

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

JANUARY 13, 2021 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**
DAN WOODSON, **DIRECTOR**
RICHARD MALVAROSE, **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.

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 in person, or via teleconference. To protect the health and safety of the public, Board members, and staff, social distancing will be practiced at the District's physical location, 148 S. Wilson Street. Members of the public may choose to participate in person at this location or monitor the audio portion of the meeting and any public hearings 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 or items not on the agenda but within the jurisdiction of the Board – via email sent to info@ncsd.ca.gov prior to the 9:00 am meeting start time. All emails received by that time will be distributed to the Board. Public participation in the meeting and public hearings will be taken only 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.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of January 13, 2021, 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, NCS D resident, expressed her gratitude for the District paying for the December and January garbage bill.

C. PRESENTATIONS AND REPORTS

C-1) RECOGNITION OF 2020 BOARD OFFICERS AND SEATING 2021 BOARD OFFICERS

President Eby presented Director Gaddis with a ceremonial gavel, he and the Board thanked him for his service as Board President for 2020.

There were no public comments.

C-2) 2020 FALL GROUNDWATER INDEX REVIEW [RECOMMEND RECEIVE AND FILE]

Brad Newton of Newton Geo-Hydrology Consulting Services presented the 2020 Fall Ground Water Index and answered questions from the Board.

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Phil Henry, NCSD resident, asked Dr. Newton about the polar vortex and the impacts on the West hemisphere. Dr. Newton answered Mr. Henry's question.

- C-3) 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 Eby

- January 4, attended Board Officers' meeting
- January 5, attended BLMA meeting remotely

- C-4) 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 5-0.*

| YES VOTES | NO VOTES | ABSENT |
|--|----------|--------|
| Directors Gaddis, Woodson, Eby, Blair, and Malvarose | None | None |

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE DECEMBER 9, 2020, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AUTHORIZE PURCHASE ORDER FOR SOUTHLAND WASTEWATER TREATMENT FACILITY BLOWER #3 TO AERZEN USA CORPORATION IN THE AMOUNT OF \$55,810 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE AND ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$55,810 TO AERZEN USA CORPORATION]
- D-4) AUTHORIZE TASK ORDER FOR SOUTHLAND WASTEWATER TREATMENT FACILITY BLOWER #3 VARIABLE FREQUENCY DRIVE AND SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM INTEGRATION WITH TESCO CONTROLS, INC. IN THE AMOUNT OF \$47,660 [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE TASK ORDER IN THE AMOUNT OF \$47,660 WITH TESCO CONTROLS, INC.]

Mario Iglesias, General Manager, answered questions from the Board regarding the warrants.

SUBJECT TO BOARD APPROVAL

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There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Consent Agenda. Director Malvarose abstained from voting on item D-1, the warrants, due to District payments to his employer.

ITEM D-1

| YES VOTES | NO VOTES | ABSTAIN |
|---|----------|-----------|
| Directors Gaddis, Woodson, Eby, and Blair | None | Malvarose |

ITEM D-2 through D-4

| YES VOTES | NO VOTES | ABSTAIN |
|--|----------|---------|
| Directors Gaddis, Woodson, Eby, Blair, and Malvarose | None | None |

RESOLUTION NO. 2021-1581

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING A PURCHASE ORDER FOR
SOUTHLAND WASTEWATER TREATMENT FACILITY BLOWER #3
TO AERZEN USA CORPORATION**

RESOLUTION NO. 2021-1582

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING A TASK ORDER FOR SOUTHLAND WASTEWATER
TREATMENT FACILITY BLOWER #3 PROJECT VARIABLE FREQUENCY DRIVE AND
SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM
INTEGRATION WITH TESCO CONTROLS, INC.**

E. ADMINISTRATIVE ITEMS

- E-1) **AWARD CONTRACT TO TUCKFIELD & ASSOCIATES FOR THE TOWN SEWER ENTERPRISE RATE STUDY [RECOMMEND REVIEW, TAKE PUBLIC COMMENT, AND DISCUSS PROPOSAL FOR A WASTEWATER RATE STUDY OF THE TOWN SEWER ENTERPRISE AND, IF AGREEABLE, AWARD CONTRACT TO TUCKFIELD & ASSOCIATES]**

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

There were no public comments.

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved to award the contract to Tuckfield & Associates.
Vote 5-0.*

| YES VOTES | NO VOTES | ABSENT |
|--|----------|--------|
| Directors Gaddis, Woodson, Eby, Blair, and Malvarose | None | None |

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- E-2) ADOPT RESOLUTION TO AMEND NIPOMO COMMUNITY SERVICES DISTRICT'S WATER METER REPLACEMENT POLICY [RECOMMEND REVIEW, TAKE PUBLIC COMMENT, AND DISCUSS PROPOSED AMENDMENTS TO THE DISTRICT'S POLICY, AND ADOPT RESOLUTION]

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

There were no public comments.

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

Vote 5-0.

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

RESOLUTION 2021-1583

**A RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE WATER METER REPLACEMENT POLICY**

- E-3) CONSIDER AMENDING APPENDIX "A" TO CHAPTER 3.04 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADJUST WATER METER FEES [RECOMMEND ADOPT RESOLUTION TO ADJUST THE FEES COLLECTED BY THE DISTRICT FOR INSTALLING WATER METERS ON NEW SERVICES]

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

Director Gaddis requested the table for the resolution be adjusted to "At Cost²" in the column Meter Fee to instead of the \$200 for a 1 inch or less meter size.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved the Resolution, as amended.

Vote 5-0.

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

RESOLUTION NO. 2021- 1584

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING APPENDIX "A" TO CHAPTER 3.04 OF THE
NIPOMO COMMUNITY SERVICE DISTRICT CODE TO
ADJUST WATER METER FEES**

- E-4) AUTHORIZE BUDGET ADJUSTMENT OF \$70,000 TO THE WATER OPERATIONS FUND #125 TO PURCHASING WATER METERS IN SUPPORT OF THE

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
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DISTRICT'S METER REPLACEMENT POLICY[RECOMMEND AUTHORIZE BUDGET ADJUSTMENT OF \$70,000 TO WATER OPERATIONS FUND #125]

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

There were no public comments.

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

Vote 5-0.

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

RESOLUTION NO. 2021-1585

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF WATER METERS AND AMENDING FY 2020/21 BUDGET

- E-5) RATIFY 2021 BOARD COMMITTEE ASSIGNMENTS [RECOMMEND APPROVE COMMITTEE ASSIGNMENTS]

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

There were no public comments.

President Eby discussed Committee Assignments with Directors and they were all aggregable to their respective assignments. Upon the motion of Director Gaddis and seconded, the Board unanimously approved the committee assignments.

Vote 5-0.

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

- E-6) AUTHORIZE CONTRACT AMENDMENT FOR DESIGN ENGINEERING SERVICES FOR THE EUREKA WELL REPLACEMENT PROJECT IN THE AMOUNT OF \$29,674 WITH CANNON CORPORATION. [RECOMMEND AUTHORIZE DESIGN CONTRACT AMENDMENT WITH CANNON CORPORATION IN THE AMOUNT OF \$29,674].

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

There were no public comments.

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Upon the motion of Director Woodson and seconded, the Board unanimously approved the contract amendment.

Vote 5-0.

| | | |
|--|----------|--------|
| YES VOTES | NO VOTES | ABSENT |
| Directors Woodson, Blair, Eby, Gaddis, and Malvarose | None | None |

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented an email from Phil Guldeman, CFO Services, for public comment, asking questions about the Supplemental Water NCS D has arranged to receive and its appropriation. The Board received the information, but gave no direction to staff.

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

G. COMMITTEE REPORTS

None

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair requested that staff provide ideas to honor Doug Jones, a past NCS D General Manager, by the next meeting.

Phil Henry, NCS D resident, requested customers be notified of the new AMI system and new meter benefits that are being installed throughout the District. The Board thanked Mr. Henry for his suggestion.

I. CLOSED SESSION ANNOUNCEMENTS

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

- a. SMVWCD V. NCS D (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES

District Legal Counsel, Craig Steele, stated there was no need for Closed Session.

ADJOURN MEETING

President Eby adjourned the meeting at 10:39 a.m.

| MEETING SUMMARY | HOURS & MINUTES |
|-----------------|-------------------|
| Regular Meeting | 1 hour 39 minutes |
| Closed Session | 0 hour 00 minutes |
| TOTAL HOURS | 1 hour 39 minutes |

Respectfully submitted,

 1-27-21

 Mario Iglesias, General Manager and Secretary to the Board Date