

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

MAY 13, 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.

Pursuant to Governor Newsom's Executive Order N-25-20, members of the Nipomo Community Services District Board or staff may participate in this meeting via teleconference. Members of the public may observe the meeting and public hearing telephonically by calling (800) 567-5900 (code 242-2614#). Pursuant to Governor Newsom's Executive Order N-29-20, members of the public may also comment on items on this agenda via email sent to info@ncsd.ca.gov prior to the 9:00 am meeting start time. There will be limited space outside the Board Room where those interested in attending can properly social distance and hear the proceedings from the District's outdoor audio system. There will be opportunities for public comment before the Board of Directors during the public comment periods throughout the meeting. For those interested in viewing the Board Meeting, the Zoom link can be found on the District's website home page. Select "View Board Meeting" and follow the prompts. The Zoom meeting starts at 9:00 am and also will broadcast the "Blacklake Assessment District 2020-1" ballot tabulation. There is an option to view the meeting without downloading the Zoom software. Viewers will not be able to comment using Zoom. Public participation in the meeting and public hearing will be taken as described above. If any individual with a disability requires assistance to observe or participate in the meeting, please contact the District office by telephone at least 24 hours in advance.

President Gaddis announced that there is a short-range NCS D radio station, 98.5, which the public can listen to in their cars in the parking lot.

A. CALL TO ORDER AND FLAG SALUTE

President Gaddis called the Regular Meeting of May 13, 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, Directors Gaddis, Eby and Blair were present in the Board Room. Director Armstrong, and Woodson were present telephonically.

There were no public comments. No emails were received at info@ncsd.ca.gov address prior to the time the meeting started.

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 Armstrong

- *May 6, attended WRAC meeting.*

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Director Eby

- May 6, attended WRAC meeting.

Director Gaddis

- May 4, 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 unanimously approved receiving and filing presentations and reports.
Vote 5-0.*

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

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE APRIL 22, 2020, SPECIAL BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2020-2021 [RECOMMEND ADOPT RESOLUTION]

There were no public comments.

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

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

E. ADMINISTRATIVE AGENDA

E-1) PUBLIC HEARING REGARDING PROPOSED FORMATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION).

President Gaddis announced the public hearing is officially opened. This is the time and place for community input concerning the proposed formation of the Nipomo Community Services District Assessment District No. 2020-1 (Blacklake Sewer Consolidation), the proposed levy of assessments and issuance of assessment bonds. Ballots will be tabulated following the close of the public hearing. We will receive comments and questions and any oral protests from any interested persons.

Director Woodson asked if values or percentages would be inserted into the resolution to be adopted, if the assessment district is successful.

Director Eby made a correction to Section 8, remove the word "water" and replace it with "sewer".

Public comment was requested, including the reading of four protest letters.

Mario Iglesias, Secretary to the Board, read the following public comments in their entirety, received via email at info@ncsd.ca:

Blair Shurtleff, Shane Hayward and Peggy Shurtleff, received via email on May 11, 2020, 9:26 a.m. (see email attached).

Shane Hayward, received via email on May 11, 2020, 9:35 a.m. (see email attached).

Joanne Crowder, received via email on May 11, 2020, 4:58 p.m. (see email attached)

Joanne Crowder, received via email on May 11, 2020, 5:02 p.m. (see email attached)

Brad Miller, asked about timing of payment of the assessments and the monthly sewer charges.

Lisa Bognuda, Finance Director, confirmed the drop box had been checked for ballots and the [info@ncsd.ca.gov](mailto:info@ncsd.ca) had been checked at 9:00 a.m. and no further ballots or email comments were submitted.

President Gaddis requested any ballots not previously delivered to be turned in at this time and asked if there were any property owners that wanted to amend their ballots (seeing none), closed the public hearing.

President Gaddis announced under the direction of the Secretary, and in view of the public, we ask that the assessment ballots be tabulated during the recess until completed. The tabulation of the ballots will be conducted in the Board Room. The Secretary will announce if a majority protest exists at the conclusion of the tabulation.

Mike Medve and Samantha Labitan of Willdan Financial Services conducted the counting of the ballots and Maryann Goodkind, Bond Counsel, of Norton Rose Fulbright observed.

Tom Hill and Brad Miller, Blacklake residents, observed the counting of the ballots.

At 9:15 a.m., President Gaddis announced the meeting would adjourn and reconvene at 1:00 p.m. to announce the results of the assessment ballot proceedings.

The counting of the votes was made available to the public via Zoom.

At 1:00 p.m., President Gaddis reconvened the meeting.

President Gaddis announced the landowners of record within the Assessment District as of the close of the Public Hearing, did cast their ballots, with \$7,381,737.55 for the Assessment District and \$2,109,849.30 against the Assessment District.

Certificate of Secretary Regarding Ballots is attached.

