

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

APRIL 23, 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. (If assistance is needed, please contact the District office at least one day before the meeting.)

**A. CALL TO ORDER AND FLAG SALUTE**

**NEXT RESOLUTION 2003-860**

President Winn called the meeting to order at 9:00 a.m. and led the flag salute.

**B. ROLL CALL**

**NEXT ORDINANCE 2003-97**

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 members of the public spoke:

Larry Vierheilig, NCSD customer – stepped down from the Board to comment. He informed the public of a meeting with Cal Trans, May 8 to discuss a 20-year plan for Highway 1.

Jim Kinninger, Nipomo resident, NCAC President – discussed the meeting with Supervisor Achadjian about a possible General Plan Amendment for Nester's proposed project at the Kaminaka property.

Homer Fox, NCSD customer – He was served by the District again and would like to get it settled.

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

**D-1) DISTRICT ANNEXATION POLICY**

Review/approve revisions to the District's Annexation Policy

The following member of the public spoke:

Ed Eby, NCSD customer – discussed his written comments about the Annexation Policy with Board.

The Board discussed the policy and made some changes.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved Resolution 2003-860 as amended. Vote 5-0

Ed Eby, NCSD customer – commented on the amendments.

**RESOLUTION NO. 2003-860**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REVISING THE DISTRICT'S ANNEXATION POLICY**

**D-2) MONTECITO VERDE II – SEWER CAPACITY FEE**

Review sewer capacity payment options

The following member of the public spoke:

Homer Fox, NCSD customer – wanted to know if MVII customers paid the same sewer fee as others in the District. Answer – yes

There was no Board action.

- D-3) URBAN WATER MANAGEMENT PLAN  
Administrative draft to be circulated for comments

The following member of the public spoke:

Ed Eby, NCSD customer – commented on the plan

Jesse Hill, Arroyo Grande - commented on the plan

The Board reviewed each page of the Urban Water Management Plan and made comments and suggestions.

The Board suggested making adjustments and sending the amended Plan to various agencies for comments.

**E. OTHER BUSINESS**

- E-1) DISTRICT INSTALLED SEWER LINE REIMBURSEMENT  
Introduction and first reading of Ordinance for District-installed Sewer Line Reimbursement costs

The Board discussed the proposed ordinance establishing District-installed sewer line reimbursement fees.

Upon motion of Director Vierheilg and seconded by Director Trotter, the Board agreed to have the ordinance read in title only. There was no public comment. Vote 5-0. Mr. Seitz, District Legal Counsel, read the ordinance title. Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously approved the introduction and first reading of Ordinance 2003-97. There was no public comment. Vote 5-0.

**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 April 9, 2003, Regular Board meeting  
F-3) THIRD QUARTER FINANCIAL REPORT (Receive and File) [RECOMMEND APPROVAL]  
F-4) FIRST QUARTER INVESTMENT REPORT (Receive and File) [RECOMMEND APPROVAL]

Upon motion of Director Blair and seconded by Director Vierheilg, the Board approved the consent Agenda. There was no public comment. Vote 5-0.

**G. MANAGER'S REPORT**

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

- G-1) DISTRICT BOND RATING GETS AN "A"

**H. COMMITTEE REPORTS**

The Finance Committee will meet to discuss the proposed budget for Fiscal Year 2003-04.

**I. DIRECTORS COMMENTS**

Director Vierheilg spoke about a High-Density meeting at Embassy Suites, May 31 with Cal Trans. Also informed the Board about a meeting for parks and recreation at the Vets Hall in SLO April 24 and May 22.

Director Blair spoke about PGE meeting about housing. They are looking to the government for solutions. He also asked if item could be put on agenda to change Board meeting to 9:30 am. from 9:00 a.m. to allow him time to attend the SLO-COG meetings in SLO.

Director Winn spoke of the advertisement about the Spring Clean Up getting lost between time ad sent and event date. Would like to discuss further.

**I. DIRECTORS COMMENTS (continued)**

Hazardous Material place on Southland will take computer monitors free.

Spoke about a possible water service for residents on Joshua Rd.

WRAC will not meet in May.

There will be a tour of the Arvin-Edison facilities and possibly Polonio Pass in May.

Also spoke of the high-density housing meeting May 31.

Jon Seitz informed Board of the annual CSDA dinner meeting May 9, 2003.

They will elect a CSDA president.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session.

There was no public comment on the items to be discussed in Closed Session.

**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 CASE NO. CV 020181
- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.
- D. ANTICIPATED/INITIATE LITIGATION, ONE CASE

The Board came out of Closed Session. The Board was given an update on items A and C above. There was no reportable action.

Upon motion of Director Blair and seconded by Director Trotter, the Board unanimously agreed to adjourn this meeting at 12:35 p.m. to a special meeting at Nipomo High School at 7:00 p.m.

**ADJOURN TO A SPECIAL MEETING AT NIPOMO HIGH SCHOOL IN THE FORUM AT 7:00 P.M.  
525 NORTH THOMPSON AVENUE, NIPOMO, CALIFORNIA**

Minutes to Special Meeting on next page.

**ADMINISTRATIVE ITEM** (The following may be discussed and action may be taken by the Board.)

REVIEW AND CONSIDER PROPOSED NCSD SPHERE OF INFLUENCE BOUNDARIES

Review LAFCO study areas for NCSD Sphere Of Influence and make recommendations to Local Agency Formation Commission (LAFCO)

**ADJOURN**

The second half of the meeting was adjourned at 9:00 p.m.