


TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER 
DATE: SEPTEMBER 8, 2022



PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) AUTOMATED METERING INFRASTRUCTURE ("AMI"), NCSD PROGRAM UPDATE
[RECOMMEND RECEIVE AND FILE]
- C-2) RWG PRESENTATION: DISTURBING PUBLIC MEETINGS, VIOLATING PUBLIC'S
RIGHT TO ASSEMBLE [RECOMMEND RECEIVE AND FILE]
- C-3) 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-4) 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: SEPTEMBER 9, 2022

AGENDA ITEM
C-1
SEPTEMBER 14, 2022

**AUTOMATED METERING INFRASTRUCTURE (“AMI”), NCSD
PROGRAM UPDATE**

ITEM

Automated Metering Infrastructure (“AMI”), NCSD Program Update [RECOMMEND RECEIVE AND FILE].

BACKGROUND

Mario Iglesias, General Manager, will provide overview of Automated Metering Infrastructure System (Attachment A).

RECOMMENDATION

Staff recommends that your Honorable Board receive and file the update.

ATTACHMENTS

- A. Automated Metering Infrastructure NCSD Program Update

SEPTEMBER 14, 2022

ITEM C-1

ATTACHMENT A



NIPOMO CSD AMI PROGRAM

METER READING AND LEAK MONITOR



AUTOMATED METERING INFRASTRUCTURE (AMI)

- NIPOMO CSD HAS APPROXIMATELY 4,500 WATER METERS
- AS OF SEPTEMBER 2022, 800 METERS ARE BEING READ VIA AMI
- AN ADDITIONAL 550 METERS ARE RADIO READY (AMI METERS WITHOUT RADIOS)

- DISTRIBUTION LEAK DETECTION
- PLANNED FOR NOVEMBER DEPLOYMENT – 25 LEAK SENSORS (260 TO BE INSTALLED)

AUTOMATED METERING INFRASTRUCTURE

- 4,500 METERED ACCOUNTS

- 2022 - EXISTING

- COMMERCIAL ACCOUNTS (172 TOTAL METERS) **159 AMI BILLED IN AUGUST (92%)**
 - RESIDENTIAL ACCOUNTS (4,340 TOTAL METERS) **650 AMI TO BE BILLED IN SEPTEMBER (15%)**
 - DISTRIBUTION LEAK DETECTION (260 TOTAL) **25 UNITS PURCHASED (4 CURRENTLY INSTALLED)**

- 2023 - TARGET

- COMMERCIAL ACCOUNTS (172 TOTAL) **172 AMI METERS BILLED STARTING JANUARY 1 (100%)**
 - RESIDENTIAL ACCOUNTS (4,340 TOTAL) **1,200 AMI METERS BILLED BY JULY (27%)**
 - DISTRIBUTION LEAK DETECTION (260 TOTAL) **50 DEPLOYED (20%)**

AMI METER 10-YR BUILD-OUT SCHEDULE

AMI METER READING SYSTEM

- ALL METERS (4,500 x \$367 = \$1,651,500)

YEAR	MTRS CONVERTED	+ ADD	= TOTAL	(%)	COST*	REMAINING COSTS
• 2021-22		800	800	(18%)	\$293,600	\$1,357,900
• 2023	800	500	1,300	(29%)	\$183,500	\$1,174,400
• 2024	1,300	500	1,800	(40%)	\$183,500	\$ 990,900
• 2025	1,800	500	2,230	(50%)	\$183,500	\$ 807,400
• 2026	2,230	500	2,800	(62%)	\$183,500	\$ 623,900
• 2027	2,800	500	3,300	(73%)	\$183,500	\$ 440,400
• 2028	3,300	500	3,800	(85%)	\$183,500	\$ 256,900
• 2029	3,800	500	4,300	(95%)	\$183,500	\$ 73,000
• 2030	4,300	200	4,500	(100%)	\$ 73,400	\$ -0-

*NO INFLATION ESCALATOR INCLUDED

LEAK DETECTION 7-YR BUILD-OUT SCHEDULE

DISTRIBUTION LEAK DETECTION SENSORS (260 UNITS x \$1,250 = \$325,000)

YEAR	COUNT	+ ADD	= TOTAL	(%)	COST*	REMAINING COSTS
2023	25	25	50	(29%)	\$62,500	\$262,500
2024	50	50	100	(38%)	\$62,500	\$200,000
2025	100	50	150	(58%)	\$62,500	\$137,500
2026	150	50	200	(77%)	\$62,500	\$ 75,500
2027	200	50	250	(96%)	\$62,500	\$ 12,500
2028	250	10	260	(100%)	\$12,500	\$ - 0 -

