

LAMONT PUBLIC UTILITY DISTRICT REGULAR MEETING MINUTES

Tuesday, October 20, 2015 6:00 P.M.

Meeting Location:
District Office
8624 Segrue Road
Lamont CA, 93241

1. Call to Order/Roll Call

Board President Prado called to order the regular board meeting at 6:02pm on Tuesday, October 20, 2015 at the office of the Lamont Public Utility District. All Board Members were present except for Director Cruz. Staff present included General Manager/District Secretary Nick Turner, District Counsel Alan Peake, District Engineer JT Gardiner and District Interpreter Mario Sanchez. Director Cruz arrived and joined the meeting at 6:13pm.

2. Pledge of Allegiance – Led by President Prado

3. Board Member announcements

None

4. Public Comment

Angelica Munoz from Building Healthy Communities stated that she would like to see if the Board has a response or if there is interest from the Board in partnering with Building Healthy Communities to present the results of California Endowments Plan B study to the community.

Jose Mireles stated that he is having trouble paying his bill online. He questioned if the District is having problems with the credit card machines.

5. Staff Reports

- A. District Counsel – Nothing Reported
- B. District Engineer – Nothing Reported
- C. General Manager – Nothing Reported

6. Consent Agenda

The General Manager noted that the bank reconciliation for Bank of the West account ending with 590 is not included in the consent agenda for the second month in a row. These two bank reconciliations will be included in November's agenda packet for possible approval.

Director Sanchez recommended the removal of the discussion that took place between the regular and closed session agendas be removed from the September 28, 2015 meeting minutes for further discussion. The General Manager asked for clarification if Director Sanchez wanted

to pull the minutes from the consent agenda. Director Sanchez stated that he was requesting that particular section be pulled but that the rest of the minutes could be approved. The General Manager asked for clarification if the minutes are being approved with the removal of the discussion between regular and closed session agendas. Director Sanchez stated yes.

Motion to approve all items included on the Consent Agenda

First Motion–Director Sanchez

Second Motion–Director Gonzalez

All in favor. Vote 4–0, 1 absent. Approved.

7. Regular Agenda

A. Report and Possible Minute Action: Community member conduct at board meetings; President Prado

President Prado explained that she requested this item. She stated that she does not agree with the conduct of one community member at the District’s last regular Board Meeting. This incident is against one Board Member. She stated that everyone has a right to participate in the meetings but she expects the Board Members to respect the community and the community to respect the Board Members. She stated that the community may not agree with the Board’s actions or how the meetings are run but the community must respect the Board Members.

Director Hernandez stated that she agrees with President Prado’s statements.

Director Sanchez asked the President if she could explain her role as a Board Member. President Prado stated that her role as a Board Member is to represent the community. Director Sanchez stated that the role of a Board Member is to set policy and provide oversight of the District. Director Sanchez stated that every action has a reaction. He stated that President Prado stated that her role as a Board Member is to represent the community but the problem is that some of the Board Members haven’t been honest and they attack people when people criticize the Board Members. This is why a lot of people do not have respect for the Board. He stated to President Prado that she is the Board President and that she needs to learn how to run a meeting. He stated that she has the power to run the meetings, and to bring order at the meetings. Director Sanchez stated that the only authority the Board Members have as an elected official is when the Board is together.

President Prado stated that this is why she brings forward her concern. She stated to Director Sanchez that he doesn’t have to agree with her. She stated that she was in the community’s position for a long time and she respects the people.

Director Sanchez stated that the people have the right to criticize the Board and the right of freedom of speech.

Director Prado stated that Director Sanchez doesn’t have to agree with her concern. She stated that everyone knows who the person is that is involved in this matter and Director Sanchez defends his family but she wants to defend her position and the rest of the Board Members. She stated that she doesn’t agree with all the personal attacks. The personal attacks are not business of the District and this is not acceptable.

Director Sanchez asked President Prado what kind of credibility as does she have a Board Member when she directs her accusations to people that don't agree with her.

President Prado stated that the Board had credibility until Director Sanchez became a part of the Board.

Director Sanchez stated that if she is going to be the Board President that she needs to represent the whole Board and do what it takes to gain credibility as a Board Member.

Director Sanchez asked President Prado if she confronted the Lamont Reporter regarding the minutes that were approved. President Prado stated yes she did. Director Sanchez asked her who gave her authority to do so. President Prado stated that she did not go there as a Board Member.

Director Hernandez stated that wherever you go, there are rules that need to be followed. Director Hernandez stated that Director Sanchez keeps on insulting the Board. She stated that Miguel Sanchez Jr. was challenging Director Cruz. Director Sanchez disagreed and stated that was her personal opinion. She requested that Director Sanchez talk to his family because ever since he has been a Board Member, there has been a lot of disturbances. She requested that Director Sanchez please speak to his family about remaining calm at the meetings. Director Hernandez requested that Director Gonzalez please not say anything because he covers up for Director Sanchez a lot.

Director Sanchez stated that he will not stop defending his family and his family will not defending themselves when being attacked by the Board.

Discussion Only. No motion.

B. Report and Possible Minute Action: Recology to amend the composting facility's General Plan designation as requested by County of Kern; **Recology Representative**

Eric Potashner from Recology stated that as part of the CUP modifications, the County of Kern is requesting authorization from the District, as the land owner, for Recology to proceed with the General Plan amendment and other modifications as necessary for the processing of the application for modifications to the CUP.

District Counsel stated that this is very typical when you have a lessee/owner situation. The County wants to make sure the owner approves of what the tenant is doing.

Motion to approve the authorization of Recology Blossom Valley Organics – South to process a Conditional Use Permit modification and other necessary land use actions associated with the facility.

First Motion–Director Sanchez

Second Motion–Director Gonzalez

All in favor. Vote 5–0 Approved.

C. Report and Possible Minute Action: Consideration and possible approval of new health care provider for District employees; **Paul Sheldon, Paul Sheldon Insurance Benefits & Planning**

Paul Sheldon continued the discussion from the last regular board meeting regarding changing health insurance providers for District Employees. Mr. Sheldon detailed the recommend plan, Blue Shield Platinum Trio plan, with the addition of a flexible spending account option. This plan has the greatest value at the best cost saving for the District.

Motion to approve the Blue Shield Platinum Trio HMO \$25 Plan with the addition of a Flexible Spending Account

First Motion–Director Gonzalez

Second Motion–Director Cruz

All in favor. Vote 5–0. Approved.

- D. Report and Possible Minute Action: Consideration and possible approval of proposed budget from AECOM to prepare an update of the District’s Water and Sewer Master Plans in the amount of \$61,846; **District Engineer, JT Gardiner**

The General Manager requested that this item be pulled from the agenda and brought back at a future meeting.

Item removed from agenda. No motion.

- E. Report and Possible Minute Action: Consideration and possible approval of proposed budget from AECOM to prepare an update of the District’s Improvement Standards in the amount of \$9,200; **District Engineer, JT Gardiner**

The District Engineer provided a PowerPoint presentation regarding the possible update of the District’s Improvement Standards. The District Engineer stated that the District’s Improvement Standards were last updated in 1998. The purpose of the Standards is to ensure uniformity in sizing of utilities and construction of facilities owned by the District. These Standards are used not only on District projects but with development by others as well. These Standards help to protect the District legally and contractually. The updating of the Standards is necessary because building codes and standards have changed over the years.

Motion to approve the proposed scope and budget from AECOM to prepare an update of the District’s Improvement Standards in the amount of \$9,200.

First Motion–Director Cruz

Second Motion–Director Hernandez

All in favor. Vote 5–0. Approved.

- F. Report and Possible Minute Action: Consideration and possible approval of Contract Change Order #10 for the SSMP Sewer Collection System Cleaning & Video Inspection Project in the amount of (-\$199,468.18); **District Engineer, JT Gardiner**

The District Engineer explained that this is a deductive change order to adjust all bid items unit quantities to the actual total at project completion.

Motion to approve Contract Change Order #10 for the SSMP Sewer Collection System Cleaning & Video Inspection Project in the amount of (-\$199,468.18).

First Motion–Director Sanchez

Second Motion–Director Gonzalez

All in favor. Vote 5–0. Approved.

