

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

**JUNE 12, 2019 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  
BOB BLAIR, DIRECTOR  
CRAIG ARMSTRONG, DIRECTOR  
DAN WOODSON, DIRECTOR

### PRINCIPAL STAFF

MARIO IGLESIAS, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR  
WHITNEY MCDONALD, GENERAL COUNSEL  
PETER SEVCIK, DIRECTOR OF ENG. & OPS.

Mission Statement: The Nipomo Community Services District's mission is to provide its 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 June 12, 2019, 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, Director Woodson, Blair, Gaddis and Eby were present.*

#### 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 Woodson

- *May 4, attended Traffic and Circulation meeting,*
- *May 13, attended meeting with John Laird, State Senator Candidate.*
- *May 21, attended Oso Flaco tour.*
- *June 3, attended SCAC meeting.*

###### Director Blair

- *June 4, attended Board of Supervisor meeting.*

###### Director Gaddis

- *May 14, attended Board Officers' meeting.*
- *June 3, attended Board Officer's meeting.*
- *June 5, attended IRWM meeting.*
- *June 6, D-Day anniversary.*

###### Director Eby

- *May 14, attended Board Officer's meeting.*
- *May 23, attended NMMA meeting.*
- *June 3, attended Board Officer's meeting.*
- *June 5, attended IRWM meeting.*
- *June 5, 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

**Nipomo Community Services District  
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*There were no public comments.*

*Upon the motion of Director Blair and seconded, the Board unanimously approved receiving and filing presentations and reports.*

*Vote 4-0.*

<b>YES VOTES</b>	<b>NO VOTES</b>	<b>ABSENT</b>
<i>Directors Blair, Gaddis Woodson and Eby</i>	<i>None</i>	<i>Armstrong</i>

**D. CONSENT AGENDA**

**D-1) WARRANTS [RECOMMEND APPROVAL]**

**D-2) APPROVE May 8, 2019 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]**

*There were no public comments.*

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved Consent Agenda.*

*Vote 4-0.*

<b>YES VOTES</b>	<b>NO VOTES</b>	<b>ABSENT</b>
<i>Directors Gaddis, Woodson, Blair and Eby</i>	<i>None</i>	<i>Armstrong</i>

**E. ADMINISTRATIVE ITEMS**

**E- 1) PUBLIC HEARING – AUTHORIZE COLLECTION OF FY 2019-20 BLACKLAKE STREET LIGHTING DISTRICT ASSESSMENTS [RECOMMEND CONDUCT HEARING, AMEND ASSESSMENT REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING ASSESSMENT REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS]**

*Mario Iglesias, General Manager, presented the item.*

*President Eby opened the Public Hearing.*

*There were no public comments.*

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Resolution,*

*Vote 4-0.*

<b>YES VOTES</b>	<b>NO VOTES</b>	<b>ABSENT</b>
<i>Directors Gaddis, Blair, Woodson and Eby</i>	<i>None</i>	<i>Armstrong</i>

**RESOLUTION 2019-1508  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACKLAKE VILLAGE**

Director Armstrong arrived at 9:15 a.m.

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- E-2) PUBLIC HEARING - AUTHORIZE COLLECTION OF FY 2019-20 STREET LANDSCAPE MAINTENANCE DISTRICT ASSESSMENTS [RECOMMEND CONDUCT HEARING, AMEND ENGINEER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING ENGINEER'S REPORT AND AUTHORIZING COLLECTION OF ASSESSMENTS

*Peter Sevcik, Director of Engineering and Operations, presented the item*

*President Eby opened the Public Hearing.*

*There were no public comments.*

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

YES VOTES	NO VOTES	ABSENT
<i>Directors Blair, Armstrong, Woodson, Gaddis and Eby</i>	<i>None</i>	<i>None</i>

**RESOLUTION 2019-1509  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE  
DISTRICT NO. 1 FOR FISCAL YEAR 2019-2020**

- E-3) CONSIDER SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY REQUEST FOR NOMINATIONS [RECOMMEND REVIEW CANDIDATES STATEMENTS, SELECT CANDIDATES, AND DIRECT STAFF COMPLETE BALLOT ACCORDINGLY]

*Mario Iglesias, General Manager, presented the item.*

*President Eby recommended the Board of Directors support the following candidates:  
Bob Swan, Patrick O'Rourke and Sandy Seifert.*

*There were no public comment.*

*Upon the motion of Director Armstrong, and seconded, the Board unanimously approved President Eby's recommendation.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Gaddis, Woodson, Blair and Eby</i>	<i>None</i>	<i>None</i>

- E-4) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES [RECOMMEND CONDUCT HEARING, AMEND GENERAL MANAGER'S REPORT IF NECESSARY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING GENERAL MANAGER'S REPORT AND AUTHORIZING RECORDATION OF LIENS

*Lisa Bognuda, Finance Director, presented the item.*

*President Eby opened the Public Hearing.*

**Nipomo Community Services District  
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*There were no public comments.*

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

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Woodson, Blair and Eby	None	None

**RESOLUTION 2019-1510  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER  
AND ORDERING THE COLLECTION OF UNPAID  
SOLID WASTE COLLECTION CHARGES ON THE TAX ROLL**

- E-5) INTRODUCE ORDINANCE AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTION 7.08.030 RATES AND CHARGES [RECOMMEND INTRODUCE, READ FULL TITLE, WAIVE FURTHER READING OF THE ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER GOVERNMENT CODE SECTION 25124]

*Whitney McDonald, District Legal Counsel, presented the item.*

*There were no public comments.*

*Upon the motion of Director Armstrong, and seconded, the Board introduced an Ordinance of the Board of Directors of the Nipomo Community Services District amending Nipomo Community Services District Code Section 7.08.030, waive further reading of the Ordinance and direct District Counsel and Staff to prepare and publish a summary of the Ordinance in accordance with Government Code Section 25124.  
Vote.5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Woodson, Blair and Eby	None	None

**ORDINANCE 2019-129**

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTION 7.08.030**

- E-6) APPROVE FINAL DRAFT OF THE SOUTH COUNTY SANITARY STUDY REPORT AND DIRECT STAFF TO INITIATE A PROP 218 PROCESS TO INCLUDE SETTING THE PUBLIC HEARING FOR AUGUST 14, 2019 [RECOMMEND APPROVE REPORT, DIRECT STAFF TO INITIATE PROP 218 PROCESS AND SET AUGUST 14, 2019 FOR PUBLIC HEARING]

*Mario Iglesias, General Manager, presented the item.*

*Pam Wilson, NCS D customer, asked about the recycling program.*

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*Upon the motion of Director Blair, and seconded, the Board unanimously approved the rate study report utilizing the 10% Franchise Fee, directed staff to initiate the Prop 218 notice and set the public hearing for August 14, 2019.*

*Vote. 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Blair, Armstrong, Woodson, Gaddis and Eby</i>	<i>None</i>	<i>None</i>

- E-7) (A) PUBLIC HEARING TO ADOPT 2019-20 FISCAL YEAR BUDGET [RECOMMEND CONDUCT PUBLIC HEARING, CONSIDER TESTIMONY, ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING 2019-2020 FISCAL YEAR BUDGET AND APPROPRIATION LIMITATION]

*Lisa Bognuda, Finance Director, presented the item.*

*President Eby opened the Public Hearing.*

*Upon the motion of Director Armstrong, and seconded, the Board unanimously approved the Resolutions adopting the 2019-2020 Budget and Appropriations Limitation.*

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Woodson, Blair, Gaddis and Eby</i>	<i>None</i>	<i>None</i>

**RESOLUTION 2019-1511  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 2019-2020 FISCAL YEAR BUDGET**

**RESOLUTION 2019-1512  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 2019-2020 FISCAL YEAR BUDGET  
DETERMINING THE APPROPRIATION LIMITATION  
FOR THE 2019-2020 FISCAL YEAR**

- (B) PUBLIC HEARING TO ADOPT 2019-20 FISCAL YEAR BUDGET FOR NIPOMO SUPPLEMENTAL WATER PROJECT (NSWP) [RECOMMEND CONDUCT PUBLIC HEARING, CONSIDER TESTIMONY, ORDER EDITS IF ANY AND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION APPROVING NSWP 2019-2020 FISCAL YEAR BUDGET]

*Lisa Bognuda, Finance Director, presented the item.*

*President Eby opened the Public Hearing.*

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

*Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Gaddis, Woodson, Blair and Eby</i>	<i>None</i>	<i>None</i>

**RESOLUTION 2019-1513  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE NSWP (NIPOMO SUPPLEMENTAL  
WATER PROJECT) 2019-2020 FISCAL YEAR BUDGET**

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F. GENERAL MANAGERS REPORT

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

*There were no public comments.*

*President Eby requested the General Manager report include a summary of new service applications.*

G. COMMITTEE REPORTS

*None*

H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

*None*

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9

a) SMWWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)

b) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: Significant exposure to litigation pursuant to Government Code § 54956.9(b), (d)(2) - Number of Potential Cases: 1

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

The Board took a 10 minute break.

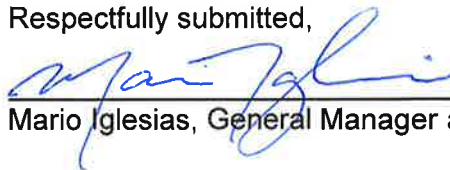
*Whitney McDonald, District Legal Counsel, announced that the Board discussed Item 1(a) and 1(b). The Board took no reportable action.*

ADJOURN

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

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 05 minutes
Closed Session	0 hour 41 minutes
TOTAL HOURS	2 hours 46 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

6-26-2019

Date