


TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER 
DATE: JUNE 2, 2022



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.
Receive Announcements and Reports from Directors
- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER 

DATE: JUNE 3, 2022

AGENDA ITEM

D

JUNE 8, 2022

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members
without removal from the Consent Agenda**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MAY 25, 2022, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT DEED RESTRICTION FOR APN 092-577-002, LUCKY LANE, NIPOMO
[RECOMMEND ADOPT RESOLUTION]
- D-4) ADOPT RESOLUTION AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL
AGENCY INVESTMENT FUND [RECOMMEND ADOPT RESOLUTION]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 

FROM: LISA BOGNUDA 
FINANCE DIRECTOR

DATE: JUNE 3, 2022

AGENDA ITEM
D-1(A)
JUNE 8, 2022

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$60,571.13
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS	NONE

Item D-1(A) Warrants JUNE 8, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 06/08/2022 - 06/08/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 8458				
Abalone Coast Analytical, Inc.	Lab tests	5808	06/08/2022	6,472.10
				Payment 8458 Total: <u>6,472.10</u>
Payment: 8459				
Alexander's Contract Services,	Meter reading	202205070012	06/08/2022	5,629.56
				Payment 8459 Total: <u>5,629.56</u>
Payment: 8460				
Allweather Landscape	LMD	44064	06/08/2022	325.00
				Payment 8460 Total: <u>325.00</u>
Payment: 8461				
Amazon Capital Services, Inc.	Operating supplies	1HXD-QV4D-PXQX	06/08/2022	57.73
Amazon Capital Services, Inc.	Operating supplies	14VT-PQNV-RPQL	06/08/2022	80.40
				Payment 8461 Total: <u>138.13</u>
Payment: 8462				
Baumgarten, Michael	CWEA Membership 2022	CWEA2022	06/08/2022	96.00
				Payment 8462 Total: <u>96.00</u>
Payment: 8463				
Bognuda, Lisa	Mileage-SLO County Recorder	MAY2022	06/08/2022	28.67
				Payment 8463 Total: <u>28.67</u>
Payment: 8464				
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI242508	06/08/2022	1,029.17
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI240592	06/08/2022	443.98
				Payment 8464 Total: <u>1,473.15</u>
Payment: 8465				
Clever Ducks	Computer expense	32628	06/08/2022	3,939.94
				Payment 8465 Total: <u>3,939.94</u>
Payment: 8466				
DataProse, LLC	Postage for Bills	DP2201728B	06/08/2022	1,869.50
DataProse, LLC	Mail Bills	DP2201728A	06/08/2022	531.72
				Payment 8466 Total: <u>2,401.22</u>
Payment: 8467				
Electricraft, Inc.	Electrical	17219	06/08/2022	4,214.93
				Payment 8467 Total: <u>4,214.93</u>
Payment: 8468				
Excel Personnel Services, Inc.	Employment agency	3962465	06/08/2022	527.00
Excel Personnel Services, Inc.	Employment agency	3966736	06/08/2022	527.00
				Payment 8468 Total: <u>1,054.00</u>
Payment: 8469				
Executive Janitorial	Janitorial services	83829	06/08/2022	780.00
				Payment 8469 Total: <u>780.00</u>
Payment: 8470				
Famcon Pipe and Supply, Inc.	Operating supplies	5100079663.001	06/08/2022	167.48
				Payment 8470 Total: <u>167.48</u>
Payment: 8471				
FGL Environmental	Lab tests	281423A	06/08/2022	30.00
FGL Environmental	Lab tests	281375A	06/08/2022	30.00
FGL Environmental	Lab tests	280879A	06/08/2022	540.00
FGL Environmental	Lab tests	28411A	06/08/2022	30.00
				Payment 8471 Total: <u>630.00</u>

