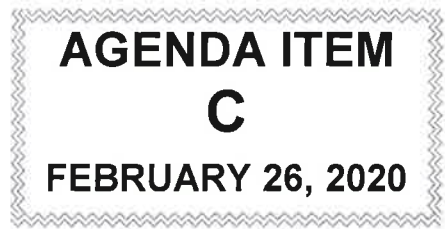


TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER




DATE: FEBRUARY 21, 2020



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) NIPOMO COMMUNITY SERVICES DISTRICT ANNUAL STATÉGIC PLAN REVIEW
[RECOMMEND RECEIVE PRESENTATION]
- 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]
- C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED
UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND
REPORTS

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER 
DATE: FEBRUARY 20, 2020



NIPOMO COMMUNITY SERVICES DISTRICT ANNUAL STRATEGIC PLAN REVIEW

ITEM

Review and discuss Nipomo Community Services District Strategic Plan [RECEIVE PRESENTATION]

BACKGROUND

The Board of Directors (“Directors”) for the Nipomo Community Services District (“District”) first began an organizational strategic planning effort in 2006. Since that time the District has reviewed and updated the District’s strategic plan in 2010, 2011, 2013, and 2018.

The Strategic Plan is intended as a five-year living document. The Strategic Plan is a high-level planning tool that helps direct the District’s finite resources towards defined goals and objectives. It also states the District’s Mission (purpose), Vision (guide), and Values (how and why we act).

This strategic plan annual review is focused on providing the Directors with an update of the eight strategic elements within the strategic plan. Each element has numerous strategic goals and objectives. The focus of the attached presentation is on those goals and objectives currently being completed or are at the forefront of management’s attention.

FISCAL IMPACT

Strategic planning helps focus limited staff resources and improve efficiency. Implementation of the Plan is dependent on subsequent adoption of budgets and approval of specific projects. Budgeted staff time was used to prepare this report.

STRATEGIC PLAN

Strategic Plan Goal 6. – Governance and Administration. Periodically review, update and reaffirm District policies and procedures.

RECOMMENDATION

Staff recommends your Board review the materials and, where appropriate or necessary, provide direction to staff.

ATTACHMENTS

- A. Nipomo CSD 2018 Strategic Plan
- B. Strategic Plan Review, Goals and Objectives

FEBRUARY 26, 2020

ITEM C-1

ATTACHMENT A

Nipomo Community Services District 2018 Strategic Plan

Prepared by Rauch Communication Consultants, Inc.

BOARD OF DIRECTORS

Ed Eby, President,
Dan A. Gaddis Vice-President
Craig Armstrong, Director
Dan Woodson, Director
Bob Blair, Director

STAFF

Mario Iglesias: General Manager
Lisa S. Bognuda: Finance Director/Assistant General Manager
Peter V. Sevcik: Director of Engineering & Operations

148 South Wilson Street
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Bob Blair, Director

Craig Armstrong, Director

Dan Woodson, Director

MANAGEMENT

Mario Iglesias: General Manager

Lisa S. Bognuda: Finance Director/Assistant General Manager

Peter V. Sevcik: Director of Engineering & Operations

CONSULTANT

Martin Rauch, Managing Consultant

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Mission, Vision and Values

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Expectations of the Strategic Planning Process	
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DEVELOPING THE STRATEGIC PLAN

Planning is strategic when it helps move an organization forward from its current situation to its desired future, and anticipates new challenges and conditions.

About Strategic Planning

The Strategic Plan Nipomo Community Service District's highest level planning document, and represents the Board's direction for the future. It is developed through a step-by-step process that includes understanding the District's situation and operating environment, while identifying the highest priority issues, strengths and weaknesses, as well as its opportunities and threats.

The Strategic Plan defines the agency's mission and vision, while providing a framework of goals and objectives that becomes a basis for all decision-making.

The Strategic Plan is also a practical working tool that provides clear direction to the staff about the Board's goals and objectives. The District staff will develop and implement a practical work plan or implementation plan to guide them in carrying out the Board policy-level goals and objectives.

Given its importance, the Strategic Plan should be referred to regularly as a guide to agency actions during the period covered.

To keep it fresh, it should be updated periodically as new factors enter the picture, and rolled forward so that there is always a multi-year guide to the future.

How the Strategic Plan was Developed

The strategic planning process was carried out in the series of steps as outlined below.

FOLLOW UP TO 2014 PLAN

Nipomo Community Services District completed a full strategic planning process in 2014. This is an update to that plan.

INITIAL RESEARCH

Research. The consultant began by holding discussions with the General Manager, and by reviewing background documents, including agendas and minutes, documents and reports, the budget, and other pertinent information.

Confidential Interviews. The research phase was followed by a series of confidential interviews carried out by the consultant. The goal was for the interviewees to candidly express their interests and perspectives on the District. Interviewees included the Board of Directors, General Manager, Finance Director/Assistant General Manager, Director of Engineering & Operations.

PLANNING WORKSHOPS

The Board of Directors, senior management staff and general counsel participated in one strategic planning workshop facilitated by Rauch Communication Consultants.

Workshop. During the workshop, the participants reviewed the results of the interviews, undertook exercises to examine the current state of the District, and identified critical issues and opportunities expected to confront the District in the future. They also identified priorities.

Additional Information from the Planning Process

During the planning process, a number of exercises and discussions were undertaken to review.

They provide useful additional information and ideas.

Expectations of the Participants.

Summary of the Interviews.

Current questions, challenges and open issues needing direction.

What is Coming Down the Road: Challenges and Opportunities.

Highest Priority Issues

Below are the initial priority issues for the coming years, identified during the workshop of the strategic planning process as areas that merit additional attention. Note that these priorities don't mean they are more important than other issues – for example, Safety is a top priority, but it is already being well attended to. The numbers in parenthesis at the end of each item represent “votes” by workshop participants with 1 being a highest-level priority, 2 a next-level priority, etc.

FIRST-LEVEL PRIORITIES

Seek to Maintain and Enhance Community Sustainability. This refers both to ensure quality service and to maintaining the affordability and sustainability of the service for customers. (1, 1, 1, 3)

Financial Stability. The District will ensure that it maintains strong and reliable finances over time. (1, 1, 2, 3)

Infrastructure Stability. Ensure the District's infrastructure is built and maintained for long-term cost effectiveness, and reliability. (2, 2, 2, 3, 3)

SECOND-LEVEL PRIORITIES

Operational Optimization. The District seeks to maximize cost-effectiveness, reliability. (1, 4, 4, 4))

Customer Satisfaction. The sole reason for the District's existence is to serve customer needs, this has been a focus for a long-time and is a top priority. It is only a second-level priority in terms of new initiatives. (3, 3, 4)

THIRD-LEVEL PRIORITIES

Operational Resiliency. Is the District prepared for emergencies such as if Creeks back up and leaving generators underwater and causing backups? (4, 4)

Employee Leadership and Development. Ensure the District is prepared for succession of staff, that staff are well trained, enjoy their positions, etc. (3).

