

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER 

DATE: FEBRUARY 18, 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 FEBRUARY 9, 2022, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) REVIEW BOARD BY-LAWS AND POLICIES AND PROPOSE EDITS FOR
CONSIDERATION [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO
RETURN WITH REVISIONS, IF ANY, FOR FUTURE BOARD APPROVAL OR
RECEIVE AND FILE IF NO REVISIONS]
- D-4) ACCEPT SECOND QUARTER FISCAL YEAR 2021-2022 QUARTERLY FINANCIAL
REPORT [RECOMMEND RECEIVE AND FILE REPORT]
- D-5) ADOPT RESOLUTION TO DIRECT AND AUTHORIZE THE DISTRICT'S DIRECTOR
OF ENGINEERING AND OPERATIONS TO PREPARE AN ENGINEER'S ANNUAL
LEVY REPORT FOR THE BLACKLAKE STREET LIGHTING DISTRICT
[RECOMMEND ADOPT RESOLUTION]

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER
FROM: LISA BOGNUDA
FINANCE DIRECTOR
DATE: FEBRUARY 18, 2022

AGENDA ITEM
D-1(A)
FEBRUARY 23, 2022

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$282,887.59
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS (Printer Error)	NONE

Item D-1(A) Warrants FEBRUARY 23, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 02/23/2022 - 02/23/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	
Payment: 8120				
Advantage Answering Plus, Inc.	Answering service	000023-999-781	02/23/2022	294.60
Payment 8120 Total:				294.60
Payment: 8121				
Alexander's Contract Services,	Meter reading	202202050873	02/23/2022	185.36
Alexander's Contract Services,	Meter reading	202202030872	02/23/2022	2,482.71
Alexander's Contract Services,	Meter reading	202202050871	02/23/2022	3,553.46
Payment 8121 Total:				6,221.53
Payment: 8122				
Allweather Landscape	LMD	43207	02/23/2022	67.00
Payment 8122 Total:				67.00
Payment: 8123				
Amazon Capital Services, Inc.	Operating supplies	1P9F-M39Q-TVD7	02/23/2022	36.43
Payment 8123 Total:				36.43
Payment: 8124				
Aqua-Metric Sales, Co.	Mini reader/command link	INV086627	02/23/2022	1,272.51
Aqua-Metric Sales, Co.	108 3/4" iperl meters	INV0086628	02/23/2022	15,034.73
Payment 8124 Total:				16,307.24
Payment: 8125				
Bognuda, Lisa	Mileage reimbursement	INV0007491	02/23/2022	28.67
Bognuda, Lisa	Mileage reimbursement	FEB 2022-2	02/23/2022	28.67
Payment 8125 Total:				57.34
Payment: 8126				
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI215764	02/23/2022	422.86
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI216789	02/23/2022	467.76
Payment 8126 Total:				890.62
Payment: 8127				
Brough Construction Inc.	Nipomo Palms Lift Station	3	02/23/2022	110,314.37
Payment 8127 Total:				110,314.37
Payment: 8128				
California Electric Supply	Operating supplies	7826-1045213	02/23/2022	35.64
California Electric Supply	Schedule 40 -conduit	7826-1045193	02/23/2022	2,911.48
California Electric Supply	Operating supplies	7826-1045215	02/23/2022	71.26
California Electric Supply	Operating supplies	7826-1045542	02/23/2022	200.89
Payment 8128 Total:				3,219.27
Payment: 8129				
California Highway Patrol	Accident report	INV0007492	02/23/2022	10.00
Payment 8129 Total:				10.00
Payment: 8130				
Cannon Corporation	Palms Lift Staton Support	79281	02/23/2022	4,833.75
Cannon Corporation	Eureka Well Completion	79357	02/23/2022	10,118.35
Payment 8130 Total:				14,952.10
Payment: 8131				
Carquest Auto Parts	Vehicle repair/maintenance	7314-1290205	02/23/2022	12.43
Payment 8131 Total:				12.43
Payment: 8132				
Detection Instruments	Operating supplies	1748-51394	02/23/2022	130.06
Payment 8132 Total:				130.06

Item D-1(A) Warrants FEBRUARY 23, 2022

Payment Dates: 02/23/2022 - 02/23/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	
Payment: 8133				
Electricraft, Inc.	Service call-Maria Vista LS	16896	02/23/2022	918.38
Payment 8133 Total:				918.38
Payment: 8134				
Engel & Gray, Inc.	Biosolids collection	21X00009	02/23/2022	9,991.42
Payment 8134 Total:				9,991.42
Payment: 8135				
Excel Personnel Services, Inc.	Employment agency	3897794	02/23/2022	396.80
Payment 8135 Total:				396.80
Payment: 8136				
Famcon Pipe and Supply, Inc.	Operating supplies	S100060441.004	02/23/2022	418.69
Famcon Pipe and Supply, Inc.	Brass bushing and adapters	S100071195.001	02/23/2022	823.24
Famcon Pipe and Supply, Inc.	Concrete lids	S100060441.005	02/23/2022	334.62
Famcon Pipe and Supply, Inc.	Operating supplies	S100071055.001	02/23/2022	214.48
Famcon Pipe and Supply, Inc.	Operating supplies	S100072574.001	02/23/2022	1,045.31
Payment 8136 Total:				2,836.34
Payment: 8137				
FGL Environmental	Lab tests	184602A	02/23/2022	435.00
FGL Environmental	Lab tests	280037A	02/23/2022	30.00
FGL Environmental	Lab tests	280029A	02/23/2022	759.00
Payment 8137 Total:				1,224.00
Payment: 8138				
Frank's Lock & Key	Install latch guard on employee	51894	02/23/2022	155.64
Payment 8138 Total:				155.64
Payment: 8139				
Gibbs International Truck	Vehicle repair/maintenance	55346	02/23/2022	605.01
Payment 8139 Total:				605.01
Payment: 8140				
Hach Company	Portable meter repair	12867775	02/23/2022	651.55
Payment 8140 Total:				651.55
Payment: 8141				
Home Depot Credit Services	Shelving unit	7902255	02/23/2022	1,300.65
Payment 8141 Total:				1,300.65
Payment: 8142				
HydrantGuard, LLC	Hydrants	1076	02/23/2022	10,883.73
Payment 8142 Total:				10,883.73
Payment: 8143				
Iglesias, Mario	Cell phone reimbursement	Feb 2022	02/23/2022	65.00
Payment 8143 Total:				65.00
Payment: 8144				
JB Dewar, Inc.	Pump oil	191595	02/23/2022	163.45
Payment 8144 Total:				163.45
Payment: 8145				
Johnboy's Towing, Inc	Vehicle repair/maintenance	49834	02/23/2022	281.25
Payment 8145 Total:				281.25
Payment: 8146				
Lechowicz & Tseng Municipal	Rate study	01312022	02/23/2022	1,360.00
Payment 8146 Total:				1,360.00
Payment: 8147				
Mission Uniform Service	Uniforms	516428703	02/23/2022	189.70
Mission Uniform Service	Uniforms	516473328	02/23/2022	189.70
Payment 8147 Total:				379.40
Payment: 8148				
National Safety Council	Membership Renewal	1076153-2022	02/23/2022	425.00
Payment 8148 Total:				425.00

Item D-1(A) Warrants FEBRUARY 23, 2022

Payment Dates: 02/23/2022 - 02/23/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	
Payment: 8149				
Newton Geo-Hydrology	General consultation	2022-01	02/23/2022	651.53
Newton Geo-Hydrology	Litigation support	2022-2	02/23/2022	3,977.50
Payment 8149 Total:				4,629.03
Payment: 8150				
NexTraq	GPS subscription	AT1442114	02/23/2022	419.25
Payment 8150 Total:				419.25
Payment: 8151				
Nipomo Community Services	Water	01-31-2022	02/23/2022	888.64
Payment 8151 Total:				888.64
Payment: 8152				
Nunley & Associates, Inc.	South Frontage Road	10233	02/23/2022	1,187.08
Nunley & Associates, Inc.	Joshua Road Pump Station ESDC	10250	02/23/2022	98.37
Nunley & Associates, Inc.	AWIA ERP Update	10197	02/23/2022	548.99
Nunley & Associates, Inc.	NOI for General Waste	10232	02/23/2022	3,251.71
Nunley & Associates, Inc.	Frontage Road Commercial	10245	02/23/2022	202.91
Nunley & Associates, Inc.	PCIA Tract 3163	10246	02/23/2022	275.53
Payment 8152 Total:				5,564.59
Payment: 8153				
Office Depot	Office supplies	226363666001	02/23/2022	37.21
Payment 8153 Total:				37.21
Payment: 8154				
Olivas, Silas	Uniform - Boot reimbursement	BOOTS 2022	02/23/2022	165.00
Payment 8154 Total:				165.00
Payment: 8155				
Perry's Electric Motors &	Pump repair	25783	02/23/2022	3,208.84
Payment 8155 Total:				3,208.84
Payment: 8156				
PG&E	Electricity	FEB 2022	02/23/2022	48,618.57
Payment 8156 Total:				48,618.57
Payment: 8157				
Polydyne, Inc.	Clarifloc	1613249	02/23/2022	2,597.49
Polydyne, Inc.	Clarifloc	1612488	02/23/2022	1,298.74
Payment 8157 Total:				3,896.23
Payment: 8158				
Pumping Solutions Inc.	Neptune spare parts kit	3066701	02/23/2022	1,096.50
Payment 8158 Total:				1,096.50
Payment: 8159				
R. Baker, Inc.	SCADA/AMI Tower	2/16/2022	02/23/2022	15,000.00
Payment 8159 Total:				15,000.00
Payment: 8160				
Ray Morgan Company	B&W/Color copies	3613405	02/23/2022	200.26
Ray Morgan Company	B&W/Color copies	3613406	02/23/2022	223.01
Payment 8160 Total:				423.27
Payment: 8161				
South County Chambers of	Membership dues	12656	02/23/2022	199.00
Payment 8161 Total:				199.00
Payment: 8162				
SWCA, Inc.	Foothill Water Tanks Site	140454	02/23/2022	3,436.50
Payment 8162 Total:				3,436.50
Payment: 8163				
Tyler Technologies, Inc.	Billing software conversion	025-366769	02/23/2022	1,040.00
Payment 8163 Total:				1,040.00
Payment: 8164				
USA Bluebook	CHEMKEYS	867640	02/23/2022	1,243.84

Item D-1(A) Warrants FEBRUARY 23, 2022

Payment Dates: 02/23/2022 - 02/23/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	
USA Bluebook	Operating supplies	867556	02/23/2022	303.73
USA Bluebook	Operating supplies	870727	02/23/2022	219.74
USA Bluebook	Chlorine Reagent	863751	02/23/2022	6,972.91
USA Bluebook	L-Series PSI Switch	866210	02/23/2022	356.38
			Payment 8164 Total:	9,096.60
Payment: 8165				
Wallace Group	FOG Program	55549	02/23/2022	1,017.75
			Payment 8165 Total:	1,017.75

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



FROM: LISA BOGNUDA
FINANCE DIRECTOR



DATE: FEBRUARY 18, 2022

AGENDA ITEM
D-1(B)
FEBRUARY 23, 2022

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$1,892.13
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Item D-1(B) Warrants FEBRUARY 23, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 02/23/2022 - 02/23/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 45				
Nunley & Associates, Inc.	Southland WWTF Capacity	10230	02/23/2022	296.13
			Payment 45 Total:	<u>296.13</u>
Payment: 46				
SWCA, Inc.	BL Sewer Consolidation Project	140443	02/23/2022	1,596.00
			Payment 46 Total:	<u>1,596.00</u>

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: FEBRUARY 18, 2022

AGENDA ITEM
D-2
FEBRUARY 23, 2022

**APPROVE FEBRUARY 29 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. February 9, 2022 draft Regular Board Meeting Minutes

FEBRUARY 23, 2022

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

FEBRUARY 9, 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 January 26, 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, all Directors were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

C-1) QUARTERLY DISTRICT ENGINEER'S REPORT TO THE BOARD [RECOMMEND RECEIVE AND FILE]

Peter Sevcik, Director of Engineering and Operations, presented the item and answered questions from the Board of Directors.

C-2) 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 Gaddis

- *January 19, attended RWMG meeting remotely.*

Director Eby

- *January 27, attended NMMA Technical group meeting remotely.*
- *January 31, attended Board Officers' meeting.*
- *February 2 & 3, attended NCSD Bond conference calls.*
- *February 8, attended CSDA meeting remotely.*

SUBJECT TO BOARD APPROVAL

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

There were no public comments.