- G. Report and Possible Minute Action: Consideration and possible approval to file the Notice of Completion for the SSMP Sewer Cleaning and Video Inspection Project; **District Engineer, JT Gardiner**

The District Engineer explained that the SSMP Sewer Cleaning and Video Inspection Project is now complete and that it is the appropriate time to file the Notice of Completion with the County of Kern.

Motion to approve the filing the Notice of Completion for the SSMP Sewer Cleaning and Video Inspection Project.

First Motion–Director Cruz

Second Motion–Director Hernandez

All in favor. Vote 5–0. Approved.

- H. Report and Possible Minute Action: Consideration and possible approval of Contract Change Order #11 for the Water Well #19 Project in the amount of (-\$3,236.09); **District Engineer, JT Gardiner**

The District Engineer explained that the District received a bill from PG&E for power usage at Well #19, which was used by the Contractor during construction. This contract change order will consist of a credit to the project in the amount of the power bill. The contract requires the power during construction be provided by the Contractor.

Motion to approve Contract Change Order #11 for the Water Well #19 Project in the amount of (-\$3,236.09).

First Motion–Director Sanchez

Second Motion–Director Gonzalez

All in favor. Vote 5–0. Approved.

- I. Report and Possible Minute Action: California Endowment’s independent study on the District’s Plan B; **President Prado**

President Prado stated that she wanted to provide the Board Members with a copy of California Endowment’s draft study on the District’s Plan B.

The General Manager stated that he did review the document and did provide his comments to SKEO Solutions. He stated that his objective was to make sure that the information that SKEO is including in the report is accurate.

Director Sanchez stated that this is a reflection of when someone wants to be part of the process of developing a plan. He stated that he doesn't think that the California Endowment wants to embarrass anyone or do anything behind anyone's back. He stated that the Endowment wants to be inclusive of every agency or person that want to share their inputs. He stated that the Endowment is just trying to make this Plan better for the benefit of the community.

No motion. Discussion only.

- J. Report and Possible Minute Action: Consideration and possible approval to resubmit a funding application to Kern County for CDBG funding for the installation of additional street lighting in Lamont and Weedpatch; **General Manager, Nick Turner**

The General Manager explained that the District received notification from the County of Kern regarding their acceptance of applications for eligible projects to receive CDBG funding for fiscal year 2016-17. He stated that last year, the District submitted an application for additional street lighting at locations where poles did not currently exist. He stated that PG&E estimated a fee of approximately \$5,000 per street light in these locations. Unfortunately, there were other projects submitted with higher priority and the District's proposed street lighting project was not funded.

The General Manager stated that the request for applications from the County states that unfunded projects from previous years can be resubmitted.

The Board voiced their support of resubmitting the application for funding for additional street lighting in the Lamont and Weedpatch communities.

Motion to approve the resubmittal of a funding application to Kern County for CDBG funding for fiscal year 2016-17 for the installation of additional street lighting in Lamont and Weedpatch.

First Motion—Director Sanchez

Second Motion—Director Gonzalez

All in favor. Vote 5–0. Approved.

- K. Report and Possible Action: Consideration of additional conservation measures to assist in the District's effort to encourage water conservation from its customers; **General Manager, Nick Turner**

The General Manager provided a PowerPoint presentation for the Board outline the District's progress in water conservation.

The General Manager explained that the Governor issued a Proclamation of a state of emergency resulting from Drought in January, 2014. Then the SWRQB issued the proposed text of emergency regulation in July, 2014. Next, the District adopted a Water Shortage Contingency Plan and Implements Stage 2 in August, 2014 and adopted Resolution No. 428 limiting irrigation days in March 30, 2015. The "Water Conservation Standards" and 2013 baseline was established by SWRCB in May, 2015. The District

exceeded the 28% Conservation Standard for the months of May thru July 2015 but fell short of the standard for August and September, 2015.

The District's Stage II conservation measures include not washing down of hard surfaces, no dust control, runoff from irrigation of landscaping is not permitted, irrigation of outdoor landscaping permitted only on Tues., Thurs., Sat. and Sun., before 10am and after 6:00pm, requiring the use of a shut off nozzle when using a hose (ex. washing vehicle, hand watering), water served at restaurants is only upon request, water leaks needing to be repaired within 72 hours of notification and others.

District Staff has been evaluating the high water users including parks, schools, agricultural processing facilities, government offices and farm labor camps. Graphs were presented comparing the 2015 water use for the high water users to their water use during the same month in 2013.

