

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

DECEMBER 8, 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**
DAN WOODSON, **DIRECTOR**
RICHARD MALVAROSE, **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 December 8, 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.

There were no public comments.

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

- *November 30, attended South County Advisory Committee meeting remotely.*

Director Gaddis

- *November 29, attended Board Officer's meeting.*

Director Eby

- *November 18, attended LAFCO meeting remotely.*
- *November 29, attended Board Officers' meeting.*
- *December 2, attended NMMA TG 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 Armstrong and seconded, the Board unanimously approved receiving and filing presentations and reports.
Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE NOVEMBER 10, 2021, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) FIRST QUARTER FINANCIAL REPORT [RECEIVE AND FILE]
- D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR APN 092-576-012, A COMMERCIAL DEVELOPMENT LOCATED AT 149 S. FRONTAGE ROAD
- D-5) APPROVE NEWTON GEO-HYDROLOGY 2022 CONSULTING SERVICES CONTRACT SCOPE AND \$90,000 BUDGET [RECOMMEND APPROVE SCOPE AND BUDGET FOR NEWTON GEO-HYDROLOGY TO PROVIDE 2022 CONSULTING SERVICES TO NIPOMO COMMUNITY SERVICES DISTRICT]
- D-6) APPROVE 2022 BOARD MEETING SCHEDULE [RECOMMEND REVIEW AND APPROVE 2022 BOARD MEETING SCHEDULE]

District staff answered questions from the Board regarding items D-1 and D-4.

There were no public comments.

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

Vote 4-1-0 on D-1.

Vote 5-0 on D-2 to D-6.

	YES VOTES	ABSTAIN	ABSENT
D-1	Directors Armstrong, Woodson, Gaddis, and Eby	Malvarose	None
D-2 to D-6	Directors Armstrong, Malvarose, Woodson, Gaddis, and Eby	None	None

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER ADOPTION OF NIPOMO COMMUNITY SERVICES DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN UPDATE AND WATER SHORTAGE CONTINGENCY PLAN [RECOMMEND ADOPT DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN UPDATE AND 2020 WATER SHORTAGE CONTINGENCY PLAN]

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 Armstrong and seconded, the Board approved the Resolution to adopt the 2020 Urban Water Management Plan Update.
Vote 5-0.*

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

*Upon the motion of Director Armstrong and seconded, the Board approved the Resolution to adopt the 2020 Water Shortage Contingency Plan with updates to table 4-1.
Vote 5-0.*

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

RESOLUTION NO. 2021-1608
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING THE URBAN WATER MANAGEMENT PLAN 2020 UPDATE

RESOLUTION NO. 2021-1609
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING THE 2020 WATER SHORTAGE CONTINGENCY PLAN

- E-2) ADOPT ORDINANCE NO. 133 ADDING CHAPTER 7.07 TO TITLE 7 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADD PROVISIONS RELATING TO SENATE BILL 1383 [RECOMMEND INTRODUCE ORDINANCE, WAIVE FURTHER READING AND READ BY TITLE ONLY ORDINANCE NO. 133]

Mario Iglesias, General Manager, introduced the item.

*Upon the motion of Director Armstrong and seconded, the Board unanimously moved adopt and read by title only Ordinance No. 133, an ordinance of the Nipomo Community Services District adding chapter 7.07 (mandatory organic waste disposal reduction) to title 7 (solid waste) of the Nipomo Community Services District Code, waive further reading of the ordinance and direct District counsel and staff to prepare and publish a summary of the ordinance in accordance with Government Code section 25124.
Vote 5-0.*

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

ORDINANCE NO. 2021-133
 AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADDING CHAPTER 7.07 (MANDATORY ORGANIC WASTE DISPOSAL REDUCTION) TO TITLE 7 (SOLID WASTE) OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

- E-3) CONSIDER SECOND AMENDMENT TO THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY JOINT POWERS AGREEMENT AND THE FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE INTEGRATED WASTE MANAGEMENT AUTHORITY ("IWMA") AND THE NIPOMO COMMUNITY SERVICES DISTRICT. [RECOMMEND REVIEW AMENDMENTS TO THE JPA AND MOA, DISCUSS, AND IF YOUR BOARD FINDS THE AMENDMENTS TO BE BENEFICIAL TO THE DISTRICT, ADOPT ONE OR BOTH AMENDMENTS BY RESOLUTION]

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

Craig Steele, General Counsel, answered questions from the Board of Directors.

There were no public comments.

Director Gaddis passed out an article from The Tribune about the ordinance Paso Robles passed regarding the IWMA.

Upon the motion of Director Armstrong and seconded, the Board approved the amendments to the IWMA and MOA by resolution.

Vote 5-0.

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

RESOLUTION 2021-1610
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING SECOND AMENDMENT TO THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY ("IWMA") JOINT POWERS AGREEMENT

RESOLUTION 2021-1611
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING FIRST AMENDMENT TO THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY MEMORANDUM OF AGREEMENT

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- E-4) ELECT 2022 NIPOMO COMMUNITY SERVICES DISTRICT BOARD PRESIDENT AND VICE PRESIDENT [RECOMMEND DIRECTORS ELECT BOARD PRESIDENT AND VICE PRESIDENT FOR CALENDAR YEAR 2022]

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

Director Woodson nominated Director Eby to be the 2022 Board President.

There were no public comments.

By acclamation, Director Eby will serve as 2022 Board President.

Director Eby nominated Director Malvarose to be the 2022 Board Vice President.

There were no public comments.

By acclamation, Director Malvarose will serve as 2022 Board Vice President.

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 that the margins be moved regarding item D-1 so that the warrant numbers are not cut out by the whole punch.

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)

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 10:20 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 00 minutes
Closed Session	0 hour 20 minutes
TOTAL HOURS	1 hour 20 minutes

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Respectfully submitted,



1-12-2022

Mario Iglesias, General Manager and Secretary to the Board

Date