

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: APRIL 7, 2023

AGENDA ITEM

C

APRIL 12, 2023

PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- 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
- C-2) 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: APRIL 7, 2023

AGENDA ITEM

D

APRIL 12, 2023

PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MARCH 22, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 [RECOMMEND ADOPT RESOLUTION]
- D-4) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT 2022-1 [RECOMMEND ADOPT RESOLUTION]
- D-5) APPROVE TERMINATION AND RELEASE OF AGREEMENT AFFECTING REAL PROPERTY ESTABLISHING SEWAGE GRINDER PUMP SERVICE [RECOMMEND APPROVE TERMINATION AND RELEASE AND DIRECT STAFF TO FILE DOCUMENT WITH COUNTY RECORDER]
- D-6) REVIEW AND CONSIDER ADDITION OF OPERATIONS MANAGER POSITION TO ORGANIZATION AND ADJUST RELATED OPERATIONAL JOB DESCRIPTIONS [RECOMMENDATION ADDING AN OPERATIONS MANAGER TO THE ORGANIZATION AND ADJUST JOB DESCRIPTIONS OF RELATED POSITIONS]
- D-7) REVIEW AND CONSIDER RECOMMENDING ADJUSTING SALARY RANGE OF NIPOMO COMMUNITY SERVICES DISTRICT FINANCE DIRECTOR [RECOMMEND APPROVE ADJUSTMENT OF THE SALARY RANGE FOR THE FINANCE DIRECTOR]
- D-8) REVIEW AND CONSIDER THE ADDITION OF AN ASSISTANT GENERAL MANAGER POSITION TO ORGANIZATION AND ADOPT JOB DESCRIPTION [RECOMMENDATION ADDING AN ASSISTANT GENERAL MANAGER TO THE ORGANIZATION AND ADOPT JOB DESCRIPTION]

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS ~~MI~~
GENERAL MANAGER
FROM: LISA BOGNUDA (LSB)
FINANCE DIRECTOR AND
JANA ETTEDDGUE
ADMINISTRATIVE SUPERVISOR
DATE: APRIL 7, 2023

AGENDA ITEM
D-1(A)
APRIL 12, 2023

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$271,492.01
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS	NONE

Item D-1 (A) Warrants APRIL 12, 2023

Nipomo Community Services District

By Payment Number

Payment Dates 04/12/2023 - 04/12/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
Payment: 11039					
Abalone Coast Analytical, Inc.	Lab tests	6071	04/12/2023		9,558.00
Payment 11039 Total:					9,558.00
Payment: 11040					
Allweather Landscape	LMD	46962	04/12/2023		325.00
Payment 11040 Total:					325.00
Payment: 11041					
Amazon Capital Services, Inc.	Office supplies	1QG3-YL3V-9FXJ	04/12/2023		23.36
Payment 11041 Total:					23.36
Payment: 11042					
Aqua-Metric Sales, Co.	Smartpoint radios, 3" meter	INV0093979	04/12/2023		18,965.10
Payment 11042 Total:					18,965.10
Payment: 11043					
AT&T	Telephone	000019697466	04/12/2023		281.51
AT&T	Telephone	000019697464	04/12/2023		28.94
AT&T	Telephone	000019697465	04/12/2023		179.53
Payment 11043 Total:					489.98
Payment: 11044					
AT&T Mobility	Cell service - voice lines	287318508827X04022023	04/12/2023		191.31
Payment 11044 Total:					191.31
Payment: 11045					
California Water Efficiency	Membership dues - 2023	MD-2023-784	04/12/2023		3,139.25
Payment 11045 Total:					3,139.25
Payment: 11046					
Calleja, Derek	Reimbursement for WW Grade	MAR2023	04/12/2023		1,238.32
Payment 11046 Total:					1,238.32
Payment: 11047					
Cannon Corporation	Engineering Support - Lift	83397	04/12/2023		3,877.25
Cannon Corporation	Engineering Support - Lift	83910	04/12/2023		808.25
Payment 11047 Total:					4,685.50
Payment: 11048					
Charter Communications	Internet - Shop and/or Office	0224495032023	04/12/2023		734.20
Payment 11048 Total:					734.20
Payment: 11049					
Charter Communications	Internet - Shop and/or Office	0225708032223	04/12/2023		734.20
Payment 11049 Total:					734.20
Payment: 11050					
Clever Ducks	Computer expense	34152	04/12/2023		4,319.62
Clever Ducks	Server Warranty renewal	34127	04/12/2023		3,509.19
Payment 11050 Total:					7,828.81
Payment: 11051					
Collaboration Business	Leadership Training Program	15376	04/12/2023		2,500.00
Payment 11051 Total:					2,500.00
Payment: 11052					
DataProse, LLC	Mail bills/late notices	DP2300930A	04/12/2023		790.28
DataProse, LLC	Postage bills/late notices	DP2300930B	04/12/2023		2,771.78
Payment 11052 Total:					3,562.06
Payment: 11053					
Executive Janitorial	Janitorial services	86173	04/12/2023		780.00