MISSION, VISION, AND VALUES

Mission

A mission statement describes the reason an organization or program exists, services it exists to supply, who it serves, and how it measures excellence. The District's, existing mission statement is reproduced below.

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

Vision

A clear vision provides a guide for an agency. The clearer the vision, the easier it is for the Board, Staff and stakeholders to picture what the Board is trying to achieve and then achieve it. The existing Vision of Nipomo Community Services District is reproduced below:

Provide superior and cost-effective services to our customers, a valued place to work for employees, respected and supported by our public and peers, and helping to maintain the rural quality of life in Nipomo.

Values

Values are what we consider important—what we believe is right. The Board is responsible for identifying and being the guardian of values. Effective organizations identify and develop clear, concise and shared values, beliefs, priorities, and provide direction so that every employee understands and can contribute by implementing their work in line with the organization's values. The existing values statements are written as questions which can be posed to help make difficult decisions.

- *Is it open, transparent and responsive to our customers?*
- *Is it sensitive to rates, cost efficient and financially responsible?*
- *Does it support our commitment to maintaining-quality facilities and infrastructure?*
- *Does it support our ability to provide quality and reliable services?*
- *Does it support the welfare of our employees?*
- *Does it support the quality of life and rural character of our community?*

GOALS, OBJECTIVES AND IMPLEMENTATION APPROACH

About Goals and Objectives

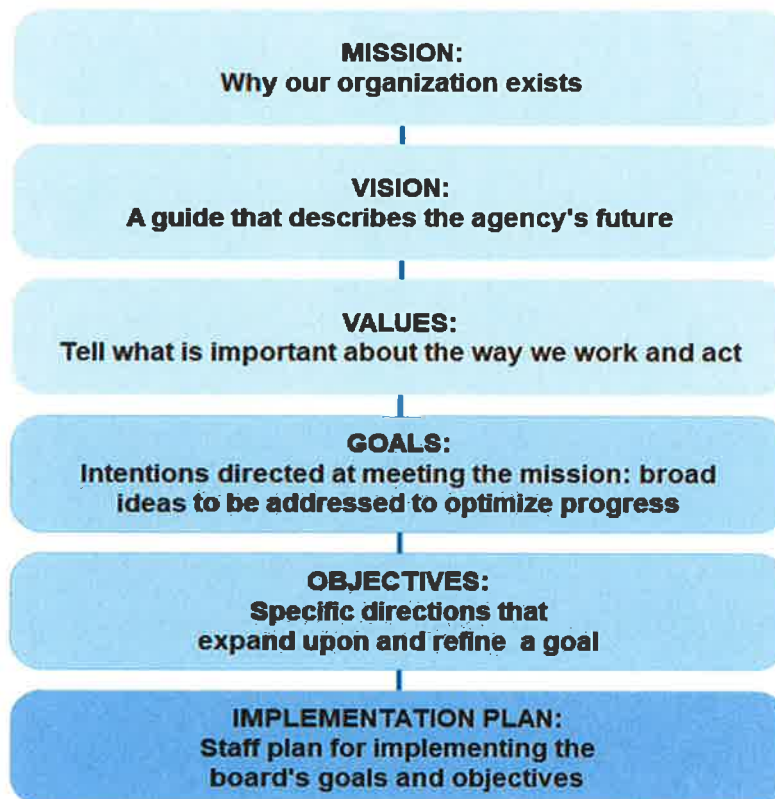
The goals and objectives are presented on the following pages. They, along with the mission, vision and values represent the core strategic direction provided in this plan.

Goals are intentions that are directed at meeting the mission of the District. They describe broad, primary areas of management, operations, and planning that need to be addressed to ensure optimum progress. Goals are not connected to timelines.

Objectives are more specific directions that expand upon and refine the goals. They are set by the Board. There may be multiple objectives for each goal. They are SMART: Specific, Measurable, Attainable, Related to Goals, and Time Certain.

Implementation. A summary of Staff's approach to implementing the plan is shown under each objective.

Timing. Staff will implement the goals and objectives as appropriate and report on all of them annually early in each budget season.



Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

1.A. ACTIVITIES FOR COMPLETION

- A.1 Obtain the necessary permits to utilize the full capacity of the Supplemental Water Project pipeline.** [2020]

- A.2 The District shall provide new service connections to customers when the NCSB Board lifts Severe Criteria condition groundwater pumping restrictions.** [July 2018]

- A.4 NCSB will make available imported water to other purveyors once the NSWP pipeline is permitted to be used at full capacity.** [2020]

- A.5 Expedite funding and implementation of final phases of the Supplemental Water Supply Projects (up to 3,000 acre-feet).** [2023]

- A.6 Update the Water Master Plan** to ensure: long-term quality; reliability; cost-effectiveness; and ability to meet customer needs and regulatory requirements. [2018]

- A.7 The District will seek to sell temporary water to other purveyors** to utilize take or pay water and offset costs. [2018]

1.B. ONGOING ACTIVITIES

- B.1 Seek to have the County implement sustainable water supply policies** that match the level of development they approve, including all the features described in the Water Resources Policy Statement.

- B.2 Engage with other local and regional organizations** to develop solutions to long-term water supply challenges such as providing emergency backup supplies, and ensuring long-term water supply reliability, etc.

- B.3 Seek opportunities for mutually beneficial shared use of the Supplemental Water Project pipeline** once it is permitted to transmit its full capacity.

- B.4 Maintain the Water Shortage Response and Management Plan** to respond to drought and other supply emergencies.

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

2.A. ACTIVITIES FOR COMPLETION

- A.1 Complete the Supplemental Water Project (NSWP). (2024)**

- A.2 Develop a pathway to complete needed upgrades and replacements for the Blacklake wastewater treatment plant. [2018]**

- A.3 Carry out treatment plant expansion on the scheduled trigger of 700,000 gallons per day of capacity. District is currently at 650,000 gallons per day (3-5 years).**

2.B. ONGOING ACTIVITIES

- B.1 NCSD shall maintain long-range infrastructure management, upgrade and replacement planning.**

- B.2 Manage both collection systems with the objective of zero spills and zero permit violations from all regulatory oversight agencies and to ensure the long-term preservation of assets.**

- B.3 Manage both treatment facilities with the objective of zero permit violations from all regulatory oversight agencies and to ensure the long-term preservation of assets.**

Goal 3. PERSONNEL AND ORGANIZATION. Maintain a qualified, long-term and productive workforce to assure an effective organization.

3.A. ACTIVITIES FOR COMPLETION

A.1 Raise the Bar on Operational Effectiveness. [Ongoing with Annual Report]

IMPLEMENTATION: Staff defined and follows operating rules and agreements with purveyors, coordinates with the city of Santa Maria on a daily basis on operating the SWP, is implementing a new disinfectant, and is managing the transmission system at a more sophisticated level.

A.2 Plan for staff succession.

Develop a 3 to 5 year staff succession plan by January 2019

3.B. ONGOING ACTIVITIES

B.1 Ensure the District is adequately staffed with high quality, long-term employees and supported by appropriate contractors and partnerships.

