

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MINUTES

**NOVEMBER 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**  
GARY HANSEN, **DIRECTOR**

### **PRINCIPAL STAFF**

RAY DIENZO, **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 November 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.*

*Phil Henry, NCSA resident, expressed his interest in filling the vacancy on the Board of Directors.*

### C. PRESENTATIONS AND REPORTS

#### C-1) PRESENTATION ON IMPLEMENTATION OF SENATE BILL 1383 FOR SOLID WASTE COLLECTION AND POTENTIAL GRANT OPPORTUNITY

*Peter Cron, IWMA Executive Director, presented the item and answered questions from the Board.*

#### C-2) 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 31, attended Board Officers' Meeting*

*Director Eby*

- *November 1, attended WRAC Meeting*

*Director Malvarose*

- *October 31, attended Board Officers' Meeting*

#### C-3) 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 Hansen and seconded, the Board unanimously approved receiving and filing presentations and reports.*

*Vote 4-0.*

**Nipomo Community Services District  
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<b>YES VOTES</b>	<b>NO VOTES</b>	<b>ABSENT</b>
<i>Directors Hansen, Gaddis, Malvarose, and Eby</i>	<i>None</i>	<i>None</i>

**D. CONSENT AGENDA**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE OCTOBER 25, 2023, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AUTHORIZE DESIGNATED OFFICIALS OF THE DISTRICT TO TAKE SPECIFIED ACTIONS WITH REGARD TO DISTRICT INVESTMENTS [RECOMMEND ADOPT RESOLUTION]
- D-4) CONSIDER PARTICIPATION IN THE CENTRAL COAST REGIONAL BIOSOLIDS COOPERATIVE [RECOMMEND PARTICIPATION AND APPROVAL FOR GENERAL MANAGER TO SIGN MEMORANDUM OF UNDERSTANDING]

*Staff answered questions on D-1.*

*There were no public comments.*

*Upon the motion of Director Hansen and seconded, the Board approved the Consent Agenda, with modifications to item D-2. Director Eby abstained due to his absence at the last Regular Board meeting of October 25, 2023.*

*Vote 4-0.D-1, D-3-D-4.*

*Vote 3-0-1-. D-2*

	<b>YES VOTES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
<i>D-1, D-3, D-4,</i>	<i>Directors Hansen, Malvarose, Eby , and Gaddis,</i>	<i>None</i>	<i>None</i>
<i>D-2</i>	<i>Directors Hansen, Malvorose, and Gaddis</i>	<i>None</i>	<i>Eby</i>

RESOLUTION NO. 2023-1686  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING DESIGNATING OFFICIALS OF THE DISTRICT TO  
TAKE SPECIFIED ACTIONS WITH REGARD TO DISTRICT INVESTMENTS

**E. ADMINISTRATIVE ITEMS**

- E-1) ANNUAL COMPREHENSIVE FINANCIAL REPORT (AUDIT REPORT) FOR FISCAL YEAR 2022-2023 [RECOMMEND RECEIVE AND FILE 2022-2023 AUDIT REPORT]

*Scott Manno, CPA, of Rogers, Anderson, Malody and Scott LLP, introduced the item.*

*Laura Arvizu, CPA of Rogers, Anderson, Malody and Scott LLP presented the audit report.*

*Director Gaddis commended staff for an outstanding report and all their hard work.*

*Upon the motion of Director Eby and seconded, the Board unanimously approved to receive and file the Annual Comprehensive Financial Report for Fiscal Year 2022-2023.*

*Vote 4-0.*

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

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- E-2) REVIEW AND FILE NOTICE OF VACANCY ON THE NIPOMO COMMUNITY SERVICES DISTRICT’S GOVERNING BOARD OF DIRECTORS [RECOMMEND RECEIVE, DISCUSS, AND PROVIDE DIRECTION TO STAFF REGARDING FILLING THE VACANCY]

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

*Craig Steele, District Legal Counsel, 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 to direct the General Manager to provide Notice of Vacancy to the County of San Luis Obispo Elections Official. Vote 4-0.*

YES VOTES	ABSTAIN	ABSENT
Directors Gaddis, Eby, Hansen, and Malvarose	None	None

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved to move forward with the appointment process to fill the vacancy on the Board. Interested persons to submit Letters of Intent by December 1. Vote 4-0.*

YES VOTES	ABSTAIN	ABSENT
Directors Gaddis, Eby, Hansen, and Malvarose	None	None

*Upon the motion of Director Gaddis and seconded, the Board unanimously approved for the General Manager to post the Notice of Vacancy at three prominent locations in Nipomo: post office, library and the District’s lobby. Vote 4-0.*

YES VOTES	ABSTAIN	ABSENT
Directors Gaddis, Eby, Hansen, and Malvarose	None	None

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

*Director Gaddis announced that there is a scheduled meeting for the Finance and Audit Committee on November 20, 2023 at 10:00am.*

H. DIRECTORS’ REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*Director Malvarose requested staff present SB1383 and the potential grant opportunity at the next Board meeting.*

I. CLOSED SESSION ANNOUNCEMENTS

*Craig Steele, District Legal Counsel, announced that there would be closed session on item 1.*

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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 10:28 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 02 minutes
Closed Session	0 hour 26 minutes
TOTAL HOURS	1 hour 28 minutes

Respectfully submitted,



Ray Dierzo, General Manager and Secretary to the Board

*12/14/2023*

Date