

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**FEBRUARY 23, 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 February 23, 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

*President Eby announced Item C-2 would be taken out of order.*

##### C-2) DANA RESERVE EVALUATION PRESENTATION BY MKN ENGINEERS [RECOMMEND RECEIVE AND FILE]

*Michael Nunley, from MKN and Associates, presented the item and answered questions from the Board and Staff.*

*Laurie Tamura, from Urban Planning Concepts, commented on the inclusion of water and wastewater improvements in the EIR.*

*Rick Sweet, Dana Reserve Consultant, said he had briefly reviewed the report and looks forward to collaborating with District Staff and Michael Nunley on the Dana Reserve.*

*The following member of the public spoke:*

*Pam Wilson, NCSD Resident, asked the question of who provides the final approval of the Dana Reserve Project.*

*Director Eby explained the process.*

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C-1) ANNUAL REVIEW OF NIPOMO COMMUNITY SERVICES DISTRICT'S STRATEGIC PLAN [RECEIVE PRESENTATION]

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

*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

*Director Woodson*

- *February 10, attended Blacklake Oversight Committee Meeting*

*Director Malvarose*

- *February 11, attended Board Officers' meeting*
- *February 11, attended Dana Reserve Ad-Hoc Committee meeting*

*Director Eby*

- *February 10, Blacklake Oversight Committee Meeting*
- *February 11, attended Dana Reserve Ad-Hoc Committee meeting*
- *February 11, attended Board Officers' meeting*
- *February 12, attended Blacklake Management Association meeting remotely*
- *February 22, attended NMMA Technical Group meeting remotely*

C-4) 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 Gaddis and seconded, the Board unanimously approved receiving and filing presentations and reports.*

*Vote 5-0.*

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

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) APPROVE FEBRUARY 9, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) REVIEW BOARD BY-LAWS AND POLICIES AND PROPOSE EDITS FOR CONSIDERATION [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO

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RETURN WITH REVISIONS, IF ANY, FOR FUTURE BOARD APPROVAL OR RECEIVE AND FILE IF NO REVISIONS]

- D-4) ACCEPT SECOND QUARTER FISCAL YEAR 2021-2022 QUARTERLY FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE REPORT]
- D-5) ADOPT RESOLUTION TO DIRECT AND AUTHORIZE THE DISTRICT'S DIRECTOR OF ENGINEERING AND OPERATIONS TO PREPARE AN ENGINEER'S ANNUAL LEVY REPORT FOR THE BLACKLAKE STREET LIGHTING DISTRICT [RECOMMEND ADOPT RESOLUTION]

*Lisa Bognuda, Finance Director, answered questions from the Board regarding item D-4.*

*There were no public comments.*

*Director Eby pulled item D-3 for discussion and suggest changes.*

*Upon the motion of Director Gaddis and seconded, the Board approved the Consent Agenda items D-1, D-2, D-4, and D-5.*

*Vote 5-0-0.*

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

RESOLUTION NO. 2022-1615  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION  
OF ANNUAL ASSESSMENTS WITHIN THE BLACKLAKE  
STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT  
FOR FISCAL YEAR 2022-23 AND ORDERING THE PREPARATION  
OF AN ENGINEER'S REPORT PURSUANT TO THE PROVISIONS  
OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE

- D-3) REVIEW BOARD BY-LAWS AND POLICIES AND PROPOSE EDITS FOR CONSIDERATION [RECOMMEND REVIEW OF BY-LAWS AND DIRECT STAFF TO RETURN WITH REVISIONS, IF ANY, FOR FUTURE BOARD APPROVAL OR RECEIVE AND FILE IF NO REVISIONS]

*Upon the motion of Director Armstrong and seconded, the Board approved item D-3 with typographical corrections made on pages 5 and 12.*

*Vote 5-0-0.*

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

*President Eby called for a 5-minute break.*

**E. ADMINISTRATIVE ITEMS**

- E-1) LOCAL AGENCY FORMATION COMMISSION SPECIAL DISTRICT SEAT NOMINATION [RECOMMEND CONSIDER NOMINATING A NIPOMO COMMUNITY SERVICES DISTRICT ("District") DIRECTOR TO FILL THE ALTERNATIVE SPECIAL DISTRICT MEMBER SEAT ON LAFCO]

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Director Armstrong nominated Director Eby to fill the alternative Special District Member Seat on LAFCO.

There were no public comments.

Upon the motion of Director Woodson and seconded, the Board voted to nominate Director Eby to fill the alternative Special District Member Seat on LAFCO.  
Vote 5-0-0.

YES VOTES	NO VOTES	ABSENT
Directors Woodson, Malvarose, Armstrong, Gaddis, 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

Mario Iglesias, General Manager, provided an overview of the Feb. 10: Blacklake NCSD Oversight Committee – Preparing for BLMA Annual Meeting.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced the Board would move item 2 to next meeting and there would be no closed session.

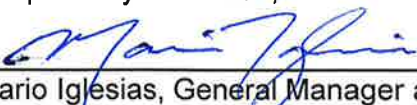

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
  - a. SMWWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES
2. ANNUAL PERFORMANCE REVIEW PROCESS OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION §54957

ADJOURN MEETING

President Eby adjourned the meeting at 10:45 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 45 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	1 hour 45 minutes

Respectfully submitted,

   
 Mario Iglesias, General Manager and Secretary to the Board Date