

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 

FROM: JANA ETTEDDGUE
FINANCE DIRECTOR 

DATE: APRIL 20, 2023

AGENDA ITEM
D-1(A)
APRIL 26, 2023

WARRANTS

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$769,621.27
HAND WRITTEN CHECKS	NONE
VOIDED CHECKS	NONE

Item D-1(A) Warrants APRIL 26, 2023

Nipomo Community Services District

By Payment Number

Payment Dates 04/26/2023 - 04/26/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 11093				
Advantage Answering Plus, Inc.	Answering service	000028-576-731	04/26/2023	554.36
Payment 11093 Total:				554.36
Payment: 11094				
Amazon Capital Services, Inc.	Fluke voltage tester, case,	1LVR-WPYP-4MRN	04/26/2023	163.22
Amazon Capital Services, Inc.	Plastic key tags	1W6W-W4CV-M3HQ	04/26/2023	12.86
Amazon Capital Services, Inc.	Office supplies	1VQX-XYXC-HPFP	04/26/2023	77.15
Amazon Capital Services, Inc.	Safety face shields with	1DJX-CKVC-G9TF	04/26/2023	255.85
Payment 11094 Total:				509.08
Payment: 11095				
Aqua-Metric Sales, Co.	4" meter	INV0094115	04/26/2023	1,248.42
Payment 11095 Total:				1,248.42
Payment: 11096				
Bank of New York Mellon Trust	Bond administration - COP 252-2536251		04/26/2023	1,710.00
Payment 11096 Total:				1,710.00
Payment: 11097				
BDP Industries, Inc	Onyx 5" PSW with switch	15457	04/26/2023	2,519.55
Payment 11097 Total:				2,519.55
Payment: 11098				
Bognuda, Lisa	Reimbursement -	APR2023	04/26/2023	60.91
Payment 11098 Total:				60.91
Payment: 11099				
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI311862	04/26/2023	788.07
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI321676	04/26/2023	754.29
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI318457	04/26/2023	990.20
Brenntag Pacific, Inc.	Sodium hypochlorite	BPI621675	04/26/2023	747.54
Payment 11099 Total:				3,280.10
Payment: 11100				
California Electric Supply	Fuses, unitap connectors	7826-1092323	04/26/2023	272.85
California Electric Supply	Voltage tester, fuses,	7826-1092005	04/26/2023	537.51
Payment 11100 Total:				810.36
Payment: 11101				
Cannon Corporation	TO#23-002 - Foothill	84235	04/26/2023	4,699.75
Cannon Corporation	TO# 23-001 - Sundale Well	84105	04/26/2023	4,270.22
Payment 11101 Total:				8,969.97
Payment: 11102				
City of Santa Maria	Water purchase 01-01-23	92235	04/26/2023	589,769.67
Payment 11102 Total:				589,769.6
Payment: 11103				
Dwight's Automotive	Smog inspection - 2013	87689	04/26/2023	52.00
Dwight's Automotive	Smog Inspection - 2010	87678	04/26/2023	52.00
Payment 11103 Total:				104.00
Payment: 11104				
Engel & Gray, Inc.	Biosolids collection	33X00008	04/26/2023	10,498.04
Payment 11104 Total:				10,498.04
Payment: 11105				
Executive Janitorial	Janitorial services	86393	04/26/2023	780.00
Payment 11105 Total:				780.00
Payment: 11106				
Famcon Pipe and Supply Inc.	Ball valves, angle stops,	S100099110.001	04/26/2023	1,882.46