*Upon the motion of Director Woodson and seconded, the Board unanimously approved receiving and filing presentations and reports.
Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JANUARY 26, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) LIABILITY CLAIMS OF ROBYN FLORES, JAMES POWELL, CHELSEA PUDWILL, ESTATE OF PYONG YUN SONG RECEIVED JANUARY 31, 2022. [RECOMMEND DENY ALL CLAIMS AND DIRECT STAFF TO PROVIDE NOTICE OF DENIAL]
- D-4) APPROVE TASK ORDER AMENDMENT WITH CANNON FOR ENGINEERING SERVICES DURING CONSTRUCTION FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL APPROVE TASK ORDER AMENDMENT WITH CANNON IN THE AMOUNT OF \$29,830 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board approved the Consent Agenda.

Vote 4-1-0 on D-1.

Vote 4-1-0 on D-2.

Vote 5-0 on D-2 to D-5

	YES VOTES	ABSTAIN	ABSENT
D-1	Directors Gaddis, Armstrong, Woodson, and Eby	Malvarose	None
D-2	Directors Armstrong, Malvarose, Woodson, and Eby	Gaddis	None
D-2 to D-5	Directors Gaddis, Armstrong, Malvarose, Woodson and Eby	None	None

E. NO ADMINISTRATIVE ITEMS

F. GENERAL MANAGER'S REPORT

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

There were no public comments.

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson inquired about how the Assembly District 37 realignment would affect the District's relations with the State.

Director Gaddis asked about the Prop 1 billing and if it has specific instructions for submittal and requested the General Manager provide an update on the next General Manager's Report.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced the Board discussed Item 1 in Closed Session and took no reportable action.

- 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

ADJOURN MEETING

President Eby adjourned the meeting at 10:11 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 00 minutes
Closed Session	0 hour 11 minutes
TOTAL HOURS	1 hour 11minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board Date

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: FEBRUARY 18, 2022



REVIEW BOARD BY-LAWS AND POLICIES AND PROPOSE EDITS FOR CONSIDERATION

ITEM

Review Board By-Laws and Policies and propose edits for consideration [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO RETURN WITH REVISIONS, IF ANY, FOR FUTURE BOARD APPROVAL OR RECEIVE AND FILE IF NO REVISIONS].

BACKGROUND

Pursuant to Section 16 of the Board By-Laws, the Board By-Laws Policy shall be reviewed annually. The review shall be provided by District Counsel and ratified by Board action.

Attached are the current Board By-Laws for your review and consideration. District Counsel has reviewed the Board By-Laws and is not recommending any revisions at this time. However, your Board may make recommendations for any desired changes during the discussion of this item.

FISCAL IMPACT

Funds for staff time to support the Board's direction to revise By-Laws, if any, are included in the FY 2021-22 Budget.

STRATEGIC PLAN

Goal 6 – GOVERNANCE AND ADMINISTRATION – Conduct District activities in an efficient, equitable and cost-effective manner.

6.1– Board carry out an annual self-evaluation seeking to provide better policy guidance, by-laws, and increase efficiency and effectiveness

RECOMMENDATION

Staff recommends that your Honorable Board review the By-laws and policies. If edits are proposed, direct Staff to place consideration of edits on the Agenda for the next Regular Board Meeting. If no edits or revisions are recommended, the By-laws should be received and filed.

ATTACHMENT

A. Resolution 2020-1544, 2020 Board By-laws

FEBRUARY 23, 2022

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-1544**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BOARD BY-LAWS**

WHEREAS, the Board of Directors of Nipomo Community Services District (District) is committed to providing excellence in legislative leadership; and

WHEREAS, Section 16 of the Board By-Laws and Policies provides for the annual review of the Board By-Laws and Policies by District Legal Counsel; and

WHEREAS, Government Code §61045 requires the Board of Directors to adopt Rules or By-laws governing its proceedings; and

WHEREAS, as required by the existing Bylaws, District Legal Counsel has reviewed the District's previously adopted Board By-Laws and Policies and recommended that the District Board of Directors adopt certain revisions; and

WHEREAS, the District Board has considered the proposed amendments and provided an opportunity for public comment regarding the proposed revisions to the Board By-Laws.

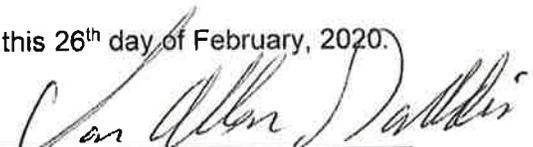
NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The amendment to the Nipomo Community Services District Board By-Laws and Policies attached hereto as Exhibit "A" is hereby approved and adopted.

Upon motion of Director Armstrong, seconded by Director Gaddis, on the following roll call vote, to wit:

AYES: Directors Armstrong, Gaddis, Woodson, Blair and Eby
NOES: None
ABSENT: None
ABSTAIN: None

the foregoing resolution is hereby passed and adopted this 26th day of February, 2020.

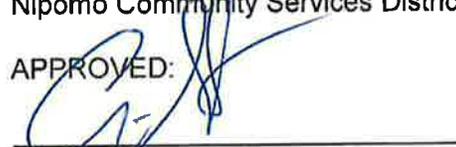


DAN ALLEN GADDIS
Board President
Nipomo Community Services District

ATTEST:


MARIO IGLESIAS
General Manager and Secretary to the Board

APPROVED:


CRAIG A. STEELE
District Legal Counsel

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-1544**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BOARD BY-LAWS**

EXHIBIT "A"

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.

2. MEETINGS

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director Meetings due to scheduling conflicts and holidays.
- 2.2 Special Meetings.

Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant General Manager in consultation with the President or, in his or her absence, the Vice President or those Directors calling the meeting.
- 2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.
- 2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
 - (a) Directors may briefly respond to statements or questions from the public;

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-1544**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AMENDED BOARD BY-LAWS**

EXHIBIT "A"

- (b) Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
 - (c) The Board may take action to direct the General Manager to place a matter on a future agenda;
 - (d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.
- 2.5 The President, or in his/her absence the Vice President, shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall vote on all questions, and on roll call votes his/her name shall be called last.
- 2.6 Three (3) Directors of the Board shall constitute a quorum for the transaction of District business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.7 Except as otherwise specifically provided by law, a majority vote of the total membership of the Board of Directors is required for the Board of Directors to take action.
- 2.8 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those temporarily absent because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.10 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.11 All recording devices, including but not limited to , audio or video recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated in plain public view and from behind the public speaker's podium. The President retains the discretion to alter these guidelines, including the authority to require that all audio or video recorders, still and/or motion picture cameras be located in the back of the room.

**NIPOMO COMMUNITY SERVICES DISTRICT
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3. AGENDAS

- 3.1. The General Manager, in cooperation with the Board President, shall prepare the agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. twelve calendar days prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.
- 3.2. The following applies to reconsideration of prior Board actions.
- (a) After the passage of 9 months from the effective date of the motion, resolution, or ordinance, the matter may be placed on the agenda pursuant to Section 3.1, above, or other provisions of the Brown Act.
 - (b) Prior to the passage of 9 months, any member of the Board of Directors or the General Manager may request the Board of Directors, by motion, to agree to reconsider a prior Board action at a subsequent meeting of the Board.
 - (c) The President of the Board of Directors, upon a determination that there is a need to take immediate action, may place an item on the agenda for reconsideration.
- 3.3. Comments on agendized items should be held until the appropriate item is called.
- 3.4. Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. Members of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless the President chooses an earlier or later time.

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- (b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.

- (c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, an abstention or conflict of interest, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote, an abstention or conflict of interest, on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote, an abstention or conflict of interest, in the minutes on the item identified by the Director.

4. PREPARATION OF MINUTES AND MAINTENANCE OF RECORDINGS

- 4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads.

- 4.2 The minutes of the Board of Directors shall record the aye and no votes taken by the members of the Board of Directors for the passage or denial of all ordinances, resolutions, or motions.

- 4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person.

- 4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board during general public comment.

- 4.5 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include the names of speakers who provided public comment on each agenda item and a summary of the Directors' reports. Materials submitted with such comments shall be

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appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.

- 4.6 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

- 4.7 Any recording of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. Consistent with Government Code Section 54953.5(b), the District will maintain the recordings for a 30-day period after the recording. During the 30-day period, the District will provide, without charge, the necessary equipment for inspection of said recordings at the District Office during regular business hours. In addition to the 30-day requirement, the District will maintain the recordings- in accordance with its current Records Retention Policy

5. DIRECTORS

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors are encouraged to seek clarification prior to the meeting, if possible.

- 5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole.

- 5.3 Information may be requested from staff before meetings, within such limitations as required by the Brown Act. Information that is requested shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.

- 5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

- 5.5 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disrespectful to others.

- 5.6 Pursuant to §54952.2 of the Brown Act:
 - (a) Except during an open and public meeting, a majority of the Board of Directors shall not use a series of communications of any kind, directly or thru intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the District.

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(b) Subsection (a) above shall not be construed as preventing District management staff from engaging in separate conversations or communications with members of the District Board of Directors in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the District, provided that District Staff does not communicate to members of the Board of Directors the comments or positions of any other member or members of the Board of Directors.

5.7 Directors shall not be prohibited by action of the Board of Directors from citing his or her District affiliation or title in any endorsement or publication, so long as no misrepresentation is made, or implied, about the District's position on an issue.

6. AUTHORITY OF DIRECTORS

6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, a Director has no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

6.2 Directors do not represent any fractional segment of the District but are, rather, a part of the body which represents and acts for the District as a whole.

6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. AUTHORITY OF THE GENERAL MANAGER

Pursuant to Government Code §61051, the General Manager shall be responsible for the following:

7.1. The implementation of the policies established by the Board of Directors for the operation of the District;

7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors;

7.3 The supervision of the District's facilities and services;

7.4 The supervision of the District's finances.

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8. DIRECTOR GUIDELINES

- 8.1 Directors, by making a request to the General Manager or Assistant General Manager, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, workloads, and priorities, then the General Manager or Assistant General Manager shall inform the individual Director why the information is not or cannot be made available.
- 8.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 8.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 8.4 When approached by District personnel concerning a specific District policy, Directors should direct inquiries to the General Manager or Assistant General Manager. The chain of command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's standing Administration Committee for further consideration, in accordance with District Personnel Policy.
- 8.5 Directors and General Manager should develop a working relationship so that current issues, concerns, and District projects can be discussed comfortably and openly.
- 8.6 When responding to constituent requests and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant General Manager.
- 8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

9. DIRECTOR COMPENSATION

- 9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular adjourned or special meeting of the Board of Directors attended by him/her.

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- 9.2 Each Director appointed to a committee is authorized to receive one hundred dollars (\$100) as compensation for each public meeting of a standing committee attended by him/her.
- 9.3 Each Director appointed to an ad hoc committee is authorized to receive seventy-five dollars (\$75.00) as compensation for each ad hoc committee meeting attended by him/her.
- 9.4 In no event shall Director compensation exceed \$100 per day.
- 9.5 Director compensation shall not exceed six full days in any one calendar month.

10. DIRECTOR REIMBURSEMENT

- 10.1 Subject to the following rules and budgetary limitations, each Director is entitled to reimbursement for their actual and necessary expenses (including the cost of programs and seminars), for his/her attendance at programs, conferences, and seminars that are related to District functions and/or Director development.

- (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible.

If lodging is in connection with a conference or organized education activity, lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of the Board of Directors at the time of booking. If the group rate is not available, the Director shall use lodging that is comparable with the group rate. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. Directors, using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
- (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments, and tips. The amount set for per diem shall be

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considered fair reimbursement. The per diem shall include \$10.00 for breakfast, \$15.00 for lunch and \$30.00 for dinner, for a daily total of \$55.00.

- (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.
- 10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred.
- 10.3 Board members shall submit an expense report on the District form within thirty (30) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense. Expense reports for mileage, as referenced in Section 10.1(b), shall be submitted no later than the end of each quarter (March, June, September, and December).
- 10.4 Members of the Board of Directors shall provide brief reports on the program, conferences, and seminars attended at the expense of the District at the next regular meeting of the Board of Directors.

