

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**JULY 13, 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 July 13, 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, Gaddis, and Eby were present. Director Malvarose was absent.*

*There were no public comments.*

#### C. PRESENTATIONS AND REPORTS

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

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

- 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 announced he resigned from the SCAC and Mario Iglesias will assume his reporting.*

*Director Eby*

- June 24, attended Board Officers' meeting.*
- June 28, attended NMMA Technical Group meeting remotely.*
- July 8, attended SLO County Dana Reserve EIR meeting remotely.*

- C-3) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS  
PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE  
PRESENTATIONS AND REPORTS

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*There were no public comments.*

*Upon the motion of Director Armstrong and seconded, the Board approved receiving and filing presentations and reports.  
 Vote 4-0.*

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

**D. CONSENT AGENDA**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JUNE 22, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) CONSIDER ADOPTING A RESOLUTION TO ESTABLISH PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT FORCE MAIN [RECOMMEND ADOPT RESOLUTION ESTABLISHING PRE-QUALIFICATION AND APPEALS POLICY FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT FORCE MAIN]

*Peter Sevcik, Director of Engineering and Operations, answered questions regarding the warrants.*

*There were no public comments.*

*Upon the motion of Director Gaddis and seconded, the Board approved the Consent Agenda.  
 Vote 4-0.*

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

RESOLUTION NO. 2022-1635  
 A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS  
 PROCEDURE FOR THE BLACKLAKE SEWER SYSTEM  
 CONSOLIDATION PROJECT FORCE MAIN

**E. ADMINISTRATIVE ITEMS**

- E-1) CONDUCT PROTEST HEARING, DETERMINE PROTEST STATUS, AND, IF THERE IS NOT A MAJORITY PROTEST, CONSIDER ADOPTING A RESOLUTION INCREASING DISTRICT SOLID WASTE RATES AND CHARGES [RECOMMEND CONDUCT PROTEST HEARING AND ADOPT RESOLUTION IF NO MAJORITY PROTEST EXISTS]

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

*President Eby opened the Public Hearing.*

*There were no public comments.*

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*President Eby closed the Public Hearing.*

*Upon the motion of Director Armstrong and seconded, the Board approved the Resolution. Vote 4-0.*

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

RESOLUTION NO. 2022-1636  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
SETTING RATES FOR SOLID WASTE, RECYCLING, AND GREEN WASTE SERVICES  
PROVIDED BY SOUTH COUNTY SANITARY SERVICE  
WITHIN THE NIPOMO COMMUNITY SERVICES DISTRICT'S SERVICE AREA

- E-2) AUTHORIZE PURCHASE OF ALTERNATIVE/RESERVE PUMPS FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING PURCHASE OF ALTERNATIVE/RESERVE PUMPS FOR THE NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT]

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

*Paul Luiso, NCSD Resident, asked about the condition of the pipes.*

*Upon the motion of Director Gaddis and seconded, the Board approved the Resolution. Vote 4-0.*

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

RESOLUTION NO. 2022-1637  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO  
COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF  
ALTERNATIVE/RESERVE PUMPS FOR THE NIPOMO PALMS  
LIFT STATION REPLACEMENT PROJECT

- E-3) DISCUSSION OF COMMENTS REGARDING THE DANA RESERVE SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT [RECOMMEND DISCUSS AND PROVIDE COMMENTS]

*Mario Iglesias, General Manager, introduced the item.*

*Craig Steele, General Counsel, presented the item and answered questions from the Board.*

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

*Director Gaddis commented that due to the commercial usage listed in the Dana Reserve Water Supply Assessment report prepared for the proposed DRSP project by Rick Sweet on April 16, 2020, it may be worth re-visiting the DRSP estimated commercial water demand of 37.32 AFY.*

*Craig Steele, General Counsel, announced that he had received the Directors' comments and will be providing a copy of the comment letter to all Board members.*

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- E-4) APPROVE SECOND AMENDED AND RESTATED AGREEMENT WITH SAN LUIS OBISPO INTEGRATED WASTE MANAGEMENT AUTHORITY ("IWMA") AND AUTHORIZE PRESIDENT TO EXECUTE ON BEHALF OF THE DISTRICT [RECOMMEND APPROVE SECOND AMENDED AND RESTATED AGREEMENT AND AUTHORIZE BOARD PRESIDENT TO EXECUTE]

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

*Director Gaddis: Of the 7 city representatives to the IWMA, 6 approved having 2 representatives for the 12 special districts. Only 1 city representative voted no, and would only approve 1 representative to the IWMA for the 12 special districts. When asked by Director Gaddis which city voted no, the General Manager said it was the City of Pismo Beach.*

*Craig Steele, General Counsel, answered questions from the Board.*

*There were no public comments.*

*Upon the motion of Director Armstrong and seconded, the Board approved the Resolution. Vote 3-1.*

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

*President Eby announced that the Board will take a 5 minute recess.*

**NCSD PUBLIC FACILITIES CORPORATION ANNUAL MEETING**

President Eby adjourned to the NCSD Public Facilities Corporation Annual Meeting.

**ROLL CALL**

*At Roll Call, Director Armstrong, Woodson, Gaddis, and Eby were present. Director Malvarose was absent.*

- A. APPROVE MINUTES OF THE JULY 21, 2021 and JANUARY 26, 2022 MEETINGS

There were no public comments.

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the minutes of July 21, 2021 and January 26, 2022. Vote 4-0.*

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

President Eby adjourned to NCSD Regular Board Meeting.

- F. GENERAL MANAGER'S REPORT

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

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*There were no public comments.*

G. COMMITTEE REPORTS

*None.*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*None.*

I. CLOSED SESSION ANNOUNCEMENTS

*Craig Steele, District Legal Counsel, announced that item 1 and 2 would be discussed in closed session.*

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

- a. SMWVCD 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 GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION §54957

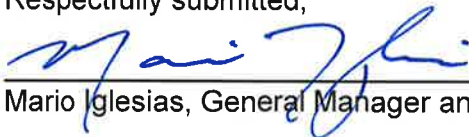
*There was no reportable action from closed session.*

ADJOURN MEETING

*President Eby adjourned the meeting at 12:09 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 35 minutes
Closed Session	1 hour 34 minutes
TOTAL HOURS	3 hour 09 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board



Date