

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

FEBRUARY 25, 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, 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 9:03 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, the following board members were present. Directors Vierheilig, Trotter, Blair and Winn. Director Wirsing 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.

The following members of the public spoke:

Jesse Hill, NCSD customer – stated that the decision of the groundwater litigation (no overdraft determination) set parameters. The future decision is how much will the District spