

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

REGULAR MINUTES

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.

A. CALL TO ORDER AND FLAG SALUTE

President Malvarose called the Regular Meeting of August 23, 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.

Ray Dienzo thanked the Board for selecting him as the new General Manager and looks forward to working with them and District Staff.

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

Director Gaddis

- *August 15, attended Board Officers' Meeting*

Director Eby

- *August 15, attended WRAC subcommittee meeting*
- *WRAC will meet on September 6th and discuss the Dana Reserve*
- *August 17, attended LAFCO meeting*
- *August 21, attended SCAC meeting*

Director Malvarose

- *August 15, 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.

Nipomo Community Services District
REGULAR MEETING
MINUTES

Upon the motion of Director Woodson and seconded, the Board approved receiving and filing presentations and reports.
Vote 5-0.

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

D. CONSENT AGENDA

- 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”)]

Staff answered questions regarding items D-3.

There were no public comments.

Upon the motion of Director Gaddis and seconded, the Board approved the Consent Agenda.
Vote 5-0.

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

RESOLUTION NO. 2023-1679
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING PURCHASE OF VALVE EXERCISER TRUCK AT A TOTAL COST OF \$179,109

RESOLUTION NO. 2023-1680
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING A PRE-QUALIFICATION POLICY AND APPEALS PROCEDURE FOR THE BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT LIFT STATIONS

Nipomo Community Services District
REGULAR MEETING
MINUTES

ORDINANCE NO. 2023-136
AN ORDINANCE OF 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]

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

Pam Wilson, NCS D Resident, asked about one of the owners of the property.

*Upon the motion of Director Gaddis and seconded, the Board approved the General Manager entering into an easement purchase agreement for \$72,000.
Vote 5-0.*

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

- 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]

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 approved the Resolution to restate, amend and/or establish miscellaneous fees.
Vote 5-0.*

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

RESOLUTION 2023-1681
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT TO RESTATE, AMEND AND/OR ESTABLISH MISCELLANEOUS FEES

F. GENERAL MANAGER'S REPORT

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

There were no public comments.

Nipomo Community Services District
REGULAR MEETING
MINUTES

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

None.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that 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 Malvarose adjourned the meeting at 9:23 a.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 23 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 23 minutes

Respectfully submitted,

 9/13/23
 Mario Iglesias, General Manager and Secretary to the Board Date