

SAN MIGUEL COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
APRIL 25TH, 2019 REGULAR MEETING MINUTES

MEETING HELD AT DISTRICT OFFICES
1150 MISSION STREET
SAN MIGUEL, CA 93451

- I.** Meeting Called to Order by Vice President Sangster – 6:22 p.m.
- II.** Pledge of Allegiance lead by Director Kalvans.
- III. Roll Call:** Directors Present: Sangster, Parent, Kalvans and Palafox
Directors Absent: Green
District Staff in attendance: Rob Roberson, Tamara Parent, Kelly Dodds and District General Counsel Seikaly
District Staff Absent: District Engineer Dr. Blaine Reely and Paola Freeman
- IV. Adoption of Regular Meeting Agenda:**
- Motion by Director Parent to adopt Regular Meeting Agenda.
- Seconded by Director Kalvans Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT
- V. ADJOURN TO CLOSED SESSION:**
Closed Session convened at 6:25 p.m.
- A. CLOSED SESSION AGENDA:**
- 1. CONFERENCE WITH DISTRICT GENERAL COUNSEL – Existing Litigation**
Pursuant to Government Code Section 54956.9 (d)(1) Case: *Steinbeck v. City of Paso Robles, Santa Clara County Superior Court Case No. 1-14-CV-265039 and Case: Eidemiller v. City of Paso Robles, Santa Clara County Superior Court Case No. 1-14-CV-269212*
 - 2. CONFERENCE WITH DISTRICT GENERAL COUNSEL-ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:(1 case)WO

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code section 54957(b)(1))

Title: General Manager

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code §54957)

Title: Fire Chief

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code §54957)

Title: Assistant Fire Chief

VI. Call to Order for Regular Board Meeting/Report out of Closed Session: 7:06 P.M.
Report out of closed session by Vice President Ashley Sangster: Direction was given to staff with no action taken.

VII. Public Comment and Communications for matters not on the Agenda:

Owen Davis San Miguel Resident voiced that at the last meeting the Board voted to not have Director Green in negotiations with SMEA. Mr. Davis voiced that he feels that the community is not being represented and feels that the people need to know what happens with the employee negotiations and any raises to employees. District General Counsel Seikaly informed Mr. Davis that everyone's salary is approved by the Board. Mr. Davis voiced that he feels that the people should be involved in the salary negotiations. Interim General Manager Rob Roberson voiced that Director Green is one of five and all negotiations will be brought to the whole Board for discussion and approval. Discussion Ensued.

Director Parent called Point of Order

VIII. Special Presentations/Public Hearings/Other:

1. **Public Hearing to consider approving an Ordinance 01-2019 of the San Miguel Community Services District board of directors adopting the San Miguel Community Service District ("District") water code and authorizing the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief to enforce the provisions of the Water Code.** Item was presented by Director Sangster reading summary of Water Code for public record. Director of Utilities Kelly Dodds presented two changes for the Water Code Ordinance 01-2019. 1. Page 37 Clarification to "Lot Size" 2. Page 45 Section 6.4 Backflow protection device, requiring meter.

Board Comment: Director Kalvans asked questions about conservation, cross connections, retrofits, and residential wells within the District. Director of Utilities Kelly Dodds explained that the County has conservation in the permit application process, and cross connections will be in the sewer code. Mr. Dodds explained that the County has a retrofitting reimbursements program (SLOCountywwcp.org) has Prop 1 monies. Discussion ensued about residential wells within the District and it was explained that any

residential well in San Miguel is grandfathered in and most have district water service. Discussion ensued.

Director Sangster Opened the Public Hearing portion asking for testimony from the public.

Public Comment: Owen Davis San Miguel Resident asked if he could put in a well at his residence? Director of Utilities Kelly Dodds explained that San Miguel C.S.D doesn't permit wells within the district, the only exceptions are if the property is over an acre and is used only for agriculture. After asking for any other public comment:

