

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

JULY 27, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
ED EBY, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

Mission Statement: The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

A. CALL TO ORDER AND FLAG SALUTE

President Vierheilig called the July 27, 2005, Regular Meeting of the Board of Directors of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Directors were present.

C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT

The following member of the public spoke:

Bob Blair, District resident – stated that he sent a letter to the District and would appreciate a timely response. He would like equal consideration for a granny unit on his property.

D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES
Regular Board meeting, July 13, 2005

Director Eby suggested a correction in Item F, Manager's Report.

There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended.
Vote 5-0

E. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

E-1) CONSIDER PROPOSAL FROM NIPOMO ARTS COMMISSION

The Board discussed the possibility of the Nipomo Arts Commission displaying local artists' work in the District hearing room. The responsibility of the art work, the cost of the contract, the Board's ability to regulate the content of the art and the methods to hang the art were among the concerns of the Board. There was no public comment. Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously agreed to direct staff to proceed with formalizing an agreement with the Arts Commission. Vote 5-0

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E-2) CONSIDER REQUEST FOR PROPOSAL TO OPERATE WOODLANDS WATER AND WASTEWATER SYSTEM

The Board discussed the proposal from Woodlands to operate their water and wastewater systems. There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board agreed to send a letter to Woodlands declining the proposal but that the Board would consider annexation. Vote 4-1 with Director Eby voting no.

E-3) SUPPLEMENTAL WATER POLICY DISCUSSION

The Board discussed the objective of the Supplemental Water Program and formation of policy governing the program.

The following members of the public spoke:

Steve Cool, developer of Tract 2513 and spokesman for Mr. Newdoll (Tract 2514) – stated that the fees for Tract 2513 and Tract 2514 were paid under protest because their project should have been considered under the old fee structure rather than the new one. The projects should have been grandfathered in because the greater part of the project plans were complete before Ordinance 2005-101 was approved.

Director Winn suggested that this issue be put on a future agenda.

Homer Fox, District resident – asked about the Memorandum of Understanding with the City of Santa Maria and how it may affect issues concerning the Woodlands. He also asked if NCSD ratepayers would have to pay the legal fees if someone sues the City of Santa Maria. The Board discussed the questions.

The Board discussed the information presented in the Board letter. There was no Board action.

At 11:00 a.m., the Board took a short break.

At 11:15 a.m., the Board reconvened.

E-4) CONSOLIDATION OF SUB-COMMITTEES

The Board discussed consolidating present sub-committees for Area 1 Annexation and Santa Maria Supplemental Water into one sub-committee. There was no public comment. Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously agreed to consolidate the two committees into one called the Santa Maria Supplemental Water Sub-Committee. Vote 5-0

H. MANAGER'S REPORT

General Manager, Michael LeBrun, reviewed information presented in the Board letter. Other information included:

- Request received from SLO County Elections Department for use of the Board meeting room for the November 8 General Election.
- Information received concerning Nipomo Oaks General Plan Amendment relating to the standpipe agreement.
- Soon letters will be sent to commercial accounts concerning the changes in the sewer rates.
- Southland wastewater treatment facility is at 84% of its design capacity and will need expansion.

MINUTES**I. COMMITTEE REPORTS**

Director Eby reported on the Supplemental Water Committee. There may be public grants available for the project. SLO County General Plan Amendment will be announced in about two months.

J. DIRECTOR'S COMMENTSDirector Trotter:

- Reported that Mr. LeBrun did a very nice job meeting with the Blacklake Village Council
- Asked about the status of a groundwater monitoring contour map
- Suggested that the District locate the water isolation valves in case of emergency
- Asked about status of loans and grants available and status of the Blacklake salt problem.
- Asked about adequacy of the as-builts. {Mr. LeBrun reported that the student intern is working on records management and truthing the as-built system.}

Director Wirsing:

- Suggested having the air vents painted
- Asked about area septic systems

Director Eby explained a flow chart entitled "Proposed Supplemental Water Funding Process" he gave to the Board. (A copy is in the office packet.) The District needs very good, informed opinions on how to finance the supplemental water project.

Director Trotter suggested a bond counsel for the project financing.

Director Winn:

- Suggested that Staff and Santa Maria Supplemental Water Committee talk about specifying commercial limitations.
- The salt regeneration problem may be eliminated when the Santa Maria water is delivered because the water to be delivered may possibly be softer.
- Monday, July 18, 2005 – Nipomo Water Forum met; there was a good sharing of information.
- Tuesday, July 19, 2005 – Board of Supervisors discussed the litigation in Closed Session concerning the Summit Station area. There was no report. Their staff told the supervisors that the RMS does not require a moratorium.
- Thursday, July 21, 2005 – Attended meeting in Los Osos. Sea water intrusion was discussed, among other subjects.
- Wednesday, August 3, 2005, Water Resources Advisory Council to meet 1:30 San Luis Obispo City Library to discuss Proposition 50 funding proposal had several errors.
- Sunday, August 14, 2005 – Wine & Flower Festival
- Week of September 12 – Clean-Up Week – Pick up will be on the regular trash collection day. He would like to agendize the use of the franchise fee to help with the funding of the event. He is meeting with Marie Cowan to discuss the possibilities.

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H. DIRECTOR'S COMMENTS (continued)

President Vierheilig:

- Draft Nipomo Creek Watershed Management Plan is out. For information go to Central Coast Salmon Enhancement website or call their office.
- Tuesday, August 2, 2005, 8:00 a.m. - Dune Center breakfast for Jim Anderson, Environmental Manager of Conoco Phillips, just back from Afganistan involved in outreach projects such as building schools, etc.
- Wednesday, August 3 & 10, 2005, 6:30 p.m.– West Tefft Corridor Design (mainly traffic and circulation)
- September 13, 2005, General Manager's anniversary date. Evaluation forms need to be completed by directors and returned by August 10, 2005 meeting.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following:

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Vierheilig adjourned to Closed Session at 12:17 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced that the Board heard an update on each of the three items above and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 12:30 p.m.