11. TRAINING

11.1 Ethics Training

- (a) Pursuant to sections 53234 et seq. of the Government Code, all Directors and designated District personnel shall receive at least 2 hours of ethics training every two years.
- (b) Each newly elected Board Member and designated District personnel shall receive ethics training no later than one year from the first day of service with the District and thereafter shall receive ethics training at least once every two years.

11.2 Harassment Prevention Training

Board members, the General Manager, and supervisors that are designated in the Districts conflict of interest code, shall receive harassment prevention training in accordance with the law.

12. COMMITTEES

12.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment,

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and the committee shall be considered dissolved when its final report has been made.

12.2 Standing Committees

- (a) The Board may create standing committees at its discretion. The Board President shall propose and the Board of Directors shall approve standing committee membership.
- (b) Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.
- (c) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

13. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors by Monday of each week and/or with agenda packet.

- 13.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District, and
- 13.2 All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

14. CONFLICTS AND RELATED POLICY

State laws and a local conflict of interest policy are in place to prohibit Directors and designated employees of the District from making, participating in making, or using their official positions to influence a governmental decision that may have a material financial effect (positive or negative) on that individual's financial interests.. The purpose of such laws and regulations is to insure that all actions are taken in the public interest, and to eliminate not only actual impropriety in the District's decision-making process, but also any appearance of impropriety. Laws which regulate conflicts of interest are very complicated, and the consequences of a violation are significant. The following provides a very brief summary of various conflict related laws. Directors and District employees are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item in which they may have a conflict of interest.

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14.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis, and take advantage of training opportunities to learn or refresh their knowledge of conflict of interest rules. The general rule is that an official may not make, participate in making, or use their official position to influence a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official or his or her immediate family, and the effect is distinguishable from the effect on the public generally.

14.1.1 FPPC regulations related to interests in real property provide that, if the real property in which the Director has an interest is located 500 feet or less from the boundaries of the property affected by a decision, the impact of the decision on that interest is deemed to be material, and the official has a conflict of interest, unless there is "clear and convincing evidence" that the decision will not have any measurable impact on the official's property. For decisions that affect real property that is located between 500 feet and 1,000 feet of the official's real property interest, the decision is presumed to be material, and the official has a conflict of interest, if the decision would change the parcel's market value, development potential, income potential, highest and best use, or character by substantially altering traffic levels, intensity of use, parking,, view, privacy, noise levels or air quality. For decisions that involve real property that is located more than 1000 feet from the official's real property, the regulations assume that the effect of a decision on an official's real property interest is **not** material, and thus not a conflict of interest, unless there is clear and convincing evidence to the contrary.

14.1.2 FPPC Regulations also govern conflicts of interest and establish materiality standards for decisions that would affect officials' sources of income or gifts, investments, business positions, and the other financial interests that each official is required to report on his or her Form 700 disclosure form each year. For advice on these issues, Directors should consult with District Counsel or the FPPC as advised above.

14.1.3 The conflict of interest laws require that any official who has a conflict of interest in any decision of the District must announce the existence and nature of the conflict and abstain from making, participating in making or using his or her official position to influence the making of the governmental decision. Abstention also requires the official to leave the room while the issue is being deliberated or voting on, unless the decision is on the Board's consent calendar, in which case the official may remain in the room, note the conflict and abstention on the record and, not participate in any vote or discussion,

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14.1.4 Disqualified officials may, in limited circumstances, participate as a member of the public in a proceeding in furtherance of their own personal property interests.

14.2 Interest in Contracts, Government Code Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which any Director has a financial interest.

14.3 Incompatible Office, Government Code Section 1099

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second, incompatible, office, he/she simultaneously forfeits the first office.

15. CONTINUING EDUCATION

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

16. BOARD BY-LAWS REVIEW POLICY

Subject to 3.1 the Board By-Laws and Policies shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

17. RESTRICTIONS ON BY-LAWS

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or F

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: FEBRUARY 18, 2022



**ACCEPT SECOND QUARTER FISCAL YEAR 2021-2022
QUARTERLY FINANCIAL REPORT**

ITEM

Accept Second Quarter Financial Report [RECOMMEND RECEIVE AND FILE REPORT]

BACKGROUND

As of December 31, 2021, the 2021-2022 Fiscal year is 50% complete. The consolidated operating revenues are 51.92% of budget, operating expenditures are at 50.26% of budget and general and administrative expenditures are at 47.72% of budget.

Attached are the following which provide an overview of the first six months of the fiscal year:

Page 1	Consolidated Statement of Net Position
Page 2-3	Consolidated Statement of Revenues and Expenses
Page 4	Summary of Revenues, Expenses and Cash Balances by Fund
Page 5	Summary of Approved Budget Adjustments
Page 6-7	Graphs for Consolidated Revenues and Expenses
Page 8-10	Graphs for major funds (Water, Town Sewer, and Blacklake Sewer)

STRATEGIC PLAN

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

RECOMMENDATION

It is recommended that your Honorable Board receive report and direct Staff to file the quarterly financial report for the second quarter of fiscal year 2021-2022.

ATTACHMENT

- A. Pages 1-10 – NCSD Quarterly Financial Report

FEBRUARY 23, 2022

ITEM D-4

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
STATEMENT OF NET POSITION - (Unaudited)
DECEMBER 31, 2021**

ASSETS

Current assets:

Cash and cash equivalents	\$ 17,519,870
Accounts receivable	558,891
Unbilled utilities receivable	1,291,000
Accrued interest receivable	9,892
Due from partner purveyors	222,831
Contracts receivable, current portion	134,679
Total current assets	<u>19,737,163</u>

Noncurrent assets:

Restricted cash-NSWP funded replacement	1,336,200
Restricted cash - Held in Trust	727,485
Cash with fiscal agent	244,147
Deposits and other assets	423,800
Contracts receivable, less current portion	6,835,932

Capital assets:

Capital assets, net of depreciation	<u>68,954,037</u>
Total noncurrent assets	<u>78,521,601</u>

Total assets 98,258,764 (A)

Deferred Outflows of Resources

OPEB related	940,770
Pension related	<u>537,936</u>
Total deferred outflows of resources	<u>1,478,706</u> (B)

LIABILITIES

Current liabilities:

Accounts payable	1,070,487
Deposits	243,024
Accrued Liabilities	532,151
Current portion of long-term debt	<u>560,000</u>
Total current liabilities	<u>2,405,662</u>

Noncurrent liabilities:

Net OPEB liability	1,523,138
Net pension liability	1,894,758
Long-term debt, less current portion	<u>18,225,000</u>
Total noncurrent liabilities	<u>21,642,896</u>

Total liabilities 24,048,558 (C)

Deferred Inflows of Resources

Pension related	<u>29,744</u>
Total deferred inflows of resources	<u>29,744</u> (D)

NET POSITION

Net investment in capital assets	48,943,913
Restricted for system expansion, replacement and debt service	13,127,214
Unrestricted	<u>13,588,041</u>

Total net position (A)+(B)-(C)-(D) **\$ 75,659,168**

**NIPOMO COMMUNITY SERVICES DISTRICT
STATEMENT OF REVENUES AND EXPENSES - (Unaudited)
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021**

	YEAR-TO- DATE	BUDGET	% OF BUDGET
<u>OPERATING REVENUES</u>			
Water fixed charges	\$ 737,010	1,589,490	46.37%
Water usage charges	2,786,546	4,961,001	56.17%
Sewer charges	1,532,423	3,062,900	50.03%
Miscellaneous fees and charges	93,523	134,200	69.69%
Street light and landscape maintenance charges	24,187	41,570	58.18%
Franchise fees	70,393	183,000	38.47%
NSWP - collections from purveyors for water purchased	395,788	741,322	53.39%
NSWP - collections from purveyors for related expenses	38,064	74,154	51.33%
NSWP - collections for funded replacement	103,433	206,865	50.00%
Operating transfers in - Funded Administration	254,703	587,060	43.39%
Operating transfers in - Funded Replacement	609,500	1,219,000	50.00%
Total Operating Revenues	<u>6,645,570</u>	<u>12,800,562</u>	<u>51.92%</u>
<u>OPERATING EXPENSES - OPERATIONS AND MAINTENANCE</u>			
Wages and benefits	900,801	1,979,399	45.51%
Purchased water -NCS D share	792,048	1,483,535	53.39%
Purchased water-purveyors	395,788	741,322	53.39%
Operating costs, admin and funded replacement-NCS D share	147,672	297,834	49.58%
Electricity	307,182	663,150	46.32%
Water	4,671	11,000	42.46%
Chemicals	48,859	86,000	56.81%
Lab tests	55,168	114,000	48.39%
Operating supplies	134,066	251,500	53.31%
Outside services	126,826	312,310	40.61%
Permits and operating fees	27,785	57,620	48.22%
Repairs and maintenance	143,919	250,000	57.57%
Engineering	40,360	110,000	36.69%
Fuel	26,412	52,000	50.79%
Meter Program	221,209	270,000	81.93%
Safety program	801	5,000	16.02%
Uniforms	9,204	20,000	46.02%
Landscape maintance district	2,363	5,000	47.26%
Solid waste program	1,547	10,000	15.47%
Conservation program	3,595	20,000	17.98%
Operating transfer out - Funded Replacement	609,500	1,219,000	50.00%
Subtotal - Operating Expenses (Operations and Maintenance)	<u>3,999,776</u>	<u>7,958,670</u>	<u>50.26%</u>

continued on next page

**NIPOMO COMMUNITY SERVICES DISTRICT
STATEMENT OF REVENUES AND EXPENSES - (Unaudited)
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021**

	<u>YEAR-TO- DATE</u>	<u>BUDGET</u>	<u>% OF BUDGET</u>
<u>OPERATING EXPENSES - GENERAL AND ADMINISTRATIVE</u>			
Wages and benefits	477,687	1,143,155	41.79%
Outside services	9,266	37,280	24.86%
Bank charges and fees	3,224	7,200	44.78%
Computer expense	171,966	185,756	92.58%
Dues and subscriptions	67,965	53,180	127.80%
Education and training	2,791	17,000	16.42%
Elections	0	0	0.00%
Liability insurance	107,167	233,000	45.99%
Landscape and janitorial	10,331	18,000	57.39%
Legal counsel-general	40,844	98,000	41.68%
Legal counsel-water	12,779	75,000	17.04%
Professional services	90,435	135,200	66.89%
Miscellaneous	1,634	13,750	11.88%
Newsletters and mailers	1,908	6,700	28.48%
Office supplies	4,472	19,000	23.54%
Postage	10,161	21,200	47.93%
Public notices	840	4,300	19.53%
Repairs and maintenance	15,094	28,850	52.32%
Property taxes	1,672	1,590	105.16%
Telephone	3,749	8,500	44.11%
Travel and mileage	3,739	12,500	29.91%
Utilities	8,818	20,700	42.60%
Operating transfer out - Funded Administration	254,703	587,060	43.39%
Subtotal - Operating Expenses (General and Administrative)	<u>1,301,245</u>	<u>2,726,921</u>	<u>47.72%</u>
Total Operating Expenses	<u>5,301,021</u>	<u>10,685,591</u>	<u>49.61%</u>
Total Operating Surplus (Deficit)	1,344,549	2,114,971	63.57%
<u>NON-OPERATING INCOME (EXPENSES)</u>			
Interest income	131,150	672,250	19.51%
Property tax revenue	467,452	802,780	58.23%
Cell site revenue	11,437	43,900	26.05%
Other revenue - purveyors	203,130	203,130	100.00%
Capacity Charges collected	316,068	0	0.00%
COVID-19 expense	(1,196)	0	0.00%
Interest expense	(395,739)	(774,738)	51.08%
Total non-operating revenues (expenses)	<u>732,302</u>	<u>947,322</u>	
Total Operating and Non-operating Surplus (Deficit)	<u>\$ 2,076,851</u>	<u>3,062,293</u>	

