

SAN MIGUEL COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS
Amended FEBRUARY 28th, 2019 REGULAR MEETING MINUTES

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

- I.** Meeting Called to Order by President Green – 6:32 p.m.
- II.** Pledge of Allegiance lead by Director Kalvans.
- III. Roll Call:** Directors Present: Green, Sangster, Parent, Kalvans, Palafox
Directors Absent: None
District Staff in attendance: Rob Roberson, Tamara Parent, Kelly Dodds, Paola Freeman and District General Counsel Siekaly
District Staff Absent: District Engineer Dr. Blaine Reely
- IV. Adoption of Regular Meeting Agenda:**
- Motion by Director Sangster to adopt Regular Meeting Agenda.
- Seconded by Director Palafox Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT
- V. ADJOURN TO CLOSED SESSION:**
Closed Session convened at 6:33 p.m.
- A. CLOSED SESSION AGENDA:**
- 1. CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to Government Code Section 54954.5(f) and Government Code Section 54957.6)
Unrepresented Bargaining Units: Non-Management Non-Confidential Unit and Non-Management Confidential Unit
 - 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 §54957)
Title: Fire Chief

4. 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: 7:00 P.M.**
Report out of closed session by District General Counsel Seikaly: No reportable action.
- VII. Public Comment and Communications for matters not on the Agenda:** Michelle Hido voiced that the meeting was being recorded.
- VIII. Special Presentations/Public Hearings/Other:** None
- IX. 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 No Report
 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 that all the District financial information has been provided to the District Auditor from Moss, Levy. After talking with Alex, from Moss, Levy the Audit should be ready for Board approval at the next meeting or a special meeting will be scheduled. Paola Freeman informed the General Manager that the bank accounts have been reconciled up to January 2019. Staff has also, started the Budget process for FY 19-20. Interim General Manager Roberson informed the Board that the Ad-Hoc personnel committee have met three times in the last couple months and will bring that item for review to the whole Board of Directors. Mr. Roberson asked for any questions.
Board Comment: None
Public Comments: None
 7. **District General Counsel:** Presented by Counsel Siekaly. ChurchwellWhite, LLC.
Nothing to report.
Board Comments: None.
Public Comments: None
 8. **District Engineer:** Written report submitted as is. Dr. Blaine Reely is absent
Board Comments: Director Kalvans asked about Tract 2779 and Director of Utilities voiced that they are waiting on PG&E for the lighting needs for Tract 2779.
Public Comment: None
 9. **Director of Utilities:** Written report submitted as is. Director of Utilities Kelly Dodds asked for any questions and voiced that he has resubmitted the lighting request to PG&E from January.
Board Comment: Director Kalvans asked about PG&E streetlights. Mr. Kalvans asked about abandoned lines within the district.

Public Comments: Laverne Buckman, San Miguel resident asked the Director of Utilities about the service connection numbers. Discussion ensued about number of connections and how the report numbers are calculated.

- 10. Fire Chief:** Fire Chief Rob Roberson, updates the Board of Directors that the Fire Department is at 19 calls for January 2019. December mileage report has been corrected.

Board Comments: None

Public Comment: None

X. CONSENT ITEMS:

1. Review and Approve Board Meeting Minutes

- a) 1-24-2019 Regular Board Meeting Minutes- BR Not Here
- b) 1-10-2019 Ad- Hoc Personnel Committee Meeting Minutes
- c) 1-29-2019 Ad- Hoc Personnel Committee Meeting Minutes

2. Review and approve RESOLUTION 2018-11 authorizing the General Manager to sign the Proposition 1 Integrated Regional Water Management Sub-Grant agreement between San Luis Obispo County Flood Control and Water Conservation District and San Miguel Community Services District in the amount of \$177,750.00

Board Comment: Director Sangster asked about Dr. Reely being at meeting or not for 1-24-2019 regular board meeting. He also pointed out a spelling mistake for correction.

Public Comment: None

Motion by Director Sangster to Approve Consent Item #1 and #2

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

XI. BOARD ACTION ITEMS:

1. Review, Discuss, Receive and File the Enumeration of Financial Report for January 2019.

Interim General Manager/ Fire Chief Rob Roberson asked that this Item be tabled until February regular board meeting, due to work that was being done this last week by the Districts CPA.

Board Comment: Director Parent asked that there be a top ten instead of a top five.

Public Comment: None

Motion by Director Parent to table action item number one, until February regular Board Meeting.

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

2. Review and approve a RESOLUTION 2019-10 revising the Investment Policy for San Miguel CSD (Roberson)

Item presented by Interim General Manager/ Fire Chief Rob Roberson explaining that this item was a housekeeping item and would be brought annually with the Budget. This item will give authorization to the general manager to manage the District investments until June 2019. This will then be brought back in June with the Budget.

Board Comments: Director Palafox asked what these funds are and what is the District invested in. Discussion ensued with the General Manager and president Green about the investments the district is involved in with Cantella.