Director Sangster Closed Public Hearing on proposed Ordinance 01-2019

- 2. Public Hearing to consider approving an Ordinance 02-2019 of the San Miguel Community Services District (“District”) Board of Directors adopting and amending the 2019 edition of the California Fire Code including articles appendices, amendments and errata of the Californian Building Code section 7A.** Item was presented by Director Sangster reading summary of Fire Code Ordinance for Public Record. Scott Young presented one change to the Fire Code Ordinance 02-2019. 1. Section 4 Item 5 added e) All mechanical equipment location in a concealed space shall have a 200-degree pilot head located at an elevation no more than 18 inches below the highest elevation of the concealed space above the unit and no further than 3 feet away from the unit. Any piping located above the building insulation level shall be insulated.
- Board Comment:** Director Kalvans asked about the Fireworks dates, and it was explained that the dates are set by resolution each year. Director Kalvans asked about Section C - private Hydrants in the District, and wanted to know what the Districts Standards are, Discussion ensued. Director Kalvans asked if the District “Test” private hydrants and it was explained that the District doesn't Test but only inspects private hydrates within the District. It is written in the Fire and Water Code. Director Sangster asked if it was correct that the color of the hydrants for private hydrants are painted in a different color. Director Parent asked about fire sprinklers, and inspections. The District does visual inspections but not testing. Director Kalvans asked that it be in writing that they have the testing done. It was explained that Private Hydrants inspection are up to the owner to get inspected.

Director Sangster Opened the Public Hearing portion asking for testimony from the public.

Public Comment: None

Director Sangster Closed Public Hearing on proposed Ordinance 2-2019

STAFF & COMMITTEE REPORTS:

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| 1. San Luis Obispo County Sheriff | No Report |
| 2. San Luis Obispo County Board of Supervisors | No Report |
| 3. San Luis Obispo County Planning and/or Public Works | No Report |
| 4. San Miguel Area Advisory Council | Verbal |

Nanette Roe, San Miguel Advisory Council Secretary voiced that Camp Roberts could not make it today and explained that they wanted to invite the San Miguel Fire department to the annual burn, Deputy Commander Anderson would need to be contacted. Mrs. Roe explained that per her understanding that she was advised by Vicki Jensen that the State has passed a code/law that homeless cannot be removed from public property unless they have a bed for them. Tesla has asked to put in a charging station and asked to get the word out to business owners that would like one, contact Vicki Jensen at SLO County Supervisor office. Discussion ensued about the annual burn.

Public Comment: Owen Davis, San Miguel Resident asked Mrs. Roe about the homeless talking about San Miguel- asked if San Miguel has to supply beds. Mrs. Roe voiced that the state has voiced that “homeless cannot be removed from public facilities”.

5. **Camp Roberts**—Army National Guard (LTC Kevin Bender) No Report
6. **Interim General Manager:** Interim General Manager/ Fire Chief Rob Roberson, Verbal report updating the Board of Directors on items in the agenda and that the San Miguel Employees Association (SMEA) have been officially recognized. Utility Worker Matt Stiles has passed his State Distribution Test and has received his D1 License. Mr. Roberson also updated the Board that all the financial accounts have been reconciled and complete. The cash transfers to the Capital reserve and operational reserves are currently being completed and will be done for the Financial Meeting being held on May 2nd. Mr. Roberson voiced that The District will be releasing the RFP for the Auditing Services. Discussion ensued about office space and having a closed session meeting each month other than the regular meeting.

Board Comment: None
Public Comments: None
7. **District General Counsel:** Presented by Counsel Seikaly. ChurchwellWhite, LLC. Counsel Seikaly nothing to report.

Board Comments: None.
Public Comments: None
8. **District Engineer:** Written report submitted as is. Dr. Blaine Reely is absent

Board Comments: None
Public Comment: None
9. **Director of Utilities:** Written report submitted as is. Director of Utilities Kelly Dodds asked for any questions on either Utilities or Engineer Report. Updates to the report are that the Consumer Confidence Reports (CCR) has been approved by the State of Californian and will go out in the May billing. Mr. Dodds explained that the welding trailer was stolen on March 31st, the trailer was recovered. The District insurance company has been notified and claim has been cancelled.

Board Comment: None.
Public Comments: Director Parent asked if there was any damage to the trailer? Mr. Dodds explained only minor damage
 Director Kalvans asked what is being done for security at the treatment plant, was there cameras that caught the guy? Mr. Dodds explained that the Treatment Plant does have Security cameras that did help the Sherriff Department. The fence has been fixed and all trailers have trailer locks and there are security lights at the facility.
 Director Kalvans asked about APCD permit and it was explained that the estimated cost with the new facility will be around 28-30k.

Director Kalvans asked about the ongoing project to switch the downtown lights to LEDs. Mr. Dodds explained that updates are on his staff report each month.

Fire Chief: Fire Chief Rob Roberson, updates the Board of Directors that the new ER reporting system is generating reports that will be brought to the Board of Directors and asked for questions.

Board Comments: Director Kalvans asked if the town of San Miguel could evacuate in an emergency if needed. Fire Chief Rob Roberson explained that there is no way of knowing, but there is an evacuation plan in place and is part of master mutual aid agreement.