Item D-1(A) Warrants JUNE8, 2022

Payment Dates: 06/08/2022 - 06/08/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 8472				
Ford Hall Company	Outer baffle arm assembly	2102	06/08/2022	1,153.52
Payment 8472 Total:				1,153.52
Payment: 8473				
Frontier Communications	Telephone	MAY2022	06/08/2022	58.39
Payment 8473 Total:				58.39
Payment: 8474				
GLM Landscape Management	Landscape maintenance	MAY 2022	06/08/2022	922.90
Payment 8474 Total:				922.90
Payment: 8475				
Great Western Alarm and	Alarm monitoring service	220500640101	06/08/2022	37.00
Great Western Alarm and	Alarm monitoring service	220502062101	06/08/2022	70.00
Great Western Alarm and	Alarm monitoring service	220502107101	06/08/2022	70.00
Payment 8475 Total:				177.00
Payment: 8476				
Home Depot Credit Services	Operating supplies	MAY 2022	06/08/2022	805.75
Payment 8476 Total:				805.75
Payment: 8477				
Integrated Industrial Supply, Inc.	Terice diaphragm	84279	06/08/2022	276.31
Integrated Industrial Supply, Inc.	Viton gaskets	84188	06/08/2022	220.99
Integrated Industrial Supply, Inc.	Adapters and coupling	84278	06/08/2022	382.71
Integrated Industrial Supply, Inc.	Operating supplies	84342	06/08/2022	150.13
Payment 8477 Total:				1,030.14
Payment: 8478				
Maldonado, Francisco	CWEA Membership renewal	CWEA 2022	06/08/2022	192.00
Payment 8478 Total:				192.00
Payment: 8479				
Miner's Ace Hardware	Supplies	MAY 2022	06/08/2022	554.56
Payment 8479 Total:				554.56
Payment: 8480				
Mission Uniform Service	Uniforms	517072097	06/08/2022	181.05
Mission Uniform Service	Uniforms	517115394	06/08/2022	181.05
Payment 8480 Total:				362.10
Payment: 8481				
Newton Geo-Hydrology	Litigation Support	May 2022	06/08/2022	5,642.50
Payment 8481 Total:				5,642.50
Payment: 8482				
Office Depot	Office supplies	246261838002	06/08/2022	80.41
Office Depot	Office supplies	243357442001	06/08/2022	14.00
Office Depot	Office supplies	244145949001	06/08/2022	105.08
Office Depot	Office supplies	246263565001	06/08/2022	35.55
Office Depot	Office supplies	246261838001	06/08/2022	169.78
Payment 8482 Total:				404.82
Payment: 8483				
Polydyne, Inc.	Clarifloc	1644365	06/08/2022	2,597.49
Payment 8483 Total:				2,597.49
Payment: 8484				
ReadyRefresh by Nestle	Distilled water	02E0900023136	06/08/2022	78.94
Payment 8484 Total:				78.94
Payment: 8485				
Richards, Watson & Gershon	Water Rights Adjudication	237137	06/08/2022	1,416.00
Richards, Watson & Gershon	Acquisition of Dana Foothill Site	237139	06/08/2022	29.50
Richards, Watson & Gershon	General Legal Services	237136	06/08/2022	4,320.00
Richards, Watson & Gershon	Eureka Well Site Acquisition	237138	06/08/2022	1,529.00
Payment 8485 Total:				7,294.50