B.2 Maintain a strong commitment to a safe work place.

B.3 Maintain effective disaster response capability. This includes operational resiliency in the face of floods, earthquakes and other emergencies.

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

4.A. ACTIVITIES FOR COMPLETION

- A.1 Develop a financial plan to fund the infrastructure buildout,** including the fair share from participants in the water supply pipeline. [Prioritize after the current rate study is complete] (2018)

- A.2 Ensure billing processes are efficient, cost-effective and fair. Evaluate the potential costs and benefits of monthly compared to bi-monthly billing.** [2018]

- A.3 Develop a Near-, Mid-, and Long-Term Plan to Pay for Take-or-Pay Water.** Evaluate potential and options for ramping rates over time compared to making rate jumps as the water becomes available. [2019]

4.B. ONGOING ACTIVITIES

- B.1 Evaluate, plan for and maintain finances that are adequate** for all needs, stable, and reliable over the long-term.

- B.2 Ensure that purveyors and others pay their fair share of financing water supply,** supplemental water, conservation, and sustainability of the regional water supply. Purveyors should pay their share up front before getting water in order to help finance next phases of supplemental water program.

- B.3 Monitor liabilities for post-employment benefits.** Continue to track State progress to reform post-employment benefit programs.

- B.4 Monitor opportunities for grant funding.**
IMPLEMENTATION: Staff is pursuing Proposition 1 grant funding and looking for other ways to pay for infrastructure improvements.

- B.5 Maintain adequate rates to fund future capital replacements.**

- B.6 Maintain sound investment policy and investments.**

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

5.A. ACTIVITIES FOR COMPLETION

A.1 Ensure efficiency and effectiveness in operations, including evaluating Automated Meter Reading. [2019]

A.2 Utilize metrics for measuring operational effectiveness to ensure improvements in reliability, and cost-effectiveness of operations and maintenance. [2020]

5.B. ONGOING ACTIVITIES

B.1 Continue to improve maintenance management programs for both water and wastewater systems to ensure quality and reliability of services, to maintain warranties, and protect investment in new facilities (maintenance management).

B.2 Meet all regulations.

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

6.A. ACTIVITIES FOR COMPLETION

A.1 Periodically review, update and reaffirm District policies and procedures. [2020]

A.2 Conduct annual customer satisfaction survey. [Annually]

6.B. ONGOING ACTIVITIES

B.1 Utilize technology to maximize productivity and communications.

B.2 Provide excellent customer service.

Goal 7. COMMUNICATION. Use public outreach to communicate effectively with the public to obtain their input and build understanding and support for the District.

7.A. ACTIVITIES FOR COMPLETION

A.1 Develop and implement a complete outreach plan and timeline with specific goals and budget each year. [2018]

IMPLEMENTATION: Will continue to maintain the staffed position that utilizes current communication strategies including multiple online platforms, monthly news articles for the local paper, monthly and quarterly newsletters, advertisements in other traditional media platforms and other outreach efforts.

7.B. ONGOING ACTIVITIES

B.1 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.

Goal 8. ADDITIONAL COMMUNITY SERVICES. Staff should focus on meeting the goals and objectives of existing services. Adding new services will be considered on a case-by-case basis and entered into only if funding can be found and existing services are not harmed.

8.A. ACTIVITIES FOR COMPLETION

A.1 SOLID WASTE. Seek to maximize solid waste services for community and build understanding of services like hazardous waste, recycling, etc. and District's role. [2020]

8.B. ONGOING ACTIVITIES

B.1 PARK. Remain engaged in community planning at the Board level and communicate District's commitment to follow through with pending acquisition when/if availability of funding source is secured.

B.2 STREET LIGHTING. Monitor maintenance of facilities and respond to observed problems.

B.3 DRAINAGE. Monitor maintenance of facilities and respond to observed problems.

B.4 STREET LANDSCAPING. Monitor landscape maintenance and respond to observed problems.

MONITORING AND ENSURING RESULTS

Overseeing the Plan

To ensure that the Strategic Plan continues to be implemented and results achieved, the District plans to take the steps outlined below:

- Publish the Mission, Vision, Values Goals and Objectives in the, newsletter and on the district website
- Incorporate the Mission, Vision, Values, Goals and Objectives into the employee handbook, as well as orientation and training materials for new employees.
- Present the Strategic Plan to the entire staff so they are familiar with it and can better undertake their individual roles in fulfilling it.
- GM performance will be evaluated in part based on their implementation of the Strategic Plan Goals and Objectives.
- Staff will reference Strategic Plan items on Board meeting agendas as appropriate.
- The Board, with staff support, will review and update the Strategic Plan periodically and roll it forward.

Appendix

Expectations for the Strategic Planning Process

The first question asked in the first workshop was for each of the participants to share their initial expectations for the workshop by considering their own goals for the workshop, and what they hoped the outcome would be. The expectations are organized into topic headings below.

Note: the numbers in parenthesis indicate how many comments were made on that topic. E.G. BUILD CONSENSUS ON IMPORTANT ISSUES was commented on 7 times.

BUILD CONSENSUS ON IMPORTANT ISSUES (7)

Gain consensus on important issues coming up in the next several years.

Identify our priorities and reality check them.

Identify goals and objectives to stay on track.

Foster a good discussion and hear from each other.

Team building and hear from others.

RELATIONSHIPS WITH STAFF (3)

WHERE DO WE GO NEXT? (2)

Completed many projects, now what?

FUTURE INSTITUTIONAL RELATIONSHIPS (2)

Consider institutional relationships in light of upcoming LAFCO MSR

Determine how to deal with SOCWA moving forward (JPA Agreements, Representation, Cost Allocation and Management)

Identify how can we engage with neighbors more and more effectively?

BOARD AND STAFF ROLES AND RELATIONSHIPS

ROADMAP TO THE FUTURE

Develop a roadmap to pave the way for new direction in a way that would be useful in the near term and to future directors and staff.

Think ahead and consider what actions may affect us - supply, technology, regulations, etc. -- so we can be prepared.

Conduct what-if exercises and scenarios, and provide clarity of direction.

LOCAL WATER SUPPLY

Consider more options.

Identify what is next with recycled water?

SUCCESSION

FEBRUARY 26, 2020

ITEM C-1

ATTACHMENT B



Nipomo CSD
Annual Strategic Plan
2020 Review

Nipomo CSD – Strategic Plan Review

Nipomo Community Services District 2018 Strategic Plan

Prepared by Rauch Communication Consultants, Inc.



Nipomo CSD – Strategic Plan Review



8 Defined Goals



(A) Activities for Completion

(B) Ongoing Activities

Goal 1. WATER SUPPLIES.

Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.



