

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**FEBRUARY 8, 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 February 8, 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.*

*There were no public comments.*

#### C. PRESENTATIONS AND REPORTS

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

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

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

##### C-2) TRANSPARENCY CERTIFICATE OF EXCELLENCE [RECOMMEND RECEIVE CERTIFICATE]

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

##### 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 Director

*Director Eby*

- *January 27, attended CSDA meeting*
- *February 1, attended WRAC meeting*
- *February 2, attended BLMA meeting*

*Director Gaddis*

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- January 27, attended CSDA meeting
- January 30, attended Board Officers' meeting

*Director Malvarose*

- January 27, attended Board Officers' meeting

**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 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 JANUARY 25, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT SECOND QUARTER FISCAL YEAR 2022-2023 FINANCIAL REPORT [RECOMMEND RECEIVE AND FILE]
- D-4) ANNUAL REVIEW OF BOARD BY-LAWS AND POLICIES [RECOMMEND RECEIVE AND FILE REPORT]

*Staff answered questions about item D-1.*

*Director Eby announced he would like item D-4 pulled for further discussion.*

*There were no public comments.*

*Upon the motion of Director Gaddis and seconded, the Board approved Consent Agenda items D-1, D-2 and D-3.*

*Vote 5-0.*

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

- D-4) ANNUAL REVIEW OF BOARD BY-LAWS AND POLICIES [RECOMMEND RECEIVE AND FILE REPORT]

*Director Eby stated that he would like section 5.2 to be updated to be clear on the interest of the District constituents not the general public.*

*Craig Steele, District Legal Counsel, suggested revised language to be clear that the Directors represent the public within the boundaries of the District.*

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There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved the Resolution with amendment to section 5.2.

Vote 5-0.

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

RESOLUTION NO. 2023-1654  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BOARD BY-LAWS

E. ADMINISTRATIVE ITEMS

- E-1) ANNUAL REVIEW OF DISTRICT CASH RESERVE POLICY [RECOMMEND REVIEW AND ADOPT RESOLUTION TO AMEND CASH RESERVE POLICY]

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
Directors Hansen, Gaddis, Woodson, Eby, and Malvarose	None	None

RESOLUTION NO. 2023-1655  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE CASH RESERVE POLICY FOR THE DISTRICT

- E-2) CONSIDER MAKING A NOMINATION FOR LOCAL AGENCY FORMATION COMMISSION'S SPECIAL DISTRICT MEMBER SEAT [RECOMMEND THE BOARD CONSIDER NOMINATION AND DIRECT STAFF]

Mario Iglesias, General Manager, presented the item and announced that Director Eby was nominated to fill the alternative Special District Member Seat on LAFCO at the CSDA meeting on January 27, 2023.

Director Eby stated he would like to be nominated if Marshall Ochylski decides to not run again. He will check on this before the deadline of March 8.

There were no public comments.

F. GENERAL MANAGER'S REPORT

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

Director Eby mentioned that the date for approving the General Plan Amendment was missing from the Dana Reserve Review Schedule.

There were no public comments.

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G. COMMITTEE REPORTS

*Mario Iglesias, General Manager, announced that there was a BLMA Oversight Committee meeting where updates were provided on the Blacklake Consolidation Project and Blacklake Village Street Lighting.*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

I. *None.*

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. CONFERENCE WITH LEGAL COUNSEL  
INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(4) - ONE POTENTIAL CASE

*There were no public comments.*

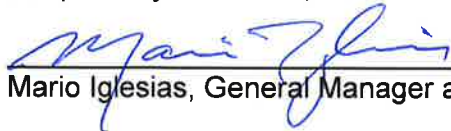
*There were no reportable actions.*

ADJOURN MEETING

*President Malvarose adjourned the meeting at 10:30 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 01 minutes
Closed Session	0 hour 29 minutes
TOTAL HOURS	1 hour 30 minutes

Respectfully submitted,



Mario Iglesias, General Manager and Secretary to the Board

*2/22/2023*  
Date