

SAN MIGUEL COMMUNITY SERVICES DISTRICT

BOARD OF DIRECTORS

October 27, 2016 SPECIAL AND REGULAR MEETING MINUTES

MEETING HELD AT DISTRICT OFFICES

1150 MISSION STREET

SAN MIGUEL, CA 93451

**I.** Meeting Called to Order by Acting President Reuck—6:00 pm

**II.** Pledge of Allegiance: lead by Director Kalvans

**III**. Roll Call: Directors Present: Buckman, Dawes, Kalvans and Reuck. Absent: Green

District Staff in attendance: General Manager Gentry, District General Counsel Schweikert via Skype video and audio and Fire Chief Roberson

**IV.** Adoption of Special Meeting Agendas: Motion by Director Buckman to adopt Special and Regular Board Meeting Agenda as presented, Seconded by Director Dawes. Motion was approved by vote of 4 AYES, 1 ABSENT and O NOES.

**V.** Public Comment and Communications:

Acting President Reuck asked if there was anyone present who wanted to speak to the Board or any requests to speak. There were no persons in attendance and no public requests to speak.

**VI. ADJOURN TO CLOSED SESSION:**

Acting President Reuck announced that now is the time to adjourn to Closed Session for the purpose of discussion on Closed Session Agenda items.

**CLOSED SESSION AGENDA:** Time: 6:05 pm

**1. CONFERENCE WITH DISTRICT GENERAL COUNSEL—Anticipated Litigation**

Pursuant to Government Code Section 54956.7 (2) (d) (1 case)

 **2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957(b) (1):

Title: General Manager

**Director Green arrived–6:26 pm**

 **3. DISTRICT GENERAL COUNSEL PERFORMANCE EVALUATION**

Pursuant to Government Code Section 54957(b) (1):

Title: District General Counsel

 **B. RECONVENE TO OPEN SESSION**

President Green reconvene Board to Open Session at 6:55 PM.

 President Green recessed the Board for a short break at 6:55 PM.

 President Green called the Board back in session at 7:08 PM

 **C. REPORT OUT OF CLOSED SESSION**

 **4.** District General Counsel stated that there was no reportable action out of Closed Session

**VII. Call to Order for Regular Board Meeting**

President Green asked members of public and Board members to join in a Pledge of Allegiance lead by himself.

**VIII. Public Comment and Communication:**

President Green asked if there was anyone in audience that wish to address the Board on a matter not on the agenda and noted that no action would be taken until placed on a future Board agenda.

Laverne Buckman, public member, addressed the Board and commented on the County Planning Commission proceedings that occurred earlier this date. She stated that the Commission has agreed to extend or continue its hearing on the San Miguel Community Plan until November 10th for purpose of having another opportunity for public input, especially about the District’s service boundaries being co-terminus with the County Planning staff recommendations for the urban reserve line.

She encouraged awareness about this important hearing procedure and the desire of the County Planning Commissioners to obtain more public input before finalizing their recommendation to the Board of Supervisors. Commission’s next meeting is scheduled for November 10th.

There were no other public comments or requests to speak.

**IX. Staff & Committee Reports – Receive & File:**

**Non-District Reports:**

1. San Luis Obispo County Sheriff

There was no report given.

1. San Luis Obispo County Board of Supervisors

There was no report given.

1. San Luis Obispo County Planning and/or Public Works

Jeremey Ghent, County Public Works Department gave a report about County’s 2016 San Miguel Circulation Study, an update revision tied to the changes in San Miguel Community Plan being heard by Planning Commission

He spoke about the County’s development impact fees for traffic impacts related to new developments. For the period from July 1, 2015 to June 30, 2016, seven single family home building permits subject road improvement fees have paid those mitigation fees. The FY 2015-16 fund balance for County use is $185,103.in revenues. There were no reportable expenses in this fund account.

County anticipates future road projects, none are planned for this fiscal year, will use those funds for improvement costs. These fees can be used to fund right-of-way acquisition, permitting, design, environmental work, and construction.

He identified future capital projects, which are anticipated by the time community has reached buildout, approximately 10-20 years in future. Listed capital projects are: install traffic signal with rail crossing features at 14th Street and Mission Street; completion of Circulation study and construct roadway on Magdalena Street in conjunction with TR 2647 project. Total costs, estimated in current value, is $3,185,000. An estimated $2,262,760 is calculated to come from this development impact fee program.

President Green asked when the County might do a project on Magdalena Street. Mr. Ghent replied that the identified future capital projects are based on community buildout, traffic warrants using demand and volume of vehicles, and the funding availability. President Green also asked about the traffic signal at 14th Street. Mr. Ghent answered with the same response, except the situation at this location is complicated by having to secure railroad approval for construction, signalization and improvements.