Director Kalvans asked about the monies that have been invested and where the money came from, what fund. Mr. Roberson explained that because of the previous management, that there was really no way of knowing. Mr. Kalvans wants to make sure they are not restricted funds.

Director Sangster asked to have the June 2019 Policy to read fiscal year not yearly.

Director Parent asked what the rate is based on.

Public Comments: None

Motion by Director Sangster to approve Resolution 2019-10 revising the District Investment Policy.

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

3. Review and Discuss changes recommended by the Ad-Hoc Personnel Committee of the District Personnel Guidelines & Policy Manual, previously adopted by the Board September 15, 2016 and hear any Board recommendations. (Roberson/ Siekaly)

Item was presented by District General Counsel Siekaly informing the Directors that the Item was continues and the Ad-Hoc Personnel Committee met on February 20th to review chapter 5.

Board Comments: Director Green voiced that he feels that the vehicle portion of the policy needs to be relooked at. District General Counsel Siekaly voiced that she was not able to get the review in to the board packet and the vehicle policy would have to be looked at. Discussion ensued about the vehicle portion of the policy.

Director Kalvans asked if this policy included firefighters, and what class license do Firefighters need. Fire Chief Roberson informed the Board that vehicle inspections are done weekly at Fire drills.

Director Green asked Board if they have been able to review document.

Director Palafox voiced changed 9.2.1 e. Discussion ensued about DUI and termination.

District General Counsel voiced that she would bring back Vehicle portion of the policy to board.

Director of Utilities voiced that he feels that the District needs to look at state law and substance abuse. The job descriptions states if you drive a company vehicle. Discussion ensued.

Director Green voiced that the policy should look at point in district vehicle.

Director Kalvans voiced that he would like to make sure that the Policies don't contradict each other.

Director Sangster asked District Counsel Siekaly if all the changes that have taken place within these documents, are there any that have been made against the advice of counsel or put the District at a liability? District General Counsel Siekaly informed the Board that the policy is what is in practice now.

Public Comment: Laverne Buckman San Miguel resident voiced that she feels that 4.1.1 health insurance should be relooked at and feels that all employees should be getting the same benefits. Discussion ensued about the contract employees. Mrs. Buckman also asked about dress code and discussion ensued about Firefighter dress uniform and where it is appropriately worn.

Scott Young, San Miguel Resident and District Fire Captain voiced that the Fire Department personnel only wear uniforms in a professional manner or on official business. Nathan Dawes, San Miguel Resident asked if the Fire department has the same standards as the CSD employees. Rob Roberson, San Miguel Fire Chief voiced that the Fire Department is held to higher standards regarding uniforms and they treat them as equipment.

Scott Young voiced that there is a saying in the fire department and the district should take on the idea that in a hazardous situation training and education can not ever be to much.

Board Comment: Director Parent asked about the document the Ad- Hoc committee was working off and asked where the staff changes were. Director green voiced that some of staff changes were kept and some where not moved forward.

Director Parent voiced that he thought the whole document was confusing and had language and interpretation issues. Director Parent voiced that he had been working on the policy, but all of his comments have been deleted, and apologized, as he looked for his notes. Discussion ensued about bringing item back.

Staff Comment: Mike Sobotka, District employee asked what the District planned on doing with this policy since it changes training and changes working environment. Mr. Sobotka voiced that somethings are negotiable and would like to start the process as soon as possible.

Board Comment: Director Green voiced that the next step would be to have all the Director voice their concerns and have discussion.

Discussion ensued about reviewing document and training.

Motion by Director Parent to have this item discussed at a special meeting

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

4. Review and approve RESOLUTION 2019-05 adopting a comprehensive revision to the San Miguel CSD Application for Water, Wastewater, and Lighting Will Serve and associated fees.

Item presented by Director of Utilities Kelly Dodds explaining to the board that the water Will Serves were attached to the Fire Department and that this separated the Fire from

Water. The increased number of things being reviewed and inspections being processed the staff feels that it is necessary to separate water from fire.

Board Comments: Director Sangster pointed out a spelling mistake that will be corrected and asked for clarification on site review and per unit cost. Director of Utilities Kelly Dodds discussed the clarification.

Director Kalvans asked about Commercial Multi -Family mixed use fees. Discussion ensued about recycled water. Director of Utilities Kelly Dodds explained that it will be a separated inspection and that will require state review.

Director Kalvans asked about septic tanks across on terrace. It was explained by Director of Utilities Kelly Dodds that the County will be doing that review.

Director Kalvans asked about private wells in the District boundaries. Not served by district and not able to get service. Discussion ensued about Gallo and how they could not be readily served by the district, so we can't make them take out the well they have.

Public Comments: Laverne Buckman San Miguel resident voiced that the County is charging fees for second domestic wells, even when in the District. Director of Utilities explained that the County is now requiring the Flood Control District will monitor wells and record what was pumped out of the District, not to the District. The fee doesn't go to the San Miguel Community Services District.

