

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

AUGUST 27, 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, 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

President Winn called the meeting of August 27, 2003, to order at 9:03 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, the following Board members were present:  
Directors Vierheilig, Trotter, Wirsing and Winn. Director Blair had a planned absence.

#### 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.**

There was no public comment.

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

- D-1) DISTRICT-INSTALLED SEWER LINE REIMBURSEMENT – STORY STREET  
Public Hearing to establish sewer line reimbursement costs for Story St. & Meredith Extension

A Public Hearing was held to review the costs of the sewer line constructed on Story St. and the Meredith Extension for the reimbursement spread amounts to be paid to the District if property owners choose to connect to the District-installed sewer line.

The following members of the public spoke:

Dennis Cajas, Nipomo property owner – stated that he thought that selling the easement two years ago to the District for the construction of the sewer line would entitle him to connect to the sewer line for only the cost of the sewer capacity fee. He did not realize he would be required to pay a reimbursement fee.

The Board and District Manager, Doug Jones, explained that Mr. Cajas, as well as the other property owners along the sewer line, would not have to pay the fee until he decided to connect his property to the sewer line.

Upon motion of Director Trotter and seconded by Director Vierheilig, the Board adopted Resolution 2003-876 approving reimbursement charges for District-installed sewer mains with a minor change in the spread. Vote 3-1 with Director Wirsing voting no. Director Blair was absent.

**RESOLUTION NO. 2003 – 876**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING REIMBURSEMENT CHARGES FOR  
DISTRICT INSTALLED SEWER MAINS  
(DISTRICT CODE §4.12.085A)**

- D-2) REQUEST FOR SERVICE – TRACT 2441 (GRAY TRUST)  
Request for renewal of an Intent-to-Serve for a 38-lot project at Blume & Grande

The Board reviewed the request for water and sewer service for Tract 2441.

Terry Orton, Westland Engineering – stated that the County actually required 38 homes to be on the parcel. Director Vierheilig suggested that grasses used in the tract be a type that uses less water than the type planned.

Upon motion of Director Vierheilig and seconded by Director Trotter, the Board approved an Intent-to-Serve letter for Tract 2441. Director Trotter commented that he was still concerned that the District does not have a sound source of water. Vote 3-1 with Director Blair being absent and Director Wirsing voting no and commenting that there is a serious water situation and we need supplemental water.

- D-3) REVIEW EXISTING ANNEXATION POLICY  
Review possible modifications to the policy

The Board reviewed the proposed Annexation Policy. Some minor grammatical changes were addressed first.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that there was a loophole that should be changed in *V-C-1*. The supplemental water should be in Nipomo and not just available.

Vince McCarthy, NCSD resident – stated that there should be an emergency clause included. Also, there is no well history required. [Mr. Seitz explained that the District does not intend to use wells.]

Jim Kinninger, NCAC Chair – stated that he was glad that NCSD was addressing the cluster developments in the policy.

Greg Nester, developer – stated that he is a proponent of open space.

Erik Benham, developer – asked about *IV F 1* [Mr. Seitz explained that it did not apply to his development because it was already annexed into the District.] He also stated that *IV F 3*, concerning homeowners associations, should not be included.

President Winn closed the Public Comment period.

Mr. Seitz explained that because of Proposition 218, the clause concerning the homeowners associations was added to protect the District.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to table this item until the suggested changes to the Annexation Policy were made.

Vote 4-0

- D-4) DRAFT MEMORANDUM OF AGREEMENT ON SPHERE OF INFLUENCE (SOI)  
Review draft agreement between SLO County and NCSD on District SOI boundary

The Board reviewed the draft Memorandum of Agreement between SLO County and NCSD on the proposed Sphere of Influence.

The following members of the public spoke:

Ken Bornholdt, representative for the Woodland Project – thanked the Board for excluding the Woodland Project area from the SOI. He suggested the words “in the District’s view” in the 8<sup>th</sup> Whereas of the agreement in place of the words “generally accepted” .....overdraft.

Jim Kinninger, NCAC Chair – stated that he supports the MOA.

Ed Eby, NCSD resident – stated that he still believed this to be a hollow document with no enforcement power. He also suggested that the document should be accurate. In the 9<sup>th</sup> Whereas, all annexations do not require supplemental water. In Exhibit A #4 – serving area to be determined by LAFCo is open-ended.

Vince McCarthy, NCSD resident – stated that the document needs a clause addressing the law suit.

The Board noted appreciation to the volunteers from the NCAC and Supervisor Achadjian for consideration and input in this matter.

Jon Seitz, District Legal Counsel suggested adding “the District’s Annexation Policy and” to Exhibit A #4 after “currently zoned consistent with “...

Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board unanimously approved the Memorandum of Agreement with the minor changes discussed.

Vote 4-0 with Director Blair being absent.

D-5) REVIEW SPHERE OF INFLUENCE (SOI)  
Approve LAFCo SOI study area

The Board reviewed the LAFCo SOI study areas.

The following members of the public spoke:

Jim Kinninger, NCAC chair and private citizen of Nipomo – stated that he would like to see the SOI Area 7 extended to Hwy 1 and to the bluff.

Ed Eby, NCSD resident, Save the Mesa Vice President - Mr. Eby read a letter he presented to the Board at the meeting and stated that he was speaking with the support of Save the Mesa.

Kenneth Bornholdt, Woodlands representative - stated that he wanted to make sure Area 6 would be removed from the map.

Upon motion of Director Trotter and seconded by Director Vierheilig, the Board unanimously approved the Sphere of Influence map as presented with exclusion of Area 6 and the extension of Area 7 to the edge of the bluff and the area north of Willow Rd. in light of the Memorandum of Understanding and the Annexation Policy. Vote 4-0 with Director Blair being absent.

**E. OTHER BUSINESS**

E-1) DISTRICT PERSONNEL  
Consider recruitment of Utility Worker I Position

The Board discussed the early recruitment of a Utility Worker 1 position.

There was no public comment.

Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board unanimously approved the recruitment of a Utility Worker 1. Vote 4-0 with Director Blair being absent.

E-2) GENERAL MANAGER RECRUITMENT  
Review recruitment schedule

The Board discussed a possible timeline for hiring a new general manager. A Board Committee will meet to discuss the job description. There was no public comment. There was no Board action.

- 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 August 13, 2003, Regular Board meeting

Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board unanimously approved the Consent Agenda. Vote 4-0 with Director Blair being absent.

**G. MANAGER'S REPORT**

Doug Jones, District General Manager, reported that he attended a seminar in Monterey concerning desalination. He learned quite a lot from interacting with different contacts made.

**H. COMMITTEE REPORTS**

High School Committee - Directors Vierheilig and Blair - discussed the water and sewer document sent to Lucia Maria Unified School District.

**I. DIRECTORS COMMENTS**

Director Trotter is working on a letter to be sent to the residents of the Blacklake Division explaining the need to raise the sewer rates.

Director Wirsing appreciates that the Minutes are better, more informative.

Director Vierheilig attended the Air Pollution Control District strategic plan workshop.

Director Winn encouraged staff to develop a flow chart for development. [Mr. Jones noted that a document is available giving steps for development.]

He would like to agendaize the Urban Water Management Plan.

He asked that legal staff bring suggestions for NCSD to provide water service for new zoning densification.

He would like to know the time-table for a new table for the boardroom.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Item B below. There was no public comment on the Closed Session item to be discussed.

The Board went into Closed Session at 12:30 p.m.

**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.

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

**ADJOURN**

President Winn adjourned the meeting at 12: 36 p.m.

**The next regular Board meeting will be September 10, 2003.**