

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

MAY 11, 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 May 11, 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.

President Eby announced Item E-1 would be next.

- E-1) APPROVE FINAL DRAFT OF THE SOUTH COUNTY SANITARY SERVICES RATE STUDY REPORT AND DIRECT STAFF TO INITIATE A PROPOSITION 218 PROCESS, INCLUDING SETTING A PUBLIC HEARING DATE FOR JULY 13, 2022 [RECOMMEND APPROVE REPORT, DIRECT STAFF TO INITIATE PROP 218 PROCESS AND SET JULY 13, 2022 FOR PUBLIC HEARING]

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 approved the Report, and Directed staff to initiate the Prop 218 process and set July 13, 2022 for the Public Hearing. Vote 5-0.

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

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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

- April 24, attended SCAC meeting

Director Eby

- April 29, attended Board Officers' meeting.
- May 3, attended BLMA meeting
- May 4, attended WRAC meeting
- May 10, attended CSDA Local Chapter meeting

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 approved receiving and filing presentations and reports.

Vote 5-0-0.

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 APRIL 27, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

D-3) ACCEPT THIRD QUARTER FISCAL YEAR 2021-2022 QUARTERLY FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE REPORT]

D-4) AUTHORIZE CONTRACT FOR ENGINEERING SERVICES FOR FRONTAGE ROAD TRUNK SEWER REPLACEMENT PROJECT WITH MKN & ASSOCIATES [RECOMMEND APPROVAL]

D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 139 E DANA STREET [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

D-6) CONSIDER REQUEST FOR SEWER SERVICE (INTENT-TO-SERVE LETTER) FOR NIPOMO ELEMENTARY SCHOOL LOCATED AT 190 E. PRICE STREET [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

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Staff answered questions regarding items D-1, D-4, D-5, and D-6.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board approved the Consent Agenda. Director Malvarose abstained from item D-1 due to a conflict of interest relating to his employer.

Vote 4-1 on D-1.

Vote 3-2 on D-2.

Vote 5-0 on D-3 to D-6

	YES VOTES	ABSTAIN	ABSENT
D-1	Directors Armstrong, Woodson, Gaddis, and Eby	Malvarose	None
D-2	Directors Armstrong, Eby, and Gaddis	Woodson and Malvarose	None
D-3 to D-6	Directors Armstrong, Woodson, Malvarose, Gaddis, and Eby	None	None

E. ADMINISTRATIVE ITEMS

E-2) INTRODUCE ORDINANCE 2022-135 AMENDING CHAPTER 4.12, ORDINANCE 2020-132 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADDRESS PROVISIONS RELATING TO SEWER SERVICE FEES FOR ACCESSORY DWELLING UNITS [RECOMMEND REVIEW AND DISCUSS REVISIONS, INTRODUCE ORDINANCE, READ BY TITLE ONLY AND WAIVE FURTHER READING OF ORDINANCE]

Mario Iglesias, General Manager, presented the item.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board introduced and read by title only Ordinance 2022-135, AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT SECTION 4.12 AMENDING PROVISIONS RELATED TO SEWER SERVICE FEES FOR ACCESSORY DWELLING UNITS, waived further reading of the ordinance, and directed District Counsel and staff to prepare and publish a summary of the Ordinance in accordance with Government Code section 25124. .

Vote 5-0.

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

ORDINANCE NO. 2022-135
AN ORDINANCE OF BOARD OF THE DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING CHAPTER 4.12 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ADD
PROVISIONS RELATING TO SEWER SERVICE FEES
FOR ACCESSORY DWELLING UNITS

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- E-3) AMEND SUPPLEMENTAL WATER ACCOUNTING POLICY [RECOMMEND YOUR BOARD CONSIDER THE AMENDED POLICY AND ADOPT RESOLUTION]

Mario Iglesias, General Manager, requested to table the item to the May 25th Board meeting, so a redlined copy of the changes to the Supplemental Water Accounting Policy could be included in the Board packet.

Pam Wilson, NCS D Resident, asked for the explanation of a redline draft.

- E-4) APPROVAL OF THE ENGINEER’S LEVY REPORT AND DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2022-2023 [RECOMMEND ADOPT RESOLUTION]

Mario Iglesias, General Manager, presented the item.

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 Resolution. Vote 5-0.

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

RESOLUTION NO. 2022-1621
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE ANNUAL ENGINEER’S LEVY REPORT,
DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1
FOR FISCAL YEAR 2022-2023,
AND SETTING A PUBLIC HEARING THEREON

F. GENERAL MANAGER'S REPORT

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

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby asked when the Dana Reserve would be releasing the EIR.

Pam Wilson, NCS D resident, asked if copies of the EIR will be made available to the public.

Director Armstrong asked if the City of Santa Maria were to implement water restrictions would it affect the District.

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I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced to the Board that there would be no closed session.

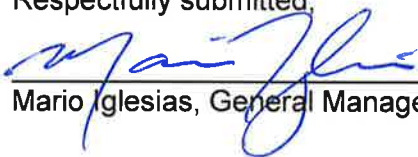
- 1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9
 - a. SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES

ADJOURN MEETING

President Eby adjourned the meeting at 9:48 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 48 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 48 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

5/25/2022

Date