NIPOMO COMMUNITY SERVICES DISTRICT
SUMMARY OF REVENUES AND EXPENSES BY FUND
SIX MONTHS ENDING DECEMBER 31, 2021

FUND	FUND #	YTD REVENUES	YTD EXPENSES	SUBTOTAL	FUNDED REPLACEMENT	TRANSFERS B/W FUNDS	YTD SUPRPLUS/ (DEFICIT)
Administration	110	266,053	(266,053)	0	0	0	0
Water	125	3,620,778	(2,983,449)	637,329	(320,500)	0	316,829
Water Rate Stabilization	128	499	0	499	0	0	499
Town Sewer	130	1,160,282	(967,490)	192,792	(197,500)	0	(4,708)
Town Sewer Rate Stabilization	135	375	0	375	0	0	375
Blacklake Sewer	150	374,022	(195,729)	178,293	(91,500)	0	86,793
Blacklake Sewer Rate Stabilization	155	62	0	62	0	0	62
Blacklake Street Lighting	200	16,347	(24,942)	(8,595)	0	0	(8,595)
Street Landscape Maintenance	250	7,856	(5,385)	2,471	0	0	2,471
Solid Waste	300	70,862	(19,039)	51,823	0	0	51,823
Drainage Maintenance	400	13,239	0	13,239	0	0	13,239
Supplemental Water Capacity Fees	500	530,633	(188,102)	342,531	0	553,025	895,556
Property Taxes	600	454,754	(45,702)	409,052	0	(553,025)	(143,973)
Water Capacity Fees	700	47,313	0	47,313	0	0	47,313
Town Sewer Capacity Fees	710	55,078	0	55,078	0	0	55,078
Funded Replacement-Water	805	4,073	0	4,073	320,500	0	324,573
Funded Replacement-Town Sewer	810	4,179	0	4,179	197,500	0	201,679
Funded Replacement-BL Sewer	830	185	0	185	91,500	0	91,685
NSWP Operations & Maintenance	910	1,302,076	(1,260,787)	41,289	0	0	41,289
NSWP Funded Replacement	915	104,863	0	104,863	0	0	104,863
TOTAL		8,033,529	(5,956,678)	2,076,851	0	0	2,076,851

CASH BALANCE OF EACH FUND

FUND	FUND #	CASH BALANCE 12/31/2021
Administration	110	(209,210)
Water	125	3,392,333
Water Rate Stabilization	128	433,708
Town Sewer	130	321,495
Town Sewer Rate Stabilization	135	326,130
Blacklake Sewer	150	398,361
Blacklake Sewer Rate Stabilization	155	54,213
Blacklake Street Lighting	200	(1,907)
Street Landscape Maintenance	250	10,196
Solid Waste	300	441,665
Drainage Maintenance	400	64,801
Supplemental Water	500	2,337,763
Property Taxes	600	100,548
Water Capacity Fees	700	2,015,515
Town Sewer Capacity Fees	710	394,975
Funded Replacement-Water	805	3,688,572
Funded Replacement-Town Sewer	810	3,542,278
Funded Replacement-BL Sewer	830	207,554
NSWP	910	880
TOTAL		17,519,870

NOTE:
BALANCE SHEETS AND STATEMENTS OF REVENUES AND EXPENSES FOR EACH FUND ARE AVAILABLE FOR REVIEW UPON REQUEST

NIPOMO COMMUNITY SERVICES DISTRICT
SUMMARY OF APPROVED BUDGET AMENDMENTS
FISCAL YEAR JUNE 30, 2022

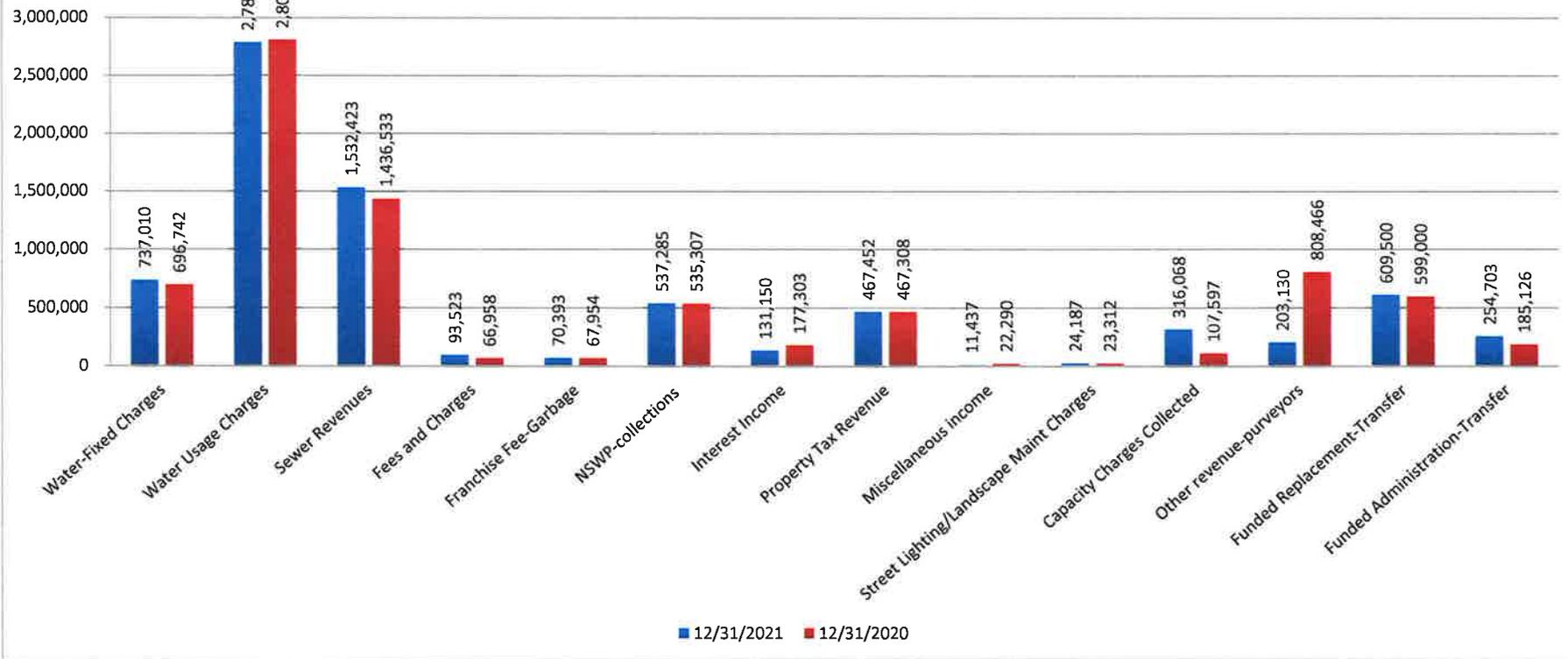
FIRST QUARTER ENDING SEPTEMBER 30, 2021

DATE	DESCRIPTION	FUNDS	APPROVED BUDGET	APPROVED AMENDMENT	AMENDED BUDGET	RESOLUTION NUMBER
8/11/2021	Foothill Tank Project CEQA	700	\$0	\$28,154	\$28,154	2021-1604

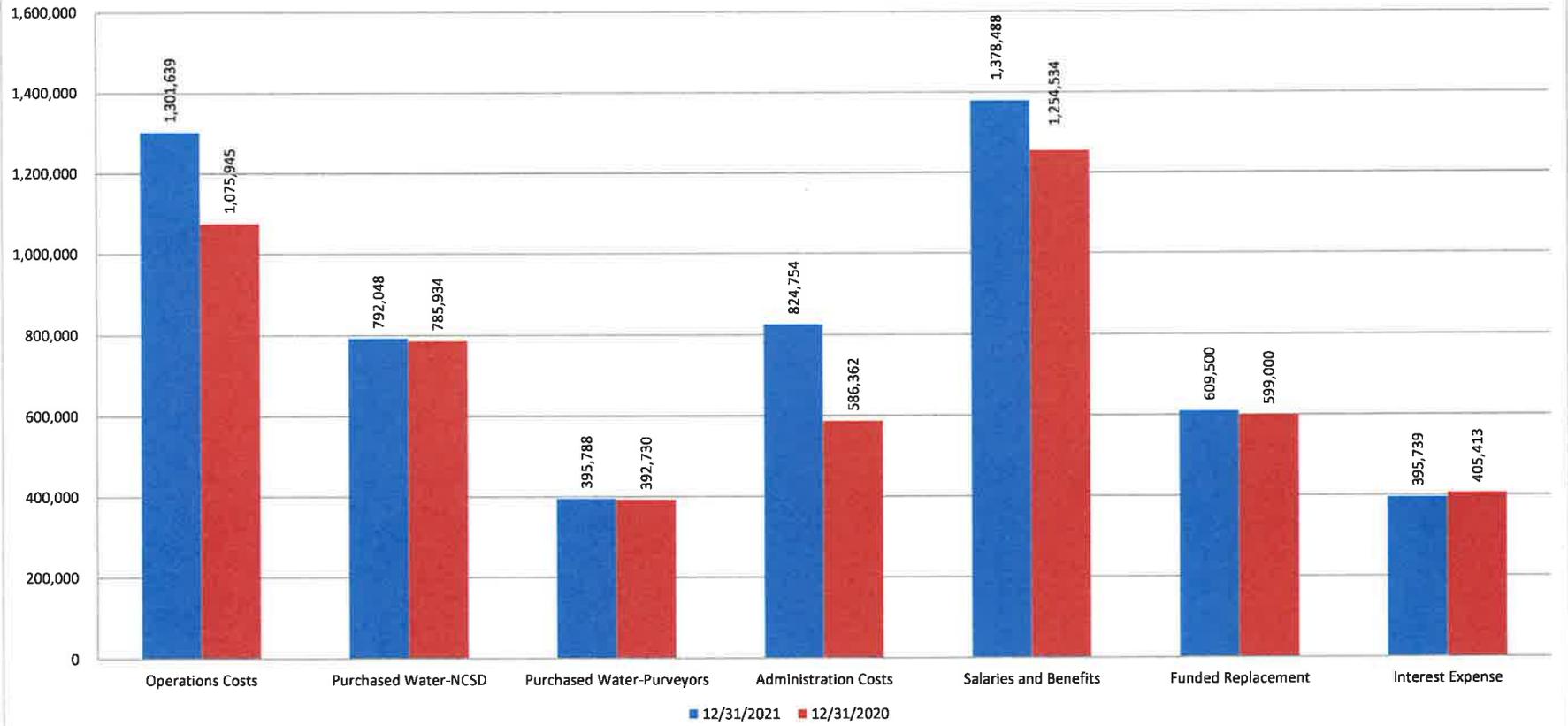
SECOND QUARTER ENDING DECEMBER 31, 2021

DATE	DESCRIPTION	FUNDS	APPROVED BUDGET	APPROVED AMENDMENT	AMENDED BUDGET	RESOLUTION NUMBER
10/13/2021	Monthly Meter Reading	125	\$0	\$43,000	\$43,000	2021-1607

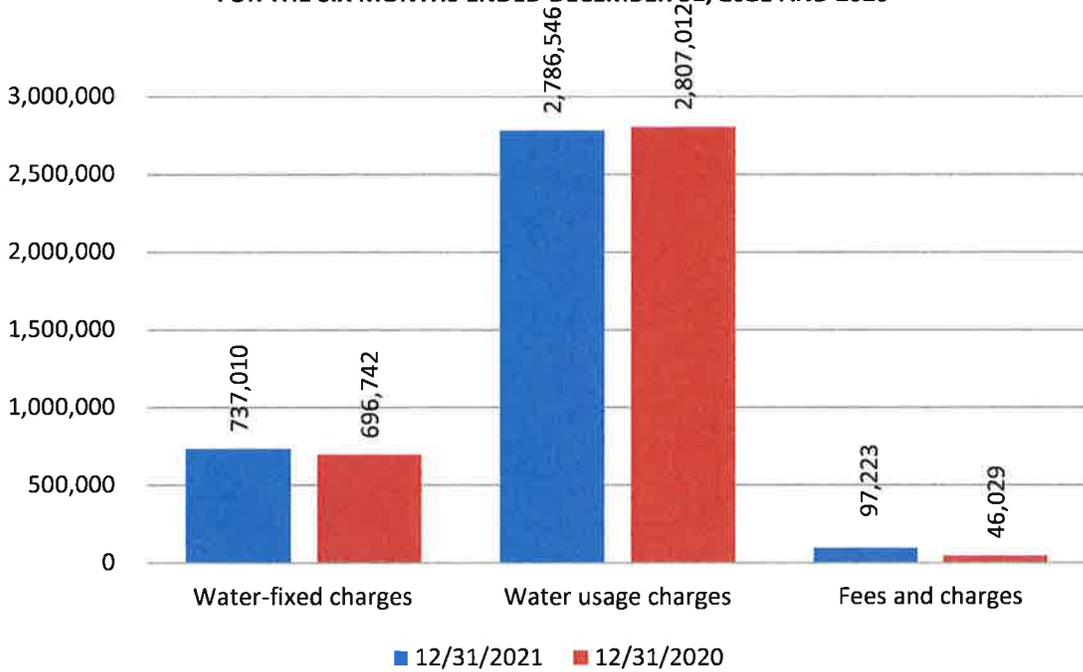
**NIPOMO COMMUNITY SERVICES DISTRICT
TOTAL REVENUES
FOR SIX MONTHS ENDED DECEMBER 30, 2021 AND 2020**



