### NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

### REGULAR MEETING OF THE BOARD OF DIRECTORS AGENDA

JANUARY 22, 2025 AT 9:00 A.M.

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

BOARD of DIRECTORS
ED EBY, PRESIDENT
PHIL HENRY, VICE PRESIDENT
GARY HANSEN, DIRECTOR
JOHN JOYCE, DIRECTOR
TOM GLOVER, 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.

#### 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 {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. To ensure proper posting, please
  reference the Board item in the subject line of the comment letter.
- Written comments and correspondence about a Board item received by the District by the end
  of the business day prior to the Board meeting date will be posted on the District website in the
  Board Packet section for that Board meeting date. These may be printed and available for
  viewing on the day of the Board meeting, to the extent they are public records.
- Written comments received during the Board meeting will be available for public viewing after they are copied and provided to the Board and will be posted on the District website in the Board Packet section for that Board meeting date.
- Written comments received after conclusion of the Board meeting will be available for public viewing upon request.
- 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.
- Public comment is available for each Board agenda item.
- Please silence all cell phones during the meeting, as a courtesy to others.

A. CALL TO ORDER AND FLAG SALUTE

**NEXT RESOLUTION** 

2025-1726

**NEXT ORDINANCE** 

2025-137

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

B-1) ROLL CALL

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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) QUARTERLY DISTRICT ENGINEER'S REPORT TO THE BOARD [RECOMMEND RECEIVE AND FILE]
- C-2) ACKNOWLEDGE THE 60<sup>TH</sup> ANNIVERSARY OF THE FORMATION OF THE NCSD [RECEPTION TO FOLLOW AFTER THE MEETING AT 12 NOON]
- C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS
- 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 JANUARY 8, 2025 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
  - D-3) INVESTMENT POLICY QUARTERLY REPORT [RECOMMEND ACCEPT AND FILE REPORT]
  - D-4) ANNUAL REVIEW OF DEBT MANAGEMENT POLICY AND CONTINUING DISCLOSURE UNDERTAKING POLICY [RECOMMEND REVIEW DEBT MANAGEMENT POLICY AND CONTINUING DISCLOSURE UNDERTAKING POLICY]
  - D-5) ANNUAL REVIEW OF DISTRICT INVESTMENT POLICY [RECOMMEND REVIEW AND REAFFIRM POLICY]

#### E. ADMINISTRATIVE ITEMS

E-1) CONDUCT A PUBLIC HEARING AND CONSIDER ANY PROTESTS REGARDING THE PROPOSED SOLID WASTE RATE ADJUSTMENT SET FORTH IN THE ATTACHED RESOLUTION. IF THERE IS NO MAJORITY PROTEST, ADOPT A RESOLUTION ESTABLISHING INTEGRATED SOLID WASTE COLLECTION SERVICE RATES FOR JANUARY 1, 2025, AND EACH JANUARY 1 FROM 2026 THROUGH 2029, MAKE FINDINGS AS INCLUDED IN THE ATTACHED RESOLUTION

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THAT ESTABLISHING SOLID WASTE RATES ARE NOT A PROJECT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND APPROVE THE THIRD AMENDMENT TO THE SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS COLLECTION FRANCHISE AGREEMENT BETWEEN THE DISTRICT AND SOUTH COUNTY SANITARY SERVICES, INC. INCORPORATING THE NEW RATE SETTING METHODOLOGY [RECOMMEND CONDUCT PUBLIC HEARING AND CONSIDER PROTESTS. IF THERE IS NO MAJORITY PROTEST THEN ADOPT A RESOLUTION SETTING NEW SOLID WASTE RATES AND MAKING CEQA FINDING; APPROVE THIRD AMENDMENT TO THE FRANCHISE AGREEMENT]

- E-2) INTEGRATED WASTE MANAGEMENT AUTHORITY SPECIAL DISTRICT REPRESENTATIVE SEAT NOMINATION [RECOMMEND CONSIDER NOMINATING A NIPOMO COMMUNITY SERVICES DISTRICT DIRECTOR TO FILL THE SPECIAL DISTRICT REPRESENTATIVE SEAT ON IWMA]
- 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)
    - b. NIPOMO ACTION COMMITTEE, ET AL. V. SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION, ET. AL. (SAN LUIS OBISPO COUNTY SUPERIOR COURT CASE NO. 24CV-0768)
  - 2) ANNUAL PERFORMANCE REVIEW PROCESS OF DISTRICT LEGAL COUNSEL UNDER GOVERNMENT CODE SECTION §54957
- J. ADJOURN TO CLOSED SESSION
- K. OPEN SESSION

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

**ADJOURN MEETING** 

**JANUARY 22, 2025** 

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PLEASE JOIN US TODAY, JANUARY 22, 2025, AT 12 NOON FOR A RECEPTION TO CELEBRATE THE  $60^{\text{TH}}$  ANNIVERSARY OF THE NIPOMO COMMUNITY SERVICES DISTRICT'S FORMATION

NEXT REGULAR BOARD MEETING IS WEDNESDAY, FEBRUARY 12, 2025, 9 AM.