

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community since 1965*

## REGULAR MEETING MINUTES AND SPECIAL MEETING MINUTES

SEPTEMBER 11, 2024 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

ED EBY, **PRESIDENT**  
DAN ALLEN GADDIS, **VICE PRESIDENT**  
GARY HANSEN, **DIRECTOR**  
PHIL HENRY, **DIRECTOR**  
MARIO IGLESIAS, **DIRECTOR**

### PRINCIPAL STAFF

RAY DIENZO, **GENERAL MANAGER**  
JANA ETTEDDGUE, **FINANCE DIR/ASST GM**  
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 Eby called the Regular Meeting of August 28, 2024, 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 Directors Iglesias, Henry, Gaddis, and Eby were present. Director Hansen 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. [RECOMMEND RECEIVE AND FILE REPORTS FROM DIRECTORS].

*Director Gaddis*

- *September 3, attended Board Officers' meeting*

*Director Eby*

- *September 4, there was no WRAC meeting*
- *September 6, attended the NMMA-TG 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 Iglesias, and seconded, the Board approved receiving and filing presentations.*

*Vote 4-0-1*

|                                                   |                |               |
|---------------------------------------------------|----------------|---------------|
| <b>YES VOTES</b>                                  | <b>ABSTAIN</b> | <b>ABSENT</b> |
| <i>Directors Iglesias, Henry, Gaddis, and Eby</i> | <i>None</i>    | <i>Hansen</i> |

**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 28, 2024 BOARD MEETING MINUTES  
 [RECOMMEND APPROVE MINUTES]

*Director Henry requested a minor correction to the Board meeting minutes.*

*Upon the motion of Director Gaddis, and seconded, the Board approved the Consent Agenda, with the correction to the minutes.*

*Vote 4-0-1*

|                                                   |                |               |
|---------------------------------------------------|----------------|---------------|
| <b>YES VOTES</b>                                  | <b>ABSTAIN</b> | <b>ABSENT</b> |
| <i>Directors Gaddis, Henry, Iglesias, and Eby</i> | <i>None</i>    | <i>Hansen</i> |

**E. ADMINISTRATIVE ITEMS**

E-1 A) RESOLUTION OF THE BOARD AUTHORIZING THE EXECUTION AND DELIVERY BY THE DISTRICT OF AN INSTALLMENT PURCHASE AGREEMENT, A TRUST AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, ONE OR MORE ESCROW AGREEMENTS AND A CERTIFICATE PURCHASE AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY SERVICES DISTRICT WATER REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2024, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$14,500,000, APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF SUCH CERTIFICATES OF PARTICIPATION AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS [RECOMMEND ADOPT RESOLUTION]

Nipomo Community Services District  
REGULAR MEETING  
AGENDA

*Jana Efteddgue, Finance Director, introduced the item.*

*James Prichard, Financial Advisor, Columbia Capital Management, LLC, presented the item and answered questions from the Board.*

*Maryann Goodkind, Bond Counsel, Norton Rose Fulbright US LLP, presented the item and answered questions from the Board.*

*Jana Efteddgue, Finance Director, answered questions from the Board.*

*Janine Arieay, Nipomo resident, commented on the item.*

*Craig Steele, District Legal Counsel, answered questions from the Board and public.*

*Upon the motion of Director Henry, and seconded, the Board adopted the resolution.*

*Vote 4-0-1*

|                                                  |             |               |
|--------------------------------------------------|-------------|---------------|
| <b>YES VOTES</b>                                 | <b>NO</b>   | <b>ABSENT</b> |
| <i>Directors Henry, Iglesias Gaddis, and Eby</i> | <i>None</i> | <i>Hansen</i> |

**RESOLUTION NO. 2024-1723**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY BY THE DISTRICT OF AN INSTALLMENT PURCHASE AGREEMENT, A TRUST AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, TWO ESCROW AGREEMENTS AND A CERTIFICATE PURCHASE AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY SERVICES DISTRICT WATER REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2024, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$14,500,000, APPROVING THE FORM AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF A FINAL OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF SUCH CERTIFICATES OF PARTICIPATION AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS**

*Director Eby called for a motion to convene the Special Meeting for the Nipomo Community Services District Public Corporation.*

*Upon the motion of Director Iglesias, and seconded, the Board moved to convene to the Special Meeting of the Nipomo Community Services District Public Facilities Corporation*

*Vote 4-0-1*

|                                                   |             |               |
|---------------------------------------------------|-------------|---------------|
| <b>YES VOTES</b>                                  | <b>NO</b>   | <b>ABSENT</b> |
| <i>Directors Iglesias, Gaddis, Henry, and Eby</i> | <i>None</i> | <i>Hansen</i> |

**ADJOURN TO PUBLIC FACILITIES CORPORATION**

E-1 B) Convene Special Meeting of the Board of Directors of the Nipomo Community Services District Public Facilities Corporation ("PFC") without adjourning the regular meeting of the District Board

a) Public comment for items on the PFC Special Meeting agenda only.

b) RESOLUTION OF THE BOARD AUTHORIZING THE EXECUTION AND DELIVERY BY THE CORPORATION OF AN INSTALLMENT PURCHASE AGREEMENT AND A TRUST AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY SERVICES DISTRICT WATER REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2024, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$14,500,000 AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS [RECOMMEND ADOPT RESOLUTION]

c) Adjourn Special Meeting of the PFC and reconvene Regular Board Meeting.

*There were no public comments.*

*Upon the motion of Director Iglesias, and seconded, the Board adopted the resolution.*

*Vote 4-0-1*

| YES VOTES                                  | NO | ABSENT |
|--------------------------------------------|----|--------|
| Directors Iglesias, Henry, Gaddis, and Eby |    | Hansen |

**RESOLUTION NO. 2024-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION AUTHORIZING THE EXECUTION AND DELIVERY BY THE CORPORATION OF AN INSTALLMENT PURCHASE AGREEMENT AND A TRUST AGREEMENT IN CONNECTION WITH THE NIPOMO COMMUNITY SERVICES DISTRICT WATER REVENUE CERTIFICATES OF PARTICIPATION, SERIES 2024, AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH CERTIFICATES OF PARTICIPATION EVIDENCING PRINCIPAL IN AN AGGREGATE AMOUNT OF NOT TO EXCEED \$14,500,000 AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND RELATED ACTIONS**

**ADJOURN TO NCSD REGULAR MEETING**

F. GENERAL MANAGER'S REPORT

*There was no written General Manager's report for this meeting.*

G. COMMITTEE REPORTS

*None*

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

*None*

I. CLOSED SESSION ANNOUNCEMENTS

*Craig Steele, General Counsel, announced that there would be closed session on item 2.*

1) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION  
PURSUANT TO GC §54956.9

- a. SMVWCD V. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750, AND ALL CONSOLIDATED CASES)

2) CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION  
PURSUANT TO GC §54956.9(d)(1)

- a. NIPOMO ACTION COMMITTEE, ET AL. V. COUNTY OF SAN LUIS OBISPO, ET. AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT CASE NO. 24CV-0351)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There were no public comments on closed session items.*

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

*Craig Steele, District Legal Counsel, announced there were no reportable actions in closed session.*

*Director Eby adjourned the meeting at 10:28 a.m.*

| MEETING SUMMARY | HOURS & MINUTES |            |
|-----------------|-----------------|------------|
| Regular Meeting | 1 hours         | 8 minutes  |
| Closed Session  | 0 hours         | 20 minutes |
| TOTAL HOURS     | 1 hours         | 28 minutes |

Respectfully submitted,



Ray Duenzo, General Manager and Secretary to the Board

9/30/2024

Date