*NO INFLATION ESCALATOR INCLUDED

CONVENTIONAL METER READING SYSTEM COSTS

- METER MAINTENANCE PROGRAM

- AVERAGE COST OF NON-AMI METER \$145
 - NUMBER OF DISTRICT METERS 4,500
 - TOTAL COST CHANGE-OUT PRGM: \$652,500
-

- COST TO REPLACE (15-YR CYCLE)
 - \$562,500 / 15 YEARS \$43,500/YEAR
- COST TO READ \$60,000/YEAR
 - TOTAL ANNUAL COST \$103,500/YEAR*

*NO INFLATION ESCALATOR INCLUDED

AMI METER READING SYSTEM COSTS

- METER MAINTENANCE PROGRAM

- AVERAGE COST OF AMI METER \$367
- NUMBER OF DISTRICT METERS 4,500
- TOTAL COST CHANGE-OUT PRGM: \$1,651,500

-
- COST TO REPLACE (15-YR CYCLE)
 - \$1,651,500 / 20 YEARS \$82,575/YEAR
 - COST TO READ (ANNUAL SOFTWARE) \$35,000/YEAR
 - TOTAL ANNUAL COST \$117,575/YEAR*

*NO INFLATION ESCALATOR INCLUDED

WHAT DO WE GET?

- CONVENTIONAL METER READING ANNUAL COST: \$103,500
 - AMI METER READING ANNUAL COST: \$117,500
 - COST DIFFERENCE: \$14,000 ANNUALLY
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\$14,000/YEAR BUYS:

CONSERVATION: LEAK DETECTION ON DISTRIBUTION AND CUSTOMER SIDE

CUSTOMER SERVICE: LEAK ALERTS, ON-DEMAND READS, USAGE DATA, MONTHLY BILLING

COMPLIANCE: SB606, AB1668, WATER AUDITS, NON-REVENUE WATER REDUCTION

CONTROL: SELF RELIANT, READING CONSISTENCY, COST OF READING

QUESTIONS?

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



FROM: CRAIG A. STEELE
DISTRICT COUNSEL

DATE: SEPTEMBER 9, 2022

**AGENDA ITEM
C-2
SEPTEMBER 14, 2022**

**RWG PRESENTATION: DISTURBING PUBLIC MEETINGS, VIOLATING
PUBLIC'S RIGHT TO ASSEMBLE**

ITEM

RWG presentation: Disturbing Public Meetings, Violating Public's Right to Assemble
[RECOMMEND RECEIVE AND FILE].

BACKGROUND

Mario Iglesias, General Manager, will provide overview of RWG presentation: Disturbing Public Meetings, Violating Public's Right to Assemble (Attachment A).

RECOMMENDATION

Staff recommends that your Honorable Board receive and file the presentation.

ATTACHMENTS

- A. RWG Presentation: Disturbing Public Meetings, Violating Public's Right to Assemble

SEPTEMBER 14, 2022

ITEM C-2

ATTACHMENT A



New Law Clarifies Process for Removing Disruptive Individuals from Public Meetings Under the Brown Act

The Legislature has amended the Brown Act to clarify the process by which local legislative bodies may remove individuals from public meetings when their conduct disrupts the meeting. **SB 1100**, effective January 1, 2023, does not modify the First Amendment standard for removing individuals from public meetings or limit a legislative body's existing authority to do so under the First Amendment. Instead, SB 1100 will provide a uniform procedure for removing willfully disruptive individuals from public meeting.

Under SB 1100, the presiding officer must first warn an individual that their behavior is disruptive and that failure to cease their disruptive behavior could result in removal from the meeting. The individual may then be removed if they do not promptly cease their disruptive behavior. A prior warning is unnecessary if the disruptive individual is using force or makes a true threat of force.

"Disruptive behavior" means behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. It can include noncompliance with established rules of decorum, such as exceeding speaker time limits or speaking out of turn, provided the behavior actually disrupts the meeting. The Brown Act currently allows local governments to establish rules of decorum to manage public comment, but courts have held that, under the First Amendment, individuals may only be ejected from public meetings if their conduct is actually disruptive to a meeting. Willfully disturbing or disrupting a public meeting also may be punished as a misdemeanor under Penal Code Section 403 in applicable cases.

