

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**DECEMBER 13, 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**  
GARY HANSEN, **DIRECTOR**

### PRINCIPAL STAFF

RAY DIENZO, **GENERAL MANAGER**  
LISA BOGNUDA, **ASST 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 Malvarose called the Regular Meeting of December 13, 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.*

*Pam Wilson, NCSD Resident, thanked the Board for paying the garbage bill for NCSD residents.*

*Director Gaddis thanked Pam Wilson for attending the Board meetings.*

#### 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 Gaddis*

- *November 20, attended Finance and Audit Committee Meeting. Reported on the investment options presented by CAMP, CalTrust, and CA Class. The Finance and Audit Committee decided not to bring the matter to the entire Board.*
- *December 5, attended Board Officers' Meeting*

##### *Director Eby*

- *November 20, attended the Finance and Audit Committee Meeting*
- *November 27, attended NMMA Technical Group Meeting*
- *December 6, attended WRAC 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 Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.*

*Vote 4-0.*

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

**D. CONSENT AGENDA**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE NOVEMBER 8, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ADOPT RESOLUTION COMMENDING FORMER DIRECTOR DAN WOODSON [RECOMMEND ADOPT RESOLUTION]
- D-4) AUTHORIZE STAFF TO BID BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS [RECOMMEND AUTHORIZE STAFF TO BID BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS AND BLACKLAKE WATER RECLAMATION FACILITY DECOMMISSIONING]
- D-5) CONSIDER CHANGES TO OPERATIONS MANAGER, WASTEWATER SUPERVISOR AND WASTEWATER OPERATOR SERIES JOB DESCRIPTIONS [RECOMMEND APPROVE CHANGES TO OPERATIONS MANAGER, WASTEWATER SUPERVISOR, AND WASTEWATER OPERATOR SERIES JOB DESCRIPTIONS]
- D-6) ACCEPT FIRST QUARTER FISCAL YEAR 2023-2024 QUARTERLY FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE REPORT]
- D-7) APPROVE 2024 BOARD MEETING SCHEDULE [RECOMMEND APPROVE]
- D-8) APPROVE NEWTON GEO-HYDROLOGY 2024 CONSULTING SERVICES CONTRACT SCOPE AND \$90,000 BUDGET [RECOMMEND APPROVE SCOPE AND BUDGET FOR NEWTON GEO-HYDROLOGY TO PROVIDE 2024 CONSULTING SERVICES TO NIPOMO COMMUNITY SERVICES DISTRICT]

*Staff answered questions on D-1, D-4, and D-5.*

*Ray Dienzo amended D-3 to remove Director Woodson's participation on the WRAC committee.*

*There were no public comments.*

*Upon the motion of Director Eby and seconded, the Board approved the Consent Agenda, with modifications to item D-3.*

*Vote 4-0.*

|   |               |                |
|---|---------------|----------------|
| <b>YES VOTES</b>                                    | <b>ABSENT</b> | <b>ABSTAIN</b> |
| <i>Directors Eby, Hansen, Gaddis, and Malvarose</i> | <i>None</i>   | <i>None</i>    |

RESOLUTION NO. 2023-1687  
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
COMMENDING DAN WOODSON FOR HIS  
DEDICATED SERVICE TO NIPOMO COMMUNITY SERVICES DISTRICT

**E. ADMINISTRATIVE ITEMS**

- E-1) APPOINTMENT OF DIRECTOR TO FILL VACANCY ON THE BOARD FOR THE REMAINDER OF DIRECTOR WOODSON'S TERM

*Ray Dienzo, General Manager, introduced the item.*

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

Phil Henry, NCSD Resident, provided his background in management, public service, and community engagement.

Upon the motion of Director Gaddis and seconded, the Board appointed Phil Henry to fill the vacancy on the District’s Board of Directors.

Vote 4-0.

| YES VOTES                                | NO VOTES | ABSENT |
|--|----------|--------|
| Directors Gaddis, Hansen, Eby, Malvarose | None     | None   |

E-2) ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT FOR 2024  
[RECOMMEND DIRECTORS ELECT BOARD OFFICERS FOR 2024 CALENDAR YEAR]

Ray Dienzo, General Manager, introduced the item and answered questions from the Board of Directors.

Director Gaddis nominated Director Eby to be the 2024 Board President.

There were no public comments.

By acclamation, Director Eby will serve as 2024 Board President.

| YES VOTES                                    | ABSTAIN | ABSENT |
|--|---------|--------|
| Directors Gaddis, Eby, Hansen, and Malvarose | None    | None   |

Director Eby nominated Director Gaddis to be the 2024 Board Vice President.

There were no public comments.

By acclamation, Director Gaddis will serve as 2024 Board Vice President.

| YES VOTES                                    | ABSTAIN | ABSENT |
|--|---------|--------|
| Directors Eby, Malvarose, Hansen, and Gaddis | None    | None   |

E-3) AUTHORIZE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”) TO SUBMIT A JPA APPLICATION AND ACT AS LEAD AGENCY ON BEHALF OF NIPOMO COMMUNITY SERVICES DISTRICT FOR THE CALRECYCLE LOCAL ASSISTANCE GRANT [RECOMMEND PARTICIPATION AND APPROVAL FOR GENERAL MANAGER TO SIGN LETTER OF AUTHORIZATION]

Ray Dienzo, General Manager, presented the item and answered questions from the Board. Peter Cron, Executive Director of IWMA, answered questions from the Board.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board unanimously approved the General Manager to sign the letter of authorization.

Vote 4-0.

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|   |                |               |
|---|----------------|---------------|
| <b>YES VOTES</b>                                    | <b>ABSTAIN</b> | <b>ABSENT</b> |
| <i>Directors Eby, Hansen, Gaddis, and Malvarose</i> | <i>None</i>    | <i>None</i>   |

F. GENERAL MANAGER'S REPORT

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

*There were no public comments.*

G. COMMITTEE REPORTS

*Director Gaddis reported on the Finance and Audit Committee during agenda Item C.*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Malvarose asked about the 60-day statutory deadline regarding the tax-sharing agreement with San Luis Obispo Local Agency Formation Commission.*

*Craig Steele answered Director Malvarose's question.*

*Director Eby requested the schedule for Dana Reserve be updated in General Manager's report for the next Board meeting.*

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

*Phil Henry, NCSD Resident, requested Blacklake Street Lighting Assessment District be reviewed and a status update provided at a future Board meeting.*

ADJOURN MEETING

*President Malvarose adjourned the meeting at 9:38 a.m.*

| MEETING SUMMARY    | HOURS & MINUTES          |
|--------------------|--------------------------|
| Regular Meeting    | 0 hour 38 minutes        |
| Closed Session     | 0 hour 0 minutes         |
| <b>TOTAL HOURS</b> | <b>0 hour 38 minutes</b> |

Respectfully submitted,

*Raymond Dienzo*  
Ray Dienzo, General Manager and Secretary to the Board

*1/10/2024*  
Date