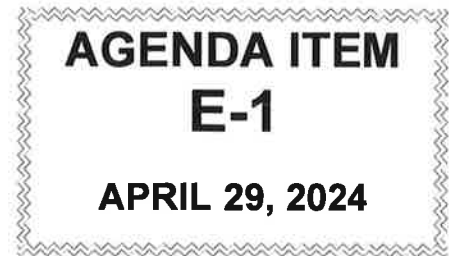


TO: BOARD OF DIRECTORS  
REVIEWED: RAY DIENZO *R.D.*  
GENERAL MANAGER  
FROM: CRAIG A. STEELE  
GENERAL COUNSEL



DATE: April 26, 2024

## **APPOINTMENT OF DIRECTOR TO FILL VACANCY ON THE BOARD FOR THE REMAINDER OF DIRECTOR MALVAROSE'S TERM**

### **ITEM**

Appoint a qualified individual to fill the vacancy on the Board for the remainder of Director Malvarose's term, administer Oath of Office, and seat new Director. [RECOMMEND APPOINTING A QUALIFIED INDIVIDUAL AT THE PLEASURE OF THE BOARD TO FILL THE VACANCY, ADMINISTER THE OATH OF OFFICE, AND SEAT THE NEW DIRECTOR]

### **BACKGROUND**

Director Richard Malvarose has moved outside the District boundaries and resigned from the District's Board of Directors as of April 5, 2024. Government Code Section 1780 provides the procedures the Board must follow to fill the vacancy, within 60 days of receiving notice of the vacancy. At the April 10, 2024 Board meeting, the Board received the Notice of Vacancy, and directed staff to post the Notice of Vacancy in the community and solicit applications from qualified individuals interested in being appointed to fill the vacancy.

Director Malvarose's term expires after the certification of the election results from the November 5, 2024 regular District election, so the appointment term will be relatively brief.

Since the District opened the application period, the District received (3) letters of interest. Copies of the letters of interest are attached to this report.

### **RECOMMENDATION**

It is recommended that your Honorable Board review the applicants and appoint an individual to fill the vacancy on the Board for the remaining term, prior to June 9, 2024.

### **ATTACHMENT**

- A. Letters of Interest

**APRIL 29, 2024**

**ITEM E-1**

**ATTACHMENT A**

RECEIVED

APR 17 2024

NIPOMO COMMUNITY  
SERVICES DISTRICT

James Wejrowski

Nipomo, Ca 93444

4/17/2024

Nipomo Community Services District

148 South Wilson Street, Post Office Box 326

Nipomo, Ca 93444-0326

Dear Raymond Dienzo,

I am interested in filling the vacancy on The Nipomo Community Services District Board of Supervisors.

Minimum eligibility:

A resident of Black Lake Nipomo since 2017 and a registered voter of the district.

Additional relevant experience for the board's consideration:

A member of the Board for The Estates at Black Lake Homeowners Association.

An active member of The Black Lake Sewer Consolidation Project Oversight Committee.

PG&E Lead Mechanical planner for The Steam Generator Replacement Project at Diablo Canyon. (A 4-½ year project that cost over 700 million dollars)

I believe with my past working experience and community involvement I can contribute to the Nipomo Community Services District in a positive manner.

Sincerely,



James Wejrowski

RECEIVED

APR 18 2024

NIPOMO COMMUNITY  
SERVICES DISTRICT

April 18, 2024

Nipomo Community Services District  
Board of Directors  
148 Wilson Street  
Nipomo, CA 93444

Re: Vacant Board of Director's Seat  
Letter of Interest

Dear Board;

I am aware of the recent vacancy on the Nipomo Community Services District's Board of Directors and would like to offer myself as a candidate to fulfill the vacant seat to the end of its current term. I am a resident of Nipomo, residing within the Nipomo Community Services District boundaries and able to meet for regular Board Meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month at 9:00 a.m.

I served as the Nipomo Community Services District's General Manager from 2016 to 2023. In that time I gain extensive knowledge of the District's issues and feel this experience qualifies me to serve as a member on its Board of Directors.