Item D-1(A) Warrants APRIL 26, 2023

Payment Dates: 04/26/2023 - 04/26/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Famcon Pipe and Supply Inc.	PVC pack joints	S100098123.002	04/26/2023	137.48
Famcon Pipe and Supply Inc.	(6) - 1" ball valves	S100099953.002	04/26/2023	991.80
Famcon Pipe and Supply Inc.	Blow-off ball valve, angle	S100085414.004	04/26/2023	2,751.31
Famcon Pipe and Supply Inc.	Backflow repair kit	S100098641.001	04/26/2023	55.46
Famcon Pipe and Supply Inc.	40ft. - 8" pipe	S100099804.001	04/26/2023	587.25
Famcon Pipe and Supply Inc.	3" flange, adapters, angle	S100099953.001	04/26/2023	2,681.78
Famcon Pipe and Supply Inc.	Rubber gaskets, bolt sets	S100099889.001	04/26/2023	614.44
Payment 11106 Total:				9,701.98
Payment: 11107				
FGL Environmental	Lab tests	380037A	04/26/2023	65.00
FGL Environmental	Lab tests	380610A	04/26/2023	847.00
Payment 11107 Total:				912.00
Payment: 11108				
Frontier Communications	BL Telephone	MAR2023	04/26/2023	73.92
Payment 11108 Total:				73.92
Payment: 11109				
GLM Landscape Management	Landscape maintenance	CI-1426	04/26/2023	1,426.25
Payment 11109 Total:				1,426.25
Payment: 11110				
Great Western Alarm and	Alarm monitoring service	230302107101	04/26/2023	80.00
Great Western Alarm and	Alarm monitoring service	230302062101	04/26/2023	80.00
Great Western Alarm and	Alarm monitoring service	230300640101	04/26/2023	45.00
Payment 11110 Total:				205.00
Payment: 11111				
Iconix Waterworks (US) Inc.	B40 meter box and lid	U2316012049	04/26/2023	549.27
Payment 11111 Total:				549.27
Payment: 11112				
Iglesias, Mario	Cell phone reimbursement	APR2023	04/26/2023	65.00
Payment 11112 Total:				65.00
Payment: 11113				
Integrated Industrial Supply, Inc.	Safety boots, high speed	90536	04/26/2023	174.69
Integrated Industrial Supply, Inc.	Credit memo for Inv #	90520	04/26/2023	-57.31
Integrated Industrial Supply, Inc.	Goggles, sunscreen	90485	04/26/2023	241.57
Payment 11113 Total:				358.95
Payment: 11114				
Iron Mountain	Shredding services	HKYW152	04/26/2023	35.94
Payment 11114 Total:				35.94
Payment: 11115				
Ixom Watercare Inc	Submersible electric mixer	6647315	04/26/2023	15,080.27
Payment 11115 Total:				15,080.27
Payment: 11116				
Mission Uniform Service	Uniforms	519116356	04/26/2023	227.91
Mission Uniform Service	Uniforms	519023932	04/26/2023	572.30
Mission Uniform Service	Uniforms	518986811	04/26/2023	187.33
Mission Uniform Service	Uniforms	519072876	04/26/2023	229.23
Mission Uniform Service	Uniforms	518952528	04/26/2023	-29.76
Payment 11116 Total:				1,187.01
Payment: 11117				
Municipal Maintenance	VAC-CON pump repair and	007554	04/26/2023	5,775.84
Payment 11117 Total:				5,775.84
Payment: 11118				
NexTraq	GPS subscription	AT1507207	04/26/2023	535.10
Payment 11118 Total:				535.10
Payment: 11119				
Nipomo Area Recreation	March 2023 Clean Streets	MAR2023	04/26/2023	474.00
Payment 11119 Total:				474.00