Item D-1 Warrants APRIL 12, 2023

Payment Dates: 04/12/2023 - 04/12/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
Payment: 11053				Payment 11053 Total:	780.00
Famcon Pipe and Supply Inc.	Ball valves, pack joints	S100098123.001	04/12/2023		1,116.86
Famcon Pipe and Supply Inc.	Brass elbows	S100085414.003	04/12/2023		121.69
Famcon Pipe and Supply Inc.	Romac full circle repair clamps	S100096795.001	04/12/2023		565.50
Famcon Pipe and Supply Inc.	Couplings, pack joints	S100097956.001	04/12/2023		806.93
Payment: 11054				Payment 11054 Total:	2,610.98
GLM Landscape Management	Landscape maintenance	CI-1693	04/12/2023		964.65
Payment: 11055				Payment 11055 Total:	964.65
Great Western Alarm and	Alarm monitoring service -	230404376201	04/12/2023		125.00
Payment: 11056				Payment 11056 Total:	125.00
Home Depot Credit Services	Operating supplies	MAR2023	04/12/2023		1,709.09
Payment: 11057				Payment 11057 Total:	1,709.09
Iconix Waterworks (US) Inc.	Hand pump, bolt set	U2316008483	04/12/2023		70.45
Iconix Waterworks (US) Inc.	Meter adapters	U2316009089	04/12/2023		2,505.60
Payment: 11058				Payment 11058 Total:	2,576.05
Integrated Industrial Supply, Inc.	Safety boots	90233	04/12/2023		53.49
Integrated Industrial Supply, Inc.	Safety wear	90279	04/12/2023		367.57
Payment: 11059				Payment 11059 Total:	421.06
JEGO Systems	Network Architecture & Asset	2023-NCSD-002	04/12/2023		24,995.00
Payment: 11060				Payment 11060 Total:	24,995.00
Left Coast T-Shirt Company	Uniforms, raingear, safety gear	33974	04/12/2023		3,024.29
Payment: 11061				Payment 11061 Total:	3,024.29
Millhorn, Grace	Reimbursement for recording	APR2023	04/12/2023		166.24
Payment: 11062				Payment 11062 Total:	166.24
Miner's Ace Hardware	Supplies	MAR2023	04/12/2023		1,526.78
Payment: 11063				Payment 11063 Total:	1,526.78
Mission Uniform Service	Uniforms	518944914	04/12/2023		193.93
Payment: 11064				Payment 11064 Total:	193.93
MNS Engineers, Inc.	Construction management -	82725	04/12/2023		9,775.00
MNS Engineers, Inc.	Construction management -	82727	04/12/2023		3,784.25
Payment: 11065				Payment 11065 Total:	13,559.25
NewLane Finance Company	Telephone	114526-04/04/2023	04/12/2023		313.98
Payment: 11066				Payment 11066 Total:	313.98
Newton Geo-Hydrology	Litigation support through 03-	MAR2023	04/12/2023		8,695.00
Payment: 11067				Payment 11067 Total:	8,695.00
Nipomo Community Services	Water	MAR2023	04/12/2023		392.04
Payment: 11068				Payment 11068 Total:	392.04
Office Depot	Office supplies	302089987001	04/12/2023		261.40
Office Depot	Office supplies - Storage	305186286001	04/12/2023		483.89