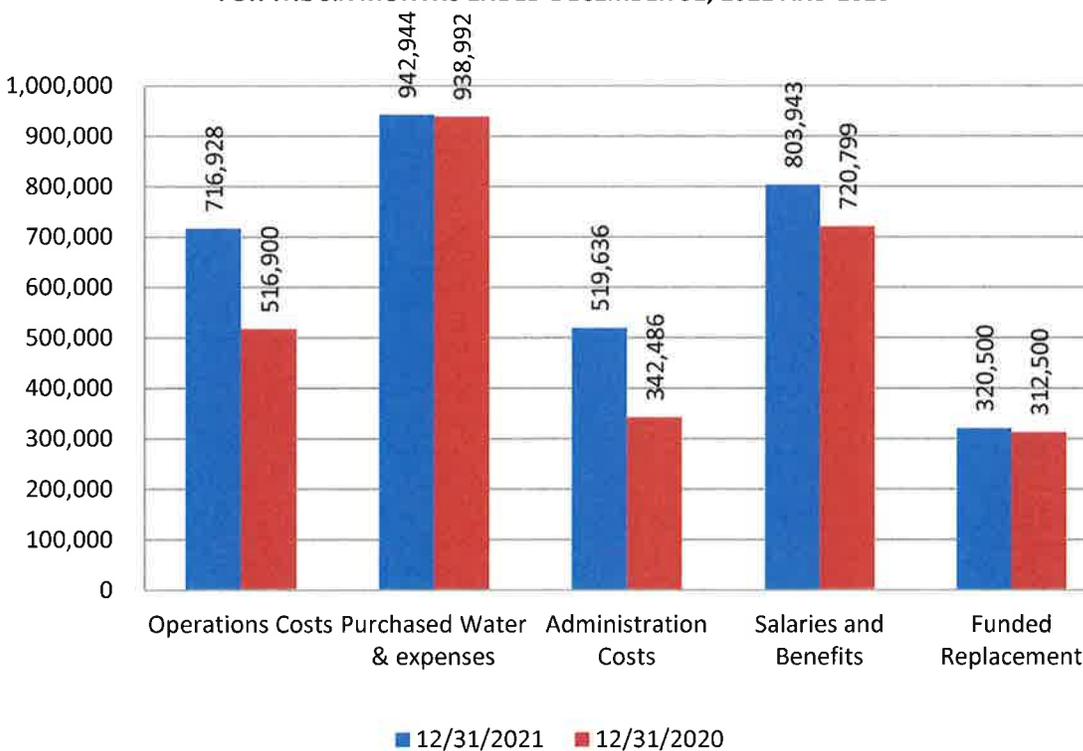
**NIPOMO COMMUNITY SERVICES DISTRICT
TOTAL EXPENDITURES
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021 AND 2020**

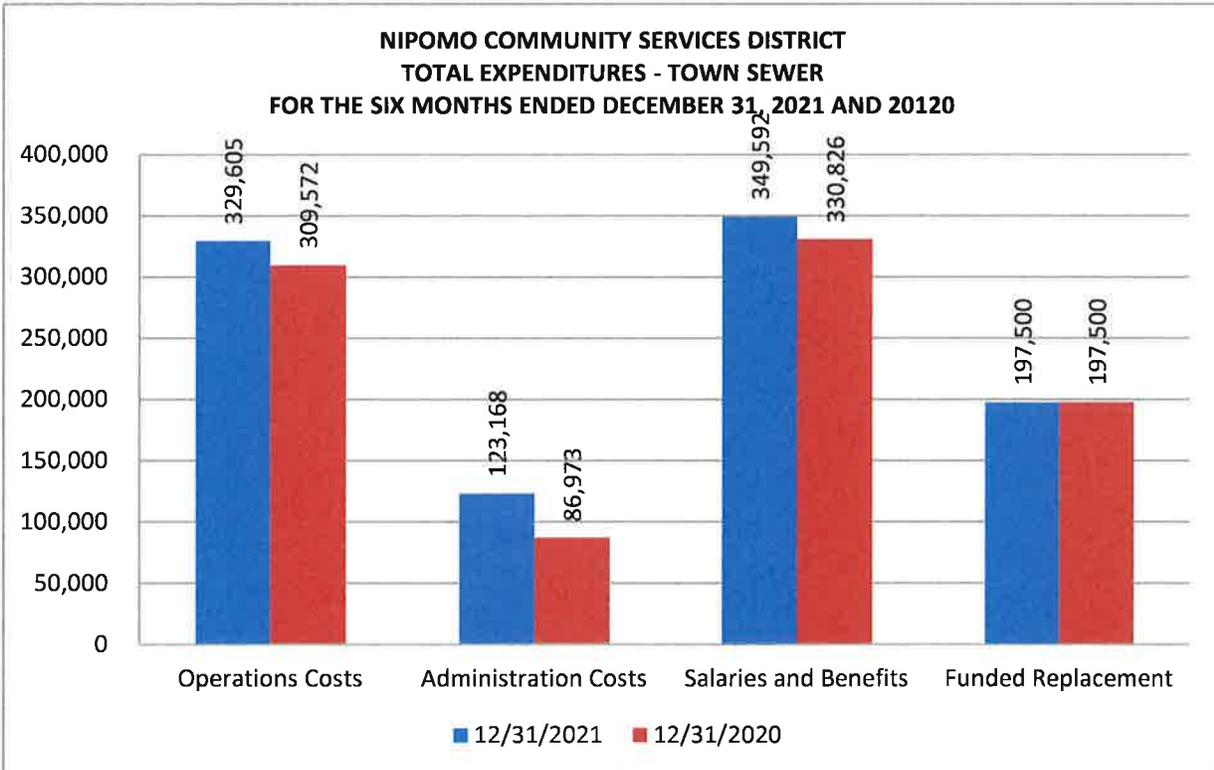
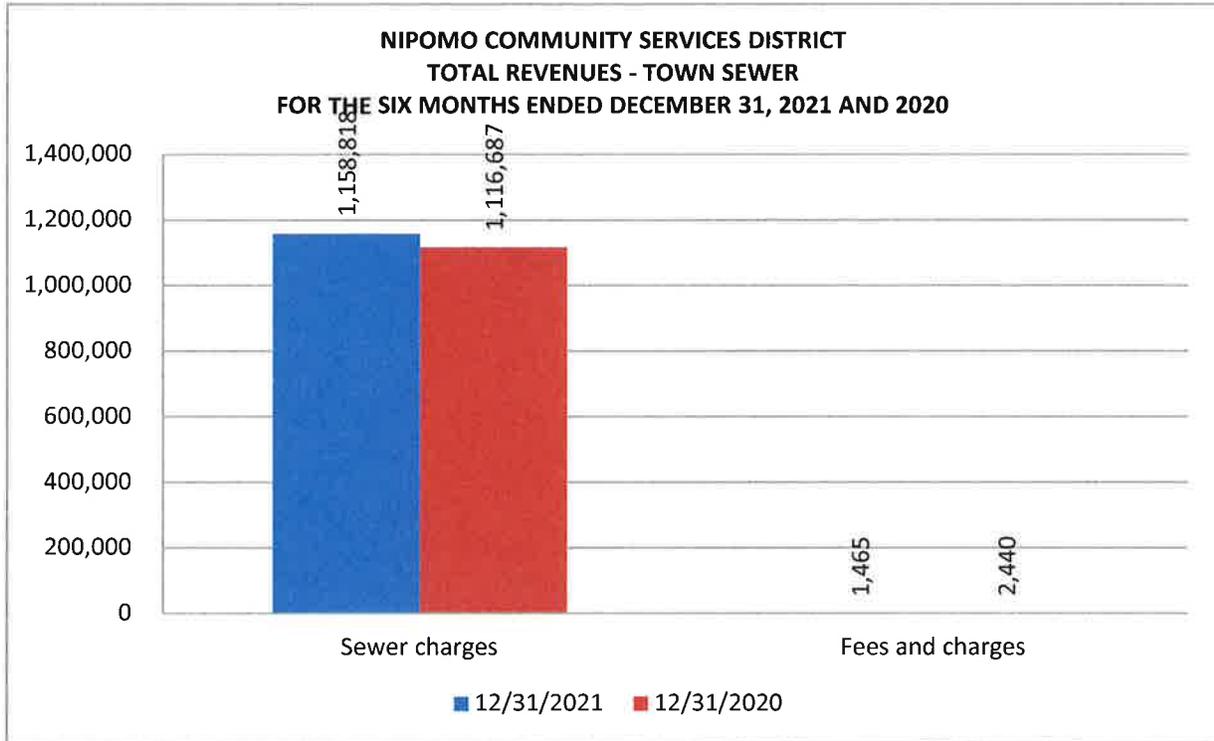


**NIPOMO COMMUNITY SERVICES DISTRICT
TOTAL REVENUE - WATER FUNDS
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021 AND 2020**

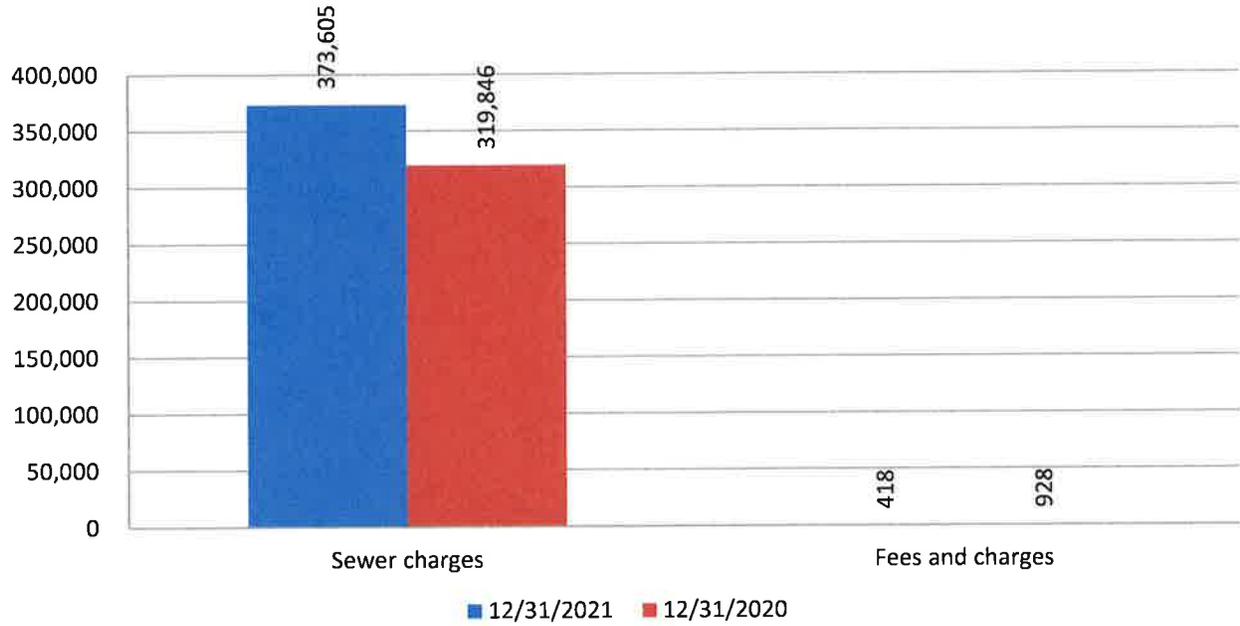


**NIPOMO COMMUNITY SERVICES DISTRICT
TOTAL EXPENDITURES - WATER FUNDS
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021 AND 2020**

