

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

JUNE 8, 2022 AT 9:00 A.M.

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

BOARD of DIRECTORS

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

PRINCIPAL STAFF

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

Mission Statement:

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

A. CALL TO ORDER AND FLAG SALUTE

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

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

At Roll Call, all Directors were present.

There were no public comments.

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 Eby

- *May 27, attended Board Officers' meeting.*
- *June 1, attended WRAC meeting.*
- *June 7, attended Blacklake Management Committee meeting.*

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.

Upon the motion of Director Armstrong and seconded, the Board approved receiving and filing presentations and reports.

Vote 5-0.

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

**Nipomo Community Services District
DRAFT REGULAR MEETING
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D. CONSENT AGENDA

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

Staff answered questions regarding the warrants.

There were no public comments.

*Upon the motion of Director Woodson and seconded, the Board approved the Consent Agenda. Director Malvarose abstained from item D-1 due to a conflict of interest relating to his employer. Director Gaddis abstained from Item D-2 due to absence at May 25, 2022 meeting.
Vote 4-0-1 on D-1.
Vote 4-0-1 on D-2.
Vote 5-0 on D-3 and D-4.*

	YES VOTES	ABSENT	ABSTAIN
D-1	Directors Armstrong, Woodson, Gaddis, and Eby	None	Malvarose
D-2	Directors Armstrong, Woodson, Malvarose, and Eby	None	Gaddis
D-3 to D-4	Directors Armstrong, Woodson, Gaddis, Malvarose, and Eby	None	None

RESOLUTION NO. 2022-1626
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING LUCKY LANE DEED RESTRICTION
APN 092-577-002

RESOLUTION NO. 2022-1627
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING INVESTMENT OF MONIES IN
THE LOCAL AGENCY INVESTMENT FUND

E. ADMINISTRATIVE ITEMS

- E-1) PUBLIC HEARING - APPROVE GENERAL MANAGER'S REPORT AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES [RECOMMEND CONDUCT HEARING, AMEND GENERAL MANAGER'S REPORT IF NECESSARY, AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING GENERAL MANAGER'S REPORT AND AUTHORIZING RECORDATION OF LIENS]

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Mario Iglesias, General Manager, presented the item.

President Eby opened the Public Hearing.

There were no public comments and no written protests received.

President Eby closed the Public Hearing.

Upon the motion of Director Gaddis and seconded, the Board approved the Resolution.
Vote 5-0.

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

RESOLUTION NO. 2022-1628
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER
AND ORDERING THE COLLECTION OF UNPAID
SOLID WASTE COLLECTION CHARGES ON THE TAX ROLL

E-2) PUBLIC HEARING REGARDING PROPOSED FORMATION OF THE NIPOMO
COMMUNITY SERVICES DISTRICT BLACKLAKE STREET LIGHTING
MAINTENANCE DISTRICT 2022-1

RECOMMEND: CONDUCT PUBLIC HEARING

1. CONDUCT PUBLIC HEARING AND ACCEPT BALLOTS
2. TABULATE BALLOTS (RECESS BOARD MEETING FOR TABULATION; PUBLIC MAY OBSERVE)
3. RETURN TO BOARD MEETING FOR ANNOUNCEMENT OF RESULTS AND BOARD ACTION.
4. IF NO MAJORITY PROTEST EXISTS, THE BOARD WILL CONSIDER ADOPTING RESOLUTION NO. 2022-16XX REGARDING THE PROPOSED BLACKLAKE STREET LIGHTING MAINTENANCE DISTRICT 2022-01:
"A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ORDERING THE FORMATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 2022-1 AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2022-23 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION",
Or,
5. IF A MAJORITY PROTEST EXISTS, THE BOARD COULD DIRECT STAFF TO BRING THE ITEM BACK BEFORE THE BOARD AT THE JUNE 22, 2022 BOARD MEETING FOR FURTHER DISCUSSION.
OR,
6. PROVIDE ALTERNATIVE DIRECTION TO STAFF

Mario Iglesias, General Manager, presented the item.

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President Eby opened the Public Hearing and stated that the District would accept comments and ballots until the close of the public input section. There was no public comment and no ballots were submitted. President Eby closed the public input portion of the hearing and announced that the time to submit ballots had concluded.

President Eby announced that the Board will be taking a recess to tabulate the ballots and the Board meeting would reconvene at 11:15 a.m.

Dave Weitzel and Steven Myli participated as Blacklake representatives that observed the tabulation of the ballots by District staff.

