

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

APRIL 8, 2020 AT 9:00 A.M.

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

### BOARD of DIRECTORS

DAN ALLEN GADDIS, PRESIDENT  
CRAIG ARMSTRONG, VICE PRESIDENT  
BOB BLAIR, DIRECTOR  
ED EBY, DIRECTOR  
DAN WOODSON, DIRECTOR

### PRINCIPAL STAFF

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

#### Mission Statement:

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

***Pursuant to Governor Newsom's Executive Order N-25-20, members of the Nipomo Community Services District or staff may participate in this meeting via teleconference. Members of the public may participate in the meeting telephonically by calling (800) 567-5900 (code 242-2614#). Members of the public may also comment on items on this agenda via email sent to [info@ncsd.ca.gov](mailto:info@ncsd.ca.gov) prior to the meeting start time.***

#### A. CALL TO ORDER AND FLAG SALUTE

*President Gaddis called the Regular Meeting of April 8, 2020, 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 Gaddis, Eby and Blair were present in the Board Room. Director Armstrong, and Woodson were present telephonically.*

*There were no public comments. (There were no members of the public present at the meeting and there were no members of the public participating telephonically). No emails were received at [info@ncsd.ca.gov](mailto:info@ncsd.ca.gov) address prior to the time the meeting started.*

#### C. PRESENTATIONS AND REPORTS

- C-1) 1<sup>st</sup> QUARTERLY 2020 ENGINEER'S REPORT- DIRECTOR OF ENGINEERING AND OPERATIONS REPORT ON DISTRICT PROJECTS SYSTEM-WIDE [RECOMMEND RECEIVE AND FILE]

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

*Upon the motion of Director Blair and seconded, the Board unanimously approved receiving and filing the presentation and report.  
Vote 5-0.*

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

- 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 Blair*

- April 6, attended Finance and Audit Committee meeting, but did not participate.*

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Director Eby

- April 6, attended Blacklake Management Association meeting via computer and reported the Committee approved voting "yes" on A/D 2020-1 ballots.

Director Armstrong

- April 6, attended Finance and Audit Committee meeting.

Director Gaddis

- March 24, attended Special Board meeting.
- March 30, attended Board Officers' meeting.
- April 6, attended Finance and Audit Committee meeting.

C-3) 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 Blair and seconded, the Board unanimously approved receiving and filing presentations and reports.  
Vote 5-0.

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MARCH 24, 2020, SPECIAL BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ADOPT RESOLUTION AMENDING THE NEWSPAPERS OF GENERAL CIRCULATION AND PUBLICATION REQUIREMENTS FOR PUBLICATION OF DISTRICT BUSINESS [RECOMMEND ADOPT RESOLUTION]
- D-4) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 [RECOMMEND ADOPT RESOLUTION]

President Gaddis requested items D-2 and D-3 be pulled for separate consideration.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board unanimously approved Consent Agenda Items D-1 and D-4.  
Vote 5-0.

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

RESOLUTION NO. 2020-1551

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2020-2021 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

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Item D-2:

President Gaddis requested on March 29 that the resolution, "as amended", giving additional authority to the General Manager, be included in whole in the March 24 minutes.

President Gaddis pulled Item D-2 from the Consent Agenda to again request the full amended resolution to be included in the March 24 minutes.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved Consent Agenda Item D-2, as amended, upon the resolution to be included in the minutes.

Vote 5-0.

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

Item D-3:

President Gaddis stated The New Times is not a newspaper that is delivered to residences, but is a free publication available along with real estate publications given out in boxes outside restaurants and filing stations.

General Counsel Steele reported that The New Times is an adjudicated newspaper of general circulation and appropriate for the placement of District notices.

Director Armstrong stated that the circulation numbers of The New times exceeds other newspapers in the area.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved Consent Agenda Item D-3.

Vote 4-1.

