

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 22, 2003

REGULAR MEETING 9:00 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

MICHAEL WINN, **PRESIDENT**
JUDITH WIRSING, **VICE PRESIDENT**
ROBERT BLAIR, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
LARRY VIERHEILIG, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SEC. TO THE BOARD**
JON SEITZ, **GENERAL COUNSEL**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson. Consistent with the Americans with Disabilities Act, NCSD Board agendas and other writings will be made available to disabled persons in an appropriate alternate format.

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:05 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board.

Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

The following member of the public spoke:

Spike Wheeler, spokesman for the Shellanu Development – Talked to Board about a proposed Manufactured Home Park designed for low and moderate incomes off Thompson Avenue.

Director Winn will excuse himself from discussion when project comes to the Board because his residence is across the street from proposed project.

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

D-1) CITY INCORPORATION

Paul Hood, LAFCo Executive Officer, will present information on incorporation

Mr. Paul Hood, from LAFCO, made a presentation to the Board outlining steps necessary for incorporation. The handout presented to the Board is available for public view. Also, available for public view is "A Guide to the LAFCO Process for Incorporations".

The following members of the public spoke:

Carol Lindley, Blacklake resident – asked Mr. Hood about numbers needed for incorporation.

Mr. Hood answered.

Vicky Jansen, assistant to Supervisor Achadjian – Handed out copies of a letter from Katcho supporting efforts to incorporate Nipomo if supported by the community as well.

Rick Hoff, Nipomo resident – Spoke in favor of incorporation

Captain Gary Holving, SLO County Sheriff's Dept – Sheriff's Department has been serving Nipomo since 1850 and would like to continue even after incorporation occurs.

Bill Morrow, Blacklake resident – Spoke in favor of incorporation

Jesse Hill, 1910 Grant Ave., Arroyo Grande - Spoke in favor of incorporation and asked questions of Mr. Hood. Mr. Hood answered.

Ed Eby, NCSD Customer – Asked Mr. Hood if NCSD initiates incorporation, will a petition be necessary? Mr. Hood answered no.

George Laird, Blacklake resident – Asked Mr. Hood what other communities have tried to incorporate. Mr. Hood said Templeton, Heritage Ranch, Cambria.

Herb Kandel, NCSD resident – felt it is too soon to dedicate funds from NCSD for the study

Guy Murray, Nipomo business owner – Handed President Winn some information concerning incorporation. He spoke in favor of the feasibility study now.

After much Board discussion, the Board directed staff to prepare a "Request For Proposal" as soon as possible.

- D-2) **SOLID WASTE FRANCHISE INTERIM RATE INCREASE**
Amend franchise agreement for an interim year rate increase and inclusion of cardboard recycling
Mr. Tom Martin, General Manager of the South County Sanitary Service, Inc. explained the proposed rate increase and the situation with the cardboard recycling.
The following member of the public spoke:
Homer Fox, NCSD Customer – urged the Board to make trash pickup mandatory.

Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously agreed to have the proposed ordinance read in title only. Vote 5-0. Mr. Mike Seitz read the title of Ordinance 2003-96.

**ORDINANCE 2003-96
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FEES AND CHARGES FOR
SOLID WASTE SERVICE**

Upon motion of Director Vierheilg and seconded by Director Trotter, the Board accepted the first reading of Ordinance 2003-96 and set a Public Hearing for February 5, 2003. Vote 5-0
The Board directed staff to place consideration of mandatory trash collection on a future agenda.

- D-3) **ANNEXATION NO.22 – TRACT 2384 - PUDWILL**
Review annexation agreement to annex 40 acres at Dawn and Sun Dale Roads

Greg Nester, representative for developer of Tract 2384, discussed the proposed annexation with the Board.

There was no public comment.

Upon motion of Director Blair and seconded by Director Wirsing, the Board tabled this item and D-4 to the next Board meeting. Vote 5-0

- D-4) **ANNEXATION NO.23 – TRACT 2499 - LEM**
Review annexation agreement to annex 18 acres on Pomeroy at Waypoint

Greg Nester, representative for developer of Tract 2499, discussed the proposed annexation with the Board.

There was no public comment.

Upon motion of Director Blair and seconded by Director Wirsing, the Board tabled this item and D-3 to the next Board meeting. Vote 5-0

E. OTHER BUSINESS

- E-1) **YEAR 2003 DISTRICT INVESTMENT POLICY**
Resolution adopting the District's Investment Policy for 2003

There was no public comment.

Upon motion of Director Trotter and seconded by Director Vierheilg, the Board unanimously approved Resolution 2003-849. Vote 5-0

**RESOLUTION NO. 2003-849
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE YEAR 2003 DISTRICT INVESTMENT POLICY**

- F. 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 be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of January 8, 2003, Regular Board meeting
- F-3) 2002 FOURTH QUARTER INVESTMENT REPORT
- F-4) 2002/2003 SECOND QUARTER FINANCIAL REPORT

There was no public comment. Upon motion of Director Blair, seconded by Director Vierheilig, the Board unanimously approved the Consent Agenda with Minutes of Jan. 8, 2003, as amended (Mr. Eby's letter to be attached to 12/18/02 Minutes.) Vote 5-0

G. MANAGER'S REPORT

Doug Jones, District General Manager, presented information on the following:

- G-1) ANNEXATION NO 21 (KNOLLWOOD) HAS BEEN COMPLETED
- G-2) LAFCO DRAFT NCSD SPHERE OF INFLUENCE REVIEW
- G-3) SPECIAL BOARD MEETING JAN. 31, 2003 – INITIATE SALE OF BONDS, LEGAL AND UNDERWRITING SERVICES

H. COMMITTEE REPORTS

President Winn met with Mr. Paul Hood about annexation.
President Winn would like all committees to meet and/or report.

I. DIRECTORS COMMENTS

Director Trotter said CSDA Seminar on January 11 was very good.
Director Wirsing asked who was elected for the LAFCO alternate. Answer-Stan Gufstason
Director Vierheilig said the LAFCO Sphere of Influence has caused an upheaval.
Director Blair concerned about County restrictions put on the Summit Station area when the State mandates that a certain number of houses must be built in the County.
President Winn commented on the following topics:
Board of Supervisors – WRAC Phase II groundwater study
Board of Supervisors – voted against no permanent sales of State Water
Board of Supervisors – WRAC should stay out of planning
NCSD voted last year to urge Board of Supervisors not to use redevelopment monies in Nipomo and not to allow redevelopment if they decided to go with it for the rest of the County.
Interest in County staff for a Joint Powers Agreement for Flood Control
Interest in County staff for a Joint Powers Agreement for well levels, quality and trend analysis.
TDC ordinance proposed.

Deputy Counsel, Mike Seitz, announced the need to go into Closed Session to discuss the following:

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
 - B. SAVE THE MESA VS. NCSD CV 020181
 - C. ANTICIPATED LITIGATION, ONE CASE
- CONFERENCE WITH NEGOTIATOR GC§54956.8
- D. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC§549569

The Board came out of Closed Session and reported the following;
The Board had conversation with counsel and gave direction counsel.

ADJOURN

President Winn adjourned the meeting at 12:01 p.m.

***There will be a Special Meeting January 31, 2003, at 9:00 a.m.
The next regular Board Meeting will be held on February 5, 2003, at 9:00 a.m.***