

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**JUNE 23, 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](mailto: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 June 23, 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, Directors Malvarose, Woodson, Blair, and Eby were present. Director Gaddis was absent.*

*President Eby announced the Consent Agenda would be next.*

#### D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE JUNE 9, 2021, REGULAR BOARD MEETING MINUTES  
[RECOMMEND APPROVE MINUTES]

*There were no public comments.*

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

*Vote 4-0-1*

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

President Eby announced item E-1 would be next.

- E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND IF THERE IS NOT A MAJORITY PROTEST, CONSIDER ADOPTION OF RESOLUTION INCREASING DISTRICT SEWER USER FEES [RECOMMEND CONDUCT PUBLIC HEARING AND IF THERE IS NO MAJORITY PROTEST, ADOPT RESOLUTION INCREASING SEWER USER FEES]

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

*President Eby opened the Public Hearing.*

*There were no public comments.*

*President Eby closed the Public Hearing.*

*President Eby asked how many protest were received. Mario Iglesias, General Manager, announced a total of 7 protest were received and confirmed the drop box and info email had been checked at 9:00.*

*Craig Steele, District Legal Counsel, announced that a majority protest would have required 1,314 written protest. A majority protest did not exist.*

*Upon the motion of Director Woodson and seconded, the Board approved Resolution approving the Town Sewer rates.  
Vote 4-0-1.*

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

**RESOLUTION NO. 2021-1602  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
SETTING BI-MONTHLY TOWN SEWER RATES AND CHARGES**

President Eby announced Presentations and Reports would be next.

**C. PRESENTATIONS AND REPORTS**

- C-1) SPRING 2021 GROUNDWATER INDEX REVIEW, NEWTON GEO-HYDROLOGY CONSULTING SERVICES [RECOMMEND RECEIVE REPORT]

*Brad Newton of Newton Geo-Hydrology Consulting Services presented the 2021 Spring Ground Water Index and answered questions from the Board.*

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- C-2) 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*

- June 14, attended Board Officers' meeting
- June 18, attended NCSD Safety meeting
- June 21, attended Blacklake Oversight Committee meeting

- C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

Pam Wilson, NCSD resident, asked if the District would be discussing conservation.

*Mario Iglesias, General Manager, stated the District will be discussing more conservation in the future.*

*President Eby announced a 5 minute recess.*

E. ADMINISTRATIVE ITEMS

- E-2) CONSIDER AWARDING CONTRACT TO LECHOWICZ & TSENG MUNICIPAL CONSULANTS FOR THE BLACKLAKE STREET LIGHTING ENTERPRISE RATE STUDY [RECOMMEND REVIEW, TAKE PUBLIC COMMENT, AND DISCUSS PROPOSAL FOR A STREETLIGHT RATE STUDY OF THE BLACKLAKE STREET LIGHTING ENTERPRISE AND, IF AGREEABLE, AWARD CONTRACT TO LECHOWICZ & TSENG MUNICIPAL CONSULTANTS NOT TO EXCEED \$7,660]

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

Jesse McGraw, Chair of the Blacklake\NCSD Oversight Committee, said that his Committee agreed with the concept of the contract and recommended that the Board keep all potential optional services in the contract.

*Upon the motion of Director Blair and seconded, the Board approved to award the contract to Lechowicz & Tsend Municipal Consultants with the Board's discretion to exercise the options in the contract.*

*Vote 4-0-1.*

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

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

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

*None.*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Woodson mentioned that the Central Coast Water Authority filed a suit against the County of Santa Barbara, alleging interference of their operations.*

*Director Blair requested that staff investigate the former Union Oil (now Phillips 66) refinery, planned for decommissioning, as a source of water.*

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

*There were no public comments*

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

ADJOURN MEETING

*President Eby adjourned the meeting at 11:06 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 34 minutes
Closed Session	0 hour 32 minutes
TOTAL HOURS	2 hour 06 minutes

Respectfully submitted,

 7-19-21  
 \_\_\_\_\_  
 Mario Iglesias, General Manager and Secretary to the Board Date