Item D-1(A) Warrants APRIL 26, 2023

Payment Dates: 04/26/2023 - 04/26/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Payment: 11120				
Nunley & Associates, Inc.	Branch St Waterline	102273	04/26/2023	3,007.61
Nunley & Associates, Inc.	135 E Branch St	102263	04/26/2023	72.62
Nunley & Associates, Inc.	Frontage Road Trunk	102271	04/26/2023	659.20
Nunley & Associates, Inc.	PCIA - Tract 3056 Flint	102262	04/26/2023	190.55
Nunley & Associates, Inc.	Dana Reserve Water &	102312	04/26/2023	2,967.69
Nunley & Associates, Inc.	Supplemental Water	102311	04/26/2023	127.50
Nunley & Associates, Inc.	Southland WWTF Influent	102264	04/26/2023	571.65
Nunley & Associates, Inc.	Supplemental Water	102313	04/26/2023	674.65
Payment 11120 Total:				8,271.47
Payment: 11121				
Nu-Tech Pest Management	Rodent control	0172226	04/26/2023	75.00
Nu-Tech Pest Management	Rodent control	0171668	04/26/2023	75.00
Nu-Tech Pest Management	Pest control	0171664	04/26/2023	265.00
Nu-Tech Pest Management	Pest control	0172222	04/26/2023	265.00
Payment 11121 Total:				680.00
Payment: 11122				
Ochej, Micah	Reimbursement - Livescan	APR2023A	04/26/2023	89.00
Ochej, Micah	Uniform - Boot	APR2023B	04/26/2023	165.00
Payment 11122 Total:				254.00
Payment: 11123				
Office Depot	Office supplies	306639831001	04/26/2023	184.23
Office Depot	Office supplies	307821456001	04/26/2023	67.20
Payment 11123 Total:				251.43
Payment: 11124				
Olivas, Silas	Reimbursement - T2 exam	APR2023	04/26/2023	400.92
Payment 11124 Total:				400.92
Payment: 11125				
Pacific Overhead Door Service	Gate repair - Southland	7901	04/26/2023	933.70
Pacific Overhead Door Service	Door repairs - Southland	7902	04/26/2023	150.00
Payment 11125 Total:				1,083.70
Payment: 11126				
Perry's Electric Motors &	Sundale well motor repair	26789	04/26/2023	12,587.10
Perry's Electric Motors &	Lift station motor repair	26642	04/26/2023	332.50
Payment 11126 Total:				12,919.60
Payment: 11127				
R. Baker, Inc.	Lema Drive waterline	554	04/26/2023	4,311.33
R. Baker, Inc.	Vintage Street fire hydrant	557	04/26/2023	35,600.00
Payment 11127 Total:				39,911.33
Payment: 11128				
Richards, Watson & Gershon	Dana Foothill Site	242047	04/26/2023	657.30
Richards, Watson & Gershon	Water Rights Adjudication	242046	04/26/2023	313.00
Richards, Watson & Gershon	General legal services	242053	04/26/2023	15,236.28
Payment 11128 Total:				16,206.58
Payment: 11129				
Simplot Grower Solutions	CAN 17	780158526	04/26/2023	989.97
Payment 11129 Total:				989.97
Payment: 11130				
SLO County Air Pollution Control	Operating permit fees	22841	04/26/2023	6,299.76
Payment 11130 Total:				6,299.76
Payment: 11131				
SoCalGas	Heat - shop/office	MAR2023A	04/26/2023	36.16
SoCalGas	Heat - shop/office	MAR2023B	04/26/2023	116.92
Payment 11131 Total:				153.08
Payment: 11132				
Special District Financing &	Continuing Disclosure	15918	04/26/2023	1,050.00

Item D-1(A) Warrants APRIL 26, 2023

Payment Dates: 04/26/2023 - 04/26/2023

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
Special District Financing &	Continuing Disclosure	15919	04/26/2023	900.00
Special District Financing &	Continuing Disclosure	15917	04/26/2023	750.00
Payment 11132 Total:				2,700.00

Payment: 11133

Statewide Traffic Safety & Signs	Blue lens markers, bundy	03022090	04/26/2023	584.30
Payment 11133 Total:				584.30

Payment: 11134

USA Bluebook	CHEMKEYS	271252	04/26/2023	5,807.69
USA Bluebook	GasAlert Max gas	311789	04/26/2023	1,245.10
USA Bluebook	CHEMKEYS	271307	04/26/2023	11,975.64
USA Bluebook	Rain pants	329039	04/26/2023	305.96
USA Bluebook	Dechlorination kit	311431	04/26/2023	1,266.41
USA Bluebook	Ammonia tests, disposable	316068	04/26/2023	1,119.34
Payment 11134 Total:				21,720.14

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



FROM: JANA ETTEDDGUE
FINANCE DIRECTOR



DATE: APRIL 20, 2023

**AGENDA ITEM
D-1(B)
APRIL 26 2023**

WARRANTS – BLACKLAKE ASSESSMENT DISTRICT 2020-1

COMPUTER CHECKS GENERATED – SEE ATTACHED	\$11,902.75
VOIDED CHECKS	NONE

Item D-1(B) Warrants APRIL 26, 2023

Nipomo Community Services District

By Payment Number

Payment Dates 04/26/2023 - 04/26/2023

Vendor Name	Description (Payable)	Payable Number	Payment	Amount
Payment: 87				
Cannon Corporation	Blacklake Sewer Consolidation	84067	04/26/2023	7,569.00
			Payment 87 Total:	7,569.00
Payment: 88				
Nunley & Associates, Inc.	Construction Management -	102314	04/26/2023	3,433.75
			Payment 88 Total:	3,433.75
Payment: 89				
Special District Financing &	Continuing Disclosure Services	15933	04/26/2023	900.00
			Payment 89 Total:	900.00