Item D-1 Warrants APRIL 12, 2023

Payment Dates: 04/12/2023 - 04/12/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
Office Depot	Office supplies	300534557001	04/12/2023		105.08
Payment 11069 Total:					850.37
Payment: 11070					
Perry Ford Lincoln	2023 Ford Super Duty F-250	2023 F-250 SRW	04/12/2023		48,148.57
Payment 11070 Total:					48,148.57
Payment: 11071					
PG&E	Electricity	MAR2023	04/12/2023		46,005.86
Payment 11071 Total:					46,005.86
Payment: 11072					
Pro-West & Assoc., Inc.	Support Package to 03/28/2024	007260	04/12/2023		10,900.00
Payment 11072 Total:					10,900.00
Payment: 11073					
R. Baker, Inc.	Lema Dr water service line	544	04/12/2023		7,296.34
Payment 11073 Total:					7,296.34
Payment: 11074					
Ray Morgan Company	B&W/Color copies	4042719	04/12/2023		230.94
Ray Morgan Company	B&W/Color copies	4042721	04/12/2023		182.15
Ray Morgan Company	B&W/Color copies	4042720	04/12/2023		160.53
Payment 11074 Total:					573.62
Payment: 11075					
Richards, Watson & Gershon	Water Rights Adjudication	241601	04/12/2023		177.00
Richards, Watson & Gershon	Legal services through 02-28-23	241600	04/12/2023		6,253.71
Richards, Watson & Gershon	Dana Foothill Site acquisition	241603	04/12/2023		951.85
Richards, Watson & Gershon	Dana Reserve Specific Plan	241602	04/12/2023		1,176.00
Payment 11075 Total:					8,558.56
Payment: 11076					
Riley, Thomas	Uniform - Boot reimbursement	MAR2023	04/12/2023		165.00
Payment 11076 Total:					165.00
Payment: 11077					
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	226911	04/12/2023		475.62
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	226430	04/12/2023		92.97
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	226443	04/12/2023		718.02
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	226334	04/12/2023		63.58
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	225058	04/12/2023		550.36
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	225771	04/12/2023		342.45
Santa Maria Ford Lincoln	Vehicle repair/maintenance -	226899	04/12/2023		1,003.04
Payment 11077 Total:					3,246.04
Payment: 11078					
Simplot Grower Solutions	CAN 17	780158370	04/12/2023		1,051.36
Payment 11078 Total:					1,051.36
Payment: 11079					
South County Sanitary Services,	Solid waste tax liens	APR2023	04/12/2023		806.35
Payment 11079 Total:					806.35
Payment: 11080					
State Water Resources Control	OIT application	OCHEJ2023	04/12/2023		125.00
Payment 11080 Total:					125.00
Payment: 11081					
Statewide Traffic Safety & Signs	Custom signs, delineators and	03022059	04/12/2023		1,243.03
Payment 11081 Total:					1,243.03
Payment: 11082					
Terminix Commercial	Pest control	431102898	04/12/2023		69.00
Payment 11082 Total:					69.00
Payment: 11083					
The Sign Place	Signs for Branch Street	SLO 43565	04/12/2023		1,294.13
Payment 11083 Total:					1,294.13