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

RESOLUTION NO. 2020-1552

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE NEWSPAPERS OF GENERAL CIRCULATION  
AND PUBLICATION REQUIREMENTS FOR PUBLICATION OF  
DISTRICT BUSINESS

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E. ADMINISTRATIVE AGENDA

- E-1) ADOPT ORDINANCE AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE CHAPTER 5.01 REGARDING REIMBURSEMENT OF COSTS OF CONSTRUCTING IMPROVEMENTS FOR THE BENEFIT OF THE DISTRICT [RECOMMEND CONDUCT SECOND READING OF THE ORDINANCE, READ BY TITLE ONLY, WAIVE FURTHER READING OF THE ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER GOVERNMENT CODE SECTION 25124]

*Craig Steele, District Legal Counsel, presented the item and answered questions from the Board.*

*Upon the motion of Director Eby and seconded, the Board adopted Ordinance Number 2020-131 and directed District Counsel and staff to prepare and publish a summary of the ordinance in accordance Government Code Section 25124.  
Vote 5-0.*

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

Ordinance No. 2020-131

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING CHAPTER 5.01 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE AND ADDING PROVISIONS RELATING TO DISTRICT FACILITY COST REIMBURSEMENTS**

- E-2) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR CO 03-0301, A COMMERCIAL SUBDIVISION LOCATED AT THE CORNER OF NORTH FRONTAGE ROAD AND SANDYDALE DRIVE [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

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

*There were no public comments.*

*Upon the motion of Director Blair and seconded, the Board unanimously approved the Intent-To-Serve Letter for CO 03-0301 with Project –Specific and Standard Conditions, as outlined in the Staff Report.  
Vote 5-0.*

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

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- E-3) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR TRACT 2312, A MIXED USE SUBDIVISION LOCATED AT SOUTH FRONTAGE ROAD [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

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

*There were no public comments.*

*Upon the motion of Director Blair and seconded, the Board unanimously approved the Intent-To-Serve Letter for Tract 2312 with Project –Specific and Standard Conditions, as outlined in the Staff Report.*

*Vote 5-0.*

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

- E-4) REVIEW AND COMMENT ON LETTER FROM NIPOMO COMMUNITY SERVICES DISTRICT (“DISTRICT”) TO SAN LUIS OBISPO COUNTY BOARD OF SUPERVISORS REGARDING THE POTENTIAL IMPACTS ON DISTRICT FACILITIES OF RECENT AMENDMENTS TO THE COUNTY’S ORDINANCE GOVERNING ACCESSORY DWELLING UNITS [RECOMMEND REVIEW, COMMENT, AND DIRECT STAFF]

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

*There were no public comments.*

*Upon the motion of Director Eby and seconded, the Board directed the General Manager to send the letter, as written, to the Board of Supervisors of San Luis Obispo County.*

*Vote 4-1.*

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

F. GENERAL MANAGER’S REPORT

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

*Director Eby requested the General Manager include a COVID-19 update in each report until such time it is no longer necessary.*

*There were no public comments.*

G. COMMITTEE REPORTS

*Director Armstrong stated the Finance and Audit Committee met on April 6, 2020. The Committee directed staff to work with rate consultant, Tuckfield and Associates, to review three alternate rate structures to smooth out future rate increases to be presented to the Board at a future meeting. The Committee also reviewed the FY 2020-2021 Draft Budgets for Nipomo Supplemental Water*

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*Project and the NCSD and made minor edits. The draft budgets will be presented at future meeting.*

*There were no public comments.*

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

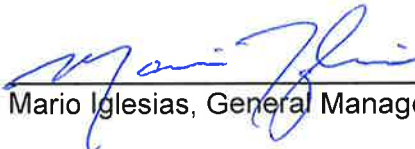
Craig Steele, District Legal Counsel, stated there was no need for Closed Session.

ADJOURN MEETING

*President Gaddis adjourned the meeting at 10:13 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 13 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	1 hour 13 minutes

Respectfully submitted,


*4/22/2020*  
 \_\_\_\_\_  
 Mario Iglesias, General Manager and Secretary to the Board Date