

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**MARCH 8, 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 February 8, 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.*

#### 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 Director

*Director Gaddis*

- *February 28, attended Board Officers' Meeting*

*Director Eby*

- *February 23, attended the NMMA Technical Group meeting*
- *March 1, WRAC meeting was cancelled*
- *March 16, LAFCO meeting is cancelled*
- *March 16, announced the DeSal presentation at the ASCE meeting*

*Director Malvarose*

- *February 28, attended Board Officers' Meeting*

- 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 Eby and seconded, the Board approved receiving and filing presentations and reports.*

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Vote 5-0.

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE FEBRUARY 22, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ADOPT RESOLUTION TO REPEAL RESOLUTION NO. 2020-1550 THAT GRANTED THE NIPOMO COMMUNITY SERVICES DISTRICT'S GENERAL MANAGER ADDED AUTHORITY IN RESPONSE TO THE LOCAL STATE OF EMERGENCY ARISING OUT OF THE COVID-19 PANDEMIC [RECOMMEND ADOPT RESOLUTION]

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board approved Consent Agenda. Vote 5-0.

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

RESOLUTION NO. 2023-1656  
A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
TERMINATING THE LOCAL STATE OF EMERGENCY  
ARISING OUT OF THE COVID-19 PANDEMIC  
AND REPEALING RESOLUTION NO. 2020-1550

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER FIRST AMENDMENT TO GRANT AGREEMENT WITH ACHIEVEMENT HOUSE INC. FOR SOLID WASTE REMOVAL IN NIPOMO COMMUNITY COMMON AREAS [RECOMMEND APPROVE FIRST AMENDMENT TO AGREEMENT WITH ACHIEVEMENT HOUSE FOR SOLID WASTE REMOVAL]

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

Courtney Musgrave from the Achievement House, thanked the Board for their support and stated Achievement House is in agreement with the terms of the First Amendment to the Grant Agreement.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board approved the first amendment to the grant agreement with Achievement House for solid waste removal. Vote 5-0.

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

- E-2) REPORT ON PROPERTY TAX REVENUE EXCHANGE AGREEMENTS ARISING OUT OF ANNEXATION APPLICATIONS [RECOMMEND CONSIDER REPORT AND, IF DEEMED APPROPRIATE, PROVIDE DIRECTION TO THE GENERAL MANAGER]

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

*There were no public comments.*

*On motion of Director Eby and seconded, the Board directed to Staff to prepare an amendment to the District's Annexation Policy for the Board's consideration at the March 22, 2023 Board Meeting to reflect the District's position of negotiating Tax Agreements for future annexations that are aligned with the percentage share the District agreed to in annexations.*

- E-3) AUTHORIZE TASK ORDER WITH WALLACE GROUP FOR PREPARATION OF 2023 SANITARY SEWER MANAGEMENT PLAN UPDATE [RECOMMEND ADOPT RESOLUTION]

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

*There were no public comments.*

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

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

RESOLUTION NO. 2023-1657  
A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING TASK ORDER WITH WALLACE GROUP  
FOR PREPARATION OF 2023 SEWER SYSTEM MANAGEMENT  
PLAN UPDATE AND AMENDING FY 2022/23 BUDGET

**F. GENERAL MANAGER'S REPORT**

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

*There were no public comments.*

**G. COMMITTEE REPORTS**

*None.*

**H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS**

*Director Woodson asked about the legality of removing road signs.*

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I. CLOSED SESSION ANNOUNCEMENTS

*Craig Steele, District Legal Counsel, announced the Item 1(a) would be discussed in 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

*There were no public comments.*

*There was no reportable action from closed session.*

ADJOURN MEETING

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

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 01 minutes
Closed Session	0 hour 09 minutes
TOTAL HOURS	1 hour 10 minutes

Respectfully submitted,

   
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 Mario Iglesias, General Manager and Secretary to the Board Date