

SAN MIGUEL COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
AUGUST 23, 2018 REGULAR MEETING MINUTES

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

- I. Meeting Called to Order by President Green – 6:30 p.m.
- II. Pledge of Allegiance lead by Director Kalvans.
- III. **Roll Call:** Directors Present: Green, Buckman, Sangster, Kalvans, Parent
Directors Absent: None
District Staff in attendance: Rob Roberson, Tamara Parent, Kelly Dodds, Paola Freeman and District General Counsel Schweikert.

IV. Adoption of Regular Meeting Agenda:

Motion by Director Sangster to adopt Regular Meeting Agenda.

Seconded by Director Kalvans Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT

V. ADJOURN TO CLOSED SESSION:

Closed Session convened at 6:35 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code §54957)

Title: Assistant Fire Chief

3. CONFERENCE WITH DISTRICT GENERAL COUNSEL-ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (1 case)WO

Call to Order for Regular Board Meeting/Report out of Closed Session: 7:03 P.M.
Report out of closed session by District General Counsel Schweikert; Direction was given to staff.

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

Amber Johnson from “No” on Measure G: Stop the Oil & Gas Shutdown spoke and asked the Board of Directors to support “No” on G.

Laverne Buckman, San Miguel Resident voiced that she wanted to acknowledge the SMCS D Board of Directors for their service to the communities Mrs. Buckman feels that Director Sangster has been wrongfully singled out just because he is running for a Board seat this November. She feels that the San Miguel Community Facebook page should be shut down.

VII. Special Presentations/Public Hearings/Other: None

VIII. STAFF & COMMITTEE REPORTS:

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 Nanette Roe,
Secretary spoke about the how the SLO County will be putting in a red curb between Bonita and Verde Streets on the south side, and they will be also putting up a flashing speed sign going West on River Road. Discussion ensued. They have also painted a red curb on the West side of Mission Street, at the San Miguel Mission.
Board Comment: Director Green asked if the Advisory Council could advise the County to paint red curb on the North side of River road by the Deli.
Director Parent asked if the Advisory Council could advise the County to move the end 35 speed sign down past Mission Heights.
Discussion ensued about the stop sign at freeway.
Public Comment: None
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. Fire payroll is higher this month because of stipends and “Holiday Fire” payout. The account reconciliation has been completed to 16/18 fiscal year. Moss, Levy District Auditor should be in the process of completing the audit, by October district financials should be up to date. District Staff would like to have a financial meeting in November and December should be the District midyear budget adjustments. Interim General Manager informed the Board of Directors that he had a meeting with a group performing a sustainability study for all small fire districts in the county. The goal of the sustainability study is to look at what it will take for the department to function now and in the next 20 years. When the report is done it will be presented to LAFCO and SLO County Board of Supervisors. The District is still trying to fill the Utility Worker position. Mr. Roberson explained that the staff will be bringing the following policy to the Board for discussion and approval in the next few months: Health

Insurance, and Garbage Ordinance. On November 6th District will have 2 Board seats up for election, and per the SLO County Clerk Recorder we have 3 San Miguel residences running for the two seats, Cesar Hernandez, Hector Palafox, and Ashley Sangster.

Discussion ensued

Board Comment: Director Kalvans voiced that he doesn't want LAFCO deciding the Districts future. Staff informed the Board that they would be bringing back maps and information as this item proceeds

Public Comments: Laverne Buckman, San Miguel Resident asked about the Fire study and who will get the final report. Discussion ensued, with Mr. Roberson explaining that they will give the report first to LAFCO and San Luis County Board of Supervisors, and then to the District.

7. **District General Counsel:** Presented by Counsel Schweikert. ChurchwellWhite, LLC. Informed the Board that they have another to repost but will be presenting an item coming up.

Board Comments: None

Public Comments: None

8. **District Engineer:** Written report submitted as is. Blaine Reely asked for any questions.

Board Comments: Director Parent Thanked Mr. Reely for his work for the District.

Public Comments: None

9. **Director of Utilities:** Written report submitted as is. Director of Utilities Kelly Dodds asked for any questions and updated the Board that he asked the County for tree trimming in the alleys, and that the trimming is already done. The Banner pole at 11th Street is leaning and will need to be looked at to see if it is safe to put up banners.

Board Comment: Director Green explained that it was identified that it was leaning when it was put in, and the anchors where not correct. Mr. Dodds explained, that we could not take it down because the District internet. Discussion ensued.

Director Green asked if we could check with County for assistance on fixing the pole.

Director Green asked about the timeline to fix the hole on Oak street.

Director Kalvans asked about the District lighting poles. Mr. Dodds explained that the first nine are in intersections that already have poles, and the others will need more information for PG&E. Director Kalvans asked about cost. Discussion ensued, about the process for getting new poles up for lighting, and which poles have power.