Item D-1(A) Warrants JUNE8, 2022

Payment Dates: 06/08/2022 - 06/08/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 8486				
Santa Maria Ford Lincoln	Vehicle repair/maintenance-	215750	06/08/2022	665.26
Santa Maria Ford Lincoln	Vehicle repair/maintenance-	215863	06/08/2022	1,195.63
Santa Maria Ford Lincoln	Vehicle repair/maintenance-	216065	06/08/2022	1,168.01
Payment 8486 Total:				3,028.90
Payment: 8487				
Santa Maria Times	Public Hearing Notices	BOA9D0E7-0003	06/08/2022	162.62
Santa Maria Times	Public Hearing Notices	BOA9D0E7-0001	06/08/2022	319.55
Santa Maria Times	Publish Ordinance 2022-135	BOA9D0E7-0002	06/08/2022	231.00
Santa Maria Times	Public Hearing Notices	BOA9D0E7-0004	06/08/2022	115.19
Payment 8487 Total:				828.36
Payment: 8488				
Simplot Grower Solutions	CAN 17	780151197	06/08/2022	915.89
Payment 8488 Total:				915.89
Payment: 8489				
SoCalGas	Heat - shop/office	MAY2022B	06/08/2022	18.03
SoCalGas	Heat - shop/office	MAY2022A	06/08/2022	32.20
Payment 8489 Total:				50.23
Payment: 8490				
Terminix Commercial	Pest Control	420326815	06/08/2022	65.00
Payment 8490 Total:				65.00
Payment: 8491				
Tuckfield & Associates	Dana Reserve Study Rate Impact 0656		06/08/2022	1,031.25
Payment 8491 Total:				1,031.25
Payment: 8492				
Tyler Technologies, Inc.	UB Services Conversion to	025-379249	06/08/2022	520.00
Tyler Technologies, Inc.	UB Services for Conversion to	025-381147	06/08/2022	585.00
Payment 8492 Total:				1,105.00
Payment: 8493				
US Bank National Association	Software subscription	MAY2022C	06/08/2022	41.17
US Bank National Association	Travel & meals	MAY2022B	06/08/2022	230.97
US Bank National Association	GFOA renewal	MAY2022H	06/08/2022	160.00
US Bank National Association	Backflow supplies	MAY2022F	06/08/2022	376.79
US Bank National Association	Board meeting supplies	MAY2022A	06/08/2022	22.00
US Bank National Association	Storage unit	MAY2022D	06/08/2022	238.50
US Bank National Association	Zoom	MAY2022E	06/08/2022	14.99
US Bank National Association	Engineers License Renewal	MAY2022G	06/08/2022	180.00
Payment 8493 Total:				1,264.42
Payment: 8494				
USA Bluebook	Do calibration	988254	06/08/2022	181.56
USA Bluebook	Hach	982093	06/08/2022	253.64
USA Bluebook	Ammonia Reagent and supplies	975870	06/08/2022	1,996.61
Payment 8494 Total:				2,431.81
Payment: 8495				
Verizon Wireless	Cell service	9907188729	06/08/2022	796.06
Payment 8495 Total:				796.06
Payment: 8496				
Wallace Group	FOG Program	56223	06/08/2022	127.25
Payment 8496 Total:				127.25
Payment: 8497				
Waste Connections	Trash collection-Old Town	7694395U120	06/08/2022	25.78
Waste Connections	Trash collection- Southland	7694747U120	06/08/2022	227.79
Waste Connections	Trash collection-Office	7693526U120	06/08/2022	48.60
Payment 8497 Total:				302.17

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: JUNE 3, 2022

AGENDA ITEM
D-1(B)
JUNE 8, 2022

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED
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\$3,662.75

Item D-1(B) Warrants JUNE 8, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 06/08/2022 - 06/08/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 57 SWCA, Inc.	BL Consolidation Project CEQA	145701	06/08/2022	3,662.75
			Payment 57 Total:	<u>3,662.75</u>

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: JUNE 3, 2022



**APPROVE MAY 25, 2022
REGULAR BOARD MEETING MINUTES**

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. May 25, 2022 draft Regular Board Meeting Minutes

JUNE 8, 2022

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

MAY 25, 2022 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

ED EBY, **PRESIDENT**
RICHARD MALVAROSE, **VICE PRESIDENT**
DAN ALLEN GADDIS, **DIRECTOR**
DAN WOODSON, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
CRAIG STEELE, **GENERAL COUNSEL**

Mission Statement:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of May 25, 2022, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

At Roll Call, Director Armstrong, Woodson, Malvarose, and Eby were present. Director Gaddis was absent.

Pam Wilson, NSCD resident, asked about the current supervisor election and the district's interaction with the county.

