

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

OCTOBER 8, 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 to order at 9:01 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.

Larry Vierheilig, NCSD resident – announced that ECO-SLO will be having a work day for Cesar Chavez Day at the Cesar Chavez Memorial Garden November 1, 2003, 10:00 am until noon at Osage and Camino Caballo followed by authentic Mexican food, mariachis, and celebration.

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

- D-1) PUBLIC HEARING - BUTTERFLY LANE SEWER REIMBURSEMENT FEE – TRACT 2432 (GEIHS)
Review/approve sewer reimbursement fee for Butterfly Lane

Public Hearing – The Board discussed the spread for reimbursement to the developer of Tract 2432. There was no public comment.

Upon motion of Director Blair and seconded by Director Trotter, the Board unanimously approved Resolution 2003-880 approving the reimbursement for Butterfly Lane sewer improvements. Vote 5-0

**RESOLUTION NO. 2003-880
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR BUTTERFLY LANE SEWER LINE IMPROVEMENTS (GEIHS)**

- D-2) REQUEST FOR ANNEXATION – CARRA
Request to annex a 5-acre parcel at Moss Lane and Hutton Road

The District received a request to annex a 5-acre parcel at Moss Lane and Hutton Road. The following members of the public spoke:

Gilbert Carra, owner of subject property, outside District – asked if he could acquire services for his property to serve six existing houses. He stated that the well and the septic systems are old.

Ed Eby, NCSD resident – Speaking on behalf of Save the Mesa, read a letter to the Board (attached) with comments concerning this request for annexation.

Director Blair made a motion to deny the application for annexation but ask staff to investigate an Outside User agreement with LAFCo. Director Vierheilig seconded the motion. The motion was not carried. Vote 4-1 with Director Blair voting yes.

Upon motion by Director Vierheilig and seconded by Director Wirsing, the Board agreed to deny the request for annexation. Vote 4-1 with Director Blair voting no.

D-3) REQUEST FOR SERVICE – TRACT 2523 (SHAEFER)

Request for water and sewer service for a seven-lot development between Cyclone St. & Tejas Place

Jon Seitz, District Legal Counsel, stated that the District is not changing its 2:1 retrofit policy requirements for Annexation No. 17.

Jim McGillis, NCSD resident – stated that it is possible to retrofit parks and schools at a substantial water saving.

Ed Eby, NCSD resident – asked the Board to make sure the applicant continues with the retrofit program as agreed to in the annexation.

Upon motion by Director Blair and seconded by Director Vierheilg, the Board approved the issuance of an Intent-to-Serve letter for Tract 2523 with conditions set forth in the staff report, as modified by legal counsel (Condition #1 “Enter into a water retrofit program to provide water to the proposed subdivision or other program to provide water supply to serve the project”). Vote 4-1 with Director Wirsing voting no.

E. OTHER BUSINESS

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 September 24, 2003, Regular Board meeting

F-3) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION NO. 23 – TRACT 2499 - (NESTER)
Property tax exchange agreement with SLO Co. for Annexation 23

F-4) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION NO. 25 (LYN ROAD)
Property tax exchange agreement with SLO Co. for Annexation 25

F-5) NCSD BUILDING USE POLICY
Approve the modifications to the Board room use policy, Resolution 2003-883

**RESOLUTION NO. 2003-883
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A BOARD ROOM POLICY**

Items F-2 and F-3 were pulled for discussion.

There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved Item F-1, F-4 and F-5 of the Consent Agenda. Vote 5-0

Item F-2

Director Blair stated that he is now a CSDA Board member as a Director serving 9 counties not 18 counties as stated in the Minutes and requested a change in Item I.

Director Trotter stated a change in D-1 of the minutes. {Director Trotter stated that Bill Morrow, the representative for Blacklake, accepts the need to adjust the Blacklake sewer rates.} Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously approved Item F-2. Vote 5-0

Item F-3

Director Wirsing asked about the taxation rate difference for Tract 2499 and the Lyn Road annexation. Mr. Jones explained that SLO County sets the rate. The District has no jurisdiction in taxation rates. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved Item F-3 of the Consent Agenda. Vote 5-0

F. CONSENT AGENDA (continued)

RESOLUTION NO. 2003-881
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO
TO NIPOMO COMMUNITY SERVICES DISTRICT
FOR ANNEXATION NO. 23 (NESTER)

RESOLUTION NO. 2003-882
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO
TO NIPOMO COMMUNITY SERVICES DISTRICT
FOR ANNEXATION NO. 25 (LYN ROAD)

G. MANAGER'S REPORT

G-1) BOARD MEETING SCHEDULE FOR NOV/DEC

The Board discussed different dates to hold the November and December meetings due to holidays. There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously agreed to have the Board meetings on the first and third Wednesdays of November and December and back to the second and third Wednesdays in January 2004. Vote 5-0

The Board was invited to tour Templeton Community Services District for Friday, October 17, 2003.

H. COMMITTEE REPORTS

There were no committee reports.

I. DIRECTORS COMMENTS

Director Trotter asked about the status of the new Board table. Mr. Jones said it would be ready in a few weeks.

Director Wirsing asked about the staffing of the NCSD booth during the October Festival. The following schedule was agreed upon.

Director Blair - 10:00 a.m. to 12:00 p.m.

Director Wirsing - 12:00 p.m. to 2:00 p.m.

Director Trotter - 2:00 p.m. to 4:00 p.m.

Director Vierheilg stated that over 800 plants were sold at the Native Garden Plant Sale.

The Air Pollution Control District has a draft Strategic Action Plan.

The Air Pollution Control District is having a workshop concerning equipment not needing permits.

Director Blair – stated that he will be attending the CSDA conference in November

County is raising fees, therefore, Nipomo should be a city.

Mr. Blair suggested that if 20% of the road tax money would go into roads, we would have the best roads.

Director Winn – Stated that last Friday he attended a workshop on stormwater and non-point source pollution as put on by Cal Trans with some funding from the Regional Water Quality Control Board. It seems to be focused on surface water and not so much groundwater.

He stated that this District could learn about parks from Templeton CSD.

He met with representatives of CSDA at Mr. Seitz office.

The Clean Up Days – West Side – two Saturdays Nov 15 & 22. Coupons will be distributed for residents to take their own trash to the dump.

Creek Day – last Saturday in Nipomo

Clean-Up Week – October 20-25

DIRECTORS COMMENTS (continued)

Incorporation Feasibility Study – Preliminary results show that revenues are only 2% below expenditures.

He stated that he would be meeting with Supervisor Achadjian and the president of the Advisory Council today concerning the Spike Wheeler project. He has recused himself from discussion on the NCSO Board.

Another meeting will be scheduled to discuss the Sphere of Influence Memorandum of Agreement.

Director Wirsing asked if the Kaminaka annexation could be agendized.

President Winn asked to set a Study Session concerning where we are as a Board.

There was no public comment on the Closed Session items.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the Item A below.

Item C is the continuing dialog between the District and Maria Vista concerning Plan Check and plan comments. Mr. Seitz recommended that the Board take this item off of Closed Session and set a Special Public Meeting in order to appropriately deal with this item. This will allow staff to compile a staff report for the Board to consider and then the Board can make a decision as to what the District will require. This may be a more productive way to resolve the differences than with correspondence. Mr. Seitz discussed different dates to have a special meeting. Director Blair said he may be out of town the week of October 13.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSO 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 LITIGATION, ONE CASE GC §54958.9

ADJOURN

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

The next regular Board meeting will be October 22, 2003.