

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

JANUARY 11, 2023 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

RICHARD MALVAROSE, PRESIDENT
DAN ALLEN GADDIS, VICE PRESIDENT
ED EBY, DIRECTOR
DAN WOODSON, DIRECTOR
GARY HANSEN, 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 Malvarose called the Regular Meeting of January 11, 2023, 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.

Phil Guldeman, Golden State Water Company Resident, talked about the District's water supply reports and encouraged the Board to consider putting an item on the agenda about selling excess water to Golden State Water Company.

Mark Albrecht, Nipomo Resident, asked the Board about receiving a refund on Capacity fees and asked if an item could be put on the agenda.

Adam Margelo, Golden State Water Company Resident, would like the District to sell more supplemental water to Golden State Water Company and requested the item be put on the agenda.

Linda Simko, Golden State Water Company Resident, asked about the process of getting an item on the agenda and encouraged the Board to consider putting an item on the agenda about selling excess water to Golden State Water Company.

C. PRESENTATIONS AND REPORTS

C-1) RECOGNITION OF 2022 BOARD OFFICERS AND SEATING OF 2023 BOARD OFFICERS [NO ACTION REQUESTED]

Mario Iglesias, General Manager, thanked 2022 President, Ed Eby, and 2022 Vice President, Richard Malvarose for their service to the Board and community. Director Malvarose was seated as the President of the Board for 2023 and Director Gaddis was seated as Vice President of the Board.

C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.

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Receive Announcements and Reports from Director

Director Gaddis

- *January 3, attended Board Officers' meeting*

Director Malvarose

- *December 21, attended Dana Reserve Ad Hoc Subcommittee meeting*
- *January 3, attended Board Officers' meeting*

Director Eby

- *December 21, attended Dana Reserve Ad Hoc Subcommittee meeting*

C-3) 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 Eby and seconded, the Board approved receiving and filing presentations and reports.
Vote 5-0.*

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE DECEMBER 14, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) APPROVE UPDATED WATER SUPERVISOR JOB DESCRIPTION [RECOMMEND APPROVAL]
- D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 112-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 646 GRANDE AVENUE, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 72-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 170 MAGENTA LANE, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-6) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR 315 UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 222 S. FRONTAGE ROAD, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

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Director Gaddis announced he would like items D-4, D-5, and D-6 pulled for further discussion.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved Consent Agenda items D1-D3.

Vote 5-0.

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

D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 112-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 646 GRANDE AVENUE, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR A 72-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 170 MAGENTA LANE, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

D-6) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR 315 UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT LOCATED AT 222 S. FRONTAGE ROAD, NIPOMO [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

Director Gaddis asked questions about item D-4 and D-5.

Elizabeth Villanueva, Acting District Engineer, answered questions from the Board.

Mario Iglesias, General Manager, answered questions from the Board.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved Consent Agenda items D4-D6.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

E-1) RESPONSE TO SLO COUNTY LAFCO REGARDING DANA RESERVE ANNEXATION REQUEST [RECOMMEND CONSIDER NOTICE, RECEIVE INPUT FROM AD HOC SUBCOMMITTEE AND STAFF, PROVIDE DIRECTION TO GENERAL MANAGER REGARDING RESPONSE]

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

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Mario Iglesias, General Manager, passed out the proposed written response to the Notice of Petition of Application for the Annexation #30.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved to proceed with option #3.

Vote 5-0.

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

- E-2) AWARD CONSTRUCTION CONTRACT FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT FORCE MAIN TO R. BAKER, INC. [RECOMMEND ADOPT RESOLUTION AWARDDING CONTRACT TO R. BAKER, INC. IN THE AMOUNT OF \$4,705,801.50, AUTHORIZING STAFF TO EXECUTE CONTRACT AND AUTHORIZING CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$470,000 (10% OF CONTRACT COST)]

Elizabeth Villanueva, Acting District Engineer, presented the item and answered questions from the Board.

Mario Iglesias, General Manager, answered questions from the Board.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously adopted the resolution.

Vote 5-0.

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

RESOLUTION NO. 2023-1649
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING CONSTRUCTION CONTRACT FOR BLACKLAKE SEWER CONSOLIDATION PROJECT TO R BAKER, INC., IN THE AMOUNT OF \$4,705,801.50, AND AUTHORIZE CONTINGENCY IN THE AMOUNT OF \$470,000

- E-3) TERMINATE IRRIGATION WATER AGREEMENT BLACK LAKE PARTNERSHIP ASSIGNEE [RECOMMEND AUTHORIZE NIPOMO COMMUNITY SERVICES DISTRICT GENERAL MANAGER TO TERMINATE IRRIGATION WATER AGREEMENT WITH THE CURRENT ASSIGNEE]

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

There were no public comments.

Upon the motion of Director Eby and seconded, the Board unanimously authorized the General Manager to terminate the agreement with the current assignee.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT

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<i>Directors Eby, Woodson, Hansen, Gaddis, and Malvarose</i>	<i>None</i>	<i>None</i>
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E-4) APPROVE APPOINTMENT OF INTERIM ENGINEERING CONSULTANT
 [RECOMMEND ADOPT RESOLUTION APPROVING THE APPOINTMENT OF JIM
 ASHCRAFT AS INTERIM ENGINEERING CONSULTANT]

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

There were no public comments.

Upon the motion of Director Hansen and seconded, the Board unanimously adopted the resolution.

Vote 5-0.

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

RESOLUTION NO. 2023-1650
 A RESOLUTION OF THE BOARD OF DIRECTORS OF
 THE NIPOMO COMMUNITY SERVICES DISTRICT
 APPROVING THE APPOINTMENT OF
 JIM ASHCRAFT AS INTERIM ENGINEERING CONSULTANT

E-5) RATIFY 2023 COMMITTEE ASSIGNMENTS [RECOMMEND APPROVE
 COMMITTEE ASSIGNMENTS]

Mario Iglesias, General Manager, presented the item.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board unanimously approved the committee assignments.

Vote 5-0.

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

E-6) ADOPT RESOLUTION RECOGNIZING AND APPRECIATING LISA S. BOGNUDA'S
 30 YEARS OF SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT
 [RECOMMEND ADOPT RESOLUTION]

Mario Iglesias, General Manager, presented the item.

Michael LeBrun, former General Manager of NCSD, commended Lisa Bognuda and thanked her for 30 years of services as an instrumental part of the organization.

Upon the motion of Director Eby and seconded, the Board unanimously adopted the resolution.
Vote 5-0.

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

RESOLUTION 2023-1651
 A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT
 COMMENDING LISA S. BOGNUDA FOR HER 30 YEARS OF
 DEDICATED SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT
 AND THE COMMUNITY OF NIPOMO

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F. GENERAL MANAGER'S REPORT

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

The General Manager announced the following:

- The status on the after storm events
- The District is now reading 1000 meters electronically

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis requested that a debrief be reported to the Board for the Desalination Executable Solution Committee joint agency meetings and the NCSD Dana Reserve Ad Hoc Subcommittee meetings.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that item 2 would be discussed in 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

2. REJECTION OF CLAIM DIEM THAI

There were no public comments.

Craig Steele, General Council, announced the Board directed staff to reject the claim.

ADJOURN MEETING

President Eby adjourned the meeting at 10:39 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 24 minutes
Closed Session	0 hour 15 minutes
TOTAL HOURS	1 hour 39 minutes

Respectfully submitted,

 
 Mario Iglesias, General Manager and Secretary to the Board Date