

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JULY 10, 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**

NOTE: *All comments concerning any item on the agenda are to be directed to the Board Chairperson. Consistent with the Americans with Disabilities Act, NCSB 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

President Winn called the meeting to order at 9:04 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call the following members were present: Directors Trotter, Blair, Wirsing and Winn. Director Vierheilig was absent for a planned vacation.

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:

Jim Kinninger, NCAC Chairperson – asked the Board to take a stand on the other 5 areas not yet specified for the proposed Sphere of Influence.

Mark Moore, CM Nursery and Cavaletto Orchard – asks the Board to consider the farmers when using water on the east side of Nipomo. He stated that pumping may be injurious to the farmers. He asked that Mike Cavaletto read a letter from Gene Mehlschau into the record.

Mike Cavaletto, outside District – stated that he was concerned that the District will pump the east side of Nipomo dry. He read a letter from Gene Mehlschau into the record. (Attached)

Greg Nester, in District resident – stated that LAFCo has resumed the annexation for the Lem property and would like to continue with Annex. 23. He asked the Board for release from the annexation process on the Pudwill property – Annex. 22.

Homer Fox, in District resident – asked if a list of the property owners who received sewer hook-up letters could be released to the public. He asked if all septic tanks have to be connected.

[Legal Counsel Jon Seitz said there is a code section that says certain information cannot be released. President Winn answered that the properties within the Prohibition Zone should connect to the sewer system.]

D. ADMINISTRATIVE ITEMS

D-1) MONTECITO VERDE II SEWER CAPACITY FEE - PUBLIC HEARING

Consider resolutions to collect sewer capacity fees through a Zone of Benefit and to place on the tax roll

President Winn opened the meeting to a Public Hearing to discuss the approval of two resolutions to collect sewer capacity fees by a Zone of Benefit and placement on the tax rolls. There was no public comment.

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved Resolution 2003-868 ordering charges to be collected on the tax rolls. There was no public comment on this motion. Vote 4-0

RESOLUTION NO. 2003-868

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING CHARGES TO BE COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY**

D-1) MONTECITO VERDE II SEWER CAPACITY FEE - PUBLIC HEARING (CONTINUED)

Upon motion of Director Wirsing and seconded by Director Trotter, the Board unanimously approved Resolution 2003-869 ordering delinquent charges to be collected on the tax rolls. There was no public comment on this motion. Vote 4-0

**RESOLUTION NO. 2003-869
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
FOR THE COLLECTION OF SEWER CAPACITY FEES FOR
MONTECITO VERDE II**

D-2) PAYMENT OF DISTRICT FEES - TRACT 2375 (HERNANDEZ)

Request to defer payment of fees based on permit allocations from SLO County Building Department

The Board discussed a request from the developer of Tract 2375 to pay District fees in phases according to County permit allocations.

Marty Fuller, representative for Orchard Development Company – stated that the developer would be willing to pay for the allocations they have now and the ones they will receive next year and secure the remainder with a line of credit or a bond. Upon motion of Director Trotter and seconded by Director Blair, the Board unanimously agreed to deny the request to defer payment of fees. There was no public comment on this motion. Vote 4-0

President Winn called for a recess at 9:40 a.m.

The Board came back into session at 9:48 a.m.

D-3) REQUEST FOR SERVICE – TRACT 2561 (BURNSED)

Request for water and sewer service for an 8-lot development on S. Frontage Rd

The Board heard a request for an Intent-to-Serve letter for an 8-parcel development on So. Frontage Rd.

Tim Crawford, Central Coast Engineering and representative for Dr. Burnsed – stated that the project consisted of townhouses with CCRs and a Homeowner's Association.

There was no public comment. The Board discussed the project with Mr. Crawford.

Director Trotter asked where is the water coming from. Director Blair made a motion to approve Tract 2561. The motion died for a lack of a second.