I would be honored to be considered for this Directorship and would apply myself fully to executing the duties therein assigned.

If you have any questions or need additional information to aid you in your consideration and/or evaluation of my qualifications, please contact me.

Best Regards,



Mario Iglesias

## Raymond Dienzo

---

**From:** David Paschke  
**Sent:** Friday, April 26, 2024 10:50 AM  
**To:** Raymond Dienzo  
**Cc:** David Paschke  
**Subject:** Application for Nipomo Community Services District Board of Directors  
**Attachments:** David Paschke Resume 2024.pdf

RE: Notice of Vacancy and Availability of Application for Appointment to Fill a Vacancy on the Nipomo Community Services District Board of Directors

To Whom It May Concern:

I humbly would like to submit my name, David Paschke, to serve and fill the vacancy that currently exists on the Nipomo Community Services District Board of Directors.

I am a resident and registered voter of the District, and I am available to attend the regular Board meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month at 9:00 am.

I have a strong background in public safety. I have an extensive background in the fire service, which is why I would like to serve on the Board. If there is one thing that firefighters cannot do without, it is water. At every level, we rely on water for our safety and the safety of the community. I offer the background from a fire flow, reliability, redundancy, and national standards perspectives. I have been involved in many developments in Orange County over the last few decades, so I can also offer my experience in these areas to help serve the Community of Nipomo.

Respectfully Submitted,

/s/ David Paschke

## David J. Paschke

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**OBJECTIVE:** To obtain a position to serve on the Nipomo Community Services District Board of Directors.

**EDUCATION:** National Fire Academy Graduate  
Santa Ana College Fire Tech Program  
Riverside Community College  
Long Beach City College

**EMPLOYMENT:**

**Division Chief/Murphy's Fire Protection District, April 2022 - Current**

Lead member of the Operations Division, primary responsibilities include the support and management /operations of the district with various tasks including major emergency incidents within the District, County, State, and Nationally. My work assignment, unless deployed, is remote from my home in Nipomo.

**Battalion Chief/Murphy's Fire Protection District, April 2016 –2022**

Member of the Operations Division, primary responsibilities include the support and management /operations of the district with various tasks including major emergency incidents within the District, County, State, and Nationally. This position reports directly to the Fire Chief and also may be called upon for non-emergency work which includes, but not limited to, fuels management, training, prevention, meetings, communications, technical related assignments such as IROC, and other activities directed by the Fire Chief and/or the District Board.

**Operations Capt/SR. Supervisor/ Emergency Command Center/EMD, Orange County Fire Authority June 1994- June 2017**

Responsibilities include the supervision of twenty-seven personnel within the Emergency Command Center. Oversee the expanded dispatch operation during major incidents and the ordering process; coordinating ordering and resources. Review Standard Operating Procedures; develops and implements Command Center policies

and procedures. Represent the department on multi-agency committees and task forces (FIRESCOPE Communications).

**Firefighter I/II/EMT, CDF Riverside County Fire Department (Sta 13/82) July 1991- June 2004**

Respond to fire related incidents and other emergency calls to protect life and property. Perform firefighting duties, administer first aid, inspect structures, perform maintenance duties on station and equipment. Perform public relations activities.

**Communications Specialist/Fire Responder, USAR CA Task Force 5 April 2003 – June 2017**

Responsibility for on- site and enroute communications of Federal Task Force (FEMA) during All Risk emergency incidents.

**Police Patrol Officer, Long Beach Police Department April 1982 – June 1987**

Served as a Police Officer hired after graduating from Police Academy. Specialized on the Community Crime Impact Team.

ACHIEVEMENTS

Federal Incident Management Team Type 1 member since 2021

Federal Incident Management Team Type 2 member since 1999-2021

All Hazard Incident Management Team Type 3- Orange County, Ca

Fire/Rescue International – Executive Chief Officer Program student

Represent Orange County Fire Authority on Fire Scope Communications Task Force

D310 Support Dispatcher Cadre Instructor – 2001

Terrorism Liaison Officer (Basic & Intermediate)

NENA Command Center Manager Certification

Numerous awards received for job performance

**California State Fire Marshall** – Fire Officer (2010), Firefighter II , Firefighter 1 certifications, Fire Control 4A, Fire Control 4B.