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER

DATE: APRIL 26, 2023

AGENDA ITEM

D-2

APRIL 26, 2023

**APPROVE APRIL 12, 2023
REGULAR BOARD MEETING MINUTES**

ITEM

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

RECOMMENDATION

Approve Minutes

ATTACHMENT

- A. April 12, 2023 draft Regular Board Meeting Minutes

APRIL 26, 2023

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

APRIL 12, 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 April 12, 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) 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

- *April 5, attended SLOCOG meeting*

Director Gaddis

- *March 22, attended Ad-hoc Committee Meeting*
- *April 6, attended Ad-hoc Committee Meeting*

Director Eby

- *March 22, attended Ad-hoc Committee Meeting*
- *March 23, Lopez Lake started to spill*
- *April 5, attended WRAC meeting*
- *April 6, attended Ad-hoc Committee Meeting*

Director Malvarose

- *April 4, attended Board Officers' Meeting*

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES**

- 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 Eby and seconded, the Board approved receiving and filing presentations and reports.

Vote 5-0.

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE MARCH 22, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 [RECOMMEND ADOPT RESOLUTION]
- D-4) INITIATE PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT 2022-1 [RECOMMEND ADOPT RESOLUTION]
- D-5) APPROVE TERMINATION AND RELEASE OF AGREEMENT AFFECTING REAL PROPERTY ESTABLISHING SEWAGE GRINDER PUMP SERVICE [RECOMMEND APPROVE TERMINATION AND RELEASE AND DIRECT STAFF TO FILE DOCUMENT WITH COUNTY RECORDER]
- D-6) REVIEW AND CONSIDER ADDITION OF OPERATIONS MANAGER POSITION TO ORGANIZATION AND ADJUST RELATED OPERATIONAL JOB DESCRIPTIONS [RECOMMENDATION ADDING AN OPERATIONS MANAGER TO THE ORGANIZATION AND ADJUST JOB DESCRIPTIONS OF RELATED POSITIONS]

SUBJECT TO BOARD APPROVAL

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

Director Gaddis requested to pull items D-7 and D-8.

Staff answered questions regarding item D-1.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved Consent Agenda items D-1 through D-6.

Vote 5-0.

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

RESOLUTION NO. 2023-1659
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2023-2024 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

RESOLUTION NO. 2023-1670
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN BLACKLAKE STREET LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 2022-1 FOR FISCAL YEAR 2023-2024, AND ORDERING THE PREPARATION OF AN ENGINEER'S REPORT PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972, PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

Director Gaddis requested to discuss items D-8 before item D-7.

- D-8) REVIEW AND CONSIDER THE ADDITION OF AN ASSISTANT GENERAL MANAGER POSITION TO ORGANIZATION AND ADOPT JOB DESCRIPTION [RECOMMENDATION ADDING AN ASSISTANT GENERAL MANAGER TO THE ORGANIZATION AND ADOPT JOB DESCRIPTION]
- D-7) REVIEW AND CONSIDER RECOMMENDING ADJUSTING SALARY RANGE OF NIPOMO COMMUNITY SERVICES DISTRICT FINANCE DIRECTOR [RECOMMEND APPROVE ADJUSTMENT OF THE SALARY RANGE FOR THE FINANCE DIRECTOR]

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

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

Lisa Bognuda, Finance Director, answered questions from the Board.

There were no public comments.

Upon the motion of Director Eby and seconded, the Board approved Consent Agenda items D-7 through D-8.

Vote 5-0.

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

E. ADMINISTRATIVE ITEMS

- E-1) AUTHORIZE CONTRACT WITH BOB MURRAY & ASSOCIATES TO RECRUIT THE NIPOMO COMMUNITY SERVICES DISTRICT'S GENERAL MANAGER POSITION AND APPROVE BUDGET ADJUSTMENT [RECOMMEND AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$29,500 WITH BOB MURRAY & ASSOCIATES FOR RECRUITING SERVICE TO RECRUIT FOR THE GENERAL MANAGER POSITION, AND ADOPT RESOLUTION APPROVING FY 2022-2023 BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,500]

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

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board unanimously approved the General Manager to authorize the contract with Bob Murray & Associates and adopt the Resolution.