Item D-1 Warrants APRIL 12, 2023

Payment Dates: 04/12/2023 - 04/12/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
Payment: 11084					
Tony Lipka	Safety training	NIPO 2301	04/12/2023		2,500.00
				Payment 11084 Total:	2,500.00
Payment: 11085					
Tyler Technologies, Inc.	Billing software conversion	025-416250	04/12/2023		260.00
				Payment 11085 Total:	260.00
Payment: 11086					
US Bank National Association	Employment ads	MAR2023I	04/12/2023		1,577.00
US Bank National Association	Postage	MAR2023F	04/12/2023		128.20
US Bank National Association	Operating supplies	MAR2023K	04/12/2023		2,059.18
US Bank National Association	Office supplies	MAR2023H	04/12/2023		116.37
US Bank National Association	Board meeting supplies	MAR2023A	04/12/2023		29.00
US Bank National Association	Safety training	MAR2023B	04/12/2023		166.75
US Bank National Association	Software subscription	MAR2023C	04/12/2023		71.99
US Bank National Association	Membership renewal -	MAR2023J	04/12/2023		225.00
US Bank National Association	Storage unit	MAR2023E	04/12/2023		243.00
US Bank National Association	Fuel	MAR2023G	04/12/2023		20.00
US Bank National Association	Travel and meals	MAR2023D	04/12/2023		522.06
US Bank National Association	Training materials	MAR2023L	04/12/2023		404.50
				Payment 11086 Total:	5,563.05
Payment: 11087					
USA Bluebook	Hach probe, weighted filters,	282157	04/12/2023		2,187.61
USA Bluebook	Hach IntelliCal pH Probe	299629	04/12/2023		973.83
USA Bluebook	Colorimeter assemblies, motors,	299705	04/12/2023		8,887.20
				Payment 11087 Total:	12,048.64
Payment: 11088					
Verizon Wireless	Cell service - data lines	9930825850	04/12/2023		709.31
				Payment 11088 Total:	709.31
Payment: 11089					
Voelker, Tyler	Collections 1 renewal & training	APR2023	04/12/2023		244.95
				Payment 11089 Total:	244.95
Payment: 11090					
Wallace Group	FOG program	58796	04/12/2023		350.00
Wallace Group	FOG program	58795	04/12/2023		2,509.15
				Payment 11090 Total:	2,859.15
Payment: 11091					
Waste Connections	Waste collection - Office	8043485U120	04/12/2023		66.44
Waste Connections	Waste collection - Southland	8044642U120	04/12/2023		311.41
Waste Connections	Waste collection - Old Town	8044320U120	04/12/2023		352.40
				Payment 11091 Total:	730.25
Payment: 11092					
White, Christian	Reimbursement for CSM3 exam	APR2023	04/12/2023		215.00
				Payment 11092 Total:	215.00

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 

FROM: LISA BOGNUDA 
FINANCE DIRECTOR AND
JANA ETTEDDGUE 
ADMINISTRATIVE SUPERVISOR

DATE: APRIL 7, 2023

AGENDA ITEM
D-1(B)
APRIL 12 2023

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$8,363.25
VOIDED CHECKS	NONE


Item D-1 (B) Warrants APRIL 12, 2023

Nipomo Community Services District

By Payment Number

Payment Dates 04/12/2023 - 04/12/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
Payment: 86					
Cannon Corporation	Blacklake Sewer Consolidation	83846	04/12/2023		4,982.00
Cannon Corporation	Blacklake Sewer Consolidation	83468	04/12/2023		3,381.25
				Payment 86 Total:	8,363.25

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER 
DATE: APRIL 7, 2023



**APPROVE MARCH 22, 2023
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. March 22, 2023 draft Regular Board Meeting Minutes

APRIL 12, 2023

ITEM D2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

MARCH 22, 2023 AT 9:00 A.M.

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

BOARD of DIRECTORS

RICHARD MALVAROSE, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
ED EBY, **DIRECTOR**
DAN WOODSON, **DIRECTOR**
GARY HANSEN, **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 Malvarose called the Regular Meeting of March 22, 2023, 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.

President Malvarose announced the consent agenda would be next.