President Green if there were any Board questions.

Director Dawes asked about the funding, specifically who controls the funds. Mr. Ghent replied that the County receives the fee payments prior to the issuance of a construction or building permit for a new project. Those funds are restricted and held in a force account by the County. He also stated that County might loan money to any future capital project based on projected revenues but there is no such decision being considered or already made by County officials. Director Dawes also asked if there is an annual report provided on fees collected. Mr. Ghent replied that there is an annual report and will be provided to local agencies, either by request or directly.

Director Kalvans asked about the type of construction is anticipated on North River Run in the future. Mr. Ghent replied that the road segment from the bridge to the limits of last year’s widening project is likely and is anticipated to be a shoulder widening project. Director also asked about how far the District’s boundaries might be expanded in the future. Mr. Ghent stated that the impact fee boundary is the District’s current boundaries and only applies to any new development projects.

President Green recognize a request by public to speak on this item.

Laverne Buckman commented that the Public Works Department had reviewed this same information with the Advisory Council several weeks ago as a part of its review of Community Plan. Advisory Council had no comments or remarks to provide about the Circulation Plan update.

She also asked about the County’s truck trip mitigation fees and whether or not it is still collected. Mr. Ghent replied that the County did assess fees for quarry operations and truck trip impacts but there is nothing impacting San Miguel. Agriculture operations are not, generally, captured for these fee assessments.

There were no further public comments.

1. San Miguel Area Advisory Council

Director Kalvans stated that the Council did hear a report on changes to Wellsona Road crossing which will include more caution lights and an added street light with added acceleration lane to southbound.

There were no further public comments or questions.

1. Camp Roberts—Army National Guard

There was no report given.

**District Staff & Committee Reports:**

 **6.** General Manager Gentry

GM reported recent CPR training conducted by Fire Department for District staff. Also spoke about computer equipment changes installed.

 **7.** District General Counsel (Attorney White)

General Counsel Schweikert on behalf of firm stated that there was nothing to report.

 **8.** Utility Supervisor (Mr. Dodds)

GM indicated that there is a written report submitted by Utility Supervisor in the Board’s packet and asked if there were any Board questions.

Director Dawes asked about status of grant fund reimbursement for fire hydrant project. GM replied that District staff will be meeting with County staff for a required project audit review in November on or about the 17th. This meeting is a requirement of HUD for CDBG grant funds awarded in order to physically receive the actual funds.

Director Dawes also commented that CDBG funding may not be the best funding mechanism and indicated that District needs to examine optional funding sources whenever possible.

President Green recognized Laverne Buckman, member of the public, for a question.

Laverne Buckman asked about the listed tract maps and where the information comes from. GM answered that the District tracks the County approved tract maps and projects, including time extensions that may be granted by the County.

 **9.** Fire Chief (Chief Roberson)

Fire Chief Roberson stated that a written report is included with Board’s packet and asked if there were any questions. Chief commented briefly about receiving money for engine reimbursement, an estimated $11,000. Also spoke briefly about the Canyon Fire in Lompoc and District crew assigned to incident.

President Green asked for Board questions.

Director Kalvans made a comment thanking Chief for developing the graphics in his report. The use of the graphics make it easier to understand and identify potential trends.

There were no further questions or comments.

 **10.** District Engineer (Mr. Tanaka)

GM reported that the monthly Engineer’s written report is submitted for Board’s review and asked if there were any questions.

There were no Board or public questions regarding the submitted report.

 **11.** Finance/Budget Committee (Director Dawes, Chair)

Chair Dawes reported that there was no meeting in September but there will be a report in November. Committee is looking forward to seeing further improvement to Black Mountain reporting.

There were no Board or public questions or comment.

 **12.** Organization/Personnel Committee (Director Green, Chair)

Chair Green reported that there was no Committee meeting due to lack of a quorum.

There were no Board or public questions or comment.

 **13.** Equipment & Facilities Comm. (Director Kalvans, Chair)

 Chair Kalvans reported that there was no Committee meeting in September.

There were no Board or public questions or comment.

 **14.** Water Resources Advisory Committee(Director Kalvans, Rep)

Director Kalvans stated that there was nothing to report.

**X. CONSENT ITEMS:**

President Green announced that is the time for items listed under Consent to be acted as a group unless there is an item to be pulled for further discussion. He asked if any Board Member or a member of the public wishing to pull an item.

There was no request by Board or member of the public wishing to pull an item for further discussion.

Director Kalvans made a motion to approve the Consent Calendar as presented, Seconded by Director Buckman.