1.A. ACTIVITIES FOR COMPLETION

- ▶ **A.1 Obtain the necessary permits to utilize the full capacity of the Supplemental Water Project pipeline. [2020]**
- ▶ **A.2 The District shall provide new service connections to customers when the NCSD Board lifts Severe Criteria condition groundwater pumping restrictions. [July 2018]**
- ▶ **A.4 NCSD will make available imported water to other purveyors once the NSWP pipeline is permitted to be used at full capacity. [2020]**
- ▶ **A.5 Expedite funding and implementation of final phases of the Supplemental Water Supply Projects (up to 3,000 acre-feet). [2023]**
- ▶ **A.6 Update the Water Master Plan to ensure: long-term quality; reliability; cost-effectiveness; and ability to meet customer needs and regulatory requirements. [2018]**
- ▶ **A.7 The District will seek to sell temporary water to other purveyors to utilize take or pay water and offset costs. [2018]**

Goal 1.

WATER SUPPLIES.



1.B. ONGOING ACTIVITIES

- ▶ **B.1 Seek to have the County implement sustainable water supply policies that match the level of development they approve, including all the features described in the Water Resources Policy Statement.**
- ▶ **B.2 Engage with other local and regional organizations to develop solutions to long-term water supply challenges such as providing emergency backup supplies, and ensuring long-term water supply reliability, etc.**
- ▶ **B.3 Seek opportunities for mutually beneficial shared use of the Supplemental Water Project pipeline once it is permitted to transmit its full capacity.**
- ▶ **B.4 Maintain the Water Shortage Response and Management Plan to respond to drought and other supply emergencies.**

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT

Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

▶ 2.A. ACTIVITIES FOR COMPLETION

- ▶ A.1 Complete the Supplemental Water Project (NSWP). (2024)**
- ▶ A.2 Develop a pathway to complete needed upgrades and replacements for the Blacklake wastewater treatment plant. [2018]**
- ▶ A.3 Carry out treatment plant expansion on the scheduled trigger of 700,000 gallons per day of capacity. District is currently at 650,000 gallons per day (3-5 years).**

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT



2.B. ONGOING ACTIVITIES

- ▶ **B.1 NCSD shall maintain long-range infrastructure management, upgrade and replacement planning.**
- ▶
- ▶ **B.2 Manage both collection systems with the objective of zero spills and zero permit violations from all regulatory oversight agencies and to ensure the long-term preservation of assets.**
- ▶
- ▶ **B.3 Manage both treatment facilities with the objective of zero permit violations from all regulatory oversight agencies and to ensure the long-term preservation of assets.**

Goal 3. PERSONNEL AND ORGANIZATION.

Maintain a qualified, long-term and productive workforce to assure an effective organization.

3.A. ACTIVITIES FOR COMPLETION

A.1 Raise the Bar on Operational Effectiveness. [Ongoing with Annual Report]

Implementation: Staff defined and follows operating rules and agreements with purveyors, coordinates with the city of Santa Maria on a daily basis on operating the SWP, is implementing a new disinfectant, and is managing the transmission system at a more sophisticated level.

A.2 Plan for staff succession.

Develop a 3 to 5 year staff succession plan by January 2019



Goal 3. PERSONNEL AND ORGANIZATION.

3.B. ONGOING ACTIVITIES

- B.1 Ensure the District is adequately staffed with high quality, long-term employees and supported by appropriate contractors and partnerships.**
- B.2 Maintain a strong commitment to a safe work place.**
- B.3 Maintain effective disaster response capability. This includes operational resiliency in the face of floods, earthquakes and other emergencies.**

Goal 4. FINANCE.

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

4.A. ACTIVITIES FOR COMPLETION

- A.1 Develop a financial plan to fund the infrastructure buildout, including the fair share from participants in the water supply pipeline. [Prioritize after the current rate study is complete] (2018)**
- A.2 Ensure billing processes are efficient, cost-effective and fair. Evaluate the potential costs and benefits of monthly compared to bi-monthly billing. [2018]**
- A.3 Develop a Near-, Mid-, and Long-Term Plan to Pay for Take-or-Pay Water. Evaluate potential and options for ramping rates over time compared to making rate jumps as the water becomes available. [2019]**

Goal 4. FINANCE.

4.B. ONGOING ACTIVITIES

- B.1 Evaluate, plan for and maintain finances that are adequate for all needs, stable, and reliable over the long-term.**
- B.2 Ensure that purveyors and others pay their fair share of financing water supply, supplemental water, conservation, and sustainability of the regional water supply. Purveyors should pay their share up front before getting water in order to help finance next phases of supplemental water program.**
- B.3 Monitor liabilities for post-employment benefits. Continue to track State progress to reform post-employment benefit programs.**
- B.4 Monitor opportunities for grant funding.**
Implementation: Staff is pursuing Proposition 1 grant funding and looking for other ways to pay for infrastructure improvements.
- B.5 Maintain adequate rates to fund future capital replacements.**
- B.6 Maintain sound investment policy and investments.**

Goal 5. OPERATIONS.



Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

5.A. ACTIVITIES FOR COMPLETION

A.1 Ensure efficiency and effectiveness in operations, including evaluating Automated Meter Reading. [2019]

A.2 Utilize metrics for measuring operational effectiveness to ensure improvements in reliability, and cost-effectiveness of operations and maintenance. [2020]

Goal 5. OPERATIONS.



5.B. ONGOING ACTIVITIES

B.1 Continue to improve maintenance management programs for both water and wastewater systems to ensure quality and reliability of services, to maintain warranties, and protect investment in new facilities (maintenance management).

B.2 Meet all regulations.

Goal 6. GOVERNANCE AND ADMINISTRATION

Conduct District activities in an efficient, equitable and cost-effective manner.

6.A. ACTIVITIES FOR COMPLETION

A.1 Periodically review, update and reaffirm District policies and procedures. [2020]

A.2 Conduct annual customer satisfaction survey. [Annually]

Goal 6. GOVERNANCE AND ADMINISTRATION



6.B. ONGOING ACTIVITIES

B.1 Utilize technology to maximize productivity and communications.

B.2 Provide excellent customer service.

Goal 7. COMMUNICATION

Use public outreach to communicate effectively with the public to obtain their input and build understanding and support for the District.

7.A. ACTIVITIES FOR COMPLETION

A.1 Develop and implement a complete outreach plan and timeline with specific goals and budget each year. [2018]

Implementation: Will continue to maintain the staffed position that utilizes current communication strategies including multiple online platforms, monthly news articles for the local paper, monthly and quarterly newsletters, advertisements in other traditional media platforms and other outreach efforts.

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B.1 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.

Goal 8. ADDITIONAL COMMUNITY SERVICES



Staff should focus on meeting the goals and objectives of existing services. Adding new services will be considered on a case-by-case basis and entered into only if funding can be found and existing services are not harmed.

8.A. ACTIVITIES FOR COMPLETION

A.1 SOLID WASTE. Seek to maximize solid waste services for community and build understanding of services like hazardous waste, recycling, etc. and District's role. [2020]

Goal 8. ADDITIONAL COMMUNITY SERVICES



8.B. ONGOING ACTIVITIES

B.1 PARK. Remain engaged in community planning at the Board level and communicate District's commitment to follow through with pending acquisition when/if availability of funding source is secured.

