

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

OCTOBER 13, 2021 AT 9:00 A.M.

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

BOARD of DIRECTORS

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

PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**
LISA BOGNUA, **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 October 13, 2021, 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, Directors Malvarose, Woodson, Gaddis, and Eby were present.

Mario Iglesias, General Manager, notified the Board that Director Robert Blair had passed away on October 5, 2021.

There were no public comments.

President Eby announced that Item E-4 would be taken out of order.

- E-4) REVIEW AND FILE NOTICE OF VACANCY ON THE NIPOMO COMMUNITY SERVICES DISTRICT'S GOVERNING BOARD OF DIRECTORS [RECOMMEND RECEIVE, DISCUSS, AND PROVIDE DIRECTION TO STAFF REGARDING FILLING THE VACANCY]

Craig Steele, General Counsel, presented the item and answered questions from the Board of Directors.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved to direct the General Manager to provide Notice of Vacancy to the County of San Luis Obispo Elections Official. Vote 4-0-0.

YES VOTES	ABSTAIN	ABSENT
Directors Gaddis, Woodson, Malvarose, and Eby	None	None

Upon the motion of Director Gaddis and seconded, the Board unanimously approved to move forward with the appointment process to fill the vacancy on the Board. Vote 4-0-0.

YES VOTES	ABSTAIN	ABSENT
Directors Gaddis, Woodson, Malvarose, and Eby	None	None

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

*Upon the motion of Director Malvarose and seconded, the Board unanimously approved for the General Manager to post the notice of potential appointment at three prominent locations.
Vote 4-0-0.*

YES VOTES	ABSTAIN	ABSENT
Directors Malvarose, Woodson, Gaddis, and Eby	None	None

Craig Armstrong, NCSD resident, expressed his interest in filling the vacancy and provided his background and history with the District.

C. PRESENTATIONS AND REPORTS

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

Director Gaddis

- *October 4, attended Board Officers' meeting*
- *October 6, attended RWMG meeting remotely*

Director Eby

- *October 4, attended Board Officers' meeting*
- *October 4, attended CSDA meeting remotely*
- *October 6, attended WRAC meeting remotely*

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

There were no public comments.

President Eby called for a 5 minute break.

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE SEPTEMBER 22, 2021, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT OFFER OF WATER AND SEWER IMPROVEMENTS AND DEED RESTRICTION FOR 130 MARY AVENUE, APN 092-572-057[RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF IMPROVEMENTS AND DEED RESTRICTION]

District staff and General Counsel answered questions from the Board regarding item D-3.

There were no public comments.

**Nipomo Community Services District
REGULAR MEETING
MINUTES**

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

*Vote 3-1-0 on D-1.
Vote 4-0-0 on D-2 and D-3.*

	YES VOTES	ABSTAIN	ABSENT
D-1	Directors Woodson, Gaddis, and Eby	Malvarose	None
D-2, D-3	Directors Woodson, Malvarose, Gaddis, and Eby	None	None

**RESOLUTION NO. 2021-1606
A RESOLUTION OF THE BOARD OF
DIRECTORS OF THE NIPOMO COMMUNITY
SERVICES DISTRICT ACCEPTING
130 MARY AVENUE WATER AND
SEWER IMPROVEMENTS
AND DEED RESTRICTION**

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR APN 090-122-014, A COMMERCIAL DEVELOPMENT LOCATED AT 120 S. THOMPSON AVENUE [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

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

*Upon the motion of Director Malvarose and seconded, the Board approved the Intent-to-serve with conditions.
Vote 4-0-0.*

YES VOTES	ABSTAIN	ABSENT
Directors Malvarose, Woodson, Gaddis, and Eby	None	None

- E-2) REVIEW AND CONSIDER ADVANCING SOLID WASTE PROGRAMS FOR FISCAL YEAR 2021-2022 THAT BENEFIT THE COMMUNITY [RECOMMEND REVIEW AND CONSIDER SOLID WASTE PROGRAMS AND DIRECT STAFF]

Mario Iglesias, General Manager, introduced the item and answered questions from the Board of Directors.

The Board decided to re-evaluate the Solid Waste Programs at a later date.

- E-3) CONSIDER ADOPTING A RESOLUTION TO AMEND THE 2021-2022 WATER BUDGET IN SUPPORT OF TRANSITIONING THE NIPOMO COMMUNITY SERVICE DISTRICT FROM A BI-MONTHLY TO A MONTHLY BILLING CYCLE [RECOMMEND ADOPT RESOLUTION AMENDING THE FISCAL YEAR 2021-2022 WATER FUND BUDGET IN THE AMOUNT OF \$43,000 TO ADVANCE THE TRANSITION TO A MONTHLY BILLING CYCLE]

Nipomo Community Services District
REGULAR MEETING
MINUTES

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

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

Pam Wilson, NCSD resident, said "Thank you".

Upon the motion of Director Gaddis and seconded, the Board adopted the resolution amending the Fiscal year 2021-2022 Water Fund Budget in the amount of \$43,000 to advance the transition to a monthly billing cycle.

Vote 4-0-0.

YES VOTES	ABSTAIN	ABSENT
Directors Gaddis, Malvarose, Woodson, and Eby	None	None

RESOLUTION NO. 2021-1607
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES
DISTRICT AUTHORIZING A WATER FUND
BUDGET AMENDMENT IN THE AMOUNT OF \$43,000

F. GENERAL MANAGER'S REPORT

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

President Eby asked questions about the COVID-19 relief money other municipalities are receiving.

Lisa Bognuda, Finance Director, answered questions regarding the COVID-19 arrearage program.

There were no public comments.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

I. CLOSED SESSION ANNOUNCEMENTS

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

- a. SMWWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214,
SIXTH APPELLATE COURT CASE NO. H032750, AND ALL
CONSOLIDATED CASES

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

ADJOURN MEETING

President Eby adjourned the meeting at 10:55 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 19 minutes
Closed Session	0 hour 36 minutes
TOTAL HOURS	1 hour 55 minutes

Respectfully submitted,


Mario Iglesias, General Manager and Secretary to the Board 10/27/2021 Date