C. PRESENTATIONS AND REPORTS

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.
Receive Announcements and Reports from Directors

Director Woodson

- *May 18, attended Citizens Transportation Advisory Council meeting remotely.*
- *May 25, attended SCAC meeting.*

Director Eby

- *May 12, attended Finance and Audit Committee meeting.*
- *May 13, attended Board Officers' meeting.*
- *May 17, attended Blacklake Oversight Committee meeting.*
- *May 19, attended LAFCO meeting remotely.*
- *May 24, attended NMMA Technical group meeting remotely.*

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board approved receiving and filing presentations and reports.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Woodson, Malvarose, and Eby	None	Gaddis

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MAY 11, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) REQUEST CONSOLIDATION OF DISTRICT BOARD ELECTION WITH FALL GENERAL ELECTION [RECOMMEND ADOPT RESOLUTION]
- D-4) ADOPT RESOLUTION AMENDING APPROPRIATIONS LIMIT FOR THE 2021-2022 FISCAL YEAR [RECOMMEND ADOPT RESOLUTION]
- D-5) CONSIDER CREATING A CUSTOMER SERVICE CLERK I/II/III SERIES AND INCORPORATING CURRENT JOB DESCRIPTIONS INTO THE NEWLY CREATED SERIES [RECOMMEND APPROVAL]

E. ADMINISTRATIVE ITEMS

- E-1) RECEIVE DANA RESERVE RATE IMPACT STUDY [RECOMMEND RECEIVE AND FILE]

Clayton Tuckfield, Tuckfield and Associates, presented the item and answered questions from the Board.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board approved receiving and filing the presentations.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Woodson, Malvarose, and Eby	None	Gaddis

- E-2) AMEND SOLID WASTE FRANCHISE AGREEMENT BETWEEN NIPOMO COMMUNITY SERVICES DISTRICT AND SOUTH COUNTY SANITARY SERVICES TO INCLUDE SENATE BILL 1383 REQUIREMENTS [RECOMMEND AUTHORIZE BOARD PRESIDENT TO SIGN AGREEMENT IN A FORM APPROVED BY THE GENERAL MANAGER AND DISTRICT LEGAL COUNSEL].

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES**

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

Upon the motion of Director Malvarose and seconded, the Board authorized the Board President to sign the amended solid waste franchise agreement.

Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Malvarose, Woodson, Armstrong, and Eby	None	Gaddis

- E-3) APPROVE RESOLUTION TO ESTABLISH EMPLOYEE COST OF LIVING ADJUSTMENT (COLA) COMPUTATION MEASUREMENT PERIOD AND AMEND RESOLUTION TO REFLECT CHANGE [RECOMMEND RECEIVE REPORT AND ADOPT RESOLUTION]

Mario Iglesias, General Manager, presented the item.

There were no public comments.

Upon the motion of Director Woodson and seconded, the Board approved the Resolution.

Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Woodson, Armstrong, Malvarose, and Eby	None	Gaddis

RESOLUTION NO 2022-1624
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING METHODOLOGY OF COMPUTING EMPLOYEE
COST OF LIVING ADJUSTMENTS (COLA)

- E-4) (A) REVIEW DRAFT BUDGET FOR FISCAL YEAR 2022-2023 [RECOMMEND CONSIDER DRAFT BUDGET AND SCHEDULE FOR ADOPTION ON JUNE 8, 2022]

Mario Iglesias, General Manager, introduced the item.

Jana Ettetdgue, Administrative Supervisor, presented the item.

Lisa Bognuda, Finance Director, answered questions from the Board.

There were no public comments.

The Board agreed to set the Public Hearing to consider adoption of the Fiscal Year 2022-2023 Budget on June 8, 2022 at 9:00 a.m.

- (B) REVIEW THE DRAFT BUDGET FOR FISCAL YEAR 2022-2023 FOR THE NIPOMO SUPPLEMENTAL WATER PROJECT (NSWP) [RECOMMEND CONSIDER DRAFT BUDGET AND SCHEDULE FOR ADOPTION ON JUNE 8, 2022]

Jana Ettetdgue, Administrative Supervisor, presented the item and answered questions from the Board.

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES**

There were no public comments.

The Board agreed to set the Public Hearing to consider adoption of the Fiscal Year 2022-2023 Nipomo Supplemental Water Budget on June 8, 2022 at 9:00 a.m.

