

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

OCTOBER 22, 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**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
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.

There was no public comment.

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

D-1) NIPOMO INCORPORATION STUDY – DAVIS COMPANY
Draft report on the incorporation study

Mr. Michael Davis of the Davis Company reviewed the draft report in detail. Board discussion ensued.

The following members of the public spoke:

Jim Kinninger, NCAC Chair – stated that he would like at least 5 copies for the NCAC to review before their next meeting. He also encouraged the Board and the public to contact SLO County about the proposed road fees.

Ed Eby, NCSD resident – questioned the following items:

Boundaries – is Blacklake excluded? Is Woodlands included? Should Area 11 be in total Why are areas 9 & 10 not included? Are granny units included in the count?

He stated that the police cost needs more scrutiny.

Richard Colwell, property owner in area 4 – stated concern over industrial area so close to residential.

Guy Murray, NCSD customer – congratulated Mr. Davis on a good report and the Board for the foresight to commission the report. He also stated that many wish to keep Nipomo rural. He stated that the possibility of the auto licensing fee money being lowered may not be critical because the money to run a city must come from somewhere. He stated that we should make the County accountable for the money spent on policing. He encouraged the Board to go forward, have town hall meetings, etc.

Frank LaSalle, NCSD resident – asked who was in charge of incorporation.

It was agreed that the Board's incorporation subcommittee (Directors Wirsing and Winn) will meet.

Mr. Davis suggested they meet with LAFCo. Mr. Davis then answered some of the questions and comments made by the public.

Director Blair made a motion to move forward toward cityhood, whatever it takes. The motion died for lack of a second.

Director Vierheilig made a motion for the Davis Company to finalize the report. Director Trotter seconded the motion. Vote 5-0

- D-2) PROPOSED ANNEXATION NO. 26 – MOSS LANE
Initiate proceeding to annex 6 lots on Moss Lane

The Board discussed the process of annexing an area on Moss Lane near Tract 1802 and 1856, which was inadvertently excluded from the Annexation No. 20.

The following members of the public spoke:

Erik Benham, Maria Vista developer – stated that he received notice this morning about this item and would like to have the item continued until more information is received and he has time to review the information. [District has receipt that FAX was sent 5 days in advance.]

Jesse Cavazos, owner in the Moss Lane area – asked how he can receive water and sewer service from the District.

Ed Eby, NCSD resident – stated that he didn't understand what was happening in this item.

Mary Cavazos, owner in the Moss Lane area – stated that she would like to have her property served.

Director Wirsing stated that she wants it on the record that she has been against this project from the beginning (Maria Vista Estates).

Director Trotter made a motion to direct staff provide more information on this item. The motion died to the lack of a second.

Upon motion of Director Blair and seconded by Director Trotter, the Board directed staff to come back to another meeting with more information from legal counsel with options to proceed on this item. Vote 5-0

E. OTHER BUSINESS

- E-1) CSDA SUPPORT FOR A BALLOT INITIATIVE
Proposed statewide initiative to keep local revenues local

The Board discussed the request from CSDA for financial support to placing a proposed initiative on the November 2004 ballot. Upon motion of Director Blair and seconded by Director Wirsing, the Board agreed to direct staff to bring back more information concerning the initiative and the possible support of the initiative. 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 October 8, 2003, Regular Board meeting
F-3) INVESTMENT POLICY – 3rd QUARTER [Receive & File]
F-4) FINANCIAL REPORT – 1st QUARTER [Receive & File]
F-5) RESOLUTION AUTHORIZING NCSD TO INVEST MONIES IN
THE LOCAL AGENCY INVESTMENT FUND (LAIF) [RECOMMEND APPROVAL]

The Board removed F-2 from the Consent Agenda.

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved the Consent Agenda except F-2. F-2 was continued until the next meeting.

There was no public comment. Vote 5-0

**RESOLUTION NO. 2003-884
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING INVESTMENT OF MONIES
IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)**

G. MANAGER'S REPORT

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

G-1) COMPLIMENTARY LETTER FROM CUSTOMER

G-2) CDF STATE RESPONSIBILITY AREA FIRE PROTECTION FEES

The 2003 updated DWR Report 118 is available in the office.

Employees will exchange the November 10 (Monday) Veterans Day holiday for the day before Thanksgiving.

H. COMMITTEE REPORTS

The Finance Committee wishes to commend Lisa for the percentages shown on the graphs presented in the financial report. Director Trotter would like to see the totals also.

I. DIRECTORS COMMENTS

Director Blair – stated that the booth at the park at the October Festival was not set up. He also stated that the public should know about the fire fees (Senate Bill 1049) referred to in the manager's report.

Director Vierheilig – stated that the booth at the park should have been prepared better.

Director Wirsing – stated that she was disappointed with the booth.

Director Trotter – stated that he was concerned that nothing was done with the booth.

President Winn – asked about the SOI MOA. Mr. Seitz will ask about it.

He also asked about the Board table. Mr. Jones said it should be ready in about 3 weeks.

Clean-Up Week is this week. The Salmon Enhancement will present NCSD with a bill.

The Chamber of Commerce will meet Tues. Oct. 28, 7:00 a.m. at the Blacklake Community Building and the Board members are invited. A critical issue of the breaking out two parcels from open space in San Luis Obispo is setting a precedent.

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

There was no public comment on the Closed Session items.

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 LITIGATION, ONE CASE GC §54958.9

The Board came out of Closed Session at 1:19 p.m. and President Winn announced the necessity to set a Special Meeting for a conference with legal counsel. On a 5-0 vote, the Board agreed to have a Special Meeting no later than Friday, November 7, 2003.

ADJOURN

President Winn adjourned the meeting at 1:20 p.m.

The next regular Board meeting will be November 5, 2003.