Vote 5-0.

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

RESOLUTION NO. 2023-1661
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDING A CONTRACT FOR EXECUTIVE RECRUITING SERVICES FOR THE GENERAL MANAGER POSITION TO BOB MURRAY & ASSOCIATES IN THE AMOUNT NOT TO EXCEED \$29,500, AND AMENDING THE FISCAL YEAR 2022/2023 BUDGET

- E-2) REVIEW UPDATES TO NIPOMO COMMUNITY SERVICES EMPLOYEE HANDBOOK [RECOMMEND REVIEW UPDATED EMPLOYEE HANDBOOK AND ADOPT RESOLUTION]

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 approved the Resolution.

Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors	None	None

RESOLUTION NO. 2023-1662
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING THE 2023 EMPLOYEE HANDBOOK

F. GENERAL MANAGER'S REPORT

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

There were no public comments.

G. COMMITTEE REPORTS

Nipomo Community Services District
DRAFT REGULAR MEETING
MINUTES

Director Gaddis announced the Ad-hoc Committee met on March 22. The Committee reviewed the applications and decided to recommend the District hire a recruiter.
Director Gaddis announced the Ad-hoc Committee met on April 6. The Committee reviewed the recruitment submittals and decided to recommend Bob Murray & Associates.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Woodson asked about looking into ChatGPT.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced the Item 1(a) 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

There were no public comments.

There was no reportable action from closed session.

ADJOURN MEETING


President Malvarose adjourned the meeting at 11:01 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 01 minutes
Closed Session	1 hour 00 minutes
TOTAL HOURS	2 hour 1 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: April 19, 2023

**AGENDA ITEM
D-3
APRIL 26, 2023**

**ACCEPT DEED RESTRICTION FOR
APN 090-384-015, 135 EAST BRANCH STREET, NIPOMO**

ITEM

Accept offer of deed restriction for APN 090-384-015, a residential development located at 135 East Branch Street in Nipomo [RECOMMEND ADOPT RESOLUTION ACCEPTING OFFER OF DEED RESTRICTION].

BACKGROUND

The District issued an Intent-to-Serve (ITS) letter on August 13, 2020 for a residential development project located at 135 East Branch Street (APN 090-384-015). The applicant, Avaro, LLC, requested water, sewer, and solid waste service for a residential development project.

The ITS letter requires the applicant to record a deed restriction on the property prohibiting the use of well(s) to provide water service to the project and prohibiting use of self-regenerating water softeners.

FISCAL IMPACT

The developer paid the District's cost to develop the agreement through the project's Plan Check and Inspection Agreement.

RECOMMENDATION

Recommend your Board, by motion and roll call vote, adopt Resolution 2023-XXXX Accept 135 East Branch Street Deed Restriction.

ATTACHMENTS

- A. Resolution 2023-16XX Accept 135 East Branch Street Deed Restriction
- B. Deed Restriction – Resolution Exhibit A

APRIL 26, 2023

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-16XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING 135 BRANCH STREET DEED RESTRICTION
APN 090-384-015**

WHEREAS, Avaro LLC (herein the "Owner") is the owner of certain real property identified as 135 Branch Street, APN 090-384-015 (herein the "Project") situated within the Nipomo Community Services District (the "District"); and

WHEREAS, the District issued an Intent-to-Serve (ITS) letter on August 13, 2020 for the residential Project; and

WHEREAS, The ITS letter requires the applicant to record a deed restriction on the property prohibiting the use of well(s) to provide water service to the project and prohibiting use of self-regenerating water softeners; and

WHEREAS, Owner has offered to the District the required deed restriction and agreement ("Deed Restriction") (Exhibit A); and

WHEREAS, the District wishes to accept the deed restriction attached hereto without obligation, except as otherwise required by law.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. The above recitals and findings are true and correct and incorporated herein by reference.
2. That the deed restriction and agreement for 135 Branch Street, APN 090-384-015, attached hereto as Exhibit A is hereby accepted.
3. Staff is ordered to execute and record in the Official Records of the Clerk-Recorder of San Luis Obispo County the deed restriction and agreement attached hereto as Exhibit A.