Senate Bill No. 1100

CHAPTER 171

An act to add Section 54957.95 to the Government Code, relating to local government.

[Approved by Governor August 22, 2022.
Filed with Secretary of State August 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1100, Cortese. **OPEN MEETINGS: ORDERLY CONDUCT.**

(1) Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Existing law requires every agenda for regular meetings of a local agency to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body. Existing law authorizes the legislative body to adopt reasonable regulations to ensure that the intent of the provisions relating to this public comment requirement is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Existing law authorizes the members of the legislative body conducting the meeting to order the meeting room cleared and continue in session, as prescribed, if a group or groups have willfully interrupted the orderly conduct of a meeting and order cannot be restored by the removal of individuals who are willfully interrupting the meeting.

This bill would authorize the presiding member of the legislative body conducting a meeting or their designee to remove, or cause the removal of, an individual for disrupting the meeting. The bill, except as provided, would require removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior. The bill would define "disrupting" for this purpose.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares as follows:

(a) It is the intent of the Legislature to prescribe requirements for governing public meetings that are consistent with subdivision (c) of Section 54954.3 of the Government Code, which provides that a legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body.

(b) It is further the intent of the Legislature to prescribe requirements for governing public meetings to protect civil liberties in accordance with the United States Constitution, the California Constitution, and relevant law.

(c) It is further the intent of the Legislature to codify the authority and standards for governing public meetings in accordance with *Acosta v. City of Costa Mesa*, 718 F.3d 800, 811 (9th Cir. 2013), in which the court explained that an ordinance governing the decorum of a city council meeting is not facially overbroad if it only permits a presiding officer to eject an attendee for actually disturbing or impeding a meeting.

SEC. 2.

Section 54957.95 is added to the Government Code, to read:

54957.95.

(a) (1) In addition to authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b) As used in this section:

(1) “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

SEC. 3.

The Legislature finds and declares that Section 2 of this act, which adds Section 54957.95 to the Government Code, imposes a limitation on the public’s right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

This act is necessary to give legislative bodies clear authorization to restore order to meetings in the event of actual disruptions that are disturbing, disrupting, impeding, or rendering infeasible the orderly conduct of the meeting and, thereby, preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.

SEC. 4.

The Legislature finds and declares that Section 2 of this act, which adds Section 54957.95 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to give legislative bodies clear authorization to restore order to meetings in the event of actual disruptions that are disturbing, disrupting, impeding, or rendering infeasible the orderly conduct of the meeting and, thereby, preserve the rights of other members of the public at the meeting and allow the legislative body to continue its work on behalf of the public.

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER 

DATE: SEPTEMBER 8, 2022



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 AUGUST 24, 2022, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT DEED RESTRICTION ON DUTCH BROS. PARCEL [RECOMMEND ACCEPT
DEED RESTRICTION]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER *MIG*

FROM: LISA BOGNUDA
FINANCE DIRECTOR *Lisa Bognuda*

DATE: SEPTEMBER 9, 2022

AGENDA ITEM
D-1(A)
SEPTEMBER 14, 2022

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$133,254.06
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS	NONE

Item D-1(A) Warrants SEPTEMBER 14, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 09/14/2022 - 09/14/2022