Motion was approved by a unanimous voice vote to approve Agenda Items 15a. – c., **15 a.** Approval of Special Board Meeting Minutes for October 14, 2016, **15 b.** Approval of Special and Regular Board Minutes for September 22, 2016, **15.c** Approval of Special Board Meeting Minutes for September 15, 2016.

**XI. BOARD ACTION ITEMS:**

President Green announced that now is the time and place for a public hearing to consider a proposal to form a Groundwater Sustainability Agency (GSA) and asked the GM to introduce the public hearing and written report.

**PUBLIC HEARING:**

**16.** Conduct a public hearing andConsider approving **Resolution No. 2016-34** to form a Groundwater Sustainability Agency (GSA) pursuant to the State Groundwater Sustainability Act.

GM Gentry gave a brief verbal report of the purpose and reason for this public hearing and a statement regarding completion of the required public hearing notifications that were published for at least 2 weeks prior to this hearing, the notification to a list of potential stakeholders of interest in these proceedings and background information, in the submitted written report, regarding the Sustainability Groundwater Management Act (SGMA). He pointed out that the submitted report enumerates the purpose and authority for forming a District GSA which is subject to State agency approval that will administer planning and action efforts to relieve the overdraft conditions of the Basin, in conjunction with others.

The purpose and rationale for the District to form its own GSA is described in the adopting Resolution presented for Board consideration and action. GM Gentry summarized the rationale as the District retaining the primary responsibility for its portion of the Paso Robles Groundwater Basin (Basin) for water resource management responsibilities now and in the future. GM Gentry outlined that a District GSA will need to continue collaboration and cooperation with other GSA within the Basin though out the planning process as well as during a much longer term implementation phase after a sustainability plan is approved by the State.

Staff recommended that the Board of Directors approve **Resolution No. 2016-34** to initiate the process for forming a Groundwater Sustainability Agency (GSA) pursuant to the State Groundwater Sustainability Act.

 President Green asked if there were any questions by the Board.

Director Buckman asked General Counsel about how other properties, in surrounding unincorporated areas, could be included in the District’s GSA. General Counsel asked Kerry Fuller, ChurchwellWhite, to respond in answer to the question. Ms. Fuller replied that it is unclear, presently, how any properties will be allowed to annex into a GSA or even if it will be possible. Assuming for purposes of further explanation, that the County does not form a GSA for uncovered, unincorporated lands and properties then State would be the enforcing agency pursuant to the Act. She indicated that the intent of SGMA is that you have to cooperate and collaborate for restoring the Basin water resource conditions so that overdraft is reduced or eliminated.

GM Gentry explained that if properties were adjacent to existing District boundaries and wanted to annex into the District then LAFCO would be involved with such a change. If an area were annexed into the District using the LAFCO process, it is unclear how State DWR would deal with such a change in boundaries, specifically for covering that annexing property with the GSA.

General Counsel Schweikert expounded on that explanation with additional qualifications for any such annexation but did point out that a property, not located adjacent to existing District boundaries would not likely be able to annex into the District unless a part of a larger annexation of parcels.

President Green and Director Kalvans asked General Counsel to explain what could or potentially would happen if an unincorporated area is not covered by a County GSA or another GSA. General Counsel explained that either the County is covering via its own GSA or the State Department of Water Resources will become the regulator/enforcer of the SGMA requirements even for private well owners.

President Green asked if there were any requests to speak or anyone wishing to speak on this item.

Laverne Buckman, a public member, asked for additional clarification on the question of private well owners being able to be a part of a GSA and what happens if the County does not form its GSA, either before the deadline or drops any effort to form its own GSA.

There were no further questions or comments.

President Green asked if there was a motion to be made.

Director Kalvans made a motion to approve Resolution No 2016-34 as presented to form a District GSA pursuant to State law, Seconded by Director Buckman. Motion was approved by Roll Call vote, 5 AYES, O NOES.

**XII. BOARD COMMENT:**

Director Buckman asked General Counsel about the property tax review, particularly the Gallo property and whether or not the District was receiving its proper tax revenues. General Counsel advised the Board that after reviewing County Assessor information and data, it was concluded that the District is receiving appropriate and proper tax revenues at a rate of 0.012 of the 1% annual assessments twice a year as prescribed by law.

Director Reuck commented that he had a conversation about the need for a community hospital to serve the resident. He wanted to pass the conversation comment along to the Board.

Director Dawes asked if there was any progress to report on getting a white noise machine set up for Closed Session discussions. GM replied that some initial investigation into costs, types of apparatus’ available but would need to circle back on this item.

President Green announced that Committee meeting dates are set for all Committees in November. Announced the next scheduled Board meeting is November 17th.

**XIII. ADJOURNMENT**

President Green adjourned the meeting at 8:20 PM.