On the motion by Director _____, seconded by Director _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-16XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING 135 BRANCH STREET DEED RESTRICTION
APN 090-384-015**

The foregoing resolution is hereby adopted this _____ day of April 2023.

RICHARD MALVAROSE
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

CRAIG A. STEELE
District Legal Counsel

APRIL 26, 2023

ITEM D-3

ATTACHMENT B

RECORDING REQUESTED BY:
NIPOMO COMMUNITY SERVICES DISTRICT

WHEN RECORDED RETURN TO:
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

NO FEE PER GOVERNMENT CODE 6103

APN #: 090-384-015

DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY

Exhibits Incorporated by Reference:

Exhibit "A" – Real Property Legal Description

THIS DEED RESTRICTION AND AGREEMENT AFFECTING REAL PROPERTY (herein "Agreement") is entered into DECEMBER 23rd, 2022, by and between Avavo, LLC

(herein "Grantor") and the Nipomo Community Services District, a political subdivision of the State of California, (herein "Grantee" or "District") with reference to the following Recitals:

A. Grantor owns certain real property (herein "Real Property") located within the Nipomo Community Services District, County of San Luis Obispo, more particularly described in Exhibit "A".

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged the parties hereto agree as follows:

1. DEED RESTRICTIONS

A. Grantor agrees and acknowledges that the use of self-regenerating water softeners on Real Property or any portion thereof is prohibited.

B. Grantor agrees and acknowledges that the use of wells to provide domestic water service to Real Property or any portion thereof is prohibited.

2. MISCELLANEOUS

A. This Agreement contains the entire agreement between the parties. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

B. In the event of any controversy, claim, or dispute relating to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

C. The obligations of Grantor shall be considered for all purposes to be both covenants and conditions that shall run with the land and be binding on the successors and assigns of the Grantor and shall inure to the benefit of District and its successors and assigns.

D. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

E. This Deed Restriction and Agreement Affecting Real Property shall be recorded in the Official Records in the County Recorder's Office, San Luis Obispo County.

F. Recital A is incorporated herein by reference as though set forth at length.

G. The Agreement shall be governed by the laws of the State of California. Any litigation regarding the Agreement or its contents shall be filed in the County of San Luis Obispo, if in state court, or in the federal court nearest to San Luis Obispo County, if in federal court.

G. The Agreement shall be governed by the laws of the State of California. Any litigation regarding the Agreement or its contents shall be filed in the County of San Luis Obispo, if in state court, or in the federal court nearest to San Luis Obispo County, if in federal court.

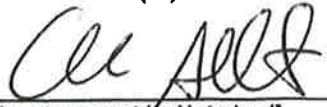
3. AUTHORITY TO EXECUTE.

All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles, and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Furthermore, by entering into this Agreement, Grantor(s) hereby warrants that Grantor(s) shall not have breached the terms or conditions of any other contract or Agreement to which Grantor(s) is obligated, which breach would have a material effect hereon.

////
////

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective the date the District executes the Certificate of Acceptance.

GRANTOR(S):

X 
[Signature must be Notarized]

MARK ALBRECHT
[Type or print name]

[Signature must be Notarized]

[Type or print name]

Date: 12-28-22

SEE ATTACHED FORM FOR NOTARY CERTIFICATE

**CERTIFICATE OF ACCEPTANCE
GOVERNMENT CODE §2781**

This is to certify that the Nipomo Community Services District, Grantee, herein, by Board action on _____, 20____, accepts the foregoing Deed Restriction and Agreement, dated _____, 20____, from Grantors, and consents to the recordation thereof.

Nipomo Community Services District

By: _____
Name: Richard Malvarose
Title: President

ATTEST:

Mario Iglesias, General Manager and Secretary
Nipomo Community Services District


CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY

NOTICE: THIS CONSENT AND SUBORDINATION OF TRUST DEED BENEFICIARY RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO THE TERMS, COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE FOREGOING INSTRUMENT.

The undersigned, as authorized agent for the beneficiaries under those certain deeds of trust recorded MAY 17TH, 2019, as Document No. 2019018522, and Document No. _____, and Document No. _____ in Book A Page 88, Official Records of the County of San Luis Obispo, does hereby join in, and consent to, on behalf of the aforementioned beneficiaries, each and all of the terms and provisions of the within instrument, and does hereby subordinate their interests to the entire effect of this instrument. In this regard, the undersigned does hereby agree upon request of any insuring title company to direct the trustees under said deeds of trust to execute and deliver to County in recordable form acceptable to such insuring title company partial reconveyances as to any rights granted and to be granted to District pursuant to this instrument. The Nipomo Community Services District has relied on the undersigned's representation of authority to execute this document, as evidenced by Section 7 of the "Loan Servicing Agreements" dated March 23, 2022 that relate to the Property and to each beneficiary.

