

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

NOVEMBER 5, 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 9:04 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.

The following members of the public spoke:

Robert Hill, Land Conservancy of San Luis Obispo – thanked the Board for NCSD support for Creek Clean-Up project.

Guy Murray, NCSD resident – urged the Board to continue incorporation efforts and suggested that the Board look at other communities such as Carmel Valley that have been through the incorporation process.

Herb Kandel, NCAC Creek Committee Chair and liaison to the Watershed Organization and NCSD resident – also thanked the Board for the support of the Creek Clean-Up project. He also stated that the final draft of the County's Drainage Study would be presented in a public meeting at the next NCAC meeting. A special meeting may be set for this subject.

Erik Benham, Trincon Inc., Maria Vista project – asked the Board to consider changing the by-laws to keep the tapes of the Board meetings longer than 90 days, perhaps even seven years. [Mr. Seitz informed the public that the Brown Act requires agencies to save tapes for 30 days. This District is more liberal in that it saves tapes for 90 days.] He also asked about the method to reimburse his project in connection with the proposed annexation.

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

D-1) COUNTY SERVICE AREA NO. 1 – PROPOSED ANNEXATION Paavo Ogren, SLO Co. Public Works Department

Mr. Paavo Ogren from San Luis Obispo County Public Works Department presented information to the Board concerning the proposed annexation of CSA 1 into the Nipomo Community Services District. Handouts were given to the Board and the public showing CSA 1 thru 1F and FCZ 16 (Flood Control Zone) revenue and expenditures by District and by function for fiscal year 2002/2003. Mr. Ogren explained the information in detail and answered questions from the Board.

Paul Hood, Executive Officer of LAFCo – discussed the LAFCo steps and stated that the Sphere of Influence must be in place before annexation could occur.

Lisa Bognuda, NCSD staff – stated that if the State takes the property taxes in a tax shift, there might not be sufficient money to fund the services for the areas annexed.

Mr. Ogren stated that the ERAF tax shift was not effective in helping the State budget. Upon motion of Director Wirsing and seconded by Director Vierheilig, the Board, with a vote of 5-0, unanimously agreed to direct staff as follows:

1. Encourage the Assistant Administrator, Lisa Bognuda, to continue talking with Mr. Ogren to get a comfortable familiarity with the real numbers and how to proceed.

2. Have staff schedule a Study Session which would involve a tour of the sites with some notification to the neighbors to provide opinions about what is needed in each area studied.
3. Have staff come back to the Board with a schedule of how they would like to see to proceed in the future.
4. Complete an assessment of the facilities

The Board took a short break at 10:38 a.m.

D-2) URBAN WATER MANAGEMENT PLAN
Review Final Draft of the District's Urban Water Management Plan

The UWMP is required by the State for water purveyors that serve over 3,000 customers. The Board discussed the final draft of the Urban Water Management Plan and made suggestions for changes.

Page 5 – 3.3 Chlorides should be 500 mg/l not 45

Page 9 should say why the graph for nitrates was not included.

The following member of the public spoke:

Ed Eby, NCSD resident – stated (re: Table 3 Page 5) that he questions the capability of maintaining a sustained amount of pumpage from the Church Well.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously accepted the Urban Water Management Plan with the changes as suggested to be ready for advertisement to approve the Plan at a December Board meeting. Vote 5-0

D-3) REQUEST FOR SERVICE – CO 03-0301 (ROBINSON)
Request for water service for a commercial 12-bldg. development at Sandydale & N. Frontage Rd.

The Board discussed the request for service for a 12-building development on Sandydale. There was no public comment. Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to table this item until a representative for the project can attend a meeting to discuss the development with the Board. Vote 5-0

E. OTHER BUSINESS

E-1) REVIEW NCSD MISSION STATEMENT

The Board thanked staff for including the existing mission statement as requested and asked that it be included in future Board packets as a reminder. There was no public comment.

E-2) CSDA SUPPORT FOR A BALLOT INITIATIVE
California Special District Assoc. is requesting financial support for a ballot initiative

The Board discussed the possible contribution to help pay for a ballot initiative for the November 2004 ballot. There was no public comment. Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously agreed to contribute \$1,000 from the property tax fund for the initiative process and directed staff to send a transmittal letter stating the purpose of the contribution. 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.*

The following items were pulled from the Consent Agenda for discussion: F-1, F-2 and F-5. Upon motion of Director Blair and seconded by Director Vierheilig, the Board approved Items F-3 and F-4. There was no public comment. Vote 5-0

F-1) WARRANTS [RECOMMEND APPROVAL]

Director Wirsing asked for clarification of two items on the warrants list. She also asked about the total added to the bottom of the warrants. The secretary stated that it was a mistake and should not have been there. She also suggested keeping the copy business within our County. Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board unanimously approved F-1 as amended. (Remove the totals on page two.)
Vote 5-0

F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Minutes of October 8, 2003, Regular Board meeting
Minutes of October 16, 2003, Special Board meeting
Minutes of October 21, 2003, Study Session
Minutes of October 22, 2003, Regular Board meeting

Director Trotter is not satisfied with the quality of the Minutes and asked to table the approval until the secretary receives direction for changes. Upon motion of Director Vierheilig and seconded by Director Trotter, the Board agreed to table approval of the Minutes to a future meeting. Vote 4-1 with Director Blair voting no

F-3) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS

TRACT 2325 – KNOLLWOOD (MARTIN-FARRELL)
Acceptance of water improvements for Tract 2325 on Blacklake Canyon Road

**RESOLUTION NO. 2003-285
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR TRACT 2325 (KNOLLWOOD)**

F-4) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS D990051D NIPOMO BAY APARTMENTS (NIPOMO SAN LUIS BAY LIMITED, A LIMITED PARTNERSHIP)

Acceptance of water and sewer improvements for D990051D on Grande and Blume

**RESOLUTION NO. 2003-286
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR D990051D NIPOMO BAY APARTMENTS
(NIPOMO SAN LUIS BAY LIMITED, A LIMITED PARTNERSHIP)**

F-5) ACCEPTANCE OF GENERAL MANAGER ADVERTISEMENT AND TIMELINE

Approve the timeline as amended by Director Trotter. A background check should be added in April. Mr. Jones' retirement date will be August 6, 2004. Vote 4-1 with Director Blair voting no

G. MANAGER'S REPORT

Doug Jones, District General Manager, informed the Board that the lifeline rates for water could be changed to conserve water.

H. COMMITTEE REPORTS

Director Vierheilig would like the Finance Committee to meet.
Director Wirsing stated that the meeting with LAFCo and the Incorporation Committee was a positive experience.

I. DIRECTORS COMMENTS

Director Blair stated his disappointment that the Harley Davidson Co. chose not to come to Nipomo. He also explained about the CDF fees increase (SB 1049)
Director Vierheilig – stated that he has jury duty Nov. 18
Director Wirsing – asked if WalMart has purchased the Swap Meet.
President Winn – stated that he also liked the meeting at LAFCo. He also stated that he would be meeting with Lisa about the numbers for the incorporation.

Mr. Seitz announced the need to go into Closed Session to discuss the following items.
There was no public comment on items on the Closed Session agenda.

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 out of Closed Session and had no reportable action.

ADJOURN

President Winn adjourned the meeting at 12:25 p.m.

The next regular Board meeting will be November 19, 2003.