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE MARCH 8, 2023, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved Consent Agenda with edits to the Board meeting minutes.

Vote 5-0.

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

C. PRESENTATIONS AND REPORTS

C-1) PRESENTAION BY PETER YANEZ OF MULTI-BANK SECURITIES, INC.(MBS)
[RECEIVE AND FILE PRESENTATION]

Peter Yanez, of Multi-Bank Securities, Inc., presented the item regarding the potential investment of District funds in government securities such as T-Bills and answered questions from the Board.

SUBJECT TO BOARD APPROVAL

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

Terry Shea, CPA, of Rogers, Anderson, Malody and Scott LLP, answered questions from the Board.

C-2) ANNUAL REVIEW OF NIPOMO COMMUNITY SERVICES DISTRICT'S STRATEGIC PLAN [RECEIVE AND FILE PRESENTATION]

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

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 Director

Director Hansen

- *March 21, attended Administration Committee Meeting*

Director Eby

- *March 16, attended DeSal presentation at the ASCE meeting*
- *March 16, attended Finance and Audit Committee meeting*
- *April 1, announced the Green House Growers Show starts at Nipomo High School*

Director Gaddis

- *March 14, attended Board Officers' Meeting*
- *March 16, attended DeSal presentation at the ASCE meeting*
- *March 16, attended Finance and Audit Committee meeting*

Director Malvarose

- *March 14, attended Board Officers' Meeting*
- *March 21, attended Administration Committee Meeting*

C-4) 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 Eby and seconded, the Board approved receiving and filing presentations and reports.

Vote 5-0.

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

President Malvarose announced the Board would be taking a 10 minute break.

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

E. ADMINISTRATIVE ITEMS

E-1) CONSIDER ADOPTING RESOLUTION REVISING NIPOMO COMMUNITY SERVICES DISTRICT ANNEXATION POLICY [RECOMMEND ADOPT RESOLUTION AMENDING ANNEXATION POLICY]

Mario Iglesias, General Manager, introduced the item.

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

There were no public comments.

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

Vote 5-0.

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

RESOLUTION NO. 2023-1658
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AMENDING
THE DISTRICT'S ANNEXATION POLICY

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

Director Gaddis announced the Finance and Audit Committee met on March 16. Multi-Bank Securities (MBS) made a presentation regarding investment services. Staff presented items to be included in the draft Budget for FY 23-24 and reviewed the Cost of Living Adjustment (COLA) calculation. The Committee recommended the MBS make the presentation to the Board of Directors at the next meeting. The Committee also directed Staff to prepare the draft budget and include the calculated COLA of 5% in draft the Budget for FY 2023-2024.

Director Malvarose announced the Administration Committee met on March 21. The Committee reviewed the proposed changes to the Employee Handbook, reviewed the proposed addition of the Operations Manager, related job descriptions and organizational chart, and the proposed adjustment to the Finance Director's salary range. The Committee recommended the items be presented to the Board.

DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis requested staff to buy a coat rack for the NCSD Board Room for coats and hats of Directors and Staff.

I. CLOSED SESSION ANNOUNCEMENTS

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

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

- 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

There were no public comments.

ADJOURN MEETING

President Malvarose adjourned the meeting at 10:44 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 44 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	1 hour 44 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board Date

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: APRIL 7, 2023

AGENDA ITEM

D-3

APRIL 12, 2023

**INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1**

ITEM

Resolution initiating proceedings for annual levy of Street Landscape Maintenance District No. 1 ("LMD #1) [RECOMMEND ADOPT RESOLUTION]

BACKGROUND

In 2003, the Board of Directors formed Street Landscape Maintenance District No. 1 to provide the street landscape maintenance for Tract 2409 (Sculpture Homes located on Vista Verde and Ida Street). The LMD was formed under Government Code Section 61601.20 and the Landscaping and Lighting Act of 1972.