- E-5) ADOPT ORDINANCE 2022-135 AMENDING CHAPTER 4.12, ORDINANCE 2020-132 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADDRESS PROVISIONS RELATING TO SEWER SERVICE FEES FOR ACCESSORY DWELLING UNITS [RECOMMEND ADOPT ORDINANCE, READ BY TITLE ONLY AND WAIVE FURTHER READING OF ORDINANCE]

Mario Iglesias, General Manager, presented the item. [a correction of the language, changing "introduce ordinance" to "adopt ordinance" in the staff report was identified and Director Armstrong who made the motion to adopt used the corrected language.]

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board approved the Ordinance. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Woodson, Malvarose, and Eby</i>	<i>None</i>	<i>Gaddis</i>

ORDINANCE NO. 2022-135
AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 4.12 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADD
PROVISIONS RELATING TO SEWER SERVICE FEES
FOR ACCESSORY DWELLING UNITS

- E-6) ADOPT RESOLUTION TO ADOPT RECOVERED ORGANIC WASTE PRODUCT PROCUREMENT POLICY [RECOMMEND ADOPT RESOLUTION]

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

Pam Wilson, NCS D Resident, said she liked the idea of informational stickers on the trashcans.

Upon the motion of Director Armstrong and seconded, the Board approved the Resolution. Vote 4-0.

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Woodson, Malvarose, and Eby</i>	<i>None</i>	<i>Gaddis</i>

RESOLUTION NO. 2022-1625
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING A RECOVERED ORGANIC WASTE
PRODUCT PROCUREMENT POLICY

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board.

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

G. COMMITTEE REPORTS

Director Eby attended the Finance and Audit Committee meeting where the draft budgets for fiscal year 2022/2023 for Nipomo Supplemental Water and Nipomo Community Services District were presented and reviewed.

Director Eby attended the Blacklake Oversight Committee meeting, where the Blacklake Sewer Consolidation and Blacklake Street lighting were discussed.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Armstrong requested that District staff provide notification to District customers that there will be four Board member seats available in the next election.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced to the Board that item 1.b. would be discussed in closed session.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

- a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES
- b. ROBYN FLORES, ET AL V. R. MYERS, NIPOMO COMMUNITY SERVICES DISTRICT, ET AL (SAN LUIS OBISPO SUPERIOR COURT CASE NO. 22CV-0250)

There were no reportable actions.

ADJOURN MEETING


President Eby adjourned the meeting at 10:40 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 30 minutes
Closed Session	0 hour 10 minutes
TOTAL HOURS	1 hour 40 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: JUNE 2, 2022



**ACCEPT DEED RESTRICTION FOR
APN 092-577-002, LUCKY LANE, NIPOMO**

ITEM

Accept offer of deed restriction for APN 092-577-002, a residential development located on Lucky Lane in Nipomo [RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF DEED RESTRICTION].

BACKGROUND

The District issued an Intent-to-Serve letter on January 27, 2021 for a residential development project located on Lucky Lane (APN 092-577-002). The applicant, Mesa Dunes Investments, requested water, sewer, and solid waste service for 7 additional residential units. The District previously issued a Will Serve letter for 2 residential units in September 2018 and is currently providing service to both existing residential units.

Subsequently, the developer submitted improvement plans for only 2 of the 7 additional units that were approved and proposed installing the new fire service and new domestic water service next to the existing water service that will be converted to provide irrigation service. These services are proposed to be located on the north side of Flint Street, instead of on the south side of Flint Street adjacent to the project as required by the District's standards. The County is not requiring completion of street improvements on Flint Street at this time and is allowing the developer to construct a temporary retention basin where the water services would normally be located.

In order to ensure that the water services are moved to the south side of Flint Street in the future, the District required the developer to sign a deed restriction that will be recorded on title that requires the developer to move the water services, at the developer's expense, before additional units are constructed, the property is sold, or prior to recording of any map subdividing the property.

FISCAL IMPACT

The developer paid the District's cost to develop the agreement through the project's Plan Check and Inspection Agreement.

RECOMMENDATION

Recommend your Board, by motion and roll call vote, adopt Resolution 2022-XXXX Accept Lucky Lane Deed Restriction.

