

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

DECEMBER 14, 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
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 Eby called the Regular Meeting of December 14, 2022, to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

Mario Iglesias, General Manager and Secretary to the Board, administered the Oath of Office to Directors Woodson, Hansen, Eby and Gaddis.

At Roll Call, all Directors were present.

Mark Albrecht, Nipomo Resident, asked the Board if he could receive a refund on Capacity fees that were paid at the beginning of his development as his project has changed.

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.

Noreen Johnston, Golden State Water Company Resident, would like the District to sell more water to Golden State.

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 Director

Director Woodson

- *December 9, attended the SLO County Garbage Man's Association Holiday party*

Director Gaddis

- *December 9, attended the SLO County Garbage Man's Association Holiday party*

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Director Malvarose

- Commended Mario Iglesias on the great job he did at the Nipomo Holiday Parade

Director Eby

- December 6, attended the NMMA Technical Group meeting remotely
- December 6, attended Board Officers' 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 Woodson and seconded, the Board approved receiving and filing presentations and reports.

Vote 5-0.

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE NOVEMBER 9, 2022, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) REJECT ALL BIDS FOR EUREKA WELL [RECOMMEND REJECT ALL BIDS]
- D-4) FIRST QUARTER FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE]
- D-5) ADOPT RESOLUTION TO AMEND BUDGET IN THE AMOUNT OF \$30,000 FOR THE CONSTRUCTION MANAGEMENT AGREEMENT WITH MNS [RECOMMEND ADOPT RESOLUTION]
- D-6) APPROVE NEWTON GEO-HYDROLOGY 2023 CONSULTING SERVICES CONTRACT SCOPE AND \$90,000 BUDGET [RECOMMEND APPROVE SCOPE AND BUDGET FOR NEWTON GEO-HYDROLOGY TO PROVIDE 2023 CONSULTING SERVICES TO NIPOMO COMMUNITY SERVICES DISTRICT]
- D-7) APPROVE 2023 BOARD MEETING SCHEDULE [RECOMMEND REVIEW AND APPROVE 2023 BOARD MEETING SCHEDULE]

Staff answered questions regarding items D-2, D-5 and D-7.

There were no public comments.

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

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employer. Director Eby abstained from Item D-2 due to absence at November 11, 2022 meeting. Director Hansen abstained from Item D-2 due to not being a Board member at November 11, 2022 meeting.
Vote 5-0.

Table with 4 columns: Item, YES VOTES, ABSTAIN, ABSENT. Rows include D-1, D-2, and D-3 to D-7 with corresponding vote counts.

RESOLUTION NO. 2022-1647
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING THE CONSTRUCTION CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR NIPOMO PALMS LIFT STATION REPLACEMENT PROJECT WITH MNS FOR ADDED SERVICES AND APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$30,025

E. ADMINISTRATIVE ITEMS

E-1) AWARD CONSTRUCTION CONTRACT FOR BRANCH STREET WATER MAIN REPLACEMENT PROJECT TO RAMINHA CONSTRUCTION, INC., IN THE AMOUNT OF \$793,864, APPROVE CONSTRUCTION MANAGEMENT AGREEMENT WITH MNS IN THE AMOUNT OF \$248,140, APPROVE AGREEMENT WITH MKN FOR DESIGN ENGINEERING DURING CONSTRUCTION IN THE AMOUNT OF \$25,822, AUTHORIZE CONTINGENCY IN THE AMOUNT OF \$160,000 AND APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$378,000 [RECOMMEND ADOPT RESOLUTION]

Mario Iglesias, General Manager, introduced the item and passed out a corrected resolution.

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

There were no public comments.

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

Vote 5-0.

Table with 3 columns: YES VOTES, NO VOTES, ABSENT. Row shows Directors Woodson, Hansen Malvarose, Gaddis and Eby with None for NO VOTES and ABSENT.

RESOLUTION NO. 2022-1648
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDDING CONSTRUCTION CONTRACT FOR BRANCH STREET WATER MAIN REPLACEMENT PROJECT TO RAMINHA CONSTRUCTION, INC., IN THE AMOUNT OF \$793,864, APPROVE CONSTRUCTION MANAGEMENT AGREEMENT WITH MNS IN THE AMOUNT OF \$248,140, APPROVE AGREEMENT WITH MKN FOR DESIGN ENGINEERING DURING CONSTRUCTION IN THE AMOUNT OF \$25,822, AUTHORIZE CONTINENCY IN THE AMOUNT OF \$160,000 AND APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$378,000

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- E-2) ELECT 2023 NIPOMO COMMUNITY SERVICES DISTRICT BOARD PRESIDENT AND VICE PRESIDENT [RECOMMEND DIRECTORS ELECT BOARD PRESIDENT AND VICE PRESIDENT FOR CALENDAR YEAR 2023]

Mario Iglesias, General Manager, introduced the item.

There were no public comments.

Director Eby nominated Director Malvarose to be the 2023 Board President.

There were no public comments.

By acclamation, Director Malvarose will serve as 2023 Board President.

Director Eby nominated Director Gaddis to be the 2023 Board Vice President.

There were no public comments.

By acclamation, Director Gaddis will serve as 2023 Board Vice President.

F. GENERAL MANAGER'S REPORT

Mario Iglesias, General Manager, presented the item and answered questions from the Board. The General Manager announced the following:

- *Peter Sevcik, Director of Engineering and Operations, is out on leave and the following temporary positions have been assigned in his absence:*
 - *Elizabeth Villanueva is the Acting District Engineer*
 - *Francisco Maldonado is the Acting Interim Superintendent*
 - *Derek Calleja is the Acting Interim Wastewater Supervisor*
- *LAFCO sent a letter regarding the Dana Reserve Project and Mario Iglesias, General Manager, recommended the Board form an Ad Hoc committee for the Dana Reserve Project.*

Director Eby moved to form the Ad Hoc committee for the Dana Reserve Project. Director Eby stated he would like to be the Chair and appointed Director Malvarose to be a member of the Committee and would like the meeting to take place next week. Director Malvarose agreed to be a member.

- *The General Manager received an email regarding the disbursement of Prop 1 funds, and that it suggested we would be receiving the funds soon; a copy of the email from the County will be forwarded to each Board member.*

Linda Simko, Golden State Water Company Resident, asked about the Prop 1 funds.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None

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I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced 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

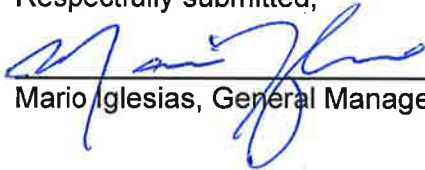
There were no public comments.

ADJOURN MEETING

President Eby adjourned the meeting at 9:59 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 59 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 59 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

1/21/2023
Date