

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**JANUARY 26, 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 26, 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, Director Armstrong, Woodson, Malvarose and Eby were present.*

*There were no public comments.*

*President Eby announced Item E-1 would be next.*

- E-1) AUTHORIZATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT WASTEWATER REVENUE CERTIFICATES OF PARTICIPATION SERIES 2022 [RECOMMEND ADOPT RESOLUTION OF THE BOARD AUTHORIZING THE EXECUTION AND DELIVERY BY THE DISTRICT OF AN INSTALLMENT PURCHASE AGREEMENT, A TRUST AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AN ESCROW AGREEMENT AND A CERTIFICATE PURCHASE AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY SERVICES DISTRICT WASTEWATER REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2022, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$11,500,000, APPROVING A NOTICE OF INTENTION TO SELL, AUTHORIZING THE DISTRIBUTION OF A NOTICE OF SALE AND AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF SUCH CERTIFICATES OF PARTICIPATION AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS]

*Maryann Goodkind, Bond Counsel, Norton Rose Fulbright US LLP, and Curt de Crinis and Jim Prichard, Financial Advisors, Columbia Capital Management, LLC, presented the item and answered questions from the Board.*

*There were no public comments.*

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

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

Vote 4-0.

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

RESOLUTION 2022-1611  
RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING THE EXECUTION AND DELIVERY BY THE DISTRICT  
OF AN INSTALLMENT PURCHASE AGREEMENT, A TRUST AGREEMENT,  
A CONTINUING DISCLOSURE AGREEMENT, AN ESCROW AGREEMENT AND  
A CERTIFICATE PURCHASE AGREEMENT IN CONNECTION WITH THE  
NIPOMO COMMUNITY SERVICES DISTRICT WASTEWATER REVENUE  
CERTIFICATES OF PARTICIPATION, SERIES 2022, AUTHORIZING THE EXECUTION  
AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL  
IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$11,500,000, APPROVING A  
NOTICE OF INTENTION TO SELL, AUTHORIZING THE DISTRIBUTION OF AN  
OFFICIAL NOTICE OF SALE AND AN OFFICIAL STATEMENT IN CONNECTION  
WITH THE OFFERING AND SALE OF SUCH CERTIFICATES OF PARTICIPATION AND  
AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS

**ADJOURN TO PUBLIC FACILITIES CORPORATION**

A) ROLL CALL

At Roll Call, Director Armstrong, Woodson, Malvarose and Eby were present.

B) AUTHORIZATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT WASTEWATER REVENUE CERTIFICATES OF PARTICIPATION SERIES 2022 [RECOMMEND ADOPT RESOLUTION OF THE BOARD AUTHORIZING THE EXECUTION AND DELIVERY BY THE CORPORATION OF AN INSTALLMENT PURCHASE AGREEMENT AND A TRUST AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY SERVICES DISTRICT WASTEWATER REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2022, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$11,500,000 AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS]

There were no public comments.

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

Vote 4-0.

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

RESOLUTION 2022-08  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PUBLIC FACILITIES CORPORATION AUTHORIZING  
THE EXECUTION AND DELIVERY BY THE CORPORATION  
OF AN INSTALLMENT PURCHASE AGREEMENT AND A TRUST  
AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY  
SERVICES DISTRICT WASTEWATER REVENUE CERTIFICATES  
OF PARTICIPATION, SERIES 2022, AUTHORIZING THE EXECUTION  
AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION  
EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT  
TO EXCEED \$11,500,000 AND AUTHORIZING THE EXECUTION OF  
NECESSARY DOCUMENTS AND RELATED ACTIONS

**ADJOURN TO NCS D REGULAR MEETING**

C. PRESENTATIONS AND REPORTS

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- C-1) QUARTERLY DISTRICT ENGINEER’S REPORT TO THE BOARD [RECOMMEND RECEIVE AND FILE]

This item was tabled until February 9, 2022 meeting.

- 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 Woodson

- January 19, attended Citizens Transportation Advisory Committee meeting.
- January 24, attended SCAC meeting.

Director Malvarose

- January 14, attended Board Officers' meeting.

Director Eby

- January 14, attended Board Officers' meeting.
- January 20, attended LAFCO meeting.
- February 2, there will be no WRAC meeting.

*There were no public comments.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved receiving and filing presentations and reports.*

*Vote4-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JANUARY 12, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) INVESTMENT POLICY - FOURTH QUARTER REPORT [RECOMMEND ACCEPT AND FILE]
- D-4) ANNUAL REVIEW OF INVESTMENT POLICY [RECOMMEND ADOPT RESOLUTION]
- D-5) ANNUAL REVIEW OF DISTRICT CASH RESERVE POLICIES [RECOMMEND REVIEW AND REAFFIRM CASH RESERVE POLICIES]
- D-6) AUTHORIZE STAFF TO ISSUE REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT [RECOMMEND AUTHORIZE STAFF TO ISSUE REQUEST FOR PROPOSALS]

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

There were no public comments.

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

Vote 4-0

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

2022-1613  
A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING DISTRICT INVESTMENT POLICY

- E-2) ADOPT 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.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously adopted Ordinance 2022-134.

Vote 4-0.

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

RESOLUTION 2022-134  
AN 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-3) REVIEW AND AMEND DEBT MANAGEMENT POLICY AND CONTINUING DISCLOSURE UNDERTAKING POLICY [RECOMMEND ADOPT RESOLUTION]

Lisa Bognuda, Finance Director, 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 unanimously approved the Resolution.

Vote 4-0.

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

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

RESOLUTION 2022-1614  
A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING  
THE ADOPTION OF THE AMENDMENT TO THE DEBT MANAGEMENT  
POLICY AND THE CONTINUING DISCLOSURE UNDERTAKING POLICY FOR THE DISTRICT

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 Woodson asked about enforcement of the mask mandate at SCAC meetings.

Director Armstrong requested outreach and education be provided to our customers regarding the organic waste ordinance requirements.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that Closed Session was canceled.

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
  - i. SMVWCD V. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES
2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION GOVERNMENT CODE SECTION 54956.9(D)4 ONE (1) POTENTIAL CASE

ADJOURN MEETING

*President Eby adjourned the meeting at 9:58 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 58 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 58 minutes

Respectfully submitted,


*2-9-2022*  
 \_\_\_\_\_  
 Mario Iglesias, General Manager and Secretary to the Board Date