The General Manager stated that the SWRCB has mandated a 28% water conservation for the District. In August and September, 2015, the District conserved 27% and 23%, respectively. With winter approaching, Staff anticipates less outdoor irrigation which translates to more conservation being required indoors. Staff recommends that the Board consider imposing more stringent and/or additional conservation measures to help the District achieve its conservation standard. Not achieving 28% conservation may result in large penalties issued by SWRCB.

The General Manager suggested some possible changes to the current water conservation measures. These suggestions included additional restrictions on number of days per week the irrigation of outdoor landscaping is allowed, the hiring of a compliance officer for patrolling for water wasters primarily during nights and weekends, the suspension of applications for new or expanded water services, the suspension of the sale of water for construction purposes, limiting vehicle washing to commercial car washing facilities only, repairing leaks within 24 hours or less, limiting commercial agricultural water use, and the issuance of fines for repeated water waste.

Staff recommends that Board immediately implement the following water use restrictions: (1)limit the irrigation of outdoor landscaping to 2 days per week between November 1st and April 30th, (2)suspend the sale of water for construction purposes, (3)restrict the washing of vehicles except at commercial car washing facilities and (4)reduce the allotted time to repair leaks to 24 hours or less of notification to avoid shut-off.

Staff also recommended that the Board consider implementing the following within the next couple of months: hire a temporary part-time compliance officer, suspension of applications for new or expanded water services, develop a program to enable the District to issue fines for water waste on customer bills and consider limiting water use by commercial agricultural facilities to an amount not to exceed 72% of their 2013 usage.

Director Cruz recommended three days in lieu of two for the irrigation of outdoor landscaping. He expressed his concerns for the schools and parks.

Director Sanchez stated that the schools are already doing their part. He stated that it is really up to the households to reduce their water use. He suggested notifying the consumers

of the need for additional conservation. He suggested considering handing out flyers while reading meters.

President Prado suggested not selling water for construction purposes outside the District limits.

The General Manager stated that the SWRCB is expecting that the District implement more stringent water conservation measures when the conservation standard is not met.

Director Cruz recommends against limiting the washing of vehicle except at commercial car wash facilities.

President Prado recommends looking into the water use by the commercial car washing facilities because of their high water use. The General Manager stated that there is nothing in the current water use restrictions other than the requirement to use a nozzle on the hose that can prevent anyone from washing their car.

Director Sanchez requested a high water user reports for residential customers.

Director Sanchez directed Staff to look into a new billing software. He stated that he made a comment to the District when the Board approved the purchase of the new billing software that nobody knew what the billing system was all about. It was just proposed to the Board, the Board approved it and know the District is in a jam with something that has limited use. He stated that the Board should look into new billing software.

Director Prado stated that now that Board has smart people and we can now take recommendations from the smart people with better ideas.

No motion. Item will be brought back to the next Board meeting for further discussion.

Motion to go into Closed Session (7:59pm).

First Motion–Director Sanchez

Second Motion–Director Cruz

All in favor. Vote 5–0. Approved.

Report on Closed Session

- A. Conference with legal counsel; Potential threat of litigation §54956.9 (d)2 Claim of Mr. Rigoberto Ayala for 9716 Elmco Ave.

Information was provided and by unanimous consent, the claim was rejected.

- B. Conference with legal counsel; Potential threat of litigation §54956.9 (d)2 Claim of Tracie White.

Information was provided and no action was taken.

- C. Potential initiation of litigation; Government Code §54956.9 (d)4., two cases

As to the first case, information was provided and by unanimous consent, direction was given.

As to the second case, information was provided and no action was taken.

Adjournment

A motion was made by Director Cruz and seconded by Director Hernandez to adjourn the Regular Board Meeting of the Board of Directors of the Lamont Public Utility District, held on Tuesday, October 20, 2015 at 6:00 pm.


Director Sanchez recused himself from the second half of closed session discussion and did not return to the meeting.

Approved. Vote 4-0. 1-absent

ATTEST:

x  _____

Leticia Prado, Board President
Lamont Public Utility District

x  _____

Nicholas Turner, Board Secretary/General Manager
Lamont Public Utility District