Public Comment: None

IX. CONSENT ITEMS:

1. **Accept plans prepared by Monsoon Consulting for rehabilitation of the SM Reservoir access road.** Authorize staff to identify and secure funding, as well as release plans for bidding once funding is identified. (plans available for review at District office)
2. **Review and Approve Board Meeting Minutes**
 - a) 2-20-2019 Ad- Hoc Meeting Minutes
 - b) 3-13-2019 Special Meeting Minutes
 - c) 3-28-2019 Regular Meeting Minutes

Director Kalvans asked to pull items #1 and Item 2.c

Motion by Director Parent to approve item 2a & 2b

Seconded by Director Kalvans. Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

Motion by Director Kalvans to approve item 1

Seconded by Director Parent. Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT

Motion by Director Parent to approve item 2.c

Seconded by Director Sangster. Motion was approved by Vote of 3 AYES and 0 NOES and 1 ABSENT and 1 ABSTAIN

Board Comment: None

Public Comment None

XI. BOARD ACTION ITEMS:

1. Review and Approve amended Conflict of Interest Code by RESOLUTION 2019-18 and Exhibit A of Resolution.

Board Clerk/Accounts Manager presented item and explained that there were some issues that the SLO County Deputy Attorney advised the District to change. Mrs. Parent voiced that she had worked with the District General Counsel to make the necessary changes.

Board Comment: Director Kalvans asked why the bookkeeper and/or the Fire prevention office are not on the discloser. Discussion ensued about FPPC regulations.

Public Comment: None

Motion by Director Kalvans Approve amended Conflict of Interest Code by RESOLUTION 2019-18 and Exhibit A of Resolution.

Seconded by Director Parent. Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

2. Discuss and approve ORDINANCE 01-2019 of the San Miguel Community Services District Board of Directors adopting the San Miguel Community Service District (“District”) Water Code and authorizing the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief to enforce the provisions of the Water Code.

Item presented by Interim General Manager/ Fire Chief Rob Roberson asking for any questions.

Board Comments: None

Public Comments: None

Motion by Director Parent approve ORDINANCE 01-2019 of the San Miguel Community Services District Board of Directors adopting the San Miguel Community Service District (“District”) Water Code and authorizing the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief to enforce the provisions of the Water Code.

Seconded by Director *Sangster*, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

3. Discuss and approve ORDINANCE 02-2019 of the San Miguel Community Services District (“District”) Board of Directors adopting and amending the 2019 edition of the California Fire Code including articles, appendices, amendments, and errata of California Building Code section 7A.

Item presented by Interim General Manager/ Fire Chief Rob Roberson asking for any questions.

Board Comments: None

Public Comment: None

Motion by Director Parent approve ORDINANCE 02-2019 of the San Miguel Community Services District (“District”) Board of Directors adopting and amending the 2019 edition of the California Fire Code including articles, appendices, amendments, and errata of California Building Code section 7A.

Seconded by Director Palafox, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

4. Discussion on status of Machado Wastewater Treatment Facility expansion and aeration upgrade project.

Item was presented by Director of Utilities Kelly Dodds explained that the District has preliminary approval for the “State Revolving Fund” for the design phase of \$250k grant. The Department of Funding like the plan and they are willing to amend the design if needed to make this facility the best for the District.

Board Comments: Director Parent asked about monitoring wells and it was explained that it is already in the design proposal.

Director Sangster asked why it is called Revolving fund? It was explained that the funds come from the “State Revolving Fund” by Mr. Dodds.

Director Palafox asked how long construction would be because he sees that the timeline is two years. Mr. Dodds explained that Construction drawing should be done by end of this year and also permitting. Construction in January that would give us a year and explained that we will be building the plant and keeping existing facility and that will cause issues.

Director Kalvans asked about the permitting process, specifically CEQA and how that will be started soon. Discussion ensued about permitting.

Public Comments: Owen Davis asked the Director of Utilities how much this was going to cost the District not including grants. Mr. Dodds explained that the initial estimate was a little over 6 million dollars for the plant. The District after design will have a ready to build plans without cost to the District. The cost will be in running the plant. Discussion ensued.

Information item only

5. Review and Approve REVISED RESOLUTION 2019-07 adopting an application and inspection process with associated fee schedule for Fire, Life and Safety review.

Item presented by Assistant Fire Chief/ Fire Prevention officer Scott Young explaining that this item was brought back for clarification. Page 2 Single Family dwellings has been added and also has a “\$250” and “2500 square foot”. for clarification.