**Incident Command** – IS-100, ICS 120, I-200, IS-200, ICS-300, ICS-400, IS-700, IS-800

**Fire Management** – Management 1, Management 2B, Management 2D, Management 2E, Chief Fire Officer 3A

**Command** – Command 1A, Command 1B, Command 1C, Command 2A, Command 2D, Command Officer 2A, National Fire Academy Command & Control Decision Making at Multi-Alarm Incidents Training

**State Fire Marshal**- Admin & Professional Development , Fire Marshal 1A, Fire Marshal 1B, Fire Marshal 1C, Fire Marshal 1D.

**Planning**- Plan Examiner 1A – Building Plan Review, Plan Examiner 1B – Fire Protection & Life Safety System Review, Plan Examiner 1C- Hazards & Special Operations Review

**Fire Prevention** – Prevention 1A, Prevention 1B

**Fire Inspection** – Inspector 1A, Inspector 1B, Inspector 1C, Inspector 1D

**Fire Investigation**- Investigation 1A, Investigation 1B

**Fire Instructor** – Instructor 1A, Instructor 1B, Ethical Leadership in the Classroom

**Wildland Fire** – S-190 Wildland Fire Behavior, S-290 Intermediate Wildland Fire Behavior, S-200 IA Incident Commander, A-109 Aviation Communications use, S-270 Basic Air Ops, I-334 Strike Team Leader, I-339 Div/Grp Supervisor, S-336 Tactical Decision Making, L-280 Followership to Leadership, Map, Compass & GPS for Firefighters, S-349 Resource/Demobilization Unit Leader, S-404 Safety Officer, Incinet Training – INCO, SCKI, EDSI, RESI.

**National Wildfire Coordinating Group**

N-9044 Comm Coordinator, N-9003 Computer Tech Spec, L-967 All Hazards Logistics Section Chief, L-952, All Hazard Public Information Officer, O-305 All Hazards IMT Member, I-358 Communications Unit Leader, S-258 Incident Communications Tech, S-349 Resource/Demobilization Unit Leader, I-248 Status/Check-In Recorder, S-203 Incident Information (PIO) , S-404 Safety Officer.

**Rescue 3 International**- Swift Water Rescue awareness & Technician 1

**Command Center/Dispatch** – EDSP Expanded Dispatch Supervisory, EDSO Expanded Dispatch Support Dispatcher, D-311 Initial Attack Dispatcher(T), D-312 Aircraft Dispatcher(T) INCM Incident Communications Manager, EDRC Expanded Dispatch Recorder, RADO Radio Operator, SCKI Incinet Status Check-In



TO: BOARD OF DIRECTORS

FROM: RAY DIENZO *R.D.*  
GENERAL MANAGER

**AGENDA ITEM**

**E-2**

**APRIL 29, 2024**

DATE: APRIL 26, 2024

**REPORT FROM STAFF ON COUNTY OF SLO ACTIONS RELATING TO  
PROPOSED DANA RESERVE PROJECT**

**ITEM**

Report from staff on County of SLO actions relating to proposed Dana Reserve Project.  
[RECOMMEND RECEIVE AND FILE STUDY]

**BACKGROUND**

As the proposed Dana Reserve Specific Plan Project ("Project") is going through the permitting process with the County of San Luis Obispo, the Nipomo Community Services District ("District") is identified as the proposed agency that would serve the proposed development with water and wastewater services. The District water and wastewater infrastructure would need to be upgraded to serve this proposed development. The County of San Luis Obispo conducted their hearing on this project on April 24 to 25. Key District Staff attended this meeting to represent the interests of the District to answer any questions by the County Board of Supervisors.

The County Board of Supervisors approved the Project with a vote of 3-2, with District 2 Supervisor Bruce Gibson and District 4 Supervisor Jimmy Paulding dissenting. The project was approved with minor changes to the Development Agreement, EIR findings, and Conditions of Approval. A complete summary of these changes can be viewed on the County website. These changes did not affect water and sewer service that would be provided by the District upon approval of an Annexation through the LAFCO process.

