

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

NOVEMBER 19, 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**

The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

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

The following Board members were present: Directors Trotter, Wirsing and Winn
The following Board members were absent: Directors Vierheilig and Blair

B. 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:

Vince McCarthy, in District resident - asked for the availability of the preliminary Incorporation Report on the Internet.

Erik Benham, Maria Vista Estates representative – commented about the method to obtain copies of Board meeting. Also, he has not been able to contact Mr. Garing concerning his project. [Mr. Seitz stated that Mr. Benham could obtain tapes as specified in the District Code.] [Attached to these Minutes is a letter from Mr. Garing of Garing, Taylor and Associates.]

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

D-1) DISTRICT AUDIT REPORT FOR FY 2002-03

Carlos Reynoso, CPA, will review the annual audit report

Mr. Carlos Reynoso, CPA, reviewed the Annual Audit Report for FY 2002-2003. The Board discussed the report. There was no public comment. Director Trotter asked to have the Blacklake information broken down further. Director Wirsing asked to have the Miscellaneous Fund broken down further. Upon motion by Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to accept and file the Audit Report for FY 2002-2003. Vote 3-0

D-2) SLO CO GROUNDWATER MONITORING PROGRAM – CHRISTINE FERRARA

Review County well monitoring program and desalination information

Ms. Christine Ferrara, SLO County Public Works Department, who manages the Facilities Division, gave a presentation regarding the status of groundwater and desalination. She introduced her colleague Mr. Frank Honeycut, new staff liaison to the WRAC.

GROUNDWATER

The County measures wells to gather data in April and October. Presently there is no active seawater intrusion monitoring program. Some well sites are difficult to access for various reasons. There are 117 wells in 91 locations. The last publication of the DWR (2003) reported monitoring status of groundwater. The last County hydrologic report was made in 1976.

The following members of the public spoke:

Vince McCarthy, NCSD resident – thanked Ms. Ferrara for presenting this information. He asked questions concerning the input provided being reflected in this presentation.

Ed Eby, NCSD resident – suggested monitoring cluster of wells and averaging rather than picking just one in an area.

DESALINATION

Desalination is treating high TDS (hard) water to a potable stage.
The advantages and disadvantages to desal.

Advantages	Disadvantages
<ul style="list-style-type: none">• Requires a financial commitment• No water rights challenges• High quality water• Recharges groundwater	<ul style="list-style-type: none">• Energy intensive treatment process• Complex treatment• Coastal zone impacts• Operation and maintenance costs high• 40-50% briny residue remains

The following members of the public spoke:

Ed Eby, NCSD resident – asked about the costs
[The costs have many facets]

This was an information item only. There was no action taken.

The Board thanked Ms. Ferrara for her presentation.

D-3) REQUEST FOR SERVICE – CO 03-0301 (ROBINSON)

Request for water service for a commercial 12-bldg development on Sandydale & N. Frontage

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to table this item until a full Board was present to hear the matter. Vote 3-0

D-4) REQUEST FOR SERVICE - TRACT 2595 (MARTIN/BAUR)

Request for water and sewer service for a 6-lot development on W. Price Street

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to table this item until a full Board was present to hear the matter. Vote 3-0

The following members of the public spoke:

Robert Robinson, developer of CO 03-0301 – {realized he should have spoken during the last item.} asked the Board what would be acceptable to the Board. [The Board wants a full Board present to hear the matter.]

Fred Baur, developer of Tract 2595 – explained the project to the Board. He said it would be an arts and crafts bungalow style.

E. OTHER BUSINESS

None

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
NOVEMBER 19, 2003
PAGE THREE

- 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
 - Minutes of October 16, 2003, Special Board meeting
 - Minutes of October 21, 2003, Study Session
 - Minutes of October 22, 2003, Regular Board meeting
 - Minutes of November 5, 2003, Regular Board meeting

Upon motion of Director Trotter and seconded by Director Wirsing, the Board approved the Minutes for the October 16, 2003 meeting as amended. {Surge tests to be changed to surge analysis.} Vote 3-0

G. MANAGER'S REPORT

NO REPORT

H. COMMITTEE REPORTS

NO REPORT

I. DIRECTORS COMMENTS

- I-1) Director Vierheilg-Moratorium on all zoning changes/density increases in NCS boundary
This item was tabled until Director Vierheilg could be present.

Director Wirsing asked how the City Incorporation Committee would compile the information received on the questionnaires. [President Winn said the questionnaires have not yet been compiled.] Ms. Wirsing also asked that an item be placed on the agenda – a hypothetical rate structure for current rate payers and annexed rate payers with regards to the purchase of supplemental water from Santa Maria and broken down to what the rates would be, using the very close numbers that are under consideration and to include the cost of infrastructure and where realistically we would obtain the funds to finance the cost along with the timetable of establishing the funds. She also would like it to cover a five-year graph of what this means to our community. [Mr. Seitz explained that a rate study would be necessary to give more accurate information. No financial commitment will be made until the Board is fully apprised of the situation.]

Director Trotter explained that a Memorandum of Understanding is being compiled before a contract is signed (an agreement that will lead to a contract). That is when the public is informed and the analysis is made; and if the numbers are unacceptable, the contract will not be signed.

President Winn

- a) asked staff to inform the Board in main rate structure principles sometime soon specifically telling how it is usually done and focusing on what Board principles and policies guide the process because it is not simply numbers. It is important for the Board to know how the Board's part shapes the foundations for what other firms may create.
- b) He asked staff to agendize the NCS working with the County on groundwater mapping and to include some of the funding to get this done.
- c) WRAC met two weeks ago. A Resource Management System Report was distributed. The report is seriously flawed. The report is meant to be adopted next month by the Board of Supervisors.
- d) He asked that an Audit committee be formed to review the audit process in the future.

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
NOVEMBER 19, 2003
PAGE FOUR

- e) Pacific Institute issued a report which demonstrates that California does have enough water currently for its use. What is failing is the proper understanding of the value of water and for the need to conserve water.
- f) County Planning issued building permits was given for 2 barns on Cherokee Place. NCSD needs to keep a heads up on the future of this property.
- g) 5th District Court of Appeals case summary indicated a ruling in San Joaquin Raptor vs. University of California. Urban Water Management Plans and other basic plans that are adopted by public utilities must be treated as primary source documents for planners in the area and they cannot second-guess those and refuse to accept them. It heightens the importance of the reports.

Director Trotter commented that Dan Migliazzo's report of the year in review was a good one. The sprinkler system at Knollwood was changed to drip after he mentioned it to the foreman.

There is no need to go into Closed Session.

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

ADJOURN

President Winn adjourned the meeting at 11:12 a.m.

The next regular Board meeting will be December 3, 2003.