ATTACHMENTS

- A. Resolution 2022-XXXX Accept Lucky Lane Deed Restriction
- B. Deed Restriction – Resolution Exhibit A

JUNE 8, 2022

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2022-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING LUCKY LANE DEED RESTRICTION
APN 092-577-002**

WHEREAS, the Mesa Dunes Investments, Inc. (herein the "Owner") is the owner of certain real property identified as Lucky Lane, Parcel 2 of CO 06-0225, APN 092-577-002 (herein the "Project") situated within the Nipomo Community Services District (the "District"); and

WHEREAS, the Owner desires to defer construction of the required water services for the Project on the south side of Flint Street and instead desires to locate the water services on the north side of Flint Street on a temporary basis; and

WHEREAS, in order to ensure that the water services are moved to the south side of Flint Street in the future, the District required the developer to sign a deed restriction that will be recorded on title that requires the developer to move the water services, at the developer's expense, before additional units are constructed, the property is sold, or prior to recording of any map subdividing the property; and

WHEREAS, Owner has offered to the District the required deed restriction and agreement ("Deed Restriction") (Exhibit A); and

WHEREAS, the District wishes to accept the deed restriction attached hereto without obligation, except as otherwise required by law.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. The above recitals and findings are true and correct and incorporated herein by reference.
2. That the deed restriction and agreement for Lucky Lane, APN 092-577-002, attached hereto as Exhibit A is hereby accepted.
3. Staff is ordered to execute and record in the Official Records of the Clerk-Recorder of San Luis Obispo County the deed restriction and agreement attached hereto as Exhibit A.

On the motion by Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICTS:

The foregoing resolution is hereby adopted this 8th day of June 2022.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2022-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING LUCKY LANE DEED RESTRICTION
APN 092-577-002**

ED EBY
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

JUNE 8, 2022

ITEM D-3

ATTACHMENT B

**RECORDING REQUESTED BY:
NIPOMO COMMUNITY SERVICES DISTRICT**

**WHEN RECORDED RETURN TO:
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444**

NO FEE PER GOVERNMENT CODE 6103

APN #: 092-577-002

DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY

Exhibits Incorporated by Reference:

Exhibit "A" – Real Property Legal Description

**THIS DEED RESTRICTION AND AGREEMENT AFFECTING REAL
PROPERTY** (herein "Agreement") is entered into May 18
20²², by and between Mesa Dunes Investments, Inc.

(herein "Grantor") and the Nipomo Community Services District, a political
subdivision of the State of California, (herein "Grantee" or "District") with
reference to the following Recitals:

A. Grantor owns certain real property (herein "Real Property")
located within the Nipomo Community Services District, County of San Luis
Obispo, more particularly described in Exhibit "A".

B. Grantors are improving said Real Property and desire the District
to provide water and sewer service for the property.

NOW, THEREFORE, for valuable consideration, receipt of which is
hereby acknowledged the parties hereto agree as follows:

1. DEED RESTRICTIONS

Grantor, on behalf of itself, its heirs, assigns, and successors in interest, hereby agrees that use of the Real Property shall be limited as follows:

A. Domestic water and sewer service for the Property or any portion thereof shall be obtained only from the District under then-current regulations, standards, requirements and fees.

B. The use of self-regenerating water softeners on Real Property or any portion thereof is prohibited.

C. The use of wells to provide domestic water service to Real Property or any portion thereof is prohibited.

D. Grantor shall, at its own expense, move the domestic water service, fire water service, and irrigation service from the north side of Flint Street to the south side of Flint Street in accordance with then-current District standards prior to **the earlier of:** 1) commencing construction of the fifth unit on the Real Property; 2) close of escrow for sale of the Real Property or any portion thereof; or 3) the recording of any map further subdividing the Real Property.

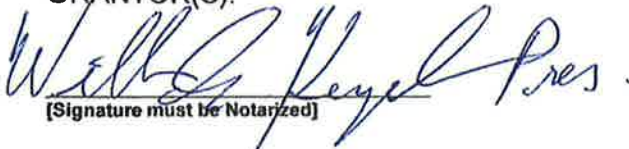
2. MISCELLANEOUS

A. This Agreement contains the entire agreement between the parties as to its subject matter. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged. This Agreement does not affect any other written, duly-executed, agreement between the parties as to other subjects.