President Eby reopened the meeting at 11:15 a.m.

Director Malvarose excused himself and did not return from the recess.

Mario Iglesias, General Manager, announced that ballots were weighted according to the proportional financial obligation that affected each property, the tabulation showed that ballots representing \$15,895 were returned in support of the assessment, sixty three percent, and \$9,350 were returned in opposition of the proposed assessment, thirty seven percent, therefore there no majority protest existed and the Board may proceed to create the District.

President Eby closed the Public Hearing.

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

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

RESOLUTION NO. 2022-1629
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ORDERING THE FORMATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 2022-1 AND CONFIRMING A DIAGRAM AND ASSESSMENT FOR FISCAL YEAR 2022-23 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

E-3) PUBLIC HEARING - APPROVE ENGINEER'S REPORT AND AUTHORIZE COLLECTION OF FY 2022-2023 STREET LANDSCAPE MAINTENANCE DISTRICT ASSESSMENTS [RECOMMEND CONDUCT HEARING, AMEND ENGINEER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING ENGINEER'S REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS]

Mario Iglesias, General Manager, presented the item.

President Eby opened the Public Hearing.

There were no public comments.

President Eby closed the Public Hearing.

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

Nipomo Community Services District
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Table with 3 columns: YES VOTES, NO VOTES, ABSENT. Row 1: Directors Armstrong, Woodson, Gaddis, and Eby, None, Malvarose

RESOLUTION NO. 2022-1630
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE
DISTRICT NO. 1 FOR FISCAL YEAR 2022-2023

E-4) A) PUBLIC HEARING TO ADOPT 2022-2023 FISCAL YEAR BUDGET AND
APPROPRIATION LIMIT [RECOMMEND CONDUCT PUBLIC HEARING, CONSIDER
TESTIMONY, ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE
ADOPT RESOLUTION APPROVING 2022-2023 FISCAL YEAR BUDGET AND
APPROPRIATION LIMITATION]

Mario Iglesias, General Manager, introduced the item.

President Eby opened the Public Hearing for Item E-4(A).

Jesse McGraw, Blacklake resident, commented on the fleet schedule in the Budget stating his approval.

President Eby closed the Public Hearing for Item E-4(A).

Upon the motion of Director Armstrong and seconded, the Board approved the Resolutions adopting the 2022-2023 Budget and Appropriations Limitation.
Vote 4-0.

Table with 3 columns: YES VOTES, NO VOTES, ABSENT. Row 1: Directors Armstrong, Woodson, Gaddis, and Eby, None, Malvarose

RESOLUTION 2022 - 1631
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2022-2023 FISCAL YEAR BUDGET

RESOLUTION NO. 2022-1632
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING THE APPROPRIATION LIMITATION
FOR THE 2022-2023 FISCAL YEAR

(B) ADOPT 2022-2023 FISCAL YEAR BUDGET FOR NIPOMO SUPPLEMENTAL WATER
PROJECT (NSWP) [RECOMMEND CONDUCT PUBLIC HEARING, CONSIDER
TESTIMONY, ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE ADOPT
RESOLUTION APPROVING NSWP 2022-2023 FISCAL YEAR BUDGET]

Mario Iglesias, General Manager, introduced the item.

President Eby opened the Public Hearing for Item E-4(B).

There were no public comments.

President Eby closed the Public Hearing for Item E-4(B).

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

Table with 3 columns: YES VOTES, NO VOTES, ABSENT. Row 1: Directors Armstrong, Woodson, Gaddis, and Eby, None, Malvarose

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RESOLUTION 2022-1633
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE NSWP (NIPOMO SUPPLEMENTAL WATER PROJECT)
2022-2023 FISCAL YEAR BUDGET

F. GENERAL MANAGER'S REPORT

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

Director Woodson asked if we looked into sealed meter boxes with drain holes.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that there would be no closed session.

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

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

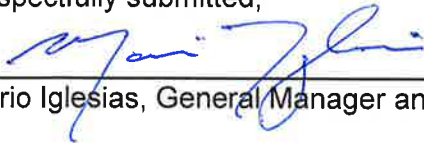
Pam Wilson, NCSD resident, asked if the Governor's order of 20% reduction would affect the District.

ADJOURN MEETING

President Eby adjourned the meeting at 11:34 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hour 34 minutes
Closed Session	0 hour 0 minutes
TOTAL HOURS	2 hour 34 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

6-22-2022

Date