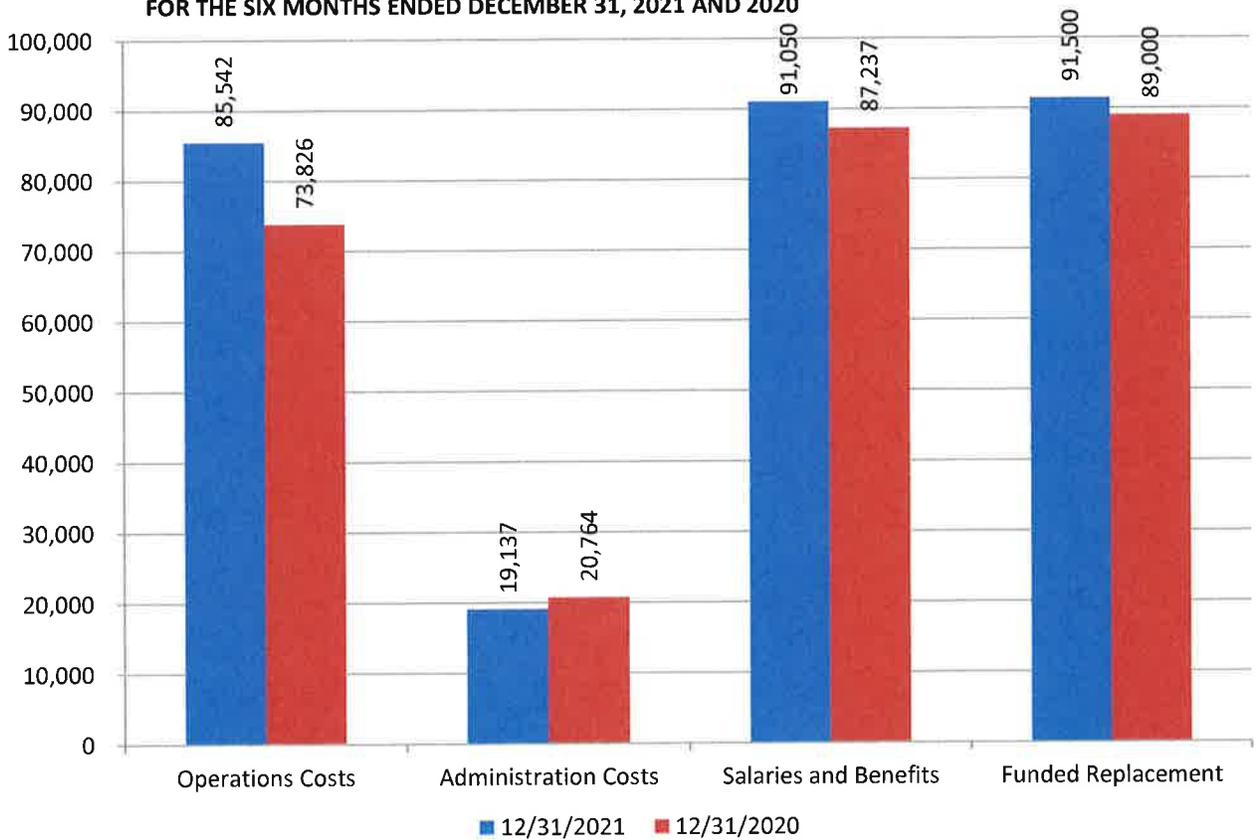




**NIPOMO COMMUNITY SERVICES DISTRICT
TOTAL REVENUES - BLACKLAKE SEWER
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021 AND 2020**



**NIPOMO COMMUNITY SERVICES DISTRICT
TOTAL EXPENDITURES - BLACKLAKE SEWER
FOR THE SIX MONTHS ENDED DECEMBER 31, 2021 AND 2020**



TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER 
DATE: FEBRUARY 18, 2022

**AGENDA ITEM
D-5
FEBRUARY 23, 2022**

**INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS
FOR THE BLACKLAKE STREET LIGHTING DISTRICT AND ORDER
PREPARATION OF ENGINEER'S REPORT**

ITEM

Resolution initiating proceedings for annual levy of the Blacklake Street Lighting District ("BSD")
[RECOMMEND ADOPT RESOLUTION]

BACKGROUND

In 1993, the Board of Directors for the Nipomo Community Services District ("District") annexed the Blacklake community into its service area and began providing water, sewer, and street lighting services. Prior to the District's annexation, the County of San Luis Obispo ("County") provided services under County Resolution 83-367, establishing Zone G of County Service Area 1. For street lighting, the District continued to levy an existing annual levy to pay the costs of maintenance, operation, and servicing of the street light improvements. Over time, as the Board is aware, the costs of the services provided in the BSD tend to exceed the revenue the existing assessment provides. Staff will propose an increase to the assessment for the 2022-23 fiscal year.

The District follows the procedures outlined in the Landscaping and Lighting Act of 1972 in the Streets and Highways Code (the "Act") and Prop. 218 to levy the assessment on each of the property owners served by the BSD. In order to proceed, the attached Resolution will need to be adopted to initiate the proceedings and appoint Director of Engineering and Operations, Peter Sevcik as the Assessment Engineer. He would prepare an Engineer's Report as required by the Act for consideration by the Board which will justify the amount of the assessment to be proposed.

FISCAL IMPACT

Funding for staff time to support the Engineer's work to draft the Engineer's report and present the report to the Board will be included in the proceeds collected as part of the assessment initiative.

STRATEGIC PLAN

Goal 6 – GOVERNANCE AND ADMINISTRATION – Conduct District activities in an efficient, equitable and cost-effective manner.

- 6.1– Board carry out an annual self-evaluation seeking to provide better policy guidance, by-laws, and increase efficiency and effectiveness

RECOMMENDATION

Staff recommends adopting the attached resolution initiating proceedings for annual assessment of the Blacklake BSD.

ATTACHMENT

- A. RESOLUTION NO. 2022-XXXX A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN THE BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2022-23 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

FEBRUARY 23, 2022

ITEM D-5

ATTACHMENT A

RESOLUTION NO. 2022-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN THE BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2022- 23 AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code (commencing with Section 22500) (the "Act"), the Nipomo Community Services District ("NCSD") desires to initiate proceedings for the annual levy and collection of an assessment against parcels of property within an existing assessment district designated "Blacklake Street Lighting District" ("BSD"), for fiscal year 2022-23, commencing July 1, 2022, and ending June 30, 2023, to pay for the costs and expenses of the improvements described below in Section 4.

Section 2. The boundaries of the BSD encompass the neighborhood in the NCSD commonly known as Blacklake, as reflected in Resolution No. 83-367 of the Board of Supervisors of the County of San Luis Obispo, which established Zone G County Service Area 1. Said area was later annexed into NCSD.

Section 3. Reference is made to a map on file in the offices of the NCSD, and open for public inspection during regular business hours, for a description of the exterior boundaries of the BSD and the locations of street lighting facilities described below in Section 4.

Section 4. The existing improvements are briefly described as follows: The maintenance, servicing, and operation of streetlights and appurtenant facilities located in and along public streets, roadways and rights-of-way in the BSD territory. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of the street lights and appurtenant facilities, including repair, removal or replacement of all or part thereof, and the cleaning, sandblasting and painting of any part of the street lights and appurtenant facilities to remove or to cover graffiti, all at the discretion of the NCSD General Manager. "Servicing" means the furnishing of electric current or energy, gas or other illuminating agent for the street lights, and appurtenant facilities.

Section 5. Public property owned by any public agency and in use in the performance of a public function that is included within the boundaries of the BSD, if

RESOLUTION NO. 2022-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR THE
LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN THE BLACKLAKE
STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2022-23
AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE
PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

any, shall not be subject to assessment to be made under these proceedings to cover any of the cost and expenses of the improvements.

Section 6. Any railroad, gas, water and electric utility rights-of-way are included within the District and shall be assessed in accordance with the benefits received from the improvements.

Section 7. The NCSD Board designates the District Engineer as the engineer (the "Engineer") for the purpose of these proceedings and authorizes and directs the Engineer to prepare and file with the NCSD a written report in connection with these proceedings in accordance with Article 4 (commencing with Section 22565) of Chapter 1 of the Act, which shall contain the following:

A. Plans and specifications for the improvements, which shall indicate the class and type of improvements provided in each zone.

B. An estimate of the costs of the improvements for the 2022-23 fiscal year, including all of the following:

1. the total cost of the maintenance, servicing, and operation of the improvements, including all incidental expenses;
2. the amount of any surplus or deficit in the Blacklake Street Lighting Fund, if any, to be carried over from the 2022-23 fiscal year;
3. the amount of any contributions to be made from sources other than the assessments levied pursuant to the Act; and
4. the net amount to be assessed upon assessable lands within the BSD, being the total cost of the maintenance, operations, and servicing of the improvements, increased or decreased as the case may be, by any surplus, deficit or contributions.

C. A diagram for the BSD showing all of the following:

1. the exterior boundaries of the BSD;
2. the boundaries of any zones within the BSD; and
3. the lines and dimensions of each lot or parcel of land within the BSD.

Each lot or parcel shall be identified by a distinctive number or letter. The lines and dimensions of each lot or parcel shown on the diagram shall conform to those shown on

RESOLUTION NO. 2022-XXXX

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR THE
LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN THE BLACKLAKE
STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2022-23
AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE
PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

the County Assessor's Maps. The diagram may refer to the County Assessor's Maps for a detailed description of the lines and dimensions of any lots or parcels, in which case those Maps shall govern for all details concerning the lines and dimensions of such lots or parcels.

D. An assessment of the estimated costs of the improvements for the 2022-23 fiscal year, which shall do all of the following:

1. state the net amount to be assessed upon assessable lands within the BSD;
2. describe each assessable lot or parcel of land within the BSD; and
3. assess the net amount upon all assessable lots or parcels of land within the BSD by apportioning the amount among the several lots or parcels in proportion to the estimated benefits to be received by each lot or parcel from the improvements.

The assessment may refer to the County assessment roll for a description of the lots and parcels, in which case the roll shall govern for all details concerning the description of the lots or parcels.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this _____ day of _____ 2022, on the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ED EBY, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

MARIO IGLESIAS
Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: FEBRUARY 18, 2022

**AGENDA ITEM
E-1
FEBRUARY 23, 2022**

LOCAL AGENCY FORMATION COMMISSION SPECIAL DISTRICT SEAT NOMINATION
[RECOMMEND CONSIDER NOMINATING A NIPOMO COMMUNITY SERVICES DISTRICT
("District") DIRECTOR TO FILL THE ALTERNATIVE SPECIAL DISTRICT MEMBER SEAT ON
LAFCO]

ITEM

Consider nomination opportunity for the Local Agency Formation Commission's ("LAFCO") alternate special district member seat [RECOMMEND CONSIDER NOMINATING A NIPOMO COMMUNITY SERVICES DISTRICT ("District") DIRECTOR TO FILL THE ALTERNATIVE SPECIAL DISTRICT MEMBER SEAT ON LAFCO]

BACKGROUND

It is time to elect a member to fill the LAFCO alternate special district member's seat as the term for the incumbent expired December 31, 2021. Currently, President Eby is serving in this capacity. The term of the seat runs through December 2025 (four year term). LAFCO is seeking nominations to fill the seat.

Your Board may nominate a candidate to fill the seat. Details on how the candidate will be selected is included in the attached LAFCO supplied notice [Attachment A].

FISCAL IMPACT

Minor budgeted staff time to prepare these materials. LAFCO oversees and approves changes in the District's services and service boundaries.

STRATEGIC PLAN

7.2 Maintain productive communication and relationships with key stakeholders, such as city, County, State and Federal legislators, service clubs, etc. As appropriate, plan and assign for this role.

RECOMMENDATION

Staff recommends your Board, by motion and roll call vote, direct staff to forward your Board's nomination, should you have one, of a candidate to fill the vacant LAFCO Alternate Special District seat.

ATTACHMENTS

A. LAFCO Nomination Materials

FEBRUARY 23, 2022

ITEM E-1

ATTACHMENT A



LAFCO - San Luis Obispo - Local Agency Formation Commission
SLO LAFCO - Serving the Area of San Luis Obispo County

TO: EACH INDEPENDENT SPECIAL DISTRICT

FROM: ROB FITZROY, EXECUTIVE OFFICER

DATE: FEBRUARY 15, 2022

RE: REQUEST FOR NOMINATIONS FOR LAFCO ALTERNATE SPECIAL DISTRICT MEMBER

COMMISSIONERS

Chairperson
ED WAAGE
City Member

Vice-Chair
DEBBIE ARNOLD
County Member

LYNN COMPTON
County Member

MARSHALL OCHYLSKI
Special District Member

ROBERT ENNS
Special District Member

STEVE GREGORY
City Member

HEATHER JENSEN
Public Member

ALTERNATES

DAWN ORTIZ-LEGG
County Member

Ed EBY
Special District Member

CHARLES BOURBEAU
City Member

David Watson
Public Member

STAFF

ROB FITZROY
Executive Officer

BRIAN A. PIERIK
Legal Counsel

IMELDA MARQUEZ
Analyst

Background. The term of the current LAFCO Alternate Special District seat held by Commissioner Ed Eby expired in December 2021. This nomination is for the Alternate Special District seat. The Cortese-Knox-Hertzberg Act allows Commissioner Eby to remain on LAFCO until the nomination and election process is complete, he may also re-run should he wish to do so. The terms of the two Regular Special District Members, Robert Enns and Marshall Ochylski do not expire until 2024 and 2022 respectively.

