

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

SEPTEMBER 11, 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:

Provide our 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 September 11, 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

- September 3, attended Board Officers' meeting
- September 4, IRWM meeting was cancelled.

Director Eby

- September 3, attended Board Officers' meeting.
- September 4, attended WRAC 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 receiving and filing presentations and reports.

Vote 5-0

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

D. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.*

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 28, 2019, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) APPROVE JOB DESCRIPTION MODIFICATIONS FOR THE POSITION OF ADMINISTRATIVE SUPERVISOR [RECOMMEND APPROVE MODIFICATION]

President Eby pulled item D-3 for discussion and suggested minor edits.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Consent Agenda, with edits to Item D-3.
Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

- E-1) REVIEW SAN LUIS OBISPO COUNTY ACCESSORY DWELLING UNIT ORDINANCE PHASE II PUBLIC REVIEW DRAFT AND DIRECT STAFF [REVIEW AND DIRECT STAFF]

Mario Iglesias, General Manager, presented the item and answered questions from the Board. Whitney McDonald, District Legal Counsel, answered questions from the Board.

There were no public comments.

The Board directed staff to continue its review of the potential impacts the proposed County Ordinance would have on the District's policies and water supply. No other action was taken.

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

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

There were no public comments.

Nipomo Community Services District
**REGULAR MEETING
 MINUTES**

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

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

RESOLUTION 2019-1526

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

- E-3) APPROVE AMENDED GENERAL MANAGER EMPLOYMENT CONTRACT [RECOMMEND ORALLY REPORT THE RECOMMENDED COMPENSATION ADJUSTMENT AND APPROVE AMENDED GENERAL MANAGER EMPLOYMENT CONTRACT]

Whitney McDonald, District Legal Counsel, presented the item and pursuant to the Brown Act, gave the following oral report:

The General Manager’s salary is proposed to increase from \$160,635 to \$171,671 effective July 1, 2019.

President Eby requested a typographical error be corrected in Section 3 of the contract.

There were no public comments.

Director Gaddis requested his comment be included in the minutes as follows:

The General Manager’s annual salary awarded each year is information available to the public. In 2017 it was \$153,000, in 2018 it was \$160,635 and in 2019 it is to be \$171,671. This General Manager’s total compensation/salary review is only about one thing: Money. What amount of compensation increase (cost of living and merit increase) is good for the General Manager, good for the Nipomo Community Services District and good for our constituents that is the challenge. In 2018 the General Manager performed very well and was compensated accordingly by the District with a total compensation of 4.99% total increase per year or \$7,635 total increase per year or \$636 total increase per month. In 2019 the General Manager performed very well and in response to the General Manager a total compensation increase was approved of \$6.87% total increase per year, or \$11,036 total increase per year, or \$919.66 total increase per month. Obviously, the majority of the Board approved this amount. A 2019 monthly salary increase of \$919.66 is a rounded 45% (44.60%) higher monthly increase (\$283.66) than the previous 2018 monthly total salary increase of \$636. A 45% higher monthly total salary increase in 2019 over 2018 I believe is an excessive increase, I believe this could be a hard sell to the public/our rate payers/our constituents. I believe this increase is hard to defend. I believe this increase is generous to the General Manager, but I believe it is not fair to the NCSD, and not fair to our constituents. A 4.99% increase per year in 2019 (like in 2018), or \$8,016 total increase per year, or \$668 total increase per month, for example, would give a new annual salary of \$168,651. I wish to go on record: I do not support the 45% higher monthly total salary increase in 2019 over 2018.

Director Blair stated the General Manager is doing an excellent job and hopes he does not apply for the Oceano CSD General Manager position that is offering a salary of \$230,000.

*Upon the motion of Director Blair and seconded, the Board approved the General Manager's contract.
Vote 4-1.*

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

F. GENERAL MANAGER'S 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' REQUESTS 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. 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 LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0227)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 10:12 a.m.

**L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION**

Nipomo Community Services District
REGULAR MEETING
MINUTES

The Board took a 5 minute break.


Whitney McDonald, District Legal Counsel, announced that the Board discussed Item 1(a) through 1(e) in Closed Session and took no reportable action.

ADJOURN MEETING

President Eby adjourned the meeting at 10:33 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 12 minutes
Closed Session	0 hour 21 minutes
TOTAL HOURS	1 hour 33 minutes

Respectfully submitted,


9-25-2019

 Mario Iglesias, General Manager and Secretary to the Board Date