Vendor Name	Description (Payable)	Payable Number	Payment	Amount
Payment: 8743				
Abalone Coast Analytical, Inc.	Lab tests	5880	09/14/2022	8,664.30
Payment 8743 Total:				8,664.30
Payment: 8744				
Advantage Answering Plus, Inc.	Answering service	000026-362-681	09/14/2022	249.43
Payment 8744 Total:				249.43
Payment: 8745				
Alexander's Contract Services,	Meter reading	202208260012	09/14/2022	5,409.44
Payment 8745 Total:				5,409.44
Payment: 8746				
Allweather Landscape	LMD	45051	09/14/2022	325.00
Payment 8746 Total:				325.00
Payment: 8747				
Aqua-Metric Sales, Co.	WIMS Software	101852	09/14/2022	14,024.00
Payment 8747 Total:				14,024.00
Payment: 8748				
Brenntag Pacific, Inc.	Ammonium Sulfate	BPI266811	09/14/2022	956.79
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI268347	09/14/2022	803.82
Brenntag Pacific, Inc.	Ammonium Sulfate	BPI266809	09/14/2022	310.64
Brenntag Pacific, Inc.	Ammonium Sulfate	BPI266807	09/14/2022	962.86
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI266810	09/14/2022	1,394.22
Brenntag Pacific, Inc.	Sodium Hypochlorite	BPI266806	09/14/2022	812.18
Brenntag Pacific, Inc.	Ammonium Sulfate	BPI266808	09/14/2022	695.90
Payment 8748 Total:				5,936.41
Payment: 8749				
CivicPlus LLC	Online hosting of District	238649	09/14/2022	900.00
Payment 8749 Total:				900.00
Payment: 8750				
ClearSpan Fabric Structures	Drying bed cover	7781872	09/14/2022	2,219.16
Payment 8750 Total:				2,219.16
Payment: 8751				
Coastal Occupational Medical	Pre-employment physical	6469	09/14/2022	170.00
Payment 8751 Total:				170.00
Payment: 8752				
DataProse, LLC	Postage bills/late notices	DP2203020B	09/14/2022	2,397.52
DataProse, LLC	Mail bills/late notices	DP2203020A	09/14/2022	683.68
Payment 8752 Total:				3,081.20
Payment: 8753				
Electricraft, Inc.	Electrical	17363	09/14/2022	3,255.84
Electricraft, Inc.	Blower electrical repair	17693	09/14/2022	273.38
Payment 8753 Total:				3,529.22
Payment: 8754				
Excel Personnel Services, Inc.	Employment agency	4025675	09/14/2022	210.80
Payment 8754 Total:				210.80
Payment: 8755				
Famcon Pipe and Supply, Inc.	Lids	S100085845.001	09/14/2022	4,645.80
Famcon Pipe and Supply, Inc.	Gaskets and valves	S100085795.001	09/14/2022	1,314.79
Payment 8755 Total:				5,960.59

Item D-1(A) Warrants SEPTEMBER 14, 2022

Payment Dates: 09/14/2022 - 09/14/2022

Vendor Name	Description (Payable)	Payable Number	Payment	Amount
Payment: 8756				
FedEx	Shipping	7-871-13658	09/14/2022	23.19
Payment 8756 Total:				23.19
Payment: 8757				
FGL Environmental	Lab tests	282322A	09/14/2022	148.00
FGL Environmental	Lab tests	282804A	09/14/2022	615.00
FGL Environmental	Lab tests	282803A	09/14/2022	799.00
Payment 8757 Total:				1,562.00
Payment: 8758				
First American Data Tree, LLC	Database Subscription	20064070822	09/14/2022	1,800.00
Payment 8758 Total:				1,800.00
Payment: 8759				
Frontier Communications	BL Telephone	SEPT 2022	09/14/2022	60.83
Payment 8759 Total:				60.83
Payment: 8760				
GLM Landscape Management	Landscape maintenance	August 2022	09/14/2022	922.90
Payment 8760 Total:				922.90
Payment: 8761				
Gold Coast Environmental	Flow meter calibration	13148	09/14/2022	2,400.00
Payment 8761 Total:				2,400.00
Payment: 8762				
Home Depot Credit Services	Ladder and operating	August 2022	09/14/2022	567.45
Payment 8762 Total:				567.45
Payment: 8763				
Icnix Waterworks (US) Inc.	Meter supplies	U2216039543	09/14/2022	488.95
Payment 8763 Total:				488.95
Payment: 8764				
Integrated Industrial Supply, Inc. Gloves		86283	09/14/2022	379.53
Integrated Industrial Supply, Inc. Operating supplies		86365	09/14/2022	183.93
Payment 8764 Total:				563.46
Payment: 8765				
Miner's Ace Hardware	Supplies	AUGUST 2022	09/14/2022	595.15
Payment 8765 Total:				595.15
Payment: 8766				
Mission Uniform Service	Uniforms	517627718	09/14/2022	227.54
Payment 8766 Total:				227.54
Payment: 8767				
NewLane Finance Company	Telephone	114526-04/09/2022	09/14/2022	313.98
Payment 8767 Total:				313.98
Payment: 8768				
Newton Geo-Hydrology	Litigation Support	August 2022	09/14/2022	4,440.00
Payment 8768 Total:				4,440.00
Payment: 8769				
Nipomo Community Services	Water	AUGUST 2022	09/14/2022	855.24
Payment 8769 Total:				855.24
Payment: 8770				
Nunley & Associates, Inc.	Southland WWTF O&M	101242	09/14/2022	1,570.75
Nunley & Associates, Inc.	139 E Dana - PCIA	101239	09/14/2022	678.51
Nunley & Associates, Inc.	Branch St Waterline	101244	09/14/2022	5,310.94
Nunley & Associates, Inc.	NOI for General Discharge	101241	09/14/2022	726.15
Nunley & Associates, Inc.	Southland WWTF Influent	101237	09/14/2022	2,598.74
Nunley & Associates, Inc.	149 S. Frontage Road -	101236	09/14/2022	413.29
Payment 8770 Total:				11,298.38
Payment: 8771				
Nu-Tech Pest Management	Pest Control	0167378	09/14/2022	265.00