Instructions. Each district may nominate one candidate for this position. If your District wishes to nominate a candidate, please schedule this request for nominations on an agenda for a meeting of your Board of Directors as soon as possible, or if you have already been delegated by your Board as the representative of your district, you may submit a nomination on behalf of your district. Nomination forms are required to be submitted by the end of nomination period. **The nomination period begins on February 15, 2022, and ends on March 31, 2022, at 5:00 p.m.**

The completed nomination form may be submitted to the LAFCO office via mail, Fax-805-788-2072, or [e-mail: rfitzroy@slolafco.com](mailto:rfitzroy@slolafco.com). Please make sure the form is signed by the Board President or General Manager and the Nominee.

If more than one nomination for a candidate is received, the Executive Officer shall prepare a ballot election and send it by email to each special district with voting instructions at the conclusion of the nomination period.

A nomination form is attached to assist your District in the nomination process. Also, please view the LAFCO website (www.slolafco.com) for additional information about LAFCO. Please call 805-788-2096 if you have any questions.

cc: Members, Formation Commission
Brian Peirik, LAFCO Legal Counsel



**San Luis Obispo
Local Agency Formation Commission**

1042 Pacific Street, Suite A, San Luis Obispo, CA 93401

Tel: (805) 781-5795 | Fax: (805) 788-2072 | rfitzroy@slolafco.com

NOMINATION FOR LAFCO

ALTERNATE SPECIAL DISTRICT MEMBER

The _____
(Insert Name of Special District)

Hereby nominates _____ as a nominee to serve as the
(Insert Name of Nominee)

Special District Member on the San Luis Obispo Local Agency Formation Commission (SLOLAFCO).

The Board of Director's action was taken on an agenda item on:

(Insert Date of Board Agenda and Action)

(General Manager or Chairman/President)

(Email address)

(Signature-Nominee)

TO: BOARD OF DIRECTORS
 FROM: MARIO IGLESIAS
 GENERAL MANAGER 
 DATE: February 18, 2022

**AGENDA ITEM
 F
 FEBRUARY 23, 2022**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is February 6, 2022 through February 19, 2022.*

DISTRICT BUSINESS

Administrative

The District encourages residents to provide reports of any observed water waste. The District also keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks as well as tracking late fee waivers. The table below provides January and Calendar Year-to-date data of these items.

OFFICE ACTIVITIES

	Jan 22	Jan 22 - Dec 22
Reports of Water Waste	0	0
Leak Adjustments	2	2
Leak Adjustment Amount	\$982	\$982
Late Fee Waivers	22	22
Late Fee Waiver Adjustment Amount	\$758	\$758

Water Resources

	Jan - 22	Jul 21 - Jan 22
Groundwater Production	34.8	510.3
Supplemental Water Imported	<u>85.6</u>	<u>642.4</u>
Total Production	120.3	1,152.7

The District's total combined production, including groundwater production wells and supplemental water imported through the Joshua Road Pump Station, registered 120.2 AF for the month of January 2022.

NCSD GW Reduction

The District's purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each claim 16.66% (cumulatively 33.33%) of the imported water NCSD brings onto the basin through the NSWP. Of the 1,000 AF minimum imported water from the City of Santa Maria, 333 AF or 33.33% of the total imported water – whichever is greater – will be credited to these two purveyor customers. The credited amount must be added to the District's groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking

imported water from the District. Table 2 below demonstrates the calculus for determining the District’s adjusted groundwater pumping reduction.

<u>Table 2. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)</u>		
	Jan-22	Jul 21 – Jan 22
NCSD GW Well Production	34.8	510.3
Purveyor Customer Credit (33.3% of Import Water)	28.5	214.0
NCSD Total Calculated GW Production	63.3	724.3
Average GW Production for 2009-2013	142.1	1,384.6
NCSD Percentage of GW Reduction	55%	48%

2022 Fiscal Year Groundwater Pumping Forecast

Table 3 projects the District’s groundwater pumping reduction for the 2022 Fiscal Year.

Table 3. Projected Groundwater Pumping

	Jan-22	Year-to-Date Jul-Jun 2022	Target	Over/(Under)	
NCSD GW Well Production	34.8	908.2			
Purveyor Customer Credit (33.3% of Import Water)	28.5	358.5			
NCSD Total Calculated GW Production	63.3	1,266.7	1,266.0	(1)	AcFt
Average GW Production for 2009-2013	142.1	2,533.4	2,533.4		
NCSD Percentage of GW Reduction	55%	50%	50.0%		

Table 4 compares the previous year’s groundwater pumping with the current year’s groundwater pumping for the same period.

<u>Table 4. FY 20201 vs. FY 2020 Groundwater Pumping</u>					
	Jan-22	Jul 21 -Jan 22	Jan-21	Jul 20-Jan 21	
NCSD GW Well Production	34.8	510.3	61.4	618.7	
Purveyor Customer Credit (33.3% of Import Water)	28.5	214.0	24.5	214.2	
NCSD Total Calculated GW Production	63.3	724.4	85.9	833.0	
Average GW Production for 2009-2013	141.4	1,384.6	141.4	1,384.6	
NCSD Percentage of GW Reduction	55.2%	47.7%	39.3%	39.8%	

Table 4 is showing an improving trend towards reducing groundwater pumping when compared to the same period last year.

Rainfall Gauge

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
Jan 2022 Total	0.08	0.07
July-2021 through June-2022 (Season Total)	8.69	6.82
Feb 1, 2022 – Feb 18, 2022	0.00	0.00
Total Rainfall to date	8.77	6.89
County Reported Avg. Ann. Year Rainfall	18.0	14.0
2006 - 2020 Avg. Ann. Year Rainfall*	15.39	13.30
2006 - 2020 Median Ann. Rainfall*	12.64	11.30

*Data from County website

Connection Report

Nipomo Community Services District Water and Sewer Connections	END OF MONTH REPORT											
	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22
Water Connections (Total)	4500											
Sewer Town connections	2734											
Sewer Blacklake connections	559											
Subtotal	3293											
Galaxy and PSSH at Orchard and Division Sewer connections billed to the County	480											
Sewer Connections (Total)	3773											
New Water Connections	4											
New Sewer Connection	4											

The Connection Report as of January 31, 2022

Safety Program

No Safety Incidents to Report

Supplemental Water Capacity Accounting

Summary Since January 25, 2008

	Number of Equivalent Meters	AFY
Supplemental Water Available for Allocation	947	500.0
Supplemental Water Reserved (Will Serve Letter Issued)	130	-68.6
Subtotal Net Supplemental Water Available for Allocation	817	431.4
Supplemental Water Assigned (Intent-to-Serve Issued)	177	-93.4
Total Remaining Supplemental Water Available for Allocation	640	338.0

As of February 1, 2022

Other Items

- COVID19 NCSD Response Plan Update [Attachment A]
- Proposition 1 Funding Update [Attachment B]
- SB 1383 IWMA Letters Authorization and Designation [Attachment C]

Meetings (February 6 through February 19)

Meetings Attended (telephonically or in person):

- Feb 7, Staff Mtg. - Admin Supervisor Mtg.
- Feb 7, Eng/Admin Coordination Meeting
- Feb 7, Developer Meeting – Sobel Frontage Road
- Feb 8, CSDA Quarterly Meeting
- Feb 8, RWG – Policy Issues
- Feb 9, NCSD Regular Board Meeting
- Feb 9, After-Board Exec. Team Meeting
- Feb 10, Blacklake/NCSD Oversight Committee
- Feb 10, Omnistruct Cyber Security Proposal Review
- Feb 11, Staff Mtg. - Cust. Service Specialist
- Feb 11, Ad-hoc Committee – Dana Reserve Report
- Feb 11, NCSD Board Officer Meeting
- Feb 14, NCSD Management Team Meeting
- Feb 15, Jocelyn Brennan – HRM Corp
- Feb 16, Tuckfield & Associates – Rate Consultant
- Feb 18, Staff Mtg. - Cust. Service Specialist
- Feb 19 – 21, Western Exterminators: Admin Bldg Fumigation

Meetings Scheduled (February 20 through February 26):

Upcoming Meetings (telephonically or in person):

- Feb 20, Holiday – President's Day
- Feb 22, NMMA-TG Meeting
- Feb 22, Eng/Admin Coordination Meeting
- Feb 23, NCSD Regular Board Meeting
- Feb 23, After-Board Exec. Team Meeting
- Feb 24, Board Member Tour of SWTF & JRPS
- Feb 25, Staff Mtg. - Cust. Service Specialist

Upcoming Water Resource and Other Meetings

Upcoming Standing Meetings:

- NMMA-TG: February 22 (Tuesday) @ 10:00 AM, Conf. Call
- RWMG: March 2nd (Wednesday) @ 10:00 AM, Zoom Meeting
- WRAC: March 2nd (Wednesday) @ 1:30 PM, Zoom Meeting
- NMMA Manager's Meeting: March 4th (Friday) @ 10:00 AM, Zoom Meeting
- NCSD Board Officer Meeting: February 25th @ 10:00 am, NCSD Conf. Rm.

RECOMMENDATION

Staff seeks direction and input from your Board

ATTACHMENTS

- A. COVID19 - NCSD Response Plan
- B. Proposition 1 Grant Funding Update
- C. IWMA Authorization and Designation Letters

FEBRUARY 23, 2022

ITEM F

ATTACHMENT A

Date: February 23, 2022 Board Meeting
Response Activities to COVID19 Health Emergency
Prepared by: Mario Iglesias, General Manager

DISTRICT RESPONSE TO COVID-19, Updated February 18, 2022

New Actions

Indoor Mask Mandate Lifted in San Luis Obispo County for vaccinated individuals.

Personnel on Quarantine

Office Personnel: 0

Operational Personnel: 0

Vaccine Update: (No Change)

Ongoing Actions

1. Unvaccinated Employees testing at least once per week
2. Following SLO Co. Masking guidelines (Unvaccinated must wear mask indoors)
3. Following Cal/OSHA guidelines
4. Participate in SLO County EOC Briefings
5. Review SLO County EOC Status Reports
6. Practicing Social Distancing
7. Face coverings are required when employees are in District Buildings when they are away from their work stations
8. Office Rules for Safe Customer Management – CDC Guidance Enforced

Previous Actions

1. For the Month of September, District Staff Tested 44 times (all negative results)
2. Mask Mandate Requirement Update – As of September 1, 2021, masks must be worn indoors at public facilities.
3. COVID19 Rapid Test Kits secured from SLO County at no cost to provide weekly work-place testing.
4. NCSO Board Passes Resolution Declaring Emergency in District [Res. 2020-1550, Mar. 24, 2020]
5. Admin Office Closed to the Public
 - a. Meetings are virtual – Conference Calls
6. Discontinued: Split staff into two teams
 - a. See schedule on Response Plan
7. Received directions for FEMA Public Assistance – Cost Tracking Guidance
8. Governor's Executive Order – No Water Turn-offs
 - a. District instituted this policy as well as a No Late Fee – No Penalty Fees
9. Wipe-down between shifts
10. Each operator in separate designated vehicle.
11. Received additional PPE. Administration Staff will be on normal schedule 8-4:30 starting Monday May 18th
12. Operations Staff are on normal 7:00 am to 3:30 pm work schedule as of Monday, May 4th. County opened up construction sites.

