

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JUNE 26, 2019 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
BOB BLAIR, DIRECTOR
CRAIG ARMSTRONG, DIRECTOR
DAN WOODSON, DIRECTOR

PRINCIPAL STAFF

MARIO IGLESIAS, GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR
WHITNEY MCDONALD, GENERAL COUNSEL
PETER SEVCIK, DIRECTOR OF ENG. & OPS.

Mission Statement: The Nipomo Community Services District's mission is to provide its 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 June 26, 2019, 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 Board Members were present.

C. PRESENTATIONS AND REPORTS

C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS [RECEIVE ANNOUNCEMENTS AND REPORTS FROM DIRECTORS]

Director Woodson

- *June 14, attended Public Works meeting on State Parks.*
- *June 24, attended SCAC meeting.*

Director Gaddis

- *June 17, attended Board Officers' meeting.*
- *Announced Cambria CSD has a new General Manager.*

Director Eby

- *June 17, attended Board Officers' meeting.*
- *June 20, attended meeting with Dr. Newton and Dan Howes regarding agriculture water consumption on the Nipomo Mesa.*
- *June 24, attended SCAC meeting.*
- *June 27, will attend NMMA 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 Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.

Vote 5-0.

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

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE June 12, 2019 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

There were no public comments.

*Upon the motion of Director Blair and seconded, the Board unanimously approved Consent Agenda.
Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

E- 1) ADOPT ORDINANCE AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTION 7.08.030 [RECOMMEND ADOPT ORDINANCE BY READING FULL TITLE, WAIVE FURTHER READING OF THE ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER GOVERNMENT CODE SECTION 25124]

Whitney McDonald, District Legal Counsel, presented the item and answered questions from the Board.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously an adopted an Ordinance of the Board of Directors of the Nipomo Community Services District amending Nipomo Community Services District Code Section 7.08.030, waive further reading of the Ordinance and direct District Counsel and Staff to prepare and publish the Ordinance in accordance with Government Code Section 25124.
Vote 5-0.*

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

ORDINANCE 2019-129

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT
CODE SECTION 7.08.030**

E-2) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A MIXED USE (COMMERCIAL AND RESIDENTIAL) DEVELOPMENT LOCATED AT 224 W. DANA STREET, APN 09-135-023 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

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

There were no public comments.

*Upon the motion of Director Armstrong, and seconded, the Board unanimously approved the Intent-To-Serve Letter with conditions outlined in Staff Report.
Vote 5-0.*

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

- E-3) CONSIDER REQUEST FOR WATER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR CO 15-0065, A 4-UNIT RESIDENTIAL DEVELOPMENT ON 1650 ROCKY PLACE, APNS 091-073-021 AND 091-073-022 [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.

Emily Ewer of Oasis Associates, owner representative, stated she was available for questions.

*Upon the motion of Director Armstrong, and seconded, the Board unanimously approved the Intent-To-Serve Letter with conditions outlined in Staff Report.
Vote 5-0.*

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

- E-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR TRACT 3135, A 21 UNIT RESIDENTIAL DEVELOPMENT OF APN 092-573-003 ON THE CORNER OF BLUME STREET AND HILL STREET [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.

There were no public comments.

*Upon the motion of Director Armstrong, and seconded, the Board unanimously approved the Intent-To-Serve Letter with conditions outlined in Staff Report.
Vote 5-0.*

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

F. GENERAL MANAGERS REPORT

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

There were no public comments.

G. COMMITTEE REPORTS

None

H. DIRECTORS' REQUEST 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) SMVWCD V. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)
 - b) KIERAN L. ADAM, ET AL. V. CITY OF SANTA MARIA, ET AL. (SANTA BARBARA COUNTY SUPERIOR COURT, CASE NO. 19CV02091)
 - c) JC & ELSIE TEIXEIRA FAMILY LIMITED PARTNERSHIP, ET AL. V. CITY OF SANTA MARIA, ET AL. (SANTA BARBARA COUNTY SUPERIOR COURT, CASE NO. 19CV02086)
 - d) JC & ELSIE TEIXEIRA FAMILY LIMITED PARTNERSHIP V. CITY OF SANTA MARIA, ET AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0230)
 - e) KOCH CALIFORNIA LTD., ET AL. V. CITY OF SANTA MARIA, ET AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. 19CV-0227)
2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Number of potential cases, 1
3. CONFERENCE WITH LEGAL COUNSEL –LIABILITY CLAIM PURSUANT TO GOVERNMENT CODE SECTION 54956.95
CLAIMANTS: Holger Andersen
AGENCY CLAIMED AGAINST: NCSO
4. STEP ONE OF A TWO STEP ANNUAL PERFORMANCE REVIEW PROCESS OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION §54957

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J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

The Board took a 5 minute break.

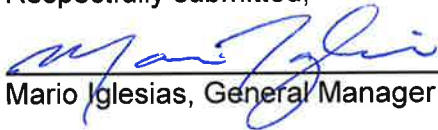
Whitney McDonald, District Legal Counsel, announced that the Board discussed all Closed Session items and took no reportable action, except as to Items 1(b), 1(c), 1(d), and 1(e), it was reported that the District has been served with the lawsuits and that the Board directed legal counsel to defend the District against the claims.

ADJOURN

President Eby adjourned the meeting at 11:19 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 00 minutes
Closed Session	1 hour 19 minutes
TOTAL HOURS	2 hours 19 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

7-10-2019

Date