Board Comment: Director Sangster voiced that the District would lose the \$50 a lot, it was explained that the goal is to recover cost. It was explained that it will read single family homes. Discussion ensued

Public Comment: None

Motion by Director Palafox to approve revised Resolution 2019-07 adopting an application and inspection process with associated fee schedule for Fire and Life & Safety review.

Seconded by Director Parent, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

- 6. Review and Discuss Resolution No 2019-19 Declaring Hazardous Weeds a Public Nuisance within the District.** Item presented by Interim General Manager / Fire Chief Rob Roberson explaining that “Exhibit A” is the first list in the process of weed abatement process and this Resolution declares weeds a public nuisance within the District.

Board Comment: Director Sangster asked District General Counsel if this resolution had any liability/consequences or was just an idle threat. District General Counsel explained that it is part of the Health and Safety Code, but she could look into it with Board consent. Fire Chief Rob Roberson also explained that that it is party of the inspection for insurance purposes when a fire happens. Discussion ensued. Director Kalvans asked if this includes rubbish? It was explained that this item is weeds only. Mr. Roberson explained that declaring weeds a hazard nuisance was the first part of weed abating someone’s property and putting the fee on the Tax Roll.

Public Comment: None

Motion by Director Kalvans Approving Resolution No 2019-19 Declaring Hazardous Weeks a Public Nuisance within the District.

Seconded by Director Sangster, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

- 7. Review and authorize the release of a Request for Proposal (RFP) seeking contractual services for financial audits for fiscal years 2018-19, 2019-20, 2020-21 to be circulated for competitive bidding process.** Item presented by Interim General Manager / Fire Chief Rob Roberson explaining the Contract for District Auditing services and the Request for Proposal (RFP) will need to go out, after Board review and approval.

Board Comment: Director Sangster asked that the RFP be sent out as soon as possible. Discussion ensued about where the RFP would be posted and the process. Discussion ensued about amendments; page six amendments, Net thirty terms. Consensus of the Board after each amendment taken.

Director Kalvans asked if we wanted to add a prevision, Professional Certifications are desired and affiliation with professional accounting organization. Consensus.

Public Comment: None

Motion by Director Kalvans to authorize the release of a Request for Proposal (RFP) seeking contractual services for financial audits for fiscal years 2018-19, 2019-20, 2020-21 to be circulated for competitive bidding process with amendment and a Two Hundred-and Fifty-Mile area.

Seconded by Director Palafox, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

8. Discuss options regarding office space for the administrative offices of the San Miguel CSD

Item presented by Interim General Manager Rob Roberson explaining that the District is growing and so is the Fire Department. Discussion ensued about having District offices at the new Treatment Facility. The District needs to resolve issues here and at the new treatment facility.

Item Present by Director of Utilities Kelly Dodds explaining three different options. Wanted us to bring back overall picture and cost.

Board Comment: Director Sangster asked if there is room down the road if new facility can grow? DOU, Dodds explained that the District can easily grow in the new facility design. See Item XI-8 staff report for all pro and cons.

Director Kalvans asked what the Districts stance on Neighborhood complaints and would like to look at a partnership contract. Discussion ensued about downtown property that a private owner owns.

Director Kalvans asked about the surplus property, and discussion ensued about the county owning it and how the District can get it.

Director Kalvans feels that there will be a disconnect with the community by having it down there. Discussion ensued with Interim General Manager and option with a priority of getting the SLO Sheriff Department here in San Miguel.

Director Kalvans would like to have a special meeting scheduled.

Staff Comment: Scott Young asked how the offices might affect the Grant for the District. Kelly Dodds, Director of Utilities explained that the grant design would not be effected. How would you deal with District staff and public access? Mr. Dodds explained there would be a parking lot and the rest would be gates with secure access. Mr. Young asked what about the Fire Department and would like to have a plan for the renovations of the Department with commitment from the sheriffs and Board.

Public Comment: Diane Sangster asked about the flow of traffic in that neighborhood. Mr. Dodds has asked the County about the flow of traffic and they do not have a problem with the offices being down there.

Consensus of the Board is to have a proposal brought back at a Special Meeting and address the existing Fire Department structure and Wastewater facility. The Board would like to see cost and options of each. The BOD asked for a special meeting workshop with all item in July. District General Counsel, Seikaly voiced that a public workshop would be the most appropriate way to discuss these items.

X. BOARD COMMENT: None

XIII. ADJOURNMENT TO NEXT MEETING 5-23-2019 Regular Meeting: 10:17 P.M