Director Green asked about the accusation of the N street property and was told that the County is poling other county entities for use. Director of Utilities Kelly Dodds, explained that because it has been one year the District has to go through the process and has an email in to get information. Director Sangseter asked about the Utility worker position and what happened to the guy we offered the position to. Director of Utilities Kelly Dodds, explained that he offered the job, but was turned down.

Public Comments: Nannette Roe, San Miguel Resident asked about the Banner and where we could put up. Discussion ensued.

10. **Fire Chief:** Fire Chief Rob Roberson, updates the Directors that the Fire Department calls are up again this month and that he has eliminated the Fire Prevention position. Eric from Courtside Cellars came into District office and explained that because the freeway's North exit are closed for construction the harvest trucks will be going down Mission street.

Board Comments: None

Public Comment: None

IX. CONSENT ITEMS:

1. Review and Approve Board Meeting Minutes
 - a) 6-28-2018 Regular Board Meeting
 - b) 7-26-2018 Regular Board Meeting

Director Kalvans asked to pull item 1.a 6-28-2018 Regular Board Meeting

Board Comment: Director Kalvans and Director Green asked to have the minutes revised to add more board comments in section VIII-1 Adoption of water & sewer rates. Discussion ensued with Board Clerk to clarify.

Consensus of the Board is to have 6-28-2018 Board Meeting minutes brought back with revisions.

Public Comment: None

Motion by Director Green to Approve Consent Item 1.b

Seconded by Director Kalvans. Motion was approved by Vote of 3 AYES and 2 NOES and 0 ABSENT.

X. BOARD ACTION ITEMS:

1. **Discussion on status of Machado Wastewater Treatment Facility expansion and aeration upgrade project** (Dodds)

Item presented by Blaine Reely, District engineer and Director of Utilities Kelly Dodds, explaining that this item is to inform the Board about the timeline regarding next steps for the expansion of the Wastewater facility and the aeration upgrade projects. Mr. Reely Explained that he has been working on the engineering study and should have a presentation for the Board of Directors in October.

Board Comments: Director Sangster asked about wastewater reclamation and what kind of cost would be associated with selling wastewater and would that go directly to the wastewater fund or would it be to offset the cost of the new treatment plant. Director of Utilities, Kelly Dodds explained that there is a high maintenance cost, but it would be a board action and that everything is being looked at and will be brought to the Board, for discussion and approval.

Director Green asked if the wastewater can be used for agriculture? District Engineer Reely explained that, yes. The effluent standards are acceptable for non-contact crops, like drip systems watering grapes.

Director Kalvans asked if the new wastewater plant will be a tertiary plant? Mr. Reely explained that the RWQCB is demanding that we meet an effluent standard, that is not tertiary, but we are evaluating if it is better to meet tertiary standard, and that the District have options. Director Kalvans asked about licensing and would it be needed for

operators to have licensing above what they have now, with the new treatment facility and does our Utilities Director have those licenses? It was explained that the RWQCB will have a grace period to get the licensing needed. Discussion ensued. Director Kalvans asked about Camp Roberts and taking their treated wastewater and explained that this has been an ongoing discussion. It was explained that it is the Federal Government, so the discussion would have been asked again. Discussion ensued about recharge.

Public Comments: None

2. Review and approve Resolution 2018-26 authorizing the purchase of a Trailer Mounted Sewer Jetter from Jetter Northwest in amount Not to Exceed \$44,825.40 to be funded from the Wastewater Capital Reserve fund.

Item presented by Director of Utilities, Kelly Dodds explained that he was asked to bring this back with revised pricing. The changes are that NW is responsible for item during transit and will take a purchase order and bill District. The 18-19 Fiscal Year Budget has 68k for sewer cleaning and would need a midyear adjustment for Capital funds.

Board Comment: Director Sangster asked for clarification on changes, and thanked Mr. Dodds for his work.

Director Parent asked about the monies, and it was explained that this will be a capital purchase and the 68k will go back into operating funds.

Director Green asked about the size of the hose, and it was explained that it is a ½ inch.

Director Green asked about the 10.1% sales tax and it will need to be adjusted to SLO county tax of 7.75%.

Director Buckman, asked if we could rent it out to help pay for the purchase. It was explained that due to the equipment it would need to be supervised.

Director Sangster, asked if there is special training needed to operate the “Jetter”.

Director of Utilities, Kelly Dodds explained that there is no special training and the training will be on safety.

Director Parent, asked if there was a collection license needed? Mr. Dodds explained No, they would not need a license to operate the “Jetter”.

Public Comment: Laverne Buckman, San Miguel Resident asked how many people it would take to run the “Jetter”? Mr. Dodds explained that two people could run the “Jetter”.