Motion by Director Sangster to approve Resolution 2019-05 adopting a comprehensive revision to the San Miguel CSD Application for Water, Wastewater, and Lighting Will Serve and associated fees.

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

5. Review and approve resolution 2019-06 adopting a fee schedule to recoup cost related to construction within the District and to set rates for water meters.

Item presented by Director of Utilities Kelly Dodds explained that this item is to only recoup cost related to District cost to preform the services. Part of this item was adopted in 2016 with the Will Serves and we are separating the fees from the Will Serves. The Meter cost is the Districts cost with no markups. Discussion ensued about Doorhanger fees.

Board Comment: Director Green voiced that the Board needed to advise the staff on how to implement the policy.

Director Kalvans asked how the customers will be noticed and what happens if someone turns the water service back on after being locked. Director of Utilities Kelly Dodds explained that if someone gets their water shut off for non-payment then they cut lock they will be charged a tampering fee and if they break anything they will be charged for the cost of fixing it.

Interim General Manager, Rob Roberson will be the one who authorizes the one-time fee waiver.

Director Green had discussion about how to notify customers. It was decided to put a flyer into Utilities bills for two months and post fees on website. Director Sangster wanted to add 60.00 tampering charge plus damages.

Motion by Director Sangster to approve Resolution 2019-06 adopting a fee schedule to recoup cost related to construction within the District and to set rates for water meters with effected date of April 15, 2019. Adding Tampering charge to be set at \$60.00 plus cost of damage and notices in bills.

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

6. Review and approve resolution 2019-07 adopting an application and inspection process with associated fee schedule for Fire, Life, and Safety review.

Item introduced by Fire Captain, Scott Young, explaining that the Fire Will Serves have been taken out of water Will Serves. Mr. Young explained that the Fire Department will only be recouping cost of the services provided. The fees are based on neighboring districts and this will give the San Miguel Community Services District a mechanism to receive documents for Fire, Life, and Safety reviews. Rob Roberson, San Miguel Fire Chief explained that the District having the “power” of fire these inspections are required and to have any enforcement the inspector must have special certification. Scott Young has the training and the Fire Department is stepping up to the required inspection. The fee schedule doesn’t charge for existing businesses unless they put in new items that must be inspected like new development or installation. This is a Fire, Life, and Safety inspection. Discussion ensued.

Board Comment: Director Green asked about solar inspection, and if the fee is for plan check only or will you go out and check the system. Mr. Young explained that it is a fire safety concern and will be inspecting all the electrical connections and shut offs.

Director Sangster voiced that page 4 of 3, the change needs to be from 5000” 2500” not to exceed.

Public Comment: Laverne Buckman San Miguel resident asked if these inspections are only within the District boundaries? It was explained that the Fire Department only has fire jurisdiction within the District boundaries.

Motion by Director Sangster to approve Resolution 2019-07 adopting an application and inspection process with associated fee schedule for Fire, Life, and Safety review with correction to 2500 square feet and spelling.

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

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

Item presented by Director of Utilities, Kelly Dodds updated the Board of Directors on the progress of the Wastewater facility upgrade. The California Water Board agrees with the way the District is going and has asked for a plan for salt removal, Mr. Dodd’s explained that the cost to remove salt is high. San Miguel would have to use blending to lower the salt. There have been new regulations due to climate change regulations near

rivers and will be required to mitigate the 100-year flood plain. This will be an ongoing process.

Board Comment: Director Kalvans asked about flood plains and spoke of the 1969 floods. Discussion ensued about funding from the it was explained that staff has been in constant contact with the Water Board and they are on board with what the District is proposing.

Public Comment: None

No motion informational item only.

8. Review and approve RESOLUTION 2019-08 approving fireworks sales dates for 2019

Item presented by Fire Chief Rob Roberson and explained that this year the Fourth of July was on a Thursday and after talking with both groups; feels that it would be best to have the sale dates be 1st thru the 4th.

Board Comment: Director Green asked about the listing for the District fire code and the State Fire Code. Director Kalvans voiced some date changes in the resolution and feels the resolution needs to be relooked at. Discussion ensued with confusion on the differences between Resolution and Ordinances. Chief Roberson explained that the dates would stay the same and that they have asked the Lion's club and they are fine with the dates. The ordinance will be clarified and brought back.

Public Comment: None

Motion by Director Kalvans to bring item to special meeting.

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

9. Review and approve RESOLUTION 2019-08 approving fireworks sales dates for 2019.

Item presented by Fire Chief Rob Roberson, voicing that he feels this item should be tabled with the last item to be heard at the special meeting.

Motion by Director Kalvans to bring item to special meeting.

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

XII. BOARD COMMENT:

Director Sangster voiced a change in the Board Minutes and would like to see a higher liability insurance for item nine.

Director Green would like to look at having a policy for audio retention.

XIII. ADJOURNMENT TO NEXT MEETING 3-13-2019 Special Meeting:
approximately 10:28 PM