The next steps in the process include but are not limited to:

- Negotiation with the County of SLO on the property tax revenue sharing per Board annexation policy resolution 2023-1658 (Attachment A) and
- Formalizing the Annexation Agreement with the Project Developer

These steps would inform the LAFCO process.

**RECOMMENDATION**

Board provide direction to staff.

**ATTACHMENTS**

- A. Approved Resolution 2023-1658

APRIL 29, 2024

ITEM E-2

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2023-1658**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A  
REVISED ANNEXATION POLICY**

**WHEREAS**, the Nipomo Community Services District ("District") is formed under the Community Services District Law (Govt. Code §61100 et seq.) and provides water, sewer, and solid waste services within its service area pursuant to Govt. Code §61100 of the Community Services District Law; and

**WHEREAS**, the Local Agency Formation Commission of San Luis Obispo County ("LAFCO") is charged with the authority to review and approve all requests for annexations, sphere of influence changes, and other changes in organization of the District; and

**WHEREAS**, LAFCO adopted a Sphere of Influence Update and Municipal Service Review for the District on or about March 15, 2018; and

**WHEREAS**, the District's Board of Directors has adopted an Annexation Policy by Resolution No. 2020-1540; and

**WHEREAS**, subsequent to the adoption of the District's most recent Annexation Policy, the Board has determined clarification of the Annexation Policy with regard to the subject of property tax revenue exchange agreements is in order; and

**WHEREAS**, the Board of Directors finds and declares that the policies adopted by this Resolution are consistent, and do not conflict, with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 or with the LAFCO actions described herein.

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

1. The facts and findings stated above are true and correct to the best of the Board's knowledge and incorporated herein.
2. The Annexation Policy of the Nipomo Community Services District, as adopted in Resolution 2020-1540, is hereby amended as follows:
  - a. Section II, Intent, is amended to read (additions are underlined, deletions are ~~struck through~~):

**"II. INTENT**

The Board of Directors intends to review all annexation requests with the aim of supporting the viability of the District in providing essential services and adhering to the District's mission statement:

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

The District recognizes the need to preserve and enhance the availability and quality of its services and of the water resources within the Nipomo Mesa Management Area. With this intent and within the framework of this annexation policy, the District acknowledges that, where conditions and findings will preserve and enhance District services and the water

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2023-1658**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A  
REVISED ANNEXATION POLICY**

resources that support District customers, and where, if applicable, the District and the other involved government entities approve an agreement as to the amount of property tax revenues that will be exchanged in future years, consistent with historic property tax revenue sharing agreements with regard to the percentage allocated to the District, thereby ensuring equity between existing customers and customers applying for annexation. Under these expressed conditions, annexations may provide a greater benefit to the community than the formation of homeowners associations or mutual water companies for the operation of water and/or sewer systems in the Nipomo Mesa area.”

- b. Section IV, Annexation Requirements, Paragraph J, is hereby amended to read (additions are underlined, deletions are ~~struck through~~):

“J. The applicant shall apply to and obtain approval from LAFCO for approval of the proposed annexation as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, or any successor statute. As one requirement of the annexation proceeding, the District will negotiate in good faith with the County of San Luis Obispo, or any other affected local government entity, to achieve a mutually acceptable agreement for the exchange of property tax revenue as provided in Revenue and Taxation Code Sections 99 and 99.01, or any successor statutes. No annexation of property affecting the District may go forward without the District Board's approval of such an agreement. To promote equity and fairness upon the annexation of customers into the District, it is the policy of the District that every proposed property tax revenue exchange agreement for an annexation shall allocate to the District a percentage of property tax revenue from the annexation that is consistent with the percentages the District has agreed to accept in previously approved annexations, except where the Board makes express written findings that extenuating circumstances apply and that a variation from this Paragraph IV J will not establish precedent for future annexations.”

3. The adoption of this amendment to an administrative policy is not a “project” as defined in Public Resources Code Section 21065, as it is not an activity that may cause a direct or indirect change in the environment and is thus not subject to review under the California Environmental Quality Act (“CEQA”).

