

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

JANUARY 12, 2022 AT 9:00 A.M.

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

BOARD of DIRECTORS

ED EBY, **PRESIDENT**
RICHARD MALVAROSE, **VICE PRESIDENT**
DAN ALLEN GADDIS, **DIRECTOR**
DAN WOODSON, **DIRECTOR**
CRAIG ARMSTRONG, **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.

A. CALL TO ORDER AND FLAG SALUTE

President Eby called the Regular Meeting of January 12, 2022, 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) RECOGNITION OF 2021 BOARD OFFICERS AND SEATING OF 2022 BOARD OFFICERS [NO ACTION REQUESTED]

Mario Iglesias, General Manager, thanked 2021 President, Ed Eby, and 2021 Vice President, Dan Gaddis for their service to the Board and community. Director Eby retained the President position on the Board for 2022 and Director Malvarose was seated as Vice President of the Board.

C-2) 2021 FALL GROUNDWATER INDEX REVIEW [RECOMMEND RECEIVE AND FILE REPORT]

Brad Newton, Ph.D., P.G., of Newton Geo-Hydrology Consulting Services, presented the Fall 2021 Ground Water Index and answered questions from the Board.

There were no public comments.

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

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Director Woodson

- December 9, attended Traffic and Circulation meeting.

Director Gaddis

- Stated he was out of state for the holiday season visiting family.

Director Malvarose

- January 7, met with General Manager to review agenda.

Director Eby

- December 9, attended Traffic and Circulation meeting.
- December 16, LAFCO meeting was cancelled.
- January 3, attended Board Officers' meeting.
- January 5, attended WRAC meeting.
- January 11, Board of Supervisors were going to approve IRWM funding.

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, Woodson, Gaddis, Malvarose and Eby	None	None

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE DECEMBER 8, 2021, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) APPROVE AGREEMENT WITH ROGERS, ANDERSON, MALODY & SCOTT PROPOSAL FOR 3 YEARS OF AUDITING SERVICES [RECOMMEND APPROVE]
- D-4) AUTHORIZE CONTRACT AMENDMENT FOR DESIGN ENGINEERING SERVICE FOR EUREKA WELL REPLACEMENT PROJECT [RECOMMEND AUTHORIZE DESIGN CONTRACT AMENDMENT WITH CANNON CORPORATION IN THE AMOUNT OF \$43,143]
- D-5) ACCEPT SOUTHLAND WASTEWATER TREATMENT FACILITY SCREW PRESS PROJECT [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ACCEPT PROJECT AND DIRECT STAFF TO FILE NOTICE OF COMPLETION]

Peter Sevcik, Director of Engineering and Operations, answered questions from the Board.

There were no public comments.

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

Vote 4-1-0 on D-1.

Vote 5-0 on D-2 to D-5.

	YES VOTES	ABSTAIN	ABSENT
D-1	Directors Gaddis, Armstrong, Woodson and Eby	Malvarose	None
D-2 to D-5	Directors Gaddis, Armstrong, Woodson, Malvarose and Eby	None	None

E. ADMINISTRATIVE ITEMS

E-1) INTRODUCE ORDINANCE NO. 2022-134 AMENDING TITLE 3 AND 4 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO AMEND BILLING PROCEDURES [RECOMMEND INTRODUCE ORDINANCE, WAIVE FURTHER READING AND READ BY TITLE ONLY ORDINANCE NO. 2022-134]

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

There were no public comments.

Upon the motion of Director Malvarose and seconded, the Board approved the introduction of Ordinance 2022-134 and read by title only – Ordinance 2022-134, An Ordinance of the Board of Directors of the Nipomo Community Services District amending Title 3 and Title 4 of the Nipomo Community Services District Code.

Vote 5-0.

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

ORDINANCE 2022-134
 A ORDINANCE OF THE BOARD OF DIRECTORS
 OF THE NIPOMO COMMUNITY SERVICES
 DISTRICT AMENDING TITLE 3 AND 4 OF THE NIPOMO
 COMMUNITY SERVICES DISTRICT CODE TO AMEND
 BILLING PROCEDURES

E-2) RATIFY 2022 COMMITTEE ASSIGNMENTS [RECOMMEND APPROVE COMMITTEE ASSIGNMENTS]

President Eby appointed General Manager, Mario Iglesias, as the SCAC member representative and appointed Director Armstrong as the Chairperson of the Administration Committee. All other assignments remain the same as 2021.

Upon the motion of Director Woodson and seconded, the Board unanimously approved the 2022 Committee Assignments.

Vote 5-0.

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

- E-3) CONSIDER SECOND AMENDMENT TO GENERAL MANAGER’S EMPLOYMENT CONTRACT REGARDING LEAVE ACCUMULATION AND CARRY-OVER LIMITS [RECOMMEND CONSIDER PROPOSED AMENDMENT, DISCUSS AND IF AGREEABLE, APPROVE MODIFICATIONS TO THE GENERAL MANAGER’S EMPLOYMENT CONTRACT]

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

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved the second amendment to contract.

Vote 5-0.

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

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 Eby requested Staff to review the legal issues and all other ramifications of implementing a policy that would cease the acceptance of new annexation applications until the 3,000 acre feet limitation placed on the District’s supplemental water project by Santa Barbara County is lifted. Active annexation applications would be exempt from this new proposed policy. Staff will report back to the Board at the second meeting in February.

I. CLOSED SESSION ANNOUNCEMENTS

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

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

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

ADJOURN MEETING

President Eby adjourned the meeting at 10:40 a.m.

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MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 15 minutes
Closed Session	0 hour 25 minutes
TOTAL HOURS	1 hour 40 minutes

Respectfully submitted,

 1-26-2022
Mario Iglesias, General Manager and Secretary to the Board Date