B.2 STREET LIGHTING. Monitor maintenance of facilities and respond to observed problems.

B.3 DRAINAGE. Monitor maintenance of facilities and respond to observed problems.

B.4 STREET LANDSCAPING. Monitor landscape maintenance and respond to observed problems.

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: FEBRUARY 21, 2020



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 12, 2020, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT OFFER OF WATER AND SEWER IMPROVEMENTS AND DEED
RESTRICTION FOR CO 17-0131 [RECOMMEND ADOPT RESOLUTION
ACCEPTING OFFER OF IMPROVEMENTS AND DEED RESTRICTION]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: FEBRUARY 21, 2020



WARRANTS

HANDWRITTEN CHECKS
None

VOIDS – NONE

TOTAL COMPUTER CHECKS
\$154,686.59

COMPUTER GENERATED CHECKS – SEE ATTACHED



Nipomo Community Services District

Item D-1 Warrants FEBRUARY 26, 2020
By Payment Number

Payment Dates 02/26/2020 - 02/26/2020

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 5740				
Advantage Answering Plus, In	Answering service	16-062-731	02/26/2020	232.91
				Payment 5740 Total: <u>232.91</u>
Payment: 5741				
Alexander's Contract Services,	Meter reading	102680	02/26/2020	187.25
Alexander's Contract Services,	Meter reading	102681	02/26/2020	189.25
				Payment 5741 Total: <u>376.50</u>
Payment: 5742				
Allweather Landscape Mainte	LMD	37017	02/26/2020	325.00
				Payment 5742 Total: <u>325.00</u>
Payment: 5743				
Brenntag Pacific, Inc.	Sodium hypochlorite	22815	02/26/2020	387.67
Brenntag Pacific, Inc.	Sodium hypochlorite	23454	02/26/2020	433.03
Brenntag Pacific, Inc.	Sodium hypochlorite	22814	02/26/2020	541.29
Brenntag Pacific, Inc.	Sodium hypochlorite	22812	02/26/2020	550.03
Brenntag Pacific, Inc.	Sodium hypochlorite	22813	02/26/2020	640.52
				Payment 5743 Total: <u>2,552.54</u>
Payment: 5744				
Burdine Printing	Mail bills	41325A	02/26/2020	135.71
Burdine Printing	Mail bills	41338A	02/26/2020	186.65
Burdine Printing	Postage for bills	41338B	02/26/2020	853.76
Burdine Printing	Postage for bills	41325B	02/26/2020	251.50
				Payment 5744 Total: <u>1,427.62</u>
Payment: 5745				
California Electric Supply	Shielded cable, plastic tape	7826-413267	02/26/2020	403.25
				Payment 5745 Total: <u>403.25</u>
Payment: 5746				
California Water Environment	Membership and CSM 1 rene	VOELKER2020	02/26/2020	281.00
				Payment 5746 Total: <u>281.00</u>
Payment: 5747				
Calleja, Derek	Travel reimbursement - Grade	FEB2020	02/26/2020	767.30
				Payment 5747 Total: <u>767.30</u>
Payment: 5748				
Cannon Corporation	Southland Metal Building	71457	02/26/2020	665.00
Cannon Corporation	Eureka Well Drilling Implemen	71484	02/26/2020	444.00
Cannon Corporation	Construction Management - S	71424	02/26/2020	812.50
				Payment 5748 Total: <u>1,921.50</u>
Payment: 5749				
Clever Ducks	Computer expense	28135	02/26/2020	2,535.00
				Payment 5749 Total: <u>2,535.00</u>
Payment: 5750				
Electricraft, Inc.	Preventative maintenance - Br	16183	02/26/2020	900.00
				Payment 5750 Total: <u>900.00</u>
Payment: 5751				
Engel & Gray, Inc.	Biosolids collection	01X00008	02/26/2020	5,349.79
				Payment 5751 Total: <u>5,349.79</u>
Payment: 5752				
Excel Personnel Services, Inc.	Employment agency	2964622	02/26/2020	279.00
Excel Personnel Services, Inc.	Employment agency	2969314	02/26/2020	465.00
Excel Personnel Services, Inc.	Employment agency	2959943	02/26/2020	372.00

Item D-1 Warrants FEBRUARY 26, 2020

Payment Dates: 02/26/2020 - 02/26/2020

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 5752				Payment 5752 Total:
FGL Environmental	Lab tests	080015	02/26/2020	521.00
Payment: 5753				Payment 5753 Total:
Frontier Communications	BL phone	MAR2020	02/26/2020	58.57
Payment: 5754				Payment 5754 Total:
Iglesias, Mario	Cell phone reimbursement	FEB2020	02/26/2020	65.00
Payment: 5755				Payment 5755 Total:
Integrated Industrial Supply, I	Disposable gloves, square hea	66981	02/26/2020	247.91
Integrated Industrial Supply, I	Marking paint	67102	02/26/2020	119.95
Integrated Industrial Supply, I	Disposable gloves, shop towel	66944	02/26/2020	278.11
Payment: 5756				Payment 5756 Total:
Jan-Pro Central Coast	Janitorial services	87919	02/26/2020	727.14
Payment: 5757				Payment 5757 Total:
Mechanics Bank	Petty Cash	FEB2020	02/26/2020	228.79
Payment: 5758				Payment 5758 Total:
Mission Uniform Service	Uniforms	511854149	02/26/2020	146.21
Mission Uniform Service	Uniforms	511805485	02/26/2020	146.21
Payment: 5759				Payment 5759 Total:
Municipal Maintenance Equip	Rotary joint	0146087	02/26/2020	249.79
Municipal Maintenance Equip	Vaccon repair	0145769	02/26/2020	4,518.29
Payment: 5760				Payment 5760 Total:
NexTraq	GPS subscription	AT01486219	02/26/2020	479.40
Payment: 5761				Payment 5761 Total:
Nipomo Community Services	LMD	FEB2020E	02/26/2020	25.79
Nipomo Community Services	Juniper LS	FEB2020F	02/26/2020	31.74
Nipomo Community Services	805 Alta Vista - domestic	FEB2020A	02/26/2020	25.79
Nipomo Community Services	BL WWTF	FEB2020D	02/26/2020	92.76
Nipomo Community Services	805 Alta Vista - landscape	FEB2020B	02/26/2020	25.79
Nipomo Community Services	SWWTP	FEB2020C	02/26/2020	45.16
Payment: 5762				Payment 5762 Total:
Nunley & Associates, Inc.	PCIA - 115 Sparks	6605	02/26/2020	95.28
Nunley & Associates, Inc.	PCIA - Tract 2441 Blume St	6604	02/26/2020	1,559.84
Nunley & Associates, Inc.	JRPS Pump Selection and Desi	6651	02/26/2020	4,537.67
Nunley & Associates, Inc.	GIS Support	6614	02/26/2020	2,267.03
Nunley & Associates, Inc.	Southland WWTP Screw Press	6595	02/26/2020	453.00
Nunley & Associates, Inc.	WMWC Interconnection	6615	02/26/2020	1,351.50
Payment: 5763				Payment 5763 Total:
Nu-Tech Pest Management	Rodent control	0149073	02/26/2020	75.00
Nu-Tech Pest Management	Pest control	0149072	02/26/2020	265.00
Payment: 5764				Payment 5764 Total:
Office Depot	Office supplies	439103032001	02/26/2020	9.32
Payment: 5765				Payment 5765 Total:

Item D-1 Warrants FEBRUARY 26, 2020

Payment Dates: 02/26/2020 - 02/26/2020

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 5766				
PG&E	Contract # 50011690 V1	115787475	02/26/2020	8,244.34
Payment 5766 Total:				8,244.34
Payment: 5767				
PG&E	Electricity	FEB2020	02/26/2020	40,377.87
Payment 5767 Total:				40,377.87
Payment: 5768				
Proto Die Manufacturing, Inc.	Metal gate repair	1186	02/26/2020	625.00
Payment 5768 Total:				625.00
Payment: 5769				
Ray Morgan Company	B&W/Color copies	2863648	02/26/2020	181.33
Ray Morgan Company	B&W/Color copies	2863649	02/26/2020	170.81
Payment 5769 Total:				352.14
Payment: 5770				
ReadyRefresh by Nestle	Distilled water	00A0900023136	02/26/2020	30.75
Payment 5770 Total:				30.75
Payment: 5771				
Santa Maria Sun, LLC	Conservation ads	309658	02/26/2020	396.00
Santa Maria Sun, LLC	Conservation ads	309375	02/26/2020	396.00
Santa Maria Sun, LLC	Conservation ads	309955	02/26/2020	396.00
Payment 5771 Total:				1,188.00
Payment: 5772				
SGS Guadalupe	CAN-17	780133120	02/26/2020	535.72
Payment 5772 Total:				535.72
Payment: 5773				
SoCalGas	Heat - shop/office	FEB2020A	02/26/2020	16.27
Payment 5773 Total:				16.27
Payment: 5774				
Tesco Controls, Inc.	SCADA additions - well sites	0069480	02/26/2020	55,959.00
Payment 5774 Total:				55,959.00
Payment: 5775				
Tribune	Public Notice - bids for Eureka	JAN2020	02/26/2020	613.47
Payment 5775 Total:				613.47
Payment: 5776				
United Rentals	Water truck rental	165510172-016	02/26/2020	2,567.25
Payment 5776 Total:				2,567.25
Payment: 5777				
UPS Store #6031	Package handling	12370	02/26/2020	149.97
UPS Store #6031	Package handling	12371	02/26/2020	149.97
Payment 5777 Total:				299.94
Payment: 5778				
USA Bluebook	CHEMKEYS	112011	02/26/2020	4,024.90
USA Bluebook	CHEMKEYS	138439	02/26/2020	-369.73
USA Bluebook	Disposable wipes, oxygen sta	140946	02/26/2020	392.03
USA Bluebook	CHEMKEYS	131684	02/26/2020	-410.81
Payment 5778 Total:				3,636.39
Payment: 5779				
Willdan Financial Services	BL Assessment Engineering Se	010-43781	02/26/2020	3,405.00
Payment 5779 Total:				3,405.00

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: FEBRUARY 21, 2020



**APPROVE FEBRUARY 12, 2020
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 12, 2020 draft Regular Board Meeting Minutes

FEBRUARY 26, 2020

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

FEBRUARY 12, 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.

A. CALL TO ORDER AND FLAG SALUTE

President Gaddis called the Regular Meeting of February 12, 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, Director Woodson, Eby, Armstrong and Gaddis were present. Director Blair was absent.

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 Woodson

- January 27, attended SCAC meeting.*

Director Gaddis

- February 3, attended Board Officers' meeting.*
- February 5, IWMA meeting was cancelled.*

Director Eby

- April 4, Central Coast Greenhouse Growers Association will hold its annual open house*

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 unanimously approved receiving and filing presentations and reports.

Vote 4-0.

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

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JANUARY 22, 2020, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT SECOND QUARTER FISCAL YEAR 2019-2020 QUARTERLY FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE REPORT]
- D-4) AUTHORIZE STAFF TO BID SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION IMPROVEMENTS [RECOMMEND AUTHORIZE STAFF TO BID]

Mario Iglesias, General Manager, and Peter Sevcik, Director of Engineering and Operations, answered questions from the Board.

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved Consent Agenda Items D-1, D-3 and D-4.
Vote 4-0.*

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

*Upon the motion of Director Armstrong and seconded, the Board approved Consent Agenda Item D-2.
Vote 3-0.*

YES VOTES	ABSENT	ABSTAIN
Directors Armstrong, Woodson and Gaddis	Blair	Eby

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER CALIFORNIA SPECIAL DISTRICTS ASSOCIATION 2020 CALL FOR NOMINATIONS TO FILL BOARD OF DIRECTOR SEAT C [RECOMMEND REVIEW CALIFORNIA SPECIAL DISTRICTS ASSOCIATION CALL FOR NOMINATIONS PACKET AND DIRECT STAFF]

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board approved nominating Bob Blair as a candidate for the CSDA Board of Directors Seat C.
Vote 3-1.*

YES VOTES	NO VOTES	ABSTAIN
Directors Armstrong, Eby, Gaddis	Woodson	None

- E-2) CONSIDER RESOLUTION TO ADOPT MITIGATED NEGATIVE DECLARATION, AUTHORIZE THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION, AND SOLICIT BIDS FOR THE SUPPLEMENTAL WATER PROJECT INTERCONNECTIONS [RECOMMEND APPROVE RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND AUTHORIZING STAFF TO BID INTERCONNECTION PROJECT]

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

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Resolution.

Vote 4-0.

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

RESOLUTION 2020-1541

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION AND SOLICIT BIDS FOR THE SUPPLEMENTAL WATER PROJECT INTERCONNECTS

- E-3) ADOPT RESOLUTION AMENDING THE NIPOMO COMMUNITY SERVICES DISTRICT SCHEDULE OF MISCELLANEOUS FEES TO INCLUDE AN ANNEXATION APPLICATION FEE [RECOMMEND ADOPT RESOLUTION AMENDING SCHEDULE OF MISCELLANEOUS FEES]

There were no public comments.

Upon the motion of Director Eby and seconded, the Board unanimously approved the Resolution.

Vote 4-0.

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

RESOLUTION 2020-1542

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE SCHEDULE OF MISCELLANEOUS FEES TO INCLUDE AN ANNEXATION APPLICATION FEE

F. GENERAL MANAGER'S REPORT

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

There were no public comments.

G. COMMITTEE REPORTS

None

SUBJECT TO BOARD APPROVAL

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

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

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

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

ADJOURN MEETING


President Gaddis adjourned the meeting at 10:16 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 45 minutes
Closed Session	0 hour 31 minutes
TOTAL HOURS	1 hours 16 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS

DATE: FEBRUARY 20, 2020



ACCEPT OFFER OF WATER AND SEWER IMPROVEMENTS AND DEED RESTRICTION FOR PARCEL MAP CO 17-0131

ITEM

Accept offer of water and sewer improvements as well as deed restriction for Parcel Map CO 17-0131, a 4 parcel residential development located at 233 Frank Court, APN 092-573-022, in Nipomo [RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF IMPROVEMENTS AND DEED RESTRICTION].