Motion by Director Kalvans to approve Resolution 2018-26 authorizing the purchase of a Trailer Mounted Sewer Jetter from Jetter Northwest in amount Not to Exceed \$44,825.40 to be funded from the Wastewater Capital Reserve fund.

Seconded by Director Sangster, Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT.

3. Review, Discuss, Receive and File the Enumeration of Financial Report for July 2018.

Item presented by Interim General manager Rob Roberson and Paola Freeman, San Miguel Bookkeeper, asked for any questions from the Board.

Board Comment: Director Sangster asked about Page 4 of 15 on “Claims Detail” report Contract services of \$250.00, Director of Utilities explained that that is for weekend call for Licensed Operator and the pay is the same as the Director of Utilities pay. Director Green asked if Contracted employee has the same certifications as Mr. Dodds? Yes, explained D.O.U.

Director Sangster asked about Page 8 of 9 of the “Claims Detail” Report 4163-4170 District Engineer. It was explained that those cost are for different things like CBDG meetings, SMCS D board meetings, rate study meetings, aeration PGE meetings, and most have been brought to the board for approval by resolution like the SLT blending line. It was asked by the board to have an object code for reimbursables and more explanation in details. Discussion ensued about what was reimbursable and what is not. Mrs. Freeman explained that they have been working on the last three years and explains that it has been very time-consuming job.

Public Comments: Laverne Buckman San Miguel Resident asked what choices the Board has in regards the legal counsel and would like the board to start looking for options. Discussion ensued about the RFP sent out, and was explained that, that was emailed to the Directors. Mrs. Buckman would also like the engineer time to be checked because it is a big expense. Director Green explained that he is really trying to have all the engendering items at the beginning of the agenda. Discussion ensued about weekend coverage and would like the wage scale looked at.

Nanette Roe voiced that she likes the idea of moving all engineering to start of agenda, so the engineer can leave the meeting.

Motion by Director Sangster to Receive and File the Enumeration of Financial Report for July 2018.

Seconded by Director Parent, Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT.

4. Discuss and consider Ordinance 01-2018, an ordinance of the San Miguel Community Services District (“District”) allowing residents to conserve water by either implementing water-efficient landscaping or eliminating the water of existing landscaping.

Item Presented by District Counsel Schweikert. ChurchwellWhite, LLC. Mr. Schweikert was asked by Director Green to read aloud the Ordinance proposed. After reading the Ordinance Counsel Schweikert, explained that we had an email from Mission Heights HOA, mistaken impression that because of the governors lifting of the water conservation that this ordinance will have no bearing on them. Mr. Schweikert explains under Civil Coad 4735, it provides five different methods for fining a residence, the governor lifting the conservation has no bearing on this ordinance.

Board Comment: Director Kalvans, asked if this ordinance will be going out in a mailer, it was explained that the process to adopt an ordinance is that we have to go through a first reading, and will have to be adopted in a regular board meeting and after the second reading the board can adopt the ordinance and then it has to be published within fifteen days of adoption and will go into effect thirty days after adoption.

Director Green voiced that we can post at post office and CSD office and run in newspaper and would also like to have the HOA sent a copy.

Director Buckman asked how this Ordinance would be enforced? It was explained by Counsel that this is a shield for the homeowner, and the battle is between the homeowner and the HOA and would advise the District to stay out of any dispute.

Public Comment: None

Motion by Director Kalvans to bring back the Ordinance for a second reading and adoption of Ordinance 01-2018, an ordinance of the San Miguel Community Services District (“District”) allowing residents to conserve water by either implementing water-efficient landscaping or eliminating the water of existing landscaping for September Regular Board Meeting

Seconded by Director Sangster, Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT.

5. Approve Resolution No. 2018-27 authorizing the Fire Chief to accept a 50% matching grant in the amount of \$20,000 from the Volunteer Firefighter Assistance Grant and authorize a match to the grant in an amount of \$20,000.

Item was presented by Interim General Manager/Fire Chief Rob Roberson explaining that this is a matching grant.

Board Comment: Director Green asked if this was for turnouts? Assistant Fire chief Kelly Dodds explained it is for structure turnouts and training.

Public Comment: None

Motion by Director Kalvans to approve Resolution No. 2018-27 authorizing the Fire Chief to accept a 50% matching grant in the amount of \$20,000 from the Volunteer Firefighter Assistance Grant and authorize a match to the grant in an amount of \$20,000.

Seconded by Director Parent, Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT.

XI. BOARD COMMENT: Director Sangster thanked the Advisory Council for their report and asked why the other staff/committee reports don’t have anyone, like the sheriff’s Department, Board of Supervisor and Camp Roberts? It was explained by Board Clerk that we reach out to them every month.

XIII. ADJOURNMENT TO NEXT MEETING September 27, 2018: 9:56 P.M.