Item D-1(A) Warrants SEPTEMBER 14, 2022

Payment Dates: 09/14/2022 - 09/14/2022

Vendor Name	Description (Payable)	Payable Number	Payment	Amount
Nu-Tech Pest Management	Pest Control	0167382	09/14/2022	75.00
Payment: 8771 Total:				340.00
Payment: 8772				
Office Depot	Office supplies	260378107001	09/14/2022	34.79
Office Depot	Office supplies	2626681309001	09/14/2022	60.73
Office Depot	Office supplies	258247761001	09/14/2022	105.08
Payment: 8772 Total:				200.60
Payment: 8773				
Polydyne, Inc.	Clarifloc	1670896	09/14/2022	3,296.91
Polydyne, Inc.	Clarifloc	1671757	09/14/2022	1,648.45
Payment: 8773 Total:				4,945.36
Payment: 8774				
ReadyRefresh by Nestle	Distilled water	0900023136	09/14/2022	39.47
Payment: 8774 Total:				39.47
Payment: 8775				
Richards, Watson & Gershon	General Legal Services	238551	09/14/2022	6,488.66
Richards, Watson & Gershon	Eureka Well Site	238554	09/14/2022	2,165.90
Richards, Watson & Gershon	Acquisition of Dana	238555	09/14/2022	1,327.50
Richards, Watson & Gershon	Dana Reserve Specific Plan	283553	09/14/2022	11,020.50
Richards, Watson & Gershon	Water Rights Adjudication	238552	09/14/2022	15,446.00
Payment: 8775 Total:				36,448.56
Payment: 8776				
Simplot Grower Solutions	CAN 17	780154194	09/14/2022	1,296.93
Payment: 8776 Total:				1,296.93
Payment: 8777				
Special District Risk	Workers Comp Premium	72797	09/14/2022	1,587.63
Payment: 8777 Total:				1,587.63
Payment: 8778				
US Bank National Association	Travel and Meals	AUG2022B	09/14/2022	105.64
US Bank National Association	Storage Unit	AUG2022D	09/14/2022	238.50
US Bank National Association	Software Maintenance	AUG2022C	09/14/2022	24.00
US Bank National Association	Zoom	AUG2022E	09/14/2022	14.99
US Bank National Association	Employee Training - Pryor	AUG2022F	09/14/2022	378.00
US Bank National Association	Truck Accessories - linex	AUG2022G	09/14/2022	900.00
US Bank National Association	Trash Cans	AUG2022H	09/14/2022	2,361.63
US Bank National Association	Board Meeting Supplies	AUG2022A	09/14/2022	14.00
Payment: 8778 Total:				4,036.76
Payment: 8779				
USA Bluebook	CHEMKEY	091414	09/14/2022	1,742.56
USA Bluebook	CHEMKEY	091033	09/14/2022	793.27
USA Bluebook	Tee connectors and	096097	09/14/2022	361.84
USA Bluebook	CHEMKEY	092787	09/14/2022	1,398.62
Payment: 8779 Total:				4,296.29
Payment: 8780				
Verizon Wireless	Cell service	9914157465	09/14/2022	816.20
Payment: 8780 Total:				816.20
Payment: 8781				
Voelker, Tyler	Water Quality Laboratory	WQLG I 2022	09/14/2022	280.00
Payment: 8781 Total:				280.00
Payment: 8782				
Wallace Group	FOG Program	57032	09/14/2022	1,589.00
Payment: 8782 Total:				1,589.00
Payment: 8783				
Waste Connections	Trash Collection-Office	7805380U120	09/14/2022	50.22
Waste Connections	Trash Collection-	7806590U120	09/14/2022	235.38
Waste Connections	Trash Collection-Old Town	7806239U120	09/14/2022	293.04
Payment: 8783 Total:				578.64

