

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

AUGUST 23, 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, INTERIM GENERAL MANAGER
LISA BOGNUDA, ASST GENERAL MANAGER
JANA ETTEDDGUE, 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.

NOTE:

- All comments concerning any item are to be directed to the Board President.
- Consistent with the Americans with Disabilities Act and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the below referenced public meeting by contacting the District General Manager at 805-929-1133.
- District-prepared staff reports and documents are generally posted on the District's website {[NCS.D.CA.GOV](http://ncsd.ca.gov)} on the same date the agenda is posted.
- Any writing or document pertaining to an open session item on this agenda which is distributed to the Board of Directors after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review on the District's web site at <http://www.ncsd.ca.gov>.
- Items may be taken out of order. If necessary, the Board typically breaks for lunch at approximately 12 noon and conducts Closed Session at that time, reconvening to public session at approximately 1:00 p.m.
- Please silence all cell phones during the meeting, as a courtesy to others.

A. CALL TO ORDER AND FLAG SALUTE NEXT RESOLUTION 2023-1679

 NEXT ORDINANCE 2023-137

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

B-1) ROLL CALL

B-2) PUBLIC COMMENT: Any member of the public may address the Board relating to any matter within the Board's jurisdiction but not on the Board's agenda. Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.

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 Directors

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

D. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Consent Items. Questions or clarification may be made by the Board members without removal from the Consent Agenda. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.*

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE AUGUST 9, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AUTHORIZE PURCHASE OF REPLACEMENT VALVE EXERCISER TRUCK [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO PURCHASE FORD F550 TRUCK FROM PERRY FORD AT A COST OF \$85,812 AND TO PURCHASE VALVE EXERCISER FROM WACHS UTILITY PRODUCTS AT A COST OF \$93,297]
- D-4) CONSIDER ADOPTING A RESOLUTION TO ESTABLISH PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS [RECOMMEND ADOPT RESOLUTION ESTABLISHING PRE-QUALIFICATION AND APPEALS POLICY FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS]
- D-5) ADOPT ORDINANCE RE-STATING AND UPDATING THE DISTRICT CODE [RECOMMEND ADOPT – WAIVE FURTHER READING, READ BY TITLE ONLY – ORDINANCE NO. 2023-136, AN ORDINANCE OF THE BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT RE-STATING AND ADOPTING THE DISTRICT CODE, ADOPTING PENALTIES FOR THE VIOLATION OF SUCH CODE, AND FINDING THAT THE ADOPTION OF THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)]

E. ADMINISTRATIVE ITEMS

- E-1) AUTHORIZE GENERAL MANAGER TO ENTER INTO AN EASEMENT PURCHASE AGREEMENT WITH MICHAEL J. CAVALETTO RANCHES, LLC AND NKT DEVELOPMENT, LLC TO ACCOMMODATE ADDITIONAL STORAGE FACILITIES AT THE DANA FOOT HILLS TANK SITE [RECOMMEND AUTHORIZE GENERAL MANAGER TO ENTER INTO EASEMENT PURCHASE AGREEMENT]

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E-2) APPROVE MISCELLANEOUS FEE SCHEDULE STUDY AND ADOPT RESOLUTION TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES [RECOMMEND ADOPT RESOLUTION TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES]

F. GENERAL MANAGER'S REPORT

G. COMMITTEE REPORTS

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

I. CLOSED SESSION ANNOUNCEMENTS

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)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN MEETING

Next Regular Board Meeting is Wednesday, September 13, 2023, 9AM