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2023-1658**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A  
REVISED ANNEXATION POLICY**

Upon motion by Director Eby, seconded by Director Woodson, on the following roll call vote, to wit:

**AYES:** *Directors Eby, Woodson, Hansen, Gaddis and Malvarose*  
**NOES:** *NONE*  
**ABSENT:** *NONE*  
**CONFLICTS:** *NONE*

the foregoing resolution is hereby passed and adopted this 22<sup>nd</sup> day of March, 2023.



---

**RICHARD MALVAROSE**  
President of the Board

ATTEST:



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**MARIO E. IGLESIAS**  
General Manager and Secretary to the Board

APPROVED AS TO FORM:



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**CRAIG A. STEELE**  
District Legal Counsel

**EXHIBIT "A"**

**THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT**

Adopted January 22, 2020 – Resolution 2020-1540

Amended March 22, 2023 – Resolution 2023-1658

**I. PURPOSE**

In order to promote efficient processing of requests for annexation to the Nipomo Community Services District ("District"), this policy sets forth the framework and standards upon which the Board of Directors will consider such requests and provides notice thereof to the owners of the property that is the subject of such requests.

**II. INTENT**

The Board of Directors intends to review all annexation requests with the aim of supporting the viability of the District in providing essential services and adhering to the District's mission statement:

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

The District recognizes the need to preserve and enhance the availability and quality of its services and of the water resources within the Nipomo Mesa Management Area. With this intent and within the framework of this annexation policy, the District acknowledges that, where conditions and findings will preserve and enhance District services and the water resources that support District customers, and where, if applicable, the District and the other involved government entities approve an agreement as to the amount of property tax revenues that will be exchanged in future years, consistent with historic property tax revenue sharing agreements with regard to the percentage allocated to the District, thereby ensuring equity between existing customers and customers applying for annexation. Under these expressed conditions, annexations may provide a greater benefit to the community than the formation of homeowners associations or mutual water companies for the operation of water and/or sewer systems in the Nipomo Mesa area.

**III. SUBMITTAL OF ANNEXATION APPLICATION AND LAYOUT PLAN**

Prior to consideration by the Board of Directors, Applicants must submit an application, and payment of the applicable application fees and deposits, to the District, demonstrating that the annexation will conform to these Annexation Policies and submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11") of site plans showing the parcel layout, water and sewer laterals, and general off-site improvements, as applicable for the proposed area of annexation in sufficient detail for the District to assess the full impact of the annexation on the District's water distribution facilities, sewer service, and solid waste services to be provided to the area of annexation by the District.

**EXHIBIT "A"**

**THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT**

Adopted January 22, 2020 – Resolution 2020-1540

Amended March 22, 2023 – Resolution 2023-1658

**IV. ANNEXATION REQUIREMENTS**

- A. Annexation applications may only be accepted for properties within the District's sphere of influence as delineated by the San Luis Obispo County Local Agency Formation Commission ("LAFCO") at the time of application.
- B. If approved, annexations will be served with water supplied through the Nipomo Supplemental Water Project in accordance with the terms of the Stipulation and Judgment entered in the Santa Maria Groundwater Litigation and with all other District policies and ordinances. Annexations may only be approved if sufficient Nipomo Supplemental Water Project water exists to serve the project.
- C. In order to provide for the orderly development of public service facilities, only those properties will be considered for annexation for which the owners are willing to accept all conditions for service required by the Nipomo Community Services District. Further, requests for annexation solely for sewerage services to the exclusion of water service will be rejected by the Board of Directors, except under extraordinary circumstances.
- D. In order to evaluate the impacts of potential annexations upon the Nipomo Community Services District, the Board will only consider annexation requests that include the submittal of a layout plan that meets the requirement of Section III, a completed annexation application, a deposit agreement, payment of the Annexation Application Fee as established by Resolution of the District Board, and a costs deposit to cover the costs of any District staff time and technical studies required to fully evaluate the application as estimated by the District General Manager. The District General Manager may require such additional information and deposits from the Applicant the District Manager deems reasonably necessary. At the conclusion of the Application, any funds remaining from the costs deposit will be refunded to the Applicant. The annexation application fee is non-refundable.
- E. After review of the completed application, the Board of Directors will consider annexation requests where the application demonstrates all of the following:
  - 1. The proposed annexation area has a need for the requested services.
  - 2. The proposed annexation area boundaries are consistent with this Policy.
  - 3. There is no reasonable alternative manner of providing the requested services to the proposed annexation area.
  - 4. The annexation represents a logical and reasonable expansion of the