Jon Seitz, District Legal Counsel suggested for this item to be brought back to the Board when there is a full Board and again discuss Water Code Section 350 at a future meeting.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to bring the item back to the next meeting when a full Board would be present and if the discussion of Water Code 350 would be placed on the agenda. There was no public comment on this motion. Vote 3-1 with Director Blair voting no.

D-4) OLDE TOWNE WATER AND SEWER SERVICE FUNDING AGREEMENT

Review/approve an agreement between NCS D & SLO County for funding service connections

The Board discussed the agreement between NCS D & SLO County for funding service connections. Jon Seitz, District Legal Counsel stated that the District received a letter from the State that the grant monies were forthcoming.

D-4) OLDE TOWNE WATER AND SEWER SERVICE FUNDING AGREEMENT (continued)

The following members of the public spoke:

Homer Fox, in District resident – commented that he had requested an agenda packet for free and was turned down; the press gets one free and they are not here. Also he asked about the timing for installation of the laterals planned for Tefft Street, particularly for his project. [The Board assured that laterals would be installed.]

The Board continued discussing the size of the water laterals needed to be installed to each parcel. There was no action on this item.

E. OTHER BUSINESS

- E-1) CSDA - NOMINATION FOR THE BOARD OF DIRECTORS
Nominated Director Dr. Robert Blair for Region 4 Director

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Resolution 2003-870 nominating Director Blair for the position of Director to the Board of CSDA. There was no public comment on this motion. If Director Blair is elected, the Board would like to receive a report after Director Blair attends the meetings. Vote 4-0

**RESOLUTION NO. 2003 - 870
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
NOMINATING DR. ROBERT L BLAIR FOR THE BOARD OF
DIRECTORS OF THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION**

- E-2) CSDA - BY-LAWS CHANGE
Approve CSDA By-Laws changes in electing Board of Directors

The Board considered proposed changes to the CSDA By-Laws. Upon motion of Director Wirsing and seconded by Director Blair, the Board approved the changes to the CSDA By-Laws for electing the Board of Directors of CSDA. There was no public comment on this motion. Vote 4-0

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 June 25, 2003, Regular Board meeting
F-3) ACCEPTANCE OF EVERGREEN WATERLINE IMPROVEMENTS [REC. APPROVAL]
Resolution accepting water line improvements on Evergreen Lane

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved the Consent Agenda. There was no public comment on this motion. Vote 4-0

**RESOLUTION NO. 2003-871
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR THE EVERGREEN WATERLINE EXTENSION (DAVID)**

G. MANAGER'S REPORT

Doug Jones, General Manager presented information on the following:

G-1) Letter from Regional Water Quality Control Board to extend sewer collector system

Also, copies of the LAFCo Initial Study on the Sphere of Influence were given to the Board.

H. COMMITTEE REPORTS

School Committee – Directors Blair and Vierheilg met with Mr. Jones concerning the school's well.

I. DIRECTORS COMMENTS

Director Blair stated that he has applied to be on a sub-committee (Transportation) of SLOCOG. Director Wirsing asked about the proposed cost of the Santa Maria water negotiations. It was suggested to put the item on the Closed Session agenda for discussion. Director Wirsing also asked how the rising cost of natural gas will affect the District operations. President Winn asked that the following five things be agendized:

- School Water agreement
- Policy perspective of east side drilling and increased pumping
- Position on applications for annexations and to re-evaluate the Pudwill annexation
Perhaps Mr. Jones could ask Mr. Nester to re-apply for annexation.
- Water Code 350 – possible docking mechanism
- Sphere of Influence recommendation to LAFCo

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following items. There was no public comment on the Closed Session. The Board went into Closed Session at 11:15 a.m.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCS D 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. PUBLIC EMPLOYEE ANNUAL EVALUATION – GENERAL MANAGER GC §54956.7

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

ADJOURN

President Winn adjourned the meeting at 12:00 p.m.

The next regular Board meeting will be July 23, 2003.