

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

APRIL 28, 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— via email sent to info@ncsd.ca.gov prior to the 9:00 am meeting start time. All emails received 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 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 April 28, 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.

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

- *April 26, attended the South County Advisory Committee meeting remotely.*

Director Gaddis

- *April 19, attended Board Officers' meeting.*
- *April 20, attended Finance and Audit Committee meeting.*

Director Eby

- *April 15, attended a LAFCO meeting remotely.*
- *April 19, attended Board Officers' meeting.*
- *April 20, attended Finance and Audit Committee meeting.*
- *April 26, attended NMMA Technical Group meeting remotely.*

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- 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 Woodson and seconded, the Board unanimously approved receiving and filing presentations and reports.
Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE APRIL 14, 2021, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) INVESTMENT POLICY – FIRST QUARTER REPORT [RECOMMEND ACCEPT AND FILE REPORT]
- D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR PARCEL MAP CO 20-0027, A 2 PARCEL RESIDENTIAL SUBDIVISION LOCATED AT 187 EAST BRANCH STREET [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR TRACT 3135, A 25 PARCEL RESIDENTIAL SUBDIVISION LOCATED AT 247 HILL STREET [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

District staff, answered questions from the Board regarding the warrants and Item D-5.

There were no public comments.

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

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

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER TOWN SEWER SYSTEM RATE STUDY [RECOMMEND BY MOTION AND ROLL CALL VOTE, APPROVE RATE STUDY, SET DATE FOR RATE ADOPTION HEARING, AND APPROVE NOTICE OF RATE HEARING]

Mario Iglesias, General Manager, presented the Town Sewer Rate Study and answered questions from the Board.

Clayton Tuckfield of Tuckfield & Associates answered questions from the Board.

Kenneth Pacofsky, NCSD resident, had questions regarding the Town Sewer Rate Study and the Blacklake Sewer Rate Study and the different rates. Staff responded to Mr. Pacofsky's questions.

*Upon the motion of Director Malvarose and seconded, the Board unanimously approved the Rate Study, the Rate Adoption Hearing date, and the Notice of Rate Hearing as amended.
Vote 5-0.*

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

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the General Manager's Report and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

Director Gaddis and Eby attended the Finance and Audit Committee meeting where the draft budgets for fiscal year 2021/2022 for Nipomo Supplemental Water and Nipomo Community Services District were presented and reviewed. The Draft Budgets for fiscal year 2021/2022 will be presented to the full Board in May 2021.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

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I. CLOSED SESSION ANNOUNCEMENTS

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

2. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL INITIATION OF LITIGATION PURSUANT TO GOV. CODE SECTION 54956.9(D)(4) ONE (1) POTENTIAL CASES

Craig Steele, District General Counsel, reported that the Board discussed Closed Session Item 1.a. SMVWCD V. NCSD, CASE NO. CV 770214, approving the Nipomo Mesa Management Area Technical Group 2020 Annual Report. President Eby made the motion to approve the Annual Report and Director Woodson seconded the motion. The motion passed unanimously.

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

No other reportable action was taken.

ADJOURN MEETING

President Eby adjourned the meeting at 10:42 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 45 minutes
Closed Session	0 hour 57 minutes
TOTAL HOURS	1 hour 42 minutes

Respectfully submitted,

 

 Mario Iglesias, General Manager and Secretary to the Board Date