B. In the event of any controversy, claim, or dispute relating to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective the date the District executes the Certificate of Acceptance.

GRANTOR(S):


[Signature must be Notarized]

[Signature must be Notarized]

William G. Kengel, Pres

[Type or print name]

[Type or print name]

**SEE ATTACHED FORM
FOR NOTARY CERTIFICATE**

**CERTIFICATE OF ACCEPTANCE
GOVERNMENT CODE §2781**

This is to certify that the Nipomo Community Services District, Grantee, herein, by Board action on _____, 20____, accepts the foregoing Deed Restriction and Agreement, dated _____, 20____, from Grantors, and consents to the recordation thereof.

Nipomo Community Services District

By: _____
Name: Ed Eby
Title: President

ATTEST:

Mario Iglesias, General Manager and Secretary
Nipomo Community Services District

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Luis Obispo

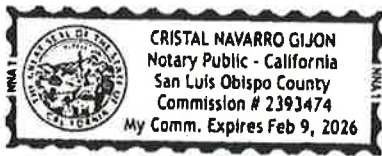
On May 21, 2022 before me, Cristal Navarro Gijon, Notary Public,

personally appeared William G. Kenzel
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Cristal Navarro Gijon
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Deed Restriction And Agreement Affecting Real Property

Document Date: 5/18/22 Number of Pages: 6

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

EXHIBIT "A"
Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP CO 06-0225, AS SHOWN ON THE MAP RECORDED IN BOOK 73 OF PARCEL MAPS, PAGE 62 THROUGH 65 INCLUSIVE, IN THE UNINCORPORATED AREA, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

APN 092-577-002

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



AGENDA ITEM

D-4

JUNE 8, 2022

DATE: JUNE 3, 2022

**ADOPT RESOLUTION AUTHORIZING INVESTMENT OF
MONIES IN THE LOCAL AGENCY INVESTMENT FUND**

ITEM

Adopt Resolution authorizing investment of monies in the Local Agency Investment Fund
[RECOMMEND ADOPT RESOLUTION]

BACKGROUND

On November 15, 1978, the Board of Directors approved Resolution 1978-146, authorizing investment of District Monies in the Local Agency Investment Fund (LAIF). In 2003, the Board of Directors adopted Resolution 2003-884 to update the officers authorized to order deposit or withdrawal of monies from LAIF.

LAIF has requested the District adopt a new Resolution to update the officer title from Assistant Administrator to Finance Director to reflect the District's current Job Title.

District Staff is not requesting any modifications to its existing business practices of investing with LAIF.

STRATEGIC PLAN

Goal 4. FINANCE. Maintain conservative, long-term financial management to minimize rate impacts on customers while meeting program financial needs.

RECOMMENDATION

Staff recommend that the Board adopt Resolution.

ATTACHMENTS

- A. Resolution 2022-XXXX
- B. Resolution 2003-884
- C. Resolution 1978-146

JUNE 8, 2022

ITEM D-4

ATTACHMENT A

RESOLUTION NO. 2022-XXXX

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING INVESTMENT OF MONIES IN
THE LOCAL AGENCY INVESTMENT FUND**

WHEREAS, The Local Agency Investment Fund is established in the State Treasury under Government Code section 16429.1 et. seq. for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the Board of Directors hereby finds that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein is in the best interests of the Nipomo Community Services District;

NOW THEREFORE, BE IT RESOLVED, that the hereby authorizes the deposit and withdrawal of Nipomo Community Services District monies in the Local Agency Investment Fund in the State Treasury in accordance with Government Code section 16429.1 et. seq. for the purpose of investment as provided therein.

BE IT FURTHER RESOLVED, as follows:

Section 1. The following Nipomo Community Services District officers holding the title(s) specified hereinbelow **or their successors in office** are each hereby authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund and may execute and deliver any and all documents necessary or advisable in order to effectuate the purposes of this resolution and the transactions contemplated hereby:

Ed Eby	President
Richard Malvarose	Director
Dan A. Gaddis	Director
Dan Woodson	Director
Craig Armstrong	Director
Mario Iglesias	General Manager
Lisa Bognuda	Finance Director

Section 2. This resolution shall remain in full force and effect until rescinded by Board of Directors by resolution and a copy of the resolution rescinding this resolution is filed with the State Treasurer's Office.