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER *MIG*

FROM: LISA BOGNUDA
FINANCE DIRECTOR *LB for LSB*

DATE: SEPTEMBER 9, 2022

AGENDA ITEM
D-1(B)
SEPTEMBER 14, 2022

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$1,840.63
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Item D-1(B) Warrants SEPTEMBER 14, 2022

Nipomo Community Services District

By Payment Number

Payment Dates 09/14/2022 - 09/14/2022

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 66				
Column, Enotice Inc.	Public Notice- NOI of MND BL	BOA9D0E7-0006	09/14/2022	240.63
Payment 66 Total:				<u>240.63</u>
Payment: 67				
Bank of New York Mellon Trust	Bond Administration- BL AD	252-2494960	09/14/2022	1,600.00
Payment 67 Total:				<u>1,600.00</u>

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: SEPTEMBER 8, 2022



**APPROVE AUGUST 24, 2022
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. August 24, 2022 draft Regular Board Meeting Minutes

SEPTEMBER 14, 2022

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

AUGUST 24, 2022 AT 9:00 A.M.

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

BOARD of DIRECTORS

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

PRINCIPAL STAFF

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

Mission Statement:

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

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of August 24, 2022, to order at 9:00 a.m. and led the flag salute.

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

At Roll Call, all Directors were present.

There were no public comments.

C. PRESENTATIONS AND REPORTS

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

Receive Announcements and Reports from Directors

Director Eby

- *August 12, attended Board Officers' meeting.*
- *August 18, attended LAFCO meeting remotely.*
- *August 18, attended NMMA Technical group meeting.*
- *August 22, attended Interview with the Auditors.*

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

There were no public comments.

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

Vote 5-0.

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

SUBJECT TO BOARD APPROVAL

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 10, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) BIENNIAL REVIEW OF LOCAL CONFLICT OF INTEREST CODE [RECOMMEND CONDUCT REVIEW AND DETERMINE NO UPDATE IS REQUIRED]
- D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR AN ADDITIONAL DUPLEX LOCATED AT 328 NORTH MALLAGH STREET [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board approved the Consent Agenda.
D-1 Vote 4-0, with Director Gaddis abstaining.
D-2 to D-4 Vote 5-0.*

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

E. ADMINISTRATIVE ITEMS

- E-1) AUTHORIZE PURCHASE OF REPLACEMENT JETTER TRUCK AND CONSIDER BUDGET AMENDMENT REQUEST [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO PURCHASE VACTOR JETTER TRUCK FROM HAAKER EQUIPMENT COMPANY AT A COST OF \$567,086 AND AMEND FY 2022-2023 BUDGET]

Mario Iglesias, General Manager, presented the item.

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

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

There were no public comments.

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

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

RESOLUTION NO. 2022-1639
NIPOMO COMMUNITY SERVICES DISTRICT
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF
VACTOR JETTER TRUCK FROM HAAKER EQUIPMENT COMPANY
AT A COST OF \$567,086 AND AMENDING FY 2022/2023 BUDGET

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

- E-2) AUTHORIZE INTER-FUND LOAN BETWEEN BLACKLAKE SEWER FUND #150 AND BLACKLAKE STREET LIGHTING DISTRICT FUND #200 [RECOMMEND AUTHORIZE INTER-FUND LOAN]

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

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

There were no public comments.

Upon the motion of Director Armstrong, and seconded, the Board approved the inter-fund loan. Vote 5-0.

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

RESOLUTION NO. 2022-1640
 NIPOMO COMMUNITY SERVICES DISTRICT
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
 NIPOMO COMMUNITY SERVICES DISTRICT APPROVING
 AND ESTABLISHING THE INTEREST RATE FOR AN INTER-FUND
 LOAN BETWEEN THE BLACKLAKE SEWER FUND AND THE
 BLACKLAKE STREETLIGHTING FUND

F. GENERAL MANAGER'S REPORT

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

Director Eby, requested the Annexation agreement be inserted in the Dana Reserve Project schedule included in the General Manager's report.

There were no public comments.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby, requested that an Ad Hoc committee be formed to discuss the annexation agreement for the Dana Reserve Project.

Director Woodson, requested a report on the recently passed legislation regarding disruptive public in meetings. Craig Steele, announced that he will be providing a report to the Board.