Any subsequent deed of trust that either replaces, in whole or in part, or in any way supplements any of the aforementioned deeds of trust shall be expressly subordinate to this instrument.

Dated: 2-16-23 AUTHORIZED AGENT FOR BENEFICIARIES



(signature must be notarized)

VINCENT CROOKS

(printed name)

Exhibit A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 18, AND THE EASTERLY ½ OF LOT 15, BLOCK 3, OF THE FAIRVIEW TRACT IN THE TOWN OF NIPOMO, ACCORDING TO THE MAP RECORDED SEPTEMBER 19, 1887 IN BOOK A, AT PAGE 88 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 090-384-015

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Luis Obispo

On December 29, 2022 before me, Robert Mathews, Notary Public,

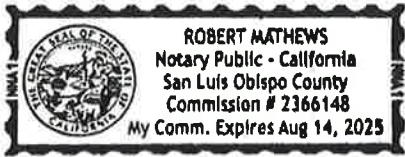
Date

personally appeared Mark Christopher Albrect
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Deed Restriction & Agreement

Document Date: 12-29-2022 Number of Pages: 6

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Luis Obispo

On 2/16/23 before me, Tanya Allred

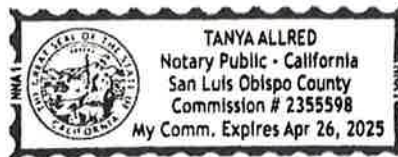
A Notary Public personally appeared Vincent Crooks

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.


I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Tanya Allred



(Seal)

TO: BOARD OF DIRECTORS
REVIEWED: MARIO IGLESIAS
GENERAL MANAGER 
FROM: PETER V. SEVCIK, P.E.
DIRECTOR OF
ENGINEERING & OPERATIONS
DATE: APRIL 19, 2023

**AGENDA ITEM
D-4
APRIL 26, 2023**

**AUTHORIZE STAFF TO BID SOUTHLAND
WASTEWATER TREATMENT FACILITY INFLUENT
LIFT STATION REHABILITATION PROJECT**

ITEM

Authorize staff to advertise Southland Wastewater Treatment Facility Rehabilitation Project for bid [RECOMMEND AUTHORIZE STAFF TO BID LIFT STATION REHABILITATION PROJECT].

BACKGROUND

The District's Southland Wastewater Treatment Facility (SWWTF) consists of an influent lift station, screening, grit removal, extended aeration treatment, effluent disposal ponds and biosolids handling equipment. Wastewater from the District's collection system enters the plant and is pumped from the influent lift station to the headworks structure to begin treatment. The plant was put into operation in March 2014.

High hydrogen sulfide (H₂S) levels have caused the influent lift station wet well coating to deteriorate as well as caused intermittent odor issues. The facility and its components need to be rehabilitated to ensure continued reliability of the lift station. The work involves spot repairs to the chemical resistant coatings of the influent lift station wet well, headworks structure, and adjacent approach manhole. The project also includes removal and replacement of the influent pump discharge piping located within the wet well and installation of odor control equipment.

The plans and specifications for the Southland WWTF Lift Station Rehabilitation Project are being finalized. In accordance with the District's Purchasing Policy, staff needs Board approval to solicit bids for the project. Staff expects to return to your Board with a recommendation for contract award in June 2023.

Regarding compliance with the California Environmental Quality Act (CEQA), the project involves the minor alteration of an existing wastewater treatment facility and is categorically exempt in accordance with CEQA Guidelines Section 15301. Staff will file a CEQA Notice of Exemption for the project.

FISCAL IMPACT

Funding for the project in the amount of \$150,000 is available in the FY 2022-2023 budget. Additional funding will be required in the FY 2023-2024 budget as the estimated project cost is \$400,000.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, authorize staff to solicit bids for the Southland WWTF Lift Station Rehabilitation Project.

ATTACHMENTS

None.