

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

OCTOBER 11, 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

RAY DIENZO, GENERAL MANAGER  
LISA BOGNUDA, ASST GENERAL MANAGER  
JANA ETTEDDUE, 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 October 11, 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, Director Hansen, Eby, Gaddis and Malvarose were present. Director Woodson was absent.*

*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 Directors

#### *Director Gaddis*

- *October 3, attended Board Officers' Meeting*
- *October 10, Clever Ducks migrated NCSD email to Office 365*

#### *Director Eby*

- *September 28, observed SLO County Planning Commission Study Session on the Dana Reserve with Mario Iglesias and Ray Dienzo*
- *October 4, WRAC meeting was cancelled*

#### *Director Malvarose*

- *October 3, 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 Eby and seconded, the Board unanimously approved receiving and filing presentations and reports.*

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Vote 4-0.

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

**D. CONSENT AGENDA**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE SEPTEMBER 13, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) APPROVE SEPTEMBER 27, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR TRACT 3056, A 36 UNIT RESIDENTIAL DEVELOPMENT ON FLINT PLACE, APNS 092-575-001 AND 092-576-005 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-5) CONSIDER LIABILITY CLAIM FROM BRENT A. ROBINSON, ESQ. ON BEHALF OF UNIDENTIFIED MEMBER(S) OF PURPORTED CLASS OF PUBLIC EMPLOYEES [RECOMMEND DENY CLAIM AND DIRECT STAFF TO PROVIDE NOTICE OF REJECTION]
- D-6) APPROVE RESOLUTION OF APPRECIATION FOR OUTGOING GENERAL MANAGER MARIO IGLESIAS [RECOMMEND APPROVE RESOLUTION]

*Staff answered questions on D-1 and D-4.*

*Director Gaddis requested to pull item D-4.*

*There were no public comments.*

*Upon the motion of Director Eby and seconded, the Board approved the Consent Agenda. Director Hansen and Gaddis abstained from item D-3 due to their absence at the September 27, 2023 Board Meeting.*

*Vote 4-0. Items D-1, D-2, D-5 to D-6*

*Vote 2-2. Item D-3*

	YES VOTES	ABSENT	ABSTAIN
D-1, D-2, D-5 to D-6	Directors Eby, Hansen, Gaddis, and Malvarose	Woodson	None
D-3	Directors Eby and Malvarose	Woodson	Hansen and Gaddis

RESOLUTION 2023-1684  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT COMMENDING MARIO IGLESIAS  
FOR HIS DEDICATED SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT  
AND THE COMMUNITY OF NIPOMO

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- D-4) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR TRACT 3056, A 36 UNIT RESIDENTIAL DEVELOPMENT ON FLINT PLACE, APNS 092-575-001 AND 092-576-005 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]

*Director Gaddis asked where the development was and requested a map of sewer and water line be included in future ITS items.*

*Staff answered questions from the Board.*

*Upon the motion of Director Eby and seconded, the Board unanimously approved the Consent Agenda item D-4.  
Vote 4-0.*

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

E. ADMINISTRATIVE ITEMS

- E-1) CONSIDER AUTHORIZING CONTRACT FOR ENGINEERING SERVICES FOR 2023 WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT WITH CANNON CORPORATION [RECOMMEND APPROVAL]

*Ray Dienzo, General Manager, introduced the item.*

*Peter Sevcik, Director of Engineering and Operations, 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 approved the contract with Cannon Corporation.  
Vote 4-0.*

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

- E-2) REVIEW AND CONSIDER ADVANCING SOLID WASTE PROGRAMS FOR FISCAL YEAR 2023-2024 THAT BENEFIT THE COMMUNITY [RECOMMEND REVIEW AND CONSIDER SOLID WASTE PROGRAMS AND DIRECT STAFF]

*Ray Dienzo, 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 Rate Holiday.*

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Vote 4-0.

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

E-3) AUTHORIZE THE GENERAL MANAGER TO SIGN A QUOTE TO FINANCE THE PURCHASE OF A REPLACEMENT JETTER TRUCK [RECOMMEND REVIEW AND AUTHORIZE THE GENERAL MANAGER TO SIGN THE QUOTE FROM CSDA FINANCE CORPORATION]

Ray Dienzo, General Manager, presented the item.

Staff answered questions from the Board.

**Pam Wilson**, NCSD Resident, asked about why the general fund and sewer fund couldn't pay for the truck.

Jana Etteddgue, Finance Director, answered that the District does not have a general fund and the current monies in the sewer fund were earmarked for projects.

Upon the motion of Director Hansen and seconded, the Board authorized the General Manager to sign the quote.

Vote 4-0.

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

F. GENERAL MANAGER'S REPORT

Ray Dienzo, General Manager, presented the item and answered questions from the Board.

There were no public comments.

G. COMMITTEE REPORTS

None.

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby asked about the CARB Regulations impacting special districts.

Craig Steele, General Council, said that he is preparing a presentation for the Board after the regulation was finalized in November.

I. CLOSED SESSION ANNOUNCEMENTS

Craig Steele, District Legal Counsel, announced that there would be no closed session.

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- 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 9:45 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	0 hour 45 minutes
Closed Session	0 hour 00 minutes
TOTAL HOURS	0 hour 45 minutes

Respectfully submitted,



*10/25/2023*

Ray Dierzo, General Manager and Secretary to the Board

Date