Date: February 23, 2022 Board Meeting
Response Activities to COVID19 Health Emergency
Prepared by: Mario Iglesias, General Manager

13. Expanded Customer Service Work to include site visits for investigations (high bills, meter issues) week of May 11
14. Trailers for quarantine have been returned – May 1
15. District to begin wastewater sampling in conjunction with County effort to determine presence of COVID19 in communities – May 11
16. Temporary Admin Support Workers brought back to Office (Provider incentivized due to PPP Funds) – June 1
17. Lobby Modifications: Glass is equipped with speaker plates to allow the communication between customer and clerk without opening the sliding window.
18. Board Meetings open to the public.
19. County Offices Continued Closed with Appointments provided to some departments as needed.
20. June 18, 2020, Governor Order issued requiring face masks be worn in public places. District management purchased disposable face masks for staff, Board Members, and any public that attends District Board Meetings and lack a face mask.
21. The customer counter window modifications at the office are completed.
22. Capital Improvement Projects continue to be impacted and schedules for completion continue to be pushed back due to material delivery delays.
23. Administrative Office open to public – April 19, 2021
24. Mask Mandate in SLO County (reinstated on September 1st) will be lifted when:
 - a. The county reaches the yellow, “moderate” level of COVID-19 community transmission, as defined by the Centers for Disease Control and Prevention (CDC), and stay there for at least 10 days, and
 - b. Public Health Officer Dr. Penny Borenstein determines that COVID-19 hospitalizations are low and stable and area hospitals are able to meet the needs of patients.
25. County Health provided COVID19 Rapid Test that will get us through January 2022. NCSD requesting additional tests for February and March. The District has sufficient tests to sustain routine testing practices through January 2022.
- 26.

FEBRUARY 23, 2022

ITEM F

ATTACHMENT B

NIPOMO COMMUNITY

BOARD MEMBERS

ED EBY, **PRESIDENT**
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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

Memo

TO: Peter Sevcik, Lisa Bognuda
FROM: Mario E. Iglesias 
General Manager
DATE: February 16, 2022
SUBJECT: Proposition 1 Grant Funding

The County of San Luis Obispo is responsible for managing the Proposition 1 Grant Funding for agencies within its boundaries. The Grant Manager is signaling that grant funding distribution for those scheduled to receive monies from the first round of funding should be prepared to submit the required documentation as defined in the Grant Agreement – in particular Exhibits A and H.

I've attached the above reference Exhibits for your review. Please start to compile the information under your control and plan on submitting it to me no later than March 31, 2022. While a funding date has yet to be determined, having the prescribed documentation in order to present to the Grant Manager will position us for an expedited process.

If you have any question or need more information regarding this matter, please see me.

EXHIBIT A WORK PLAN

PROJECT 4: Nipomo Supplemental Water Project - Final Phase

PROJECT DESCRIPTION: The project includes the installation of two elements into NCSD's water distribution system, the installation of approximately 9,800 linear feet of 16-inch water main, and the installation of (4) four 800 gallon per minute pumps at NCSD's Joshua Road Pump Station (JRPS). These four additional water distribution system elements will enable NCSD to increase the water distribution system's capacity to convey up to 3,000 acre-feet of water from the City of Santa Maria to NCSD.

Budget Category (a): Project Administration

Task 1: Project Management

Manage Grant Agreement including compliance with grant requirements, and preparation and submission of supporting grant documents and coordination with IRWM regional manager, San Luis Obispo County Flood Control and Water Conservation District (SLO FCWCD). Prepare invoices including relevant supporting documentation for submittal to DWR via SLO FCWCD. This task also includes administrative responsibilities associated with the project such as coordinating with partnering agencies and managing consultants/contractors.

Deliverables:

- Invoices and associated backup documentation

Task 2: Reporting

Prepare progress reports detailing work completed during reporting period as outlined in Exhibit F of this Agreement. Submit reports to DWR.

Prepare draft Project Completion Report and submit to DWR via Grantee no later than 90 days after project completion for DWR Project Manager's comment and review. The report shall be prepared and presented in accordance with guidance as outlined in Exhibit F.

Deliverables:

- Quarterly Project Progress Reports
- Project Completion Report
- Documentation (e.g., photo) of "Acknowledgment of Credit" per Standard Conditions D.2

Budget Category (b): Land Purchase/Easement

Task 3: Land Purchase – Not applicable

The Project will be built on County right-of-way and property owned by NCSD, therefore, no land purchase or easements are required.

Budget Category (c): Planning/Design/Engineering/Environmental Documentation

Task 4: Feasibility Studies

Project Feasibility Studies were completed as part of the project development process outside this agreement between 2002 and 2007.

Deliverables:

- None

Task 5: CEQA Documentation

A Notice of Determination was filed with the County of San Luis Obispo in May of 2019 for this project. Prepare letter stating no legal challenges (or addressing legal challenges).

Deliverables:

- All completed CEQA documents as required
- Legal Challenges letter

Task 6: Permitting

All project permitting has been obtained, including Caltrans Encroachment Permit and County of San Luis Obispo Encroachment Permit.

Deliverables:

- Permits as required

Task 7: Design

All project design work has been completed. AECOM completed the design work for the pipeline and MKN Engineers completed the design work for the pumps to be installed at the Joshua Road Pump Station.

Deliverables:

- Basis of Design Report
- 100% Design Plans and Specifications

Task 8: Project Monitoring Plan

Develop and submit a Project Monitoring Plan as per Paragraph 16 for DWR's review and approval.

Deliverables:

- Project Monitoring Plan

Budget Category (d): Construction/Implementation

Task 9: Contract Services

This task must comply with the Standard Conditions D.11 – Competitive Bidding and Procurements. Activities necessary (as applicable) to secure a contractor and award the contract, including: develop bid documents, prepare advertisement and contract documents for construction contract bidding, conduct pre-bid meeting, bid opening and evaluation, selection of the contractor, award of contract, and issuance of notice to proceed.

Deliverables:

- Bid Documents
- Proof of Advertisement
- Award of Contract
- Notice to Proceed

Task 10: Construction Administration

This task includes managing contractor submittal review, answering requests for information, and issuing work directives. A full-time engineering construction observer will be on site for the duration of the project. Construction observer duties include documenting of pre-construction conditions, daily construction diary,

preparing change orders, addressing questions of contractors on site, reviewing/ updating project schedule, reviewing contractor log submittals and pay requests, forecasting cash flow, notifying contractor if work is not acceptable. Upon completing the project, the DWR Certificate of Project Completion and record drawings will be provided to DWR.

Deliverables:

- DWR Certificate of Project Completion
- Record Drawings

Task 11: Construction

Construction activities are outlined below.

11(a): Mobilization and Demobilization: The contractor will mobilize equipment to the job site(s). At the end of the project, the contractor will remove all leftover construction materials and equipment from the project.

11(b): Site preparation will include: The layout of proposed facilities. Materials will be strategically staged throughout the project area to facilitate efficient work.

11(c): Excavation for the installation of approximately 9,800 linear feet of 16-inch water main, tie-in connections at either end of the water main at Frontage Road and Story Road , and South Oakglen Avenue and Tefft Street, installation of below grade valves and appurtenances, installation of (4) four 800 gallon per minute pumps at NCSD's Joshua Road Pump Station (JRPS), wiring motors, testing and completing all other work required to complete the water main and installation of pumps to create a functional potable water distribution system equal to the NCSD's existing facilities, and all required efforts to meet the requirements of a DWR regulated water system.

Deliverables:

- Photographic Documentation of Progress

EXHIBIT H

STATE AUDIT DOCUMENT REQUIREMENTS FOR THE GRANTEES

The following provides a list of documents typically required by State Auditors and general guidelines. NCSD should ensure that such records are maintained for the Project. Where applicable, the list of documents also includes documents related to NCSD's Local Cost Share which will be required for audit purposes.

State Audit Document Requirements

Internal Controls

1. Organization chart (e.g., NCSD's overall organization chart and organization chart for the State funded Program/Project).
2. Written internal procedures and flowcharts for the following:
 - a) Receipts and deposits
 - b) Disbursements
 - c) State reimbursement requests
 - d) Expenditure tracking of State funds
 - e) Guidelines, policy, and procedures on State funded Project
3. Audit reports of NCSD internal control structure and/or financial statements within the last two years.
4. Prior audit reports on the State funded Project.

State Funding:

1. Original Grant Agreement, any amendment(s) and budget modification documents.
2. A listing of all bond-funded grants, loans, or subventions received from the State.
3. A listing of all other funding sources for the Project.

Contracts:

1. All subcontractor and consultant contracts and related or partners' documents, if applicable.
2. Contracts between NCSD and member agencies as related to the State funded Project.

Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the Grant Agreement.
2. Documentation linking subcontractor invoices to State reimbursement, requests and related Grant Agreement budget line items.
3. Reimbursement requests submitted to the State for the Grant Agreement.

Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State.
2. Deposit slips (or bank statements) showing deposit of the payments received from the State.
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the grants or loans.
4. Bank statements showing the deposit of the receipts.

Accounting Records:

1. Ledgers showing entries for funding receipts and cash disbursements.
2. Ledgers showing receipts and cash disbursement entries of other funding sources.
3. Bridging documents that tie the general ledger to requests for Grant Agreement reimbursement.

Administration Costs:

1. Supporting documents showing the calculation of administration costs.

Personnel:

1. List of all contractors and NCSD staff that worked on the State funded Project.
2. Payroll records including timesheets for contractor staff and NCSD personnel who provided services charged to the program

Project Files:

1. All supporting documentation maintained in the project files.
2. All Grant Agreement related correspondence.

FEBRUARY 23, 2022

ITEM F

ATTACHMENT C

NIPOMO COMMUNITY

BOARD MEMBERS

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February 15, 2022

Mr. Paavo Ogren
Interim Executive Director
Integrated Waste Management Authority
870 Osos Street
San Luis Obispo, CA 93401

Re: Letter of Authorization for SB 1383 Local Assistance Grant Program (FY 2021-22)

Dear Mr. Ogren:

This letter hereby authorizes the San Luis Obispo County Integrated Waste Management Authority ("IWMA") to submit a JPA application, act as a lead agency on behalf of the Nipomo Community Services District ("District"), and to execute all documents necessary to implement the SB 1383 Local Assistance Grant Program (FY 2021-22), on behalf of the District.

In addition, this letter will be valid for as long as the IWMA's RESOLUTION NO. 2022-02-03 is in effect not to exceed five years.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Mario Iglesias
General Manager

c: file

NIPOMO COMMUNITY

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February 15, 2022

Mr. Paavo Ogren
Interim Executive Director
Integrated Waste Management Authority
870 Osos Street
San Luis Obispo, CA 93401

Re: Letter of Designation: SB 1383

Dear Mr. Ogren:

On December 8, 2021 the Board of Directors of the Nipomo Community Services District ("District") adopted its SB 1383 Ordinance No. 2021-133, adding chapter 7.07 (mandatory organic waste disposal reduction) to title 7 (solid waste). This ordinance amends Title 7 (solid waste) to add chapter 7.07 (mandatory organic waste disposal reduction). By adopting the Ordinance the District will implement the relevant provisions of Senate Bill 1383 (Public Resources Code section 42652-42654) and the corresponding regulations in Title 14 of the California Code of Regulations, Division 7, Chapter 12, and enables the District to delegate authority for the implementation of Senate Bill 1383 and District's SB 1383 Ordinance requirements to the extent allowed by law.

I am the designated Signature Authority for the District. Accordingly, I hereby authorize the San Luis Obispo County Integrated Waste Management Authority (IWMA) to act as a delegate on behalf of the District for the responsibilities of compliance with Senate Bill 1383 and the corresponding regulations in Title 14 of the California Code of Regulations, Division 7, Chapter 12 to the extent allowed by law. These delegated responsibilities, include, but are not limited to:

- (1) Establishing, administering, implementing, educating, and/or operating all state mandated Senate Bill 1383 programs. Such programs include, but are not limited to organic waste management, education and outreach, monitoring, inspection, and record keeping programs.
- (2) Establishing, administering, and implementing the edible food recovery requirements of Senate Bill 1383 regulations. Such duties shall include but are not limited to: assessment of existing capacity for edible food recovery, establishing a food recovery program, inspection of commercial generators for compliance, and education and outreach to all businesses, residents, commercial edible food generators, and any other entities or parties required by law.

- (3) Coordinating with CalRecycle and any other state or federal entities in assessing and ensuring compliance with the CalRecycle procurement and pollution reduction targets for each party.
- (4) Monitoring and education related to (Title of City/Special District's SB 1383 Ordinance) including monitoring compliance through route reviews and evaluations, determining the applicability of waivers, where necessary and/or appropriate.
- (5) Reporting to CalRecycle on behalf of the City/Special District related to its compliance with SB 1383, consistent with the requirements prescribed by CalRecycle.

This designation will remain effective until rescinded by my authority, or my successor's authority.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Mario Iglesias
General Manager

c: file