Annually, the District follows the procedures outlined in the Government Code and Prop. 218 to levy the assessment on each of the 28 property owners served by the Landscape Maintenance District. In order to proceed, the attached Resolution should be adopted to initiate the proceedings and appoint Director of Engineering and Operations, Peter Sevcik as the Assessment Engineer.

RECOMMENDATION

Staff recommends adopting the attached resolution initiating proceedings for annual assessment of LMD #1.

ATTACHMENT

- A. Resolution No. 2023-XXXX LMD Initiate Proceedings for Annual Assessment

APRIL 12, 2023

ITEM D3

ATTACHMENT A

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

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL
LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2023-2024 PURSUANT TO THE PROVISIONS OF PART 2 OF
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

WHEREAS, the Nipomo Community Services District Board of Directors (“NCS D”) has, by previous Petition and Resolution, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as “Street Landscape Maintenance District No. 1”) pursuant to the provisions of Government Code §61122 (prior §61601.20) and the Landscaping and Lighting Act of 1972 (hereinafter referred to as the “Act”) that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the installation, planting and maintenance of landscaping within public streets, right of ways or easements within the Nipomo Community Services District; and

WHEREAS, Street Landscape Maintenance District No. 1 and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the NCS D has appointed Peter Sevcik, a registered professional engineer, as assessment engineer for the purpose of assisting with the Annual Levy of the Street Landscape Maintenance District No. 1 and to prepare and file a report in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the Nipomo Community Services District for the Nipomo Street Landscape Maintenance District No. 1, as follows:

SECTION 1: The NCS D hereby initiates proceedings for annual levy of assessments for Street Landscape Maintenance District No. 1 for Fiscal Year 2023-2024 pursuant to the provisions of the Act.

SECTION 2: The improvements within Street Landscape Maintenance District No. 1 include: trees, shrubs, grass, other ornamental vegetation, and appurtenant facilities, including irrigation system within the Street Landscape Maintenance District No. 1. The Board of Directors does not anticipate new improvements or substantial changes in existing improvements.

SECTION 3: Engineer’s Annual Levy Report: The NCS D Board of Directors hereby orders that Peter Sevcik, District Director of Engineering and Operations and a registered professional engineer in CA, prepare the Engineer’s Annual Levy Report concerning the levy of assessments for Street Landscape Maintenance District No. 1 in accordance with *Chapter 3, Section 22622* of the Act.

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

AYES:

NOES:

ABSENT:

CONFLICTS:

the foregoing resolution is hereby adopted this 12TH day of April 2023.


RICHARD MALVAROSE
President of the Board

ATTEST:

APPROVED AS TO FORM
AND LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER 
DATE: APRIL 7, 2023

AGENDA ITEM
D-4
APRIL 12, 2023

**INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS
FOR BLACKLAKE STREET LIGHTING MAINTENANCE
ASSESSMENT DISTRICT 2022-1**

ITEM

Resolution initiating proceedings for annual levy of Blacklake Street Lighting Maintenance Assessment District 2022-1 (District) [RECOMMEND ADOPT RESOLUTION]

BACKGROUND

In 2022, the Board of Directors formed the Blacklake Street Lighting Maintenance Assessment District 2022-1 to provide the street lighting for the Blacklake Village area. The District was formed under Part 2 of Division 15 of the California Streets and Highways Code, commonly known as the Landscape and Lighting Act of 1972 and Proposition 218.

Annually, the District follows the procedures outlined in the Government Code and Prop. 218 to levy the assessment on the 557 Equivalent Single-Family Dwellings. In order to proceed, the attached Resolution should be adopted to initiate the proceedings and appoint Director of Engineering and Operations, Peter Sevcik as the Assessment Engineer.

RECOMMENDATION

Staff recommends adopting the attached resolution initiating proceedings for annual assessment of District.

ATTACHMENT

- A. Resolution No. 2023-XXXX BL Street Light Initiate Proceedings for Annual Assessment

APRIL 12, 2023

ITEM D4

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR THE
LEVY AND COLLECTION OF ASSESSMENTS WITHIN BLACKLAKE STREET LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. 2022-1 FOR FISCAL YEAR 2023-2024, AND
ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE
LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF
DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

WHEREAS, the Nipomo Community Services District ("NCSD") Board of Directors has, by previous Petition and Resolution, formed the Blacklake Street Lighting Maintenance Assessment District No. 2022-1 ("Blacklake SLMD") pursuant to the provisions of Government Code Section 61122 and the Landscaping and Lighting Act of 1972 ("the Act"). The Blacklake SLMD provides for the levy and collection of assessments by the County of San Luis Obispo for the NCSD to pay for the costs of installing, maintenance and servicing of public street light improvements and facilities in the neighborhood within the boundaries of the NCSD commonly known as "Blacklake;" and

WHEREAS, Blacklake SLMD and the associated assessments are in compliance with the provisions of California Constitution Article XIID and applicable statute; and

WHEREAS, the NCSD has appointed Peter Sevcik, a registered professional engineer, as assessment engineer for the purpose of assisting with the Annual Levy of the Assessment for Blacklake SLMD by preparing and filing an engineer's report in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED by the Board of Directors of the NCSD for the Blacklake SLMD, as follows:

SECTION 1: The Board hereby initiates proceedings for annual levy of assessments for Blacklake SLMD No. 2022-1 for Fiscal Year 2023-2024 pursuant to the provisions of the Act.

SECTION 2: The improvements within Blacklake SLMD include the installation, maintenance, and servicing of public street lighting improvements and facilities within the neighborhood in the NCSD commonly known as Blacklake. Based on the advice of staff, the Board does not anticipate new improvements or substantial changes in existing improvements in the upcoming fiscal year.

SECTION 3: The Board hereby directs that Peter Sevcik, District Director of Engineering and Operations and a registered professional engineer in California, to prepare the Engineer's Report concerning the levy of assessments for fiscal year 2023-24 for the Blacklake SLMD in compliance with Article 4 of Chapter 1 of the Act and Section 4 of Article XIID of the California Constitution.

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

AYES:

NOES:

ABSENT:

CONFLICTS:

the foregoing resolution is hereby adopted this 12TH day of April 2023.

RICHARD MALVAROSE
President of the Board

ATTEST:

APPROVED AS TO FORM
AND LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER 

AGENDA ITEM

D-5

APRIL 12, 2023

DATE: APRIL 7, 2023

**APPROVE TERMINATION AND RELEASE OF
AGREEMENT AFFECTING REAL PROPERTY ESTABLISHING
SEWAGE GRINDER PUMP SERVICE**

ITEM

Review and approve Termination and Release of Agreement and record Termination Agreement with the County of San Luis Obispo Clerk-Recorder's Office [RECOMMEND APPROVE TERMINATION AND RELEASE AND DIRECT STAFF TO FILE DOCUMENT WITH COUNTY RECORDER]

BACKGROUND

William H. Vogel and the District executed an Agreement Affecting Real Property and Establishing Individual Sewage Grinder Pump Service ("Sewage Service") concerning the real property located at 342 Tyrus Court, Nipomo, California, 93444 (the "Property"), dated as of July 2, 1986 (the "Agreement"). The Agreement was recorded in the Office of the San Luis Obispo County Recorder as Document No. 67888 and therefore, the Agreement runs with the land and is binding upon all successors in interest to the original parties of the Agreement.

Mrs. and Mr. DiMizio are the current legal owners of the property and wish to terminate the Agreement. Facilities were installed by the District as required by the Agreement, but the property owners never placed the improvements into operations. The property owners, as part of the Termination Agreement, want the District to remove or disable the improvements. The District's Director of Engineering and Operations has inspected the improvements and is in agreement that it would be beneficial to the property owners and the District to remove the agreed upon District installed improvements as a condition of the Termination Agreement.

The Termination Agreement will terminate and release the property owners and the District of their respective obligations under the Agreement on the terms and conditions, as of the Effective Date of and set forth in the Termination Agreement.

STRATEGIC PLAN

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.

FINANCIAL IMPACT

The current Agreement obligates the District to maintain facilities that are specific to a parcel. As such, the cost of maintaining these facilities, in the event they are put into use, would be

disproportionate to the cost of service of parcels that do not have such facilities. By executing the Termination Agreement and dissolving the obligation to maintain such facilities would be financially beneficial for the District.

RECOMMENDATION

After Board consideration and public comment, it is recommended that your Honorable Board approve the Termination Agreement and direct staff to file the Termination Agreement with the San Luis Obispo County Office of the Clerk-Recorder.

ATTACHMENTS

- A. Termination and Release of "Agreement Affecting Real Property ..."

APRIL 12, 2023

ITEM D5

ATTACHMENT A

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444-0326
Attention: General Manager

SPACE ABOVE FOR RECORDER'S USE

Exempt from recorder's fees pursuant to Government Code sections 6103 and 27383.

ASSESSOR'S PARCEL NO: 92-111-30

TERMINATION AND RELEASE OF "AGREEMENT AFFECTING REAL PROPERTY AND ESTABLISHING INDIVIDUAL SEWAGE GRINDER PUMP SERVICE"

This Termination and Release Agreement (this "**Termination Agreement**"), dated _____ ("**Effective Date**"), is entered into by and between Terry DiMizio and Andrew DiMizio, husband and wife, ("**Property Owners**") and the Nipomo Community Services District ("**District**"). The Property Owner and District are each sometimes referred to in this Agreement as a "Party" and collectively as the "Parties".

WHEREAS, William H. Vogel and the District executed that certain Agreement Affecting Real Property and Establishing Individual Sewage Grinder Pump Service ("**Sewage Service**") concerning the real property located at 342 Tyrus Court, Nipomo, California, 93444 (the "**Property**"), dated as of July 2, 1986 (the "**Agreement**") recorded in the Office of the San Luis Obispo County Recorder as Document No. 67888;

WHEREAS, pursuant to Section 6 of the Agreement, the Agreement runs with the land and is binding upon all successors in interest to the original parties of the Agreement;

WHEREAS, the Property Owners are the current legal owners of the Property as reflected on title and successors in interest to William H. Vogel;

WHEREAS, facilities for Sewage Service were installed by District but not put into service; and

WHEREAS the Parties wish to terminate and release their respective obligations under the Agreement on the terms and conditions set forth herein as of the Effective Date of this Termination Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties agree as follows:

1. Termination of the Agreement. The Agreement is hereby terminated and shall be of no further force or effect, notwithstanding Section 6 of the Agreement.

2. Release of Easement. The District hereby releases the easement that was granted to the District pursuant to Section 3 of the Agreement for the purpose of operating, maintaining, repairing, replacing and removing an individual sewage grinder pump to serve the single-family residence on the Property.
3. Temporary License for Decommission. Property Owners hereby grant the District a temporary license to enter the Property up to 90 days from the date this agreement is executed by both parties, without further notice to the Property Owners, for the purpose of decommissioning the grinder pump control box and sewer lateral leading to the Property. The sewer lateral will be filled with concrete thereby protecting the Property from backflow of sewer onto the Property from the sewer main. The District shall only use the temporary license hereby granted in a manner that does not adversely impact the Property Owners' use and enjoyment of their Property.

IN WITNESS WHEREOF, the Parties hereto have executed this Termination Agreement as of the Effective Date.

PROPERTY OWNERS:

**TERRY DIMIZIO AND ANDREW
DIMIZIO**



Terry DiMizio

DATE: 4-5, 2023



Andrew DiMizio

DATE: 4-5, 2023

DISTRICT:

**NIPOMO COMMUNITY SERVICES
DISTRICT,**

Richard Malvarose, President

DATE: _____, 2023