PASSED AND ADOPTED, by the Board of Directors of Nipomo Community Services District of State of California on June 8, 2022.

ED EBY, President of the Board

ATTEST:

MARIO IGLESIAS, General Manager and
Secretary to the Board

JUNE 8, 2022

ITEM D-4

ATTACHMENT B

RESOLUTION NO. 2003-884

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING INVESTMENT OF MONIES
IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)**

WHEREAS, pursuant to Chapter 730 of the statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer: and

WHEREAS, the Nipomo Community Services District does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated herein as in the best interests of the Nipomo Community Services District.


NOW, THEREFORE, BE IT RESOLVED, that the following Nipomo Community Services District officers **or their successors in office** shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund:

Michael Winn	President
Judith Wirsing	Director
Robert Blair	Director
Clifford Trotter	Director
Larry Vierheilig	Director
Doug Jones	General Manager
Lisa Bognuda	Assistant Administrator

On the motion of Director Vierheilig, seconded by Director Blair, and on the following roll call vote, to wit:

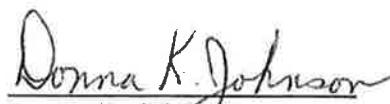
AYES: Directors Vierheilig, Blair, Wirsing, Trotter, and Winn
NOES: None
ABSENT: None
ABSTAIN: None

the foregoing resolution is hereby adopted this 22nd day of October, 2003.



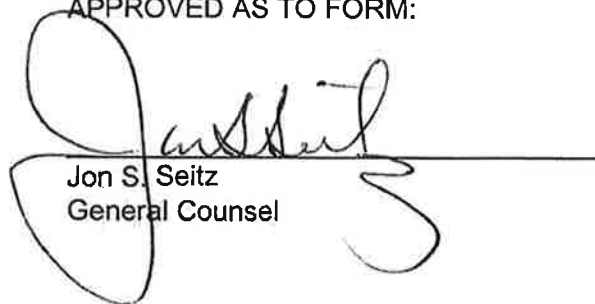
Michael Winn, President
Nipomo Community Services District

ATTEST:



Donna K. Johnson
Secretary to the Board

APPROVED AS TO FORM:



Jon S. Seitz
General Counsel

JUNE 8, 2022

ITEM D-4

ATTACHMENT C

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING INVESTMENT OF DISTRICT MONIES
IN LOCAL AGENCY INVESTMENT FUND

RESOLUTION NO. 146

WHEREAS, pursuant to Chapter 730 of the Statutes of 1976 Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the BOARD OF DIRECTORS does hereby find that the deposit and withdrawal of money in the Local Agency Investment Fund in accordance with the provisions of Section 16429.1 of the Government Code for the purposes of investment as stated therein as in the best interest of the NIPOMO COMMUNITY SERVICES DISTRICT.

NOW, THEREFORE, BE IT RESOLVED that the BOARD OF DIRECTORS does hereby authorize the deposit and withdrawal of DISTRICT monies in the Local Agency Investment Fund in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein.

BE IT FURTHER RESOLVED that the following DISTRICT officers or their successors in office shall be authorized to order the deposit or withdrawal of monies in the Local Agency Investment Fund: Doris McKinnon, Chairman of the Board, Fay S. Douglass, Director, Maurice E. Prince, Director, Barbara K. T. Haslam, Director, Glenn E. Peck, Jr., Director.

THE BOARD OF DIRECTORS of the Nipomo Community Services District, 148 S. Wilson, (P.O.Box 326) Nipomo, California, 93444, on motion of Director Haslam, seconded by Director Prince, and on the following roll call vote,

AYES: Peck, Douglass, Haslam, Prince, McKinnon


NOES: None

ABSENT: None

the foregoing Resolution is hereby adopted this 15th day of November 1978.


Doris McKinnon, Chairman of the Board
NIPOMO COMMUNITY SERVICES DISTRICT

ATTEST:


Joyce Chudoba, Secretary