Anderson, Malody and Scott LLP to provide auditing services to the District, including for the fiscal year ending June 30, 2019, at a cost of \$22,000.
 Vote 4-1.*

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

F. GENERAL MANAGERS REPORT

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

There were no public comments.

G. COMMITTEE REPORTS

- AD HOC COMMITTEE – REVIEW WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN

Director Eby stated the Ad Hoc Committee recommendations were included in Item E-1 above.

- FINANCE AND AUDIT COMMITTEE

Director Armstrong stated the Finance and Audit Committee met and reviewed the audit proposal, reviewed the budget preparation time line, reviewed items to be included in the draft budget, and reviewed the Cost of Living Adjustment.

There were no public comments

H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson requested the General Manager attend the March 25 SCAC meeting and during Public Comment give an update on the Water Shortage Response and Management Plan.

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I. CLOSED SESSION ANNOUNCEMENTS

- 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)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

Whitney McDonald, District Legal Counsel, announced there was no need for Closed Session.

ADJOURN

President Eby adjourned the meeting at 10:18 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 18 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	1 hour 18 minutes

Respectfully submitted,



 Mario Iglesias, General Manager and Secretary to the Board

3-27-19

 Date