

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MAY 28, 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

DOUG JONES, **GENERAL MANAGER**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**

A. CALL TO ORDER AND FLAG SALUTE

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

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

There was no public comment.

D. ADMINISTRATIVE ITEMS

D-1) REVIEW CITY INCORPORATION STUDY – MR. DAVIS

Verbal update report on Incorporation Study

Michael Davis of the Davis Corporation, Sacramento discussed with the Board the steps planned for the incorporation feasibility study. He states that his partner, Tom Sinclair, will be helping him.

The following members of the public spoke:

Bill Sommermeyer, Inside District resident – He commended the Board for taking steps toward incorporation. He offered the services of his partner Jim McGillis and himself for helping with the study.

Bob Beedle, District resident – He stated that he wasn't sure if Blacklake should be inside the city if it is established.

Ed Eby, District resident – He stated that he was pleased with the detail in the work plan. He questioned the community meetings, Stage 1 boundary, etc.

Guy Murray, District resident - He commended the Board for moving forward with the study and offered his help. Mr. Murray stated that getting information from the State Board of Equalization was difficult.

Mr. Davis discussed the possible boundary to be considered. He will bring back some options the next time he comes to a meeting. He answered some questions from the public comments. There was no Board action necessary.

D-2) MARIA VISTA LIFT STATION/FORCE MAIN REIMBURSEMENT AGREEMENT

Developer agreement to provide CEQA, Right-of-Way and engineering design

Jon Seitz, District Legal Counsel, explained the reimbursement agreement between the Maria Vista developer and the District.

The following member of the public spoke:

Ed Eby, District resident – Mr. Eby asked who is the lead agency and who is the responsible agency?

Mr. Seitz explained that NCSO would be the lead agency regarding the incorporation study. The consultants will analyze who the responsible party will be.

D-2) MARIA VISTA LIFT STATION/FORCE MAIN REIMBURSEMENT AGREEMENT (CONTINUED)
Director Wirsing stated that she could not support this project. She stated that the project had problems from the beginning. She stated that she believed that the Board slipped through all the problems occurring in the project, such as the geology problems, bringing the water 2.3 miles and the community septic system, growth inducing project. She stated that she felt it was planned to be underhanded. Director Trotter was in favor of the project even though it was not done properly. Upon motion of Director Trotter and seconded by Director Blair, the Board approved the reimbursement agreement between NCSD and Maria Vista developer. Director Vierheilig supports the project with reluctance. There was no public comment. Vote 4-1 with Director Wirsing voting no.

D-3) AGREEMENT FOR LEGAL SERVICES – MARIA VISTA
Legal services for CEQA compliance for sewer line extension
The Board discussed the agreement for legal services for CEQA compliance for a sewer line extension for the Maria Vista development. Upon motion of Director Vierheilig and seconded by Director Trotter, the Board approved the agreement with Richards, Watson and Gershon. Vote 4-1 with Director Wirsing voting no and Director Blair abstaining.

D-4) OLDE TOWNE WATER/SEWER SERVICES FUNDING AGREEMENT
Review agreement between NCSD & SLO Co. for funding service connections
The Board discussed the agreement between NCSD and SLO County for funding service connections on Tefft Street. The Board directed staff to modify the agreement for clarification of some issues.

D-5) REQUEST FOR RENEWAL OF INTENT-TO-SERVE FOR SERVICE – TRACT 2393 (NEWDOLL)
Request for water and sewer service for an 8-lot development at Grande & Cyclone St.
The following member of the public spoke:
Bill Sommermeyer, Nipomo resident and engineer for Mr. Newdoll's project - He requested approval of the service for Tract 2393.
Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved the renewal of an Intent-to-Serve letter for Tract 2393 with conditions, as outlined in the Board letter. Vote 5-0

E. OTHER BUSINESS

E-1) DRAFT FY 2003-2004 DISTRICT BUDGET
Set a study session time to review the proposed budget
The Board agreed to schedule a Study Session for Tuesday, June 3, 2003 at 9:00 a.m. to discuss the proposed budget. There was no public comment.
{Due to conflicts, the meeting was changed to June 4, 2003 at 9:00 a.m.}
E-2) REVIEW BOARD OF DIRECTORS MEETING TIME
Consider possible change of Board of Directors meeting to the evening
The Board discussed the possibility of changing the Board meeting time to 9:30 a.m. or having one evening meeting per month. The Board tentatively agreed to change the meetings to the second and fourth Wednesdays rather than the first and third with the time to remain at 9:00 a.m. There was no public comment.

F. CONSENT AGENDA.

F-1) WARRANTS [RECOMMEND APPROVAL]
F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of May 14, 2003, Regular Board meeting
F-3) CORRECTION OF A RESOLUTION NUMBER
Correct the number of a resolution
Upon motion of Director Blair and seconded by Director Vierheilig, the Board approved the items on the Consent Agenda. There was no public comment. Vote 5-0

RESOLUTION NO. 2003-861

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$4,000,000 CERTIFICATES OF
PARTICIPATION AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION
THEREWITH AND CERTAIN OTHER MATTERS**

G. MANAGER'S REPORT

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

- G-1) BOARD OF DIRECTORS MEETING SCHEDULE MODIFICATION
Meeting schedule changed to June 11 & 25 and July 9 & 23

H. COMMITTEE REPORTS

Finance Committee (Directors Vierheilig and Trotter) met with staff. The results of the meeting were incorporated in the draft budget.

Annexation Committee (Directors Wirsing and Winn) will be meeting this week.

I. DIRECTORS COMMENTS

Director Blair applauded the trip to Arvin-Edison Water District and highly praised the staff for the excellent tour.

Director Vierheilig reported that the Nipomo Creek Watershed Steering Committee would like to have a representative from NCSD. The next meeting will be June 17th at 6:00 p. m. at the Senior Center

He also stated that NCSD should take a stand in establishing the SOI boundary regardless of cityhood.

He requested that the District's establishing authority for parks be put on a future agenda.

Director Trotter stated that his comments were made during the budget committee meeting. He also announced that the Dana Adobe Gala would be held at the Men's Club Friday, May 30 and the bar-be-que would be held Sat. May 31.

President Winn stated that the trip to Arvin-Edison was very enlightening and stimulating.

He mentioned the groundbreaking for the Olde Towne event held last Thursday. A computer disc has been prepared by the Olde Towne Association laying out architectural guidelines, etc.

Nipomo Incorporation Committee meeting will be held May 28, 2003, at 6:30 p.m. in the NCSD Board room and will focus on the Harley Davidson Co. presentation.

He stated that the discussion of the Sphere of Influence is on-going facilitated by LAFCO regarding a Memorandum of Agreement between the NCSD Board and the SLO County Board of Supervisors concerning what kind of services might be extended west of the URL and commitments from the County not to move the URL. The matter will be brought back to the NCSD Board.

Jon Seitz, District Legal Counsel, announced the need to have Closed Session to discuss matters on the following agenda. There was no public comment on the items listed for Closed Session. The Board adjourned to 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. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.
- C. ANTICIPATED/INITIATE LITIGATION, ONE CASE

The Board came back into Open Session and had no reportable action.

ADJOURN

President Winn adjourned the meeting at 11:13 a.m.

**The regular meeting of June 4, 2003 has been canceled.
The meeting has been rescheduled to Wednesday, June 11, 2003.**