

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

DECEMBER 17, 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, 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 two days before the meeting.)*

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:00 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:

John Snyder, outside District – spoke of the groundwater adjudication trial in San Jose and encouraged Board to attend.

Erik Benham, Maria Vista representative – stated that he did not receive resolution about the October meeting. He received a letter requesting a list of concerns but felt it was not necessary to put it in writing. He also stated that he did not need the tapes certified and would like to have a third party pick up the tapes.

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

- D-1) **URBAN WATER MANAGEMENT PLAN (UWMP) – PUBLIC HEARING (CONTINUED)**
Resolution adopting the District Urban Water Management Plan

The following members of the public spoke:

Ed Eby, District resident – stated that the UWMP is not realistic.

Upon motion by Director Blair and seconded by Director Vierheilig, the Board agreed to defer approval of the UWMP until D-2 and D-3 of this agenda are discussed. Vote 5-0

- D-2) **POLICY ON ZONE CHANGES / DENSITY INCREASES IN NCSD BOUNDARY**
Policy restricting water use to SLO County General Plan Amendments within District boundary

The Board discussed a possible policy restricting water use to be applied to the SLO County General Plan Amendments.

Board members stated their opinion on several points.

Director Vierheilig stated a desire to have a policy or position statement or an ordinance to limit increased density within the current South County Area Plan inside the NCSD boundary.

Director Blair stated that he would like the District to say that it will not serve anything that is beyond the density of the current zoning in District for consistent growth. It is the Board's responsibility to protect the water supply to those within the District.

President Winn stated there are 5 potential sources of increased demands for water to be made within the District:

- 1) General Plan amendment
- 2) Increasing density bonuses
- 3) TDC – Transfer Development Credits (no environmental review needed)
- 4) Planning Ordinances that change densities within the District
- 5) Granny Units

Jon Seitz, District Legal Counsel, stated that landscape regulations, requirements and limitations could be added to Intent-to-Serve letter requirements. Limitation requirements could be added to the Urban Water Management Plan.

The following members of the public spoke:

Dick Mobraaten, District resident – asked about the restriction for landscaping and stated that landscaping needs to be defined versus edible foods.

Ed Eby, District resident – asked if the limitation on landscaping within the Will-Serve letter would be enforceable. He also asked about limiting the General Plan.

Erik Benham, Maria Vista representative – asked if the new language affects his project. The Board discussed that a landscaping ordinance could be handled at a separate time. The changes in density are in need of addressing.

- D-3) SLO COUNTY HOUSING ELEMENT
Review Housing Element Environmental Report

The Board discussed the SLO County Housing Element.
There was no public comment.

Upon motion by Director Trotter and seconded by Director Wirsing, the Board agreed to appeal back to the County Board of Supervisors to the discretion of legal counsel and if he determines to file the appeal. Vote 5-0

President Winn directed the meeting back to Item D-1

- D-1) URBAN WATER MANAGEMENT PLAN (UWMP) – PUBLIC HEARING (CONTINUED)

Upon motion by Director Vierheilig and seconded by Director Wirsing, the Board unanimously agreed to continue the Public Hearing process on Item D-1 (UWMP) until the next Board meeting and instructed staff to address the items discussed. There was no public comment. Vote 5-0

- D-4) LANDSCAPE MAINTENANCE - TRACT 2409
Approving a contract for Landscape Maintenance for Tract 2409

The Board discussed the Landscape Maintenance agreement for Tract 2409. There was no public comment. Upon motion by Director Trotter and seconded by Director Vierheilig, the Board unanimously awarded the contract to Snyder Landscaping. Vote 5-0

E. OTHER BUSINESS

- E-1) LAFCo SOI CEQA FEES
Request from LAFCo to pay SOI CEQA costs

The Board discussed the request. Director Blair stated that an EIR is not necessary for projects. There was no public comment.

Upon motion by Director Trotter and seconded by Director Wirsing, the Board unanimously approved the additional \$1,000 to LAFCo. Vote 5-0

- E-2) INCORPORATION FEASIBILITY STUDY – CONTINUANCE / REVIEW SOI
Correspondence from consultant on deferring final incorporation report and review LAFCo SOI study

The Board discussed the incorporation feasibility study. There was no public comment. Upon motion by Director Vierheilg and seconded by Director Blair, the Board unanimously agreed to continue the feasibility study until the State clarifies its budget with respect to the Vehicle License Fees.

The Board discussed the possibility of using the Davis Corporation to review the Sphere of Influence. There was no public comment.

Upon motion by Director Blair and seconded by Director Vierheilg, the Board agreed to acquiring the services of the Davis Corporation to review the District's Sphere of Influence, as proposed by LAFCo with a maximum fee of \$7,500 or less. Vote 5-0 with Director Wirsing abstaining.

- E-3) ANNUAL ELECTION OF THE PRESIDENT & VICE PRESIDENT OF THE BOARD OF DIRECTORS TO PRESIDE FOR THE 2004 YEAR

President Winn explained the rules of nominating and voting for the positions open. There was no public comment.

Director Blair nominated Director Winn for President of the Board. There were no other nominations for President. Vote 5-0 with President Winn abstaining.

Director Trotter nominated Director Wirsing for Vice President. Director Blair nominated Director Vierheilg for Vice President.

Three directors voted for Director Wirsing as Vice President by a show of hands. Directors Blair and Vierheilg voted no.

Upon motion by Director Vierheilg and seconded by Director Trotter, the Board approved the election of Director Wirsing for Vice President. Vote 5-0 with Director Wirsing abstaining.

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) APPROVAL OF AUDIT PROPOSAL
Proposal for District annual audits
F-3) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of November 5, 2003, Regular Board meeting
Minutes of November 19, 2003, Regular Board meeting
Minutes of December 3, 2003, Regular Board meeting

There was no public comment.

Upon motion by Director Wirsing and seconded by Director Blair, the Board unanimously approved the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

G-1) LAFCo, MUNICIPAL SERVICE REVIEW / SOI CEQA REPORTS REVIEW PERIOD

Mr. Jones suggested a Study Session to discuss and get public input concerning the draft Environmental Impact Report for the District's Sphere of Influence and the Municipal Service Review compiled by LAFCo. A Study Session was set for January 12, 2004, at 9:00 a.m.

H. COMMITTEE REPORTS

H-1) INCORPORATION COMMITTEE- CONTACT WOODLANDS ABOUT CITYHOOD

President Winn will consult with the other Board members about committee membership.

I. DIRECTORS COMMENTS

Director Trotter asked why the instructions or explanations need to be included in the Minutes. President Winn explained that it is desirable for future information.

Director Blair – Stated that road fees are more for Nipomo than anywhere else in the County. There seems to be a great inequity in fees.

Jon Seitz, District Legal Counsel, announced the 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.

The Board came out of Closed Session with no reportable action.

ADJOURN

President Winn adjourned the meeting at 11:48 a.m.

The next regular Board meeting will be January 14, 2004.