BACKGROUND

Upon completion of a developer's project, the District accepts improvements for the project after all requirements have been met. Briar Rose Estates, LLC, the developer of Parcel Map CO 17-0131, a 4 parcel residential development located at 233 Frank Court, has met the District's standard conditions:

- Installed water and sewer improvements that are to be dedicated to the District
- Paid associated capacity charges
- Provided an Offer of Dedication
- Provided required Deed Restriction
- Provided project as-built drawings
- Provided Engineer's certification

Regarding the Plan Check and Inspection Fees, the developer may owe the District for inspection and other costs which have yet to be billed by the District. Historically, the District has recovered these costs after the Board accepts the project as part of staff's project close out procedure. Staff will not physically set water meters and allow sewer connection until all of these costs are paid and all project conditions are satisfied.

FISCAL IMPACT

The developer paid a District Capacity Fee Deposit in the amount of \$76,403. The project's plan check and inspection account has a balance of approximately \$2,000.

RECOMMENDATION

By motion and roll call vote, adopt Resolution 2020-XXXX Accept Parcel Map CO 17-0131, to accept offer of water and sewer improvements and deed restriction for Parcel Map CO 17-0131.

ATTACHMENTS

- A. Resolution 2020-XXXX Accept Parcel Map CO 17-0131
- B. Deed Restriction – Resolution Exhibit A

FEBRUARY 26, 2020

ITEM D-3

ATTACHMENT A

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

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING CO 17-0131 WATER AND SEWER IMPROVEMENTS
AND DEED RESTRICTION**

WHEREAS, Briar Rose Estates, LLC (herein the "Owner") is the owner of certain real property identified as Parcel Map CO 17-0131, a 4 parcel residential development, APN 092-573-022 (herein the "Project") situated within the Nipomo Community Services District (the "District") located at 233 Frank Court in Nipomo; and

WHEREAS, the District approved the construction plans on March 12, 2019 for water and sewer improvements to be constructed to serve the Project; and

WHEREAS, the water and sewer improvements have been constructed and said improvements are complete and certified by the Owners' Engineer; and

WHEREAS, on August 20, 2019, Owner offered the water and sewer improvements to the District; and

WHEREAS, all water and sewer capacity fees for service required in conformance with District ordinances have been paid for the Project; and

WHEREAS, Owner has offered to the District a deed restriction and agreement ("Deed Restrictions") (Exhibit A); and

WHEREAS, the District wishes to accept the deed restrictions attached hereto without obligation, except as otherwise required by law.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. The above recitals and findings are true and correct and incorporated herein by reference.
2. That the deed restriction and agreement for CO 17-0131 attached hereto as Exhibit A is hereby accepted.
3. Staff is ordered to execute and record in the Official Records of the Clerk-Recorder of San Luis Obispo County the deed restriction and agreement attached hereto as Exhibit A.
4. That water and sewer improvements constructed to serve CO 17-0131 in Nipomo are accepted by the District.

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

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING CO 17-0131 WATER AND SEWER IMPROVEMENTS
AND DEED RESTRICTION**

On the motion by Director _____, seconded by Director _____, and on the following roll call vote, to wit:

**AYES:
NOES:
ABSENT:
CONFLICTS:**

The foregoing resolution is hereby adopted this 26th day of February 2020.

DAN GADDIS
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

FEBRUARY 26, 2020

ITEM D-3

ATTACHMENT B

RECORDING REQUESTED BY:
NIPOMO COMMUNITY SERVICES DISTRICT

WHEN RECORDED RETURN TO:
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

NO FEE PER GOVERNMENT CODE 6103

APN #: 092-573-022

DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY

Exhibits Incorporated by Reference:

Exhibit "A" – Real Property Legal Description

THIS DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY (herein "Agreement") is entered into August 20, 2019, by and between Briar Rose Estates, LLC, (herein "Grantor") and the Nipomo Community Services District, a political subdivision of the State of California, (herein "Grantee" or "District") with reference to the following Recitals:

A. Grantor owns certain real property (herein "Real Property") located within the Nipomo Community Services District, County of San Luis Obispo, more particularly described in Exhibit "A".

B. Grantors are improving said Real Property and desire the District to provide water and sewer service for Parcel Map CO 17-0131.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged the parties hereto agree as follows:

1. DEED RESTRICTIONS

A. Grantor agrees and acknowledges that the use of self-regenerating water softeners on Real Property or any portion thereof is prohibited.

B. Grantor agrees and acknowledges that the use of wells to provide domestic water service to Real Property or any portion thereof is prohibited.

2. MISCELLANEOUS

A. This Agreement contains the entire agreement between the parties. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

B. In the event of any controversy, claim, or dispute relating to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

C. The obligations of Grantor shall be considered for all purposes to be both covenants and conditions that shall run with the land and be binding on the successors and assigns of the Grantor and shall inure to the benefit of District and its successors and assigns.

D. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

E. This Deed Restriction and Agreement Affecting Real Property shall be recorded in the Official Records in the County Recorder's Office, San Luis Obispo County.

F. Recitals A and B are incorporated herein by reference as though set forth at length.

G. The Agreement shall be governed by the laws of the State of California. Any litigation regarding the Agreement or its contents shall be filed in the County of San Luis Obispo, if in state court, or in the federal court nearest to San Luis Obispo County, if in federal court.

3. AUTHORITY TO EXECUTE.

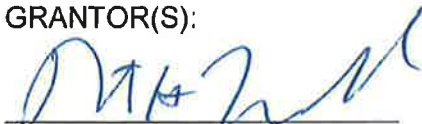
All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles, and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Furthermore, by entering into this Agreement, Grantor(s) hereby warrants that Grantor(s) shall not have breached the terms or conditions of any other contract or Agreement to which Grantor(s) is obligated, which breach would have a material effect hereon.

////

////

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective the date the District executes the Certificate of Acceptance.

GRANTOR(S):


[Signature must be Notarized]

Robert H. Newdollar, Manager

[Type or print name]

Briar Rose Estates, LLC


[Signature must be Notarized]

Charles E. Fruit, V.P.
[Type or print name]

Date: 8-20-19

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California)SS

COUNTY OF San Luis Obispo)

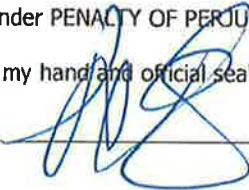
On 8/21/19 before me, Sandra S. Souza, Notary Public, personally appeared Robert H. Newdell

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____



This area for official notarial seal.

**OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT
CAPACITY CLAIMED BY SIGNER**

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- INDIVIDUAL
- CORPORATE OFFICER(S) TITLE(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

**CERTIFICATE OF ACCEPTANCE
GOVERNMENT CODE §2781**

This is to certify that the Nipomo Community Services District, Grantee, herein, by Board action on _____, 20____, accepts the foregoing Deed Restriction and Agreement, dated _____, 20____, from Grantors, and consents to the recordation thereof.

Nipomo Community Services District

By: _____
Name: Dan Allen Gaddis
Title: President

ATTEST:

Mario Iglesias, General Manager and Secretary
Nipomo Community Services District

CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY

NOTICE: THIS CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO THE TERMS, COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE FOREGOING INSTRUMENT.

The undersigned, beneficiary under that certain deed of trust recorded January 11, 2018, as Document No. 208001050, in Book 11 Page 71, Official Records of the County of San Luis Obispo, does hereby join in, and consent to, each and all of the terms and provisions of the within instrument, and does hereby subordinate its interests to the entire effect of this instrument. In this regard, the undersigned does hereby agree upon request of any insuring title company to direct the trustee under said deed of trust to execute and deliver to County in recordable form acceptable to such insuring title company partial reconveyances as to any rights granted and to be granted to County pursuant to this instrument.

Dated: 9-10-19

TRUST DEED BENEFICIARIES
AND/OR MORTGAGES

Charles E. Fruit, V.P.
BANK OF THE SIERRA

CHARLES E. FRUIT

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Luis Obispo)

On September 10th, 2019 before me, Anna King
(insert name and title of the officer)

personally appeared Charles Eugene Frit
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Anna King

(Seal)

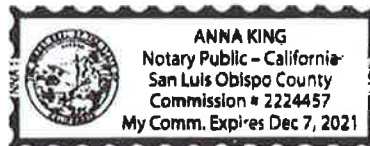


Exhibit A

Legal Description

LOT E OF TRACT NO. 1015, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORING TO MAP RECORDED FEBRUARY 29, 1984 IN BOOK 11, PAGE 71 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND BY CERIFICATE OF CORRECTION RECORDED JANUARY 30, 1990 IN BOOK 3452, PAGE 721 OF OFFICIAL RECORDS, AND SEPTEMBER 19, 1990 IN BOOK 3581, PAGE 638 OF OFICIAL RECORDS.

EXCEPTING THEREFROM, AN UNDIVIDED 1/2 INTEREST IN AND TO ALL MINERALS, OIL, GAS AND OTHER HYRDOCARBON SUBSTANCES, AS RESERVED IN DEED FROM STEVE C. SOARES, ET UX., RECORDED APRIL 4, 1949 IN BOOK 516 AT PAGE 250 OF OFFICIAL RECORDS.
APN 092-573-022

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER
FROM: CRAIG STEELE
DISTRICT COUNSEL
DATE: FEBRUARY 20, 2020



ADOPT AMENDED BOARD BY-LAWS AND POLICIES

ITEM

Review and Adopt Amended Board By-Laws and Policies [RECOMMEND REVIEW AND DISCUSS REVISIONS AND, IF APPROPRIATE, ADOPT RESOLUTION ADOPTING AMENDED BOARD BY-LAWS AND POLICIES]

BACKGROUND

Pursuant to Section 17 of the Board By-Laws, the By-Laws and Policies are required to be reviewed annually. The review is to be provided by District Counsel and ratified by Board action.

Following review of the Board By-Laws and Policies, Counsel recommends only minor revisions to the sections of the By-Laws that relate to conflicts of interest. The proposed changes more accurately and completely summarize the applicable rules based on updated regulations that have been adopted by the Fair Political Practices Commission ("FPPC"). The amendments do not substantively change any applicable rules.

Attached are the Board By-Laws and Policies with the edits proposed in 'mark-up' view for your Board's review and approval.

RECOMMENDATION

Staff recommends that your Honorable Board review and discuss the proposed amendments to the Board By-Laws and Policies and, by motion and roll call vote, adopt the attached Resolution to adopt the amended Board By-Laws and Policies.

ATTACHMENT

- A. Proposed Amendments to the Board By-Laws – SECTION 14: Proposed Changes (Mark-up View)
- B. Resolution 2020-XXXX, Amendments to Board By-Laws and Policies – SECTION 14: Proposed Changes (Clean View)
- C. Resolution 2018-1468, Current Board By-Laws

FEBRUARY 26, 2020

ITEM E-1

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
PROPOSED 2020 AMENDMENTS TO BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

14. CONFLICTS AND RELATED POLICY

~~State laws and a local conflict of interest policy are in place to which prohibit attempt to eliminate any action by a Directors and designated employees of or 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, which may reflect a conflict of interest. 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 policy 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.~~

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 the making, or use their official position to influence of 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 within 500 feet or less of from the boundaries of the property affected by a decision, the impact of the decision on that interest is now 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 directly involved in the decision.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
PROPOSED 2020 AMENDMENTS TO BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

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,

14.1.4 Disqualified officials may, 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 other 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 is ~~is-simultaneously forfeitsterminated from holding~~ the first office.

FEBRUARY 26, 2020

ITEM E-1

ATTACHMENT B

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

**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 _____, seconded by Director _____, on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

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

DAN ALLEN GADDIS
Board President
Nipomo Community Services District

ATTEST:

APPROVED:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2020-XXXX

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

EXHIBIT "A"

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.

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

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

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

EXHIBIT "A"

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,

14.1.4 Disqualified officials may, 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.

FEBRUARY 26, 2020

ITEM E-1

ATTACHMENT C

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2018-1468**

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

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, on February 14, 2018, District Legal Counsel reviewed the District's previously adopted Board By-Laws and Policies and the District Board of Directors instructed staff to return with a revised version for Board adoption; and

WHEREAS, on March 14, 2018, the District Board considered public comment regarding the adoption of the revised Board By-Laws and Policies.

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

1. The Nipomo Community Services District Board By-Laws and Policies attached hereto as Exhibit "A" are hereby approved and adopted.
2. All prior District Board By-Laws and Policies, Resolutions and Policies of the District that are inconsistent with the Board By-Laws and Policies attached hereto as Exhibit "A" are hereby repealed.

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

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

the foregoing resolution is hereby passed and adopted this 14th day of March 2018.



ED EBY, Board President
Nipomo Community Services District

ATTEST:


MARIO IGLESIAS
General Manager and Secretary to the Board

APPROVED:


WHITNEY G. MCDONALD
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
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;

NIPOMC COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
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.

NIPOMC COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

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.
 - (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

NIPOMC COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

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 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.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

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.

(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.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

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.

NIPOMUC COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
BOARD BY-LAWS AND POLICIES
EXHIBIT "A"

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 personnel 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.
- 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.

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- 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 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

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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, 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.

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- (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 NCSB 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 are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors 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.

14.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of 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, and the effect is distinguishable from the effect on the public generally. FPPC regulations related to interests in real property provide that, if the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by a decision, that interest is now deemed to be directly involved in the decision.

14.2 Interest in Contracts, Government Code Section 1090

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The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another 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 office, he/she is simultaneously terminated from holding 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 Federal laws.