

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

FEBRUARY 14, 2024 AT 9:00 A.M.

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

BOARD of DIRECTORS

ED EBY, **PRESIDENT**
DAN ALLEN GADDIS, **VICE PRESIDENT**
RICHARD MALVAROSE, **DIRECTOR**
GARY HANSEN, **DIRECTOR**
PHIL HENRY, **DIRECTOR**

PRINCIPAL STAFF

RAY DIENZO, **GENERAL MANAGER**
JANA ETTEDDGUE, **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 February 14, 2024, 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.

John Joyce, NCSO resident, asked about pumping the supplemental water directly into the groundwater basin..

C. PRESENTATIONS AND REPORTS

C-1) PRESENTATION OF DANA RESERVE PHASING PLAN [RECOMMEND RECEIVE AND FILE REPORT]

Michael Nunley, P.E. at Nunley and Associates, introduced and presented the item.

Julia Cannon, Associate at Nunley and Associates, presented the item.

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

Ray Dienzo, General Manager, answered questions from the Board.

Craig Steele, Legal Counsel, answered questions from the Board.

President Eby called for public comments regarding item C-1.

John Joyce, NCSO resident, asked why the NCSO Board was considering the project before approval by San Luis Obispo County Board of Supervisors.

David Christianson, NCSO resident, asked about other infill developments in the District, and other unforeseen public costs brought on by the Dana Reserve.

SUBJECT TO BOARD APPROVAL

Dennis Shaleen, NCSO resident, asked where the money was coming from and the developer's financial responsibility.

Sue Shaleen, NCSO resident, commented on the lack of infrastructure to support all the water being brought in.

Patricia McQuillen, NCSO resident, commented on the lack of sewer availability in her area, and the restriction on her development because there's no water available.

Staff answered questions stemming from public comments.

President Eby called for a 10-minute recess at 10:40am.

President Eby resumed the meeting at 10:50am.

C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.

Receive Announcements and Reports from Directors

Director Gaddis

- February 6, attended Board Officers' meeting*

Director Eby

- January 25, attended the CSDA Annual Meeting*
- February 13, attended NMMA Technical Group meeting*

Director Henry

- January 25, attended the CSDA Annual Meeting*

C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

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

Vote 5-0.

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

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE JANUARY 24, 2024, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) ACCEPT SECOND QUARTER FISCAL YEAR 2023-2024 QUARTERLY FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE]

- D-4) ACCEPT BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT FORCE MAIN [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ACCEPT PROJECT AND DIRECT STAFF TO FILE NOTICE OF COMPLETION]
- D-5) AUTHORIZE PURCHASE OF HACH NITRATE ANALYZER IN THE AMOUNT OF \$26,400 FOR THE SUNDALE WELL [RECOMMEND ADOPT RESOLUTION]

Director Eby requested item D-4 be pulled for further discussion.

Peter Sevick, Director of Engineering and Operations, answered questions regarding items D-1 and D-4.

Director Eby decided to include item D-4 in the Consent Agenda.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board approved Consent Agenda. Director Malvarose abstained from Item D-2 due to his absence at the January 24, 2024 meeting.

Vote 5-0 on D-1, D-3, D-4, and D-5

Vote 4-0-1 on D-2

	YES VOTES	ABSENT	ABSTAIN
D-1, D-3 D-4, D-5	Directors Gaddis, Hansen, Henry, Malvarose, and Eby	None	None
D-2	Directors Gaddis, Hansen, Henry, and Eby	None	Director Malvarose

RESOLUTION 2024-1694
 A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 AMENDING FY 2023-24 BUDGET AND AUTHORIZING PURCHASE OF
 NITRATE ANALYZER FROM HACH COMPANY AT A COST OF \$26,400

E. ADMINISTRATIVE ITEMS

- E-1) ANNUAL REVIEW OF BOARD BY-LAWS AND POLICIES [RECOMMEND RECEIVE AND FILE REPORT]

Ray Dienzo, General Manager, presented the item and answered questions from the Board.

Craig Steele, Legal Counsel, answered questions from the Board.

Director Eby requested clarifying language describing committee formation in paragraphs 9.2 and 9.3, be added to Board By-Laws.

Director Gaddis requested clarification on Board compensation for attendance at the Board Officers' meetings.

There were no public comments.

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Upon the motion of Director Eby, and seconded, the Board approved modifying the Board By-laws to include clarifying language
Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Eby, Hansen, Henry, Malvarose, and Gaddis	None	None

Director Hansen presented a motion to designate the Board Officers' meeting as an ad hoc committee meeting for purposes of Board compensation.

There were no public comments.

Upon the motion of Director Hansen, and seconded, the Board approved designating the Board Officers' meeting an ad hoc committee meeting for purposes of Board Compensation, with its members serving a 1-year term.
Vote 4-1-0.

YES VOTES	NO VOTES	ABSENT
Directors Hansen, Gaddis, Henry, and Malvarose	Director Eby	None

F. GENERAL MANAGER'S REPORT

Ray Dienzo, General Manager, presented the item and answered questions from the Board.

Director Henry asked for an update on Mr. Dienzo's meeting with the Dana Reserve Coalition.

There were no public comments.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby requested staff present at the next Board meeting, two openings for other Board members to serve on the Board of Directors for SDRMA and the CSDA.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that item 1 would be discussed in closed session.

Pam Wilson, NCSD resident, commented that the alternative plan for the Dana Reserve removes 400 trees as opposed to thousands, in an effort to preserve wildlife habitats.

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)

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Craig Steele, District Legal Counsel, announced that there was no reportable action.

ADJOURN MEETING

President Eby adjourned the meeting at 11:45 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hour 34 minutes
Closed Session	0 hour 11 minutes
TOTAL HOURS	2 hour 45 minutes

Respectfully submitted,

Raymond Dienzo

Ray Dienzo, General Manager and Secretary to the Board

2/28/2024

Date