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

I. CLOSED SESSION ANNOUNCEMENTS

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

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

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

ADJOURN MEETING


President Eby adjourned the meeting at 9:36 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 36 minutes
Closed Session	0 hour 0 minutes
TOTAL HOURS	0 hour 36 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: SEPTEMBER 9, 2022

**AGENDA ITEM
D-3
SEPTEMBER 14, 2022**

**ACCEPT DEED RESTRICTION FOR
APN 092-576-012, 149 SOUTH FRONTAGE ROAD, NIPOMO**

ITEM

Accept offer of deed restriction for APN 092-576-012, Dutch Bros. Coffee, a commercial development located at 149 South Frontage Road in Nipomo [RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF DEED RESTRICTION].

BACKGROUND

The District issued an Intent-to-Serve (ITS) letter on December 8, 2021 for a commercial development project located at 149 South Frontage Road (APN 092-576-012). The applicant, CVP- Nipomo DB, LLC, requested water, sewer, and solid waste service for a commercial project.

The ITS letter requires the applicant to record a deed restriction on the property prohibiting the use of well(s) to provide water service to the project and prohibiting use of self-regenerating water softeners. The applicant sold the project and the new owners have provided the attached deed restriction as required.

FISCAL IMPACT

The developer paid the District's cost to develop the agreement through the project's Plan Check and Inspection Agreement.

RECOMMENDATION

Recommend your Board, by motion and roll call vote, adopt Resolution 2022-XXXX Accept 149 South Frontage Road Deed Restriction.

ATTACHMENTS

- A. Resolution 2022-XXXX Accept 149 South Frontage Road Deed Restriction
- B. Deed Restriction – Resolution Exhibit A

SEPTEMBER 14, 2022

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2022-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING 149 SOUTH FRONTAGE ROAD DEED RESTRICTION
APN 092-576-012**

WHEREAS, Robert and Maria Balic (herein the "Owners") are the owners of certain real property identified as 149 South Frontage Road, APN 092-576-012 (herein the "Project") situated within the Nipomo Community Services District (the "District"); and

WHEREAS, the District issued an Intent-to-Serve (ITS) letter on December 8, 2021 for the commercial Project; and

WHEREAS, The ITS letter requires the applicant to record a deed restriction on the property prohibiting the use of well(s) to provide water service to the project and prohibiting use of self-regenerating water softeners; and

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

WHEREAS, the District wishes to accept the deed restriction 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 149 South Frontage Road, APN 092-576-012, 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.

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 14th day of September 2022.

ED EBY

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

SEPTEMBER 14, 2022

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 #: 092-576-012

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 2, 2022, by and between Robert Balic and Maria Balic (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 the property.

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 BALIC

[Type or print name]



[Signature must be Notarized]

MARIA BALIC

[Type or print name]

Date: 8-2-22

PLEASE SEE ATTACHED
ACKNOWLEDGMENT/JURAT
FROM NOTARY PUBLIC

PLEASE SEE
ACKNOWLEDGMENT/JURAT
FROM NOTARY PUBLIC

PLEASE SEE
ACKNOWLEDGMENT/JURAT
FROM NOTARY PUBLIC

**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: Ed Eby
Title: President

ATTEST:

Mario Iglesias, General Manager and Secretary
Nipomo Community Services District

**CALIFORNIA NOTARY ACKNOWLEDGEMENT
(INDIVIDUAL)**

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 MATEO

On August 2, 2022 before me, Michelle Mejia, Notary Public (insert name and title of the officer), personally appeared Maria Baer, 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

Michelle Mejia



(Seal)

CALIFORNIA NOTARY ACKNOWLEDGEMENT (INDIVIDUAL)

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 MATEO

On August 2, 2022 before me, Michelle Mejia, Notary Public (insert name and title of the officer), personally appeared Robert Balic, 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

Michelle Mejia



(Seal)

E ATTACHED
GMENT/JURAT
ARY PUBLIC

Exhibit A

Legal Description

The land referred to herein below is situated in the Unincorporated Area, County of San Luis Obispo, State of California and is described as follows:

PARCEL "B" IN THE EASTERLY HALF OF LOT 25 OF H.C. WARD'S SUBDIVISION OF THE RANCHO NIPOMO, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP CO 78-56, RECORDED IN PARCEL MAP BOOK 27, AT PAGE 17, IN THE OFFICE OF THE COUNTY RECORDER ON NOVEMBER 21, 1978.

APN: 092-576-012