

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

### SPECIAL MEETING STUDY SESSION

JANUARY 12, 2004 MONDAY 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**

DOUGLAS JONES, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**  
DONNA JOHNSON, **SECRETARY TO THE BOARD**  
JON SEITZ, **GENERAL COUNSEL**

#### **CALL TO ORDER AND FLAG SALUTE**

President Winn called the meeting to order at 9:05 a.m. and led the flag salute.

#### **ROLL CALL**

At Roll Call, all Board members were present.

#### **Public Comment on Agenda Items**

The public has the right to comment on any item on the Special Meeting Agenda. Comments are limited to 3 minutes or otherwise at the discretion of the Chair. There was no public comment.

#### **STUDY SESSION**

##### DISCUSSION OF THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DISTRICT'S SPHERE OF INFLUENCE AND THE MUNICIPAL SERVICE REVIEW COMPILED BY LAFCo

During the NCSD Study Session of January 12, 2004, concerning the LAFCo update of the District's Sphere of Influence (Sol), a number of general issues were raised, as follows:

- 1) The Study gives more attention to water production, which is an important issue, than to the water supply, which is even more crucial.
- 2) The Study focuses on the NCSD, which is appropriate, but it does not adequately address the alternatives to restricting the District's Sol. [I.e., for each area in which the District is denied a 20-year envelope, what are the implications of this exclusion concerning the alternatives which are not excluded? (Any analysis would need to include the two other major water proprietors on the Mesa - Cal Cities and Rural Water Company - as well as the proliferation of mutual water companies and other unmetered wells.)]

- 3) What are the legal limits of any LAFCo's authority to set a District's policies? [I.e., a LAFCo might well advocate that a District employ conservation efforts, but does a LAFCo have the authority to set minimum outcomes for such efforts or to mandate the means by which those goals are reached? What liability does a LAFCo assume if a District's response to such restrictions are contested and litigated? A LAFCo might well point out the need or advisability of securing other sources of water; but does a LAFCo have the authority to set the timeframe for achieving such, to mandate how much supplemental water is to be acquired, or to deny all annexations to a District that is making a good-faith effort to comply?]
- 4) The Study needs to employ consistent terminology throughout. [I.e., "the Nipomo Hydrologic Sub-Area" in each chapter should be followed by "HSA" in parentheses and then "the HSA" throughout the remainder of the chapter. "Solid waste" should be used throughout (not "garbage"), "wastewater" (not "sewer"), "street landscaping" (not just "landscaping"). [N.B. The District does have drainage powers, which is exercised in several locales, but not flood-control powers. Also, the District does not exercise parks or recreation powers.]
- 5) The Study contains a number of references to agriculture and Ag conversions, and there are many reasons why County planning might well resist such conversions of viable farm land to urban uses; but any analysis is not complete without pointing out that irrigated crops, especially on sandy soil, use more water than homes on five-acre lots or larger.
- 6) Paul Hood, executive director of SLO County's LAFCo, asked that the District include a summary of the Santa Maria Groundwater litigation, including some discussion of the variety of modalities by which a court-imposed water master could implement a physical solution to the HSA's overdraft.

The Board took page by page going over some changes in the "Municipal Service Review". Each Board member will present the changes in order that Mr. Church may implement them in the final report.

The Board took a short break at 12:45 p.m. Jon Seitz, District Legal Counsel, explained conservation measures and some possible ways to enforce them.

The Board briefly reviewed the "Draft Environmental Impact Program Report".

## **ADJOURN**

President Winn adjourned the meeting at 1:42 p.m.