

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 28, 2004

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, NCS D 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 9:00 a.m. and led the flag salute.

B. ROLL CALL

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

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.

Erik Benham, Maria Vista Development – stated that he questioned the need for a surge test or the 12-inch line and that the project needs to go forward.

Mike Pender, Maria Vista Development – stated his concern about the 12" water line construction and is willing to work with the District.

Jon Seitz, District Legal Counsel – stated that the District has not received the surge analysis that was agreed upon in the August 16th meeting. If the applicant would comply, it would be a moot point.

Director Wirsing asked if this 12-inch line was discussed in the annexation agreement.

Mr. Seitz answered no. Every public improvement is not listed in the agreement.

Director Wirsing has in the past asked for this item to be agendaized with a list of complaints from the applicant.

President Winn stated that there are three points

- Engineering issues – specifications etc
- Legal issues
- Conclusions to be met as agreed to

Director Wirsing stated her concern that this issue has not been resolved.

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

D-1) SPHERE OF INFLUENCE (SOI), MUNICIPAL SERVICE REVIEW (MSR)
Review LAFCo Sol & MSR for the District

The Board reviewed the draft letters to LAFCo from the District and Mr. Seitz and a memo from Mr. Mike Davis. The Board discussed some of the comments about the Municipal Service Review and the Environmental Impact Report for the District.

The following members of the public spoke:

Ed Eby, NCS D resident – commented on several points in both reports.

Erik Benham, Maria Vista Development – asked about page 2-10 concerning parks maintenance and how it would affect his project.

The Board will submit written comments to the General Manager. There was no action on this item.

President Winn called for a short break at 10:47 a.m.

D-2) WATER CONSERVATION MEASURES

Review UWMP water conservation measures that may be implemented

Director Blair submitted a letter to the Board requesting that this item be considered at the next Board meeting when he would be in attendance.

Jon Seitz, District Legal Counsel, discussed some conservation methods that could possibly be implemented as projects come forward.

The following members of the public spoke:

Ed Eby, NCSD resident – stated that the landscape issue on Appendix C could be added cost to the home buyer.

Homer Fox, NCSD resident – stated that he would be against forcing a landscaping plan for new developments.

Erik Benham, Maria Vista development – asked if his project would be exempt from these landscaping conservation measures.

Director Vierheilig stated that landscaping conservation measures could apply to open space, multi family and street landscaping.

Upon motion by Director Trotter and seconded by Director Wirsing, the Board agreed to table this item until the next Board meeting. Vote 4-0

D-3) WATER RATE SETTING – JON SEITZ, DISTRICT LEGAL COUNSEL

Review procedure to set water rates

Jon Seitz, District Legal Counsel, reviewed the process to set rates using a hypothetical District.

The following members of the public spoke:

Homer Fox, NCSD resident – asked the Board why this report was being presented. He also asked if the existing ratepayers would have to pay for supplemental water. There was no action on this item.

E. OTHER BUSINESS

None

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 Board pulled items F-3, 4 & 5 for further discussion. Upon motion by Director Vierheilig and seconded by Director Wirsing, the Board unanimously approved Item F-1 and F-2 on the Consent Agenda as amended in Item I and directed the secretary to listen to tape for correct wording in Item D-1 when President Winn was speaking. Vote 4-0

F-1) WARRANTS [RECOMMEND APPROVAL]

F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Minutes of January 12, 2004, Special Study Session

Minutes of January 14, 2004, Regular Board meeting

Lisa Bognuda, Assistant Administrator, discussed the following reports.

F-3) DISTRICT INVESTMENT POLICY FOR THE YEAR 2004

Annual adoption of the District's Investment Policy

F-4) 4TH QUARTER INVESTMENT POLICY REPORT (RECEIVE & FILE)

F-5) 2ND QUARTER FINANCIAL REPORT (RECEIVE & FILE)

F. CONSENT AGENDA (CONTINUED)

There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Wirsing, the Board unanimously approved F-3, 4 & 5 of the Consent Agenda. Vote 4-0

**RESOLUTION NO. 2004-888
A RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE YEAR 2004 DISTRICT INVESTMENT POLICY**

G. MANAGER'S REPORT

G-1) GENERAL MANAGER RECRUITMENT

Doug Jones, District General Manager, informed the Board where the advertisement was published for the recruitment of a general manager.

There was no public comment. Upon motion by Director Trotter and seconded by Director Wirsing, the Board agreed to change each date of the timeline one month. Vote 4-0

Mr. Jones also informed the Board that the SLO Planning Department wants the comments about the Summit Station Land Use Ordinance in by February 19, 2004.

H. COMMITTEE REPORTS

There were no committee reports.

The questionnaires with a cover letter will soon be sent out to Nipomo residents in the Cal Cities area.

I. DIRECTORS COMMENTS

Director Wirsing asked to agenda budgeting and funding for televising some Board meetings. President Winn stated that NCAC had its annual election Monday eve. There were 200 people in attendance. NCAC has requested that NCSD send a non-voting representative to the meetings. He agreed to be the rep.

He also stated that WRAC meets next Wednesday Feb 4. He has been asked to be chair.

Jon Seitz, District Legal Counsel, announced the need to go into closed Session. 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 and had no reportable action.

ADJOURN

President Winn adjourned the meeting at 1:05 p.m.

The next regular Board meeting will be February 11, 2004.