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*Upon the motion of Director Blair and seconded, the Board unanimously adopted the Resolution, with the values inserted.
Vote 5-0.*

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

RESOLUTION NO. 2020-1554

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR THE NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION)

*Upon the motion of Director Eby and seconded, the Board unanimously adopted the Resolution, as amended.
Vote 5-0.*

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

RESOLUTION NO. 2020-1555

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT MAKING CERTAIN FINDINGS, APPROVING THE ENGINEER'S REPORT, APPROVING THE FORMATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION), CONFIRMING THE ASSESSMENTS IN SAID ASSESSMENT DISTRICT, ORDERING THE IMPROVEMENTS AND ACQUISITIONS TO BE MADE AND DESIGNATING THE TREASURER TO COLLECT AND RECEIVE MONEY

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 Blair suggested a letter be sent to SLO County Board of Supervisors about opening up for business.

I. CLOSED SESSION ANNOUNCEMENTS

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

- i. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES**

Closed Session was not necessary.

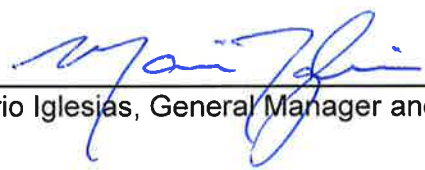
ADJOURN MEETING

President Gaddis adjourned the meeting at 1:16 p.m.

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MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 31 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 31 minutes

Respectfully submitted,



5/27/2020

Mario Iglesias, General Manager and Secretary to the Board

Date

Lisa Bognuda

From: Shane Hayward <info@yelapacasa.com>
Sent: Monday, May 11, 2020 9:35 AM
To: Info; Peggy Shurtleff
Subject: Fwd: Nipomo service meeting
Attachments: A-05-13-20.pdf

This meeting should be cancelled until after this Pandemic so more property owners can properly respond to;

E-1) PUBLIC HEARING REGARDING PROPOSED FORMATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION).

There is much protest over this proposed formation and assesment.

Regards

<https://ncsd.ca.gov/wp-content/uploads/2020/05/A-05-13-20.pdf>

Lisa Bognuda

From: Blair Shurtleff <getblair@icloud.com>
Sent: Monday, May 11, 2020 9:26 AM
To: Info; Peggy Shurtleff; shane hayward; newsroom@thetribunenews.com
Subject: URGENT! The Meeting on May 13th must be postponed until after the Corona Virus!

NCSD Board Members and staff
Newsroom The SLO Tribune

To have this meeting at this critical time is corrupt and wrong. I know many refusing to attend or not being allowed to attend due to being quarantined including a 90 year old multiple homeowner in Black Lake. She has no clue what Zoom is nor will she learn before WEDNESDAY. She is beside herself with worry of 2 assessments of approx. \$46,000 plus interest!

The entire economy may collapse, many will lose their jobs and property values may plummet and to saddle massive liens on homeowners is so wrong at this time!

What is the rush? Let the dust settle and see what the new normal is going to be.

Don't shove this down Black Lake homeowner's throats right now.

If the meeting happens, with a vote (we are totally against this project), then it will need to be tied up in court for as long as possible for fairness. Please cancel the meeting until life returns to normal.

Blair Shurtleff
Shane Hayward
Peggy Shurtleff

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https://us3.proofpointessentials.com/index01.php?mod_id=&mod_option=gitem&mail_id=89214392-du5xkEzar9DV&r_address=fo%40ncsd.ca.gov&report=

Lisa Bognuda

From: Joanne Crowder <jcrowder38@gmail.com>
Sent: Monday, May 11, 2020 4:58 PM
To: Info
Subject: vote counting go BLMA

The votes should be counted during the meeting, Security and the appearance of such is paramount in these financial matters.

Thank you. Joanne Crowder. Fairways Owner 2002 - 2020

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Lisa Bognuda

From: Joanne Crowder <cjcrowder38@gmail.com>
Sent: Monday, May 11, 2020 5:02 PM
To: Info
Subject: vote counting

Which press will be at the vote counting monitor as well?

Joanne Crowder
Fairways Ownwe

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**CERTIFICATE OF SECRETARY
RE BALLOTS**

STATE OF CALIFORNIA)
)ss.
COUNTY OF SAN LUIS OBISPO)

I, Mario Iglesias, District General Manager and Secretary to the Board of Directors of the Nipomo Community Services District, DO HEREBY CERTIFY that pursuant to the provisions of Section 53753 of the Government Code of the State of California and Section 4(e) of Article XIID of the California Constitution, I did tabulate or cause to be tabulated by an impartial person or persons the ballots received in connection with the public hearing for the

**NIPOMO COMMUNITY SERVICES DISTRICT
ASSESSMENT DISTRICT NO. 2020-1
(BLACKLAKE SEWER CONSOLIDATION)**

held on May 13, 2020.

I FURTHER CERTIFY that the ballots cast and not withdrawn in favor of the proposed Assessment District represent \$ 7,381,737.55 of the total assessment and that the ballots cast and not withdrawn in opposition to the proposed Assessment District represent \$ 2,109,849.30 of the total assessment. Therefore, a majority protest as defined by Section 4(e) of Article XIID [~~does~~ does not] exist.

WITNESS my hand this 13th day of May, 2020.

NIPOMO COMMUNITY SERVICES
DISTRICT

By  _____
Mario Iglesias, Secretary