**EXHIBIT "A"**

**THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT**

Adopted January 22, 2020 – Resolution 2020-1540

Amended March 22, 2023 – Resolution 2023-1658

District's boundaries.

5. The proposed annexation is consistent with the District's plans and policies.
  6. The District has the ability to meet the need for the requested services.
  7. The benefits of the proposed annexation outweigh the disadvantages of the proposed annexation to the District.
- F. The proposed annexation area boundaries shall be definite, certain, and conform to lines of assessment whenever possible. The proposed boundary shall include the entirety of any and all properties that may receive the proposed services to be provided. Rear property lines, rather than streets, will be used for the annexation boundary. Properties on both sides of a street that may receive services as a result of annexation may be required to be included in the annexation boundary.
- G. If the intended development within the proposed area of annexation requires discretionary San Luis Obispo County ("County") land use approvals (e.g., zoning, use permits, or subdivision map), the District's approval of the annexation shall not occur until after the owners has obtained such County approvals, unless the County and the District staffs have agreed in advance that the District's approval of an annexation may occur first, in which case the annexation approval shall be expressly conditioned on the owner obtaining County land use approvals.
- H. Applicants shall abandon any groundwater well existing on the annexation property, in compliance with all applicable County Environmental Health permitting requirements and standards, as a condition of receiving water service from the District, and any future use of groundwater basin water by the Applicant or his/her successors in interest shall be prohibited. The District may, as a condition of approval, require the applicant to record a covenant in form and content satisfactory to District legal counsel, abandoning such use.
- I. Not Used.
- J. The applicant shall apply to and obtain approval from LAFCO for approval of the proposed annexation as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, or any successor statute. As one requirement of the annexation proceeding, the District will negotiate in good faith with the County of San Luis Obispo, or any other affected local government entity, to achieve a mutually acceptable agreement for the exchange of property tax revenue as provided in Revenue and Taxation Code Sections 99 and 99.01, or



## EXHIBIT "A"

### THE ANNEXATION POLICY OF THE NIPOMO COMMUNITY SERVICES DISTRICT

Adopted January 22, 2020 – Resolution 2020-1540

Amended March 22, 2023 – Resolution 2023-1658

any successor statutes. No annexation of property affecting the District may go forward without the District Board's approval of such an agreement. To promote equity and fairness upon the annexation of customers into the District, it is the policy of the District that every proposed property tax revenue exchange agreement for an annexation shall allocate to the District a percentage of property tax revenue from the annexation that is consistent with the percentages the District has agreed to accept in previously approved annexations, except where the Board makes express written findings that extenuating circumstances apply and that a variation from this Paragraph IV J will not establish precedent for future annexations.

- K. Prior to final LAFCO consideration of the annexation, the District shall adopt and forward to LAFCO a Resolution verifying the following:
  - 1. The applicant has provided all improvements, payments, fees, and charges, and met all legal requirements, necessary to enable the District to serve the annexation area, including but not limited to the provision of sufficient supplemental water to support full build-out of the annexation area as reflected in the annexation application and the Annexation Agreement.
  - 2. The applicant has entered into an Annexation Agreement to the satisfaction of the District Board. The Resolution shall attach a copy of the Annexation Agreement, and shall request that LAFCO require compliance with the Annexation Agreement as a condition of approval of the Annexation.
  - 3. That for each connection or potential connection, the applicant has deposited with the District the then current capacity and connection fees and charges for District services.
  
- L. Typically, the District will be a "responsible agency" when required for purposes of review under the California Environmental Quality Act ("CEQA"). Approval or completion of an annexation will be conditioned upon compliance with all applicable requirements of CEQA and any mitigation measures or other conditions resulting from the completion of the CEQA process including, without limitation, a final non-appealable judgment in any litigation challenging the Annexation. .
  
- M. Upon annexation, residents and commercial users within the area of the proposed annexation shall become "regular customers" of the District, with no greater entitlements to water or sewer service than any other District customer.
  
- N. As a condition of the District's approval of any Annexation application, the applicant shall agree to indemnify and defend, with counsel of the District's

**EXHIBIT "A"**

**THE ANNEXATION POLICY OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT**

Adopted January 22, 2020 – Resolution 2020-1540

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choice, the District, its officers, agents and employees, from and against from and against any and all claims, actions, or proceeding to attack, set aside, void or annul, enjoin, or seek damages arising out of, an approval of the District, County or LAFCO concerning the Annexation or the associated land use project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses (including, but not limited to, interest, attorneys' fees and expert witness fees), or liability of any kind related to or arising from such claim, action, or proceeding.

**V. ANNEXATION AGREEMENT**

Prior to consideration of the Annexation by the District Board, all applicants for annexation shall be required to execute an annexation agreement with the District, in form and content satisfactory to the District General Manager and legal counsel, to be approved by the District Board of Directors. Said Annexation Agreement shall include, at a minimum, the following:

1. That all infrastructure and service line extensions shall be designed and constructed at no cost to District in accordance with District's standards.
2. Reimbursement to District for its costs in processing and completing the annexation, including administrative, consultant, legal, and engineering costs.
3. Payment for all applicable District fees and charges.
4. The annexation application, layout plan, and the District's then current Annexation Policy shall be incorporated into the Annexation Agreement.
5. The date by which annexation must be completed.
6. Applicable CEQA mitigation measures or requirements.
7. The indemnification and defense requirements of Section IV N, above.
8. Other terms and conditions as determined by the District.

TO: BOARD OF DIRECTORS  
FROM: RAY DIENZO *R.D.*  
GENERAL MANAGER  
DATE: April 26, 2024



## CONSIDER BOARD COMMITTEE ASSIGNMENTS

### ITEM

Appoint Board Committee Assignments [RECOMMEND APPROVE COMMITTEE ASSIGNMENTS]

### BACKGROUND

In accordance with Board By-laws section 12.2(a), the Board President is tasked with defining committees, committee members, and delegate assignments. President Eby will review his current assignments and update committee assignments to the Board. The 2024 Committee Assignments are attached for reference.

### FISCAL IMPACT

No fiscal impact.

### STRATEGIC PLAN

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

### RECOMMENDATION

Staff recommends that the Board by motion and roll call vote, discuss, confer and ratify the proposed assignments and direct staff to post Committee Assignments in compliance with state law.

### ATTACHMENT

- A. 2024 Committee Assignments

**APRIL 29, 2024**

**ITEM E-3**

**ATTACHMENT 1**

**Nipomo Community Services District  
Board of Directors  
2024 COMMITTEE ASSIGNMENTS**

**Standing Committee Assignments**

	<b><u>Chairperson</u></b>	<b><u>Member</u></b>
Finance and Audit	Eby	Gaddis
Administration (Includes personnel/parks/solid waste/conservation)	Malvarose	Hansen
Facilities/Water Resources (Includes physical facilities/ resources)	Gaddis	Henry

**Delegates**

	<b><u>Member</u></b>	<b><u>Alternate</u></b>
South County Advisory Council (SCAC)	General Manager	Not Allowed by SCAC By Laws
Water Resources Advisory Committee (WRAC)	Eby	Henry
Regional Water Management Group (RWMG)	Gaddis	General Manager
Blacklake Village Council/Committees	Hansen	Henry

**NOTES:**

Delegates are appointed by the president of the Board of Directors.

Subject to other requirements of the Brown Act, Committee appointments are not to be interpreted as limiting contacts between individual Board Members or any other person or persons.

Approved by motion and roll call vote of Board on January 10, 2024

  
 \_\_\_\_\_  
 Ray Dierzo  
 General Manager