

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

AUGUST 14, 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 August 14, 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 Woodson

- *August 8, attended Traffic and Circulation Committee meeting.*
- *August 12, met with General Manager and Director of Engineering and Operations to review Standards and Specifications.*

Director Gaddis

- *July 30, attended SLO County Chapter CSDA meeting.*
- *August 2, attended Board Officers' meeting.*

Director Eby

- *July 30, attended SLO County Chapter CSDA meeting*
- *August 2, attended Board Officers' meeting.*
- *August 6, attended BLMA meeting.*
- *August 8, attended Traffic and Circulation Committee meeting.*

C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.
Vote 5-0.*

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<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>

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE JULY 24, 2019, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) AUTHORIZE TASK ORDER FOR MODIFICATION OF WELL SITE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE TASK ORDER IN THE AMOUNT OF \$55,959 WITH TESCO CONTROLS, INC]

D-4) AUTHORIZE TASK ORDER FOR SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM RADIO REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE TASK ORDER IN THE AMOUNT OF \$55,880 WITH APPLIED TECHNOLOGY GROUP, INC. AND AUTHORIZE CHANGE ORDER CONTINGENCY IN THE AMOUNT OF \$5000]

D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR MIXED USE (COMMERCIAL AND RESIDENTIAL) DEVELOPMENT LOCATED AT 166 & 186 NORTH THOMPSON AVE APNS 090-384-013 & 090-384-014 [RECOMMEND CONSIDER INTENT-TO-SERVE AND APPROVE WITH CONDITIONS]

D-6) ADOPT REVISED EMPLOYEE HANDBOOK [RECOMMEND ADOPT RESOLUTION]

There were no public comments.

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

Vote 5-0.

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

RESOLUTION NO. 2019-1517

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A TASK ORDER FOR MODIFICATION OF WELL SITE SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM WITH TESCO CONTROLS INC.

RESOLUTION NO. 2019-1518

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A TASK ORDER FOR SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM RADIO REPLACEMENT PROJECT WITH APPLIED TECHNOLOGY GROUP, INC.

RESOLUTION NO. 2019-1519

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A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING EMPLOYEE HANDBOOK

E. ADMINISTRATIVE ITEMS

- E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND, IF THERE IS NOT A MAJORITY PROTEST, CONSIDER ADOPTING A RESOLUTION INCREASING DISTRICT SOLID WASTE RATES AND CHARGES [RECOMMEND CONDUCT PROTEST HEARING AND ADOPT RESOLUTION IF NO MAJORITY PROTEST EXISTS]

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

Jeff Smith, General Manager of South County Sanitary Service, answered questions from the Board.

President Eby opened the Public Hearing.

The following members of the public spoke:

Dennis Weaver, commented on the level of service received from South County Sanitary Service and the cost of service.

President Eby closed the Public Hearing.

Mario Iglesias, General Manager, announced the District received 6 (six) written protests and a majority protest did not exist.

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

Vote 5-0.

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

RESOLUTION NO. 2019-1520

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
SETTING RATES FOR SOLID WASTE, RECYCLING,
AND GREEN WASTE SERVICES PROVIDED BY SOUTH
COUNTY SANITARY SERVICE WITHIN THE NIPOMO
COMMUNITY SERVICES DISTRICT'S SERVICE AREA

- E-2) APPROVE AND ACCEPT A TEMPORARY EASEMENT AGREEMENT WITH MURPHY SANTA MARIA 1, LLC, AS PART OF THE EUREKA WELL REPLACEMENT PROJECT [RECOMMEND ADOPT RESOLUTION APPROVING AND ACCEPTING TEMPORARY EASEMENT]

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

There were no public comments.

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*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 2019-1521

**A RESOLUTION OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 APPROVING AND ACCEPTING TEMPORARY EASEMENT
 AGREEMENT WITH MURPHY SANTA MARIA 1, LLC**

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

None

H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis requested his comment be included in the minutes:

"Due to the size of the monthly salary increase being discussed for the NCSD General Manager's compensation review in the next Board meeting, I would recommend the compensation review scheduled for August 28, 2019 NCSD Board meeting be done in open session rather than in closed session."

I. CLOSED SESSION ANNOUNCEMENTS

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

- a) 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)
- b) KIERAN L. ADAM, ET AL. V. CITY OF SANTA MARIA, ET AL. (SANTA BARBARA COUNTY SUPERIOR COURT, CASE NO. 19CV02091)
- c) JC & ELSIE TEIXEIRA FAMILY LIMITED PARTNERSHIP, ET AL. V. CITY OF SANTA MARIA, ET AL. (SANTA BARBARA COUNTY SUPERIOR COURT, CASE NO. 19CV02086)
- d) JC & ELSIE TEIXEIRA FAMILY LIMITED PARTNERSHIP V. CITY OF SANTA MARIA, ET AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0230)
- e) KOCH CALIFORNIA LTD., ET AL. V. CITY OF SANTA MARIA, ET AL. (SAN

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LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0227)

- 2. STEP TWO OF A TWO STEP ANNUAL PERFROMANCE REVIEW PROCESS OF DISTRICT GENERAL MANAGE RPURSUANT TO GOVERNMENT CODE SECTION 54957
- 3. CONFERENCE WITH LEGAL COUNSEL –LIABILITY CLAIM PURSUANT TO GOVERNMENT CODE SECTION 54956.95
CLAIMANTS: Heidi Jenkins
AGENCY CLAIMED AGAINST: NCSD
- 4. CONFERENCE WITH LEGAL COUNSEL –LIABILITY CLAIM PURSUANT TO GOVERNMENT CODE SECTION 54956.95
CLAIMANTS: Holger Anderson
AGENCY CLAIMED AGAINST: NCSD

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

The Board took a 10 minute break.

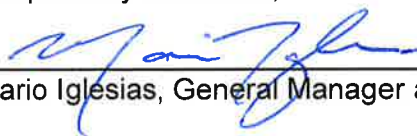
Whitney McDonald, District Legal Counsel, announced that the Board discussed Item 1(a) in Closed Session and took no reportable action. The Board did not discuss items Item 1(b), 1(c), 1(d), and 1(e). The Board discussed Item 2 and took no reportable action. The Board discussed Item 3 and took action to deny the claim presented by Ms. Jenkins. District Legal Counsel announced with respect to Item 4, the District has entered into a settlement agreement and release with Mr. Anderson and has agreed to pay the \$1,690.20 claim.

ADJOURN

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

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 41 minutes
Closed Session	0 hour 49 minutes
TOTAL HOURS	1 hour 30 minutes

Respectfully submitted,


8-28-2019

Mario Iglesias, General Manager and Secretary to the Board Date