

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**MARCH 11, 2020 AT 9:00 A.M.**

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

### **BOARD of DIRECTORS**

DAN ALLEN GADDIS, PRESIDENT  
CRAIG ARMSTRONG, VICE PRESIDENT  
BOB BLAIR, DIRECTOR  
ED EBY, DIRECTOR  
DAN WOODSON, DIRECTOR

### **PRINCIPAL STAFF**

MARIO IGLESIAS, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR  
CRAIG A. STEELE, GENERAL COUNSEL  
PETER SEVCIK, DIRECTOR OF ENG. & OPS.

**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 Gaddis called the Regular Meeting of March 11, 2020, 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 Directors

*Director Woodson*

- *March 9, attended SCAC town hall meeting to hear candidate speeches.*

*Director Eby*

- *February 27, attended NMMA meeting.*
- *February 27, attended Blacklake town hall meetings.*
- *March 3, attended Blacklake Management Association meeting.*
- *March 4, attended WRAC meeting.*
- *March 5, attended Finance and Audit Committee meeting as an observer only.*

*Director Gaddis*

- *February 27, attended Blacklake town hall meeting.*
- *March 2, attended Board Officers' meeting.*
- *March 4, attended Facilities/Water Resources meeting and reviewed proposed reimbursement ordinance.*
- *March 5, attended Finance and Audit Committee meeting and reviewed rate impacts of supplemental water and proposed items to be included in FY 20-21 budget.*

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- C-3) 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 Armstrong and seconded, the Board unanimously approved receiving and filing presentations and reports.  
Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE FEBRUARY 26, 2020, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AWARD CONSTRUCTION CONTRACT FOR EUREKA WELL REPLACEMENT PROJECT TO ZIM INDUSTRIES INC. [RECOMMEND ADOPT RESOLUTION AWARDDING CONTRACT TO ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$738,678, AUTHORIZING STAFF TO EXECUTE CONTRACT, AND AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN AN AMOUNT UP TO \$70,000].
- D-4) APPROVE TASK ORDER WITH CANNON CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES FOR EUREKA WELL REPLACEMENT PROJECT [RECOMMEND APPROVE TASK ORDER WITH CANNON CORPORATION IN THE AMOUNT OF \$52,160 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER].
- D-5) ADOPT RESOLUTION AMENDING CHAPTER 7, SECTION 7040 OF THE NIPOMO COMMUNITY SERVICES DISTRICT EMPLOYEE HANDBOOK [RECOMMEND ADOPT RESOLUTION AMENDING THE NCSD EMPLOYEE HANDBOOK]

*There were no public comments.*

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

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

RESOLUTION NO. 2020-1545

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING THE BID FOR THE CONSTRUCTION OF THE EUREKA WELL REPLACEMENT PROJECT TO ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$738,678 AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$70,000

RESOLUTION NO. 2020-1546

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING CHAPTER SEVEN, SECTION 7040 OF THE EMPLOYEE HANDBOOK

E. ADMINISTRATIVE AGENDA

- E-1) CONSIDER ADOPTING RESOLUTIONS RELATING TO THE FORMATION OF ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION), INCLUDING DECLARATION OF INTENTION, REVIEW AND PRELIMINARY APPROVAL OF THE ASSESSMENT ENGINEER’S REPORT, AND ADOPTION OF BALLOT PROCEDURES FOR THE ASSESSMENT DISTRICT [RECOMMEND REVIEW ATTACHED RESOLUTIONS, ENGINEER’S REPORT AND BOUNDARY MAP FOUND THEREIN, BALLOT PROCEDURES, DRAFT NOTICE AND BALLOT, TAKE PUBLIC COMMENT, PROVIDE EDITS AS NECESSARY, AND ADOPT RESOLUTIONS]

*Mario Iglesias, General Manager, presented the item and answered questions from the Board. Maryann Goodkind, Bond Counsel, Norton Rose Fulbright US LLP, answered questions from the Board.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the three Resolutions, with amendment to Resolution of Intention and approved the form of the Notice and Ballot.  
 Vote 5-0.*

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

**Resolution No. 2020-1547**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO ORDER IMPROVEMENTS FOR PROPOSED NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION) PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913 AND IN ACCORDANCE WITH ARTICLE XIID OF THE CALIFORNIA CONSTITUTION, AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

**RESOLUTION NO. 2020-1548**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PRELIMINARILY APPROVING THE ENGINEER’S REPORT IN CONNECTION WITH PROPOSED ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION) AND SETTING A TIME AND PLACE FOR HEARING PROTESTS PURSUANT TO THE MUNICIPAL IMPROVEMENT ACT OF 1913 AND IN ACCORDANCE WITH ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

**RESOLUTION NO. 2020-1549**

A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING PROCEDURES APPLICABLE TO THE COMPLETION, RETURN AND TABULATION OF ASSESSMENT BALLOTS FOR THE NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION)

- E-2) INTRODUCE ORDINANCE AMENDING CHAPTER 5.01 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO PROVIDE FOR REIMBURSEMENT OF COSTS OF CONSTRUCTING IMPROVEMENTS FOR THE BENEFIT OF THE DISTRICT [RECOMMEND REVIEW AND DISCUSS REVISIONS, AND INTRODUCE, READ BY TITLE ONLY AND WAIVE FURTHER READING OF ORDINANCE]

*Craig Steele, District Legal Counsel, presented the item and answered questions from the Board.  
 There were no public comments.*

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*Upon the motion of Director Armstrong and seconded, the Board unanimously moved to introduce and read by title only Ordinance Number 2020-131 and waive further reading of the ordinance.  
Vote 5-0.*

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

**ORDINANCE NO. 2020-131**

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING CHAPTER 5.01 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE AND ADDING  
PROVISIONS RELATING TO DISTRICT FACILITY COST REIMBURSEMENTS**

**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**

*Committee reports were given in Item C-1.*

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

Director Eby requested Staff determine the minimum levels of groundwater pumping to safely maintain our pumping ability and protect our infrastructure.

Director Gaddis requested that, after consultant Clayton Tuckfield comes back with his revised study indicating how bi-monthly rate increases for our customers can be smoothed out yearly to account for the taking of 2,500 AFY of supplemental water in 2025-2026, staff is requested for either the consultant, or staff, to provide what those smoothed out rate increases would look like if we went to monthly billings for our customers.

Director Woodson requested Staff look into holding virtual meetings due to Coronavirus.

Director Eby requested to see the draft letter to the SLO County Board of Supervisors regarding ADU's.

**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 ALL CONSOLIDATED CASES
2. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2) One case

**J. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

*There were no public comments.*

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K. ADJOURN TO CLOSED SESSION

*President Gaddis adjourned to Closed Session at 9:42 a.m.*

L. OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*There were no public comments*

*Craig Steele, District Legal Counsel, announced the Board discussed Items 1 and 2 in Closed Session and took no reportable action.*

ADJOURN MEETING

*President Gaddis adjourned the meeting at 10:21 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 42 minutes
Closed Session	0 hour 39 minutes
TOTAL HOURS	1 hour 21 minutes

Respectfully submitted,


*3/24/2020*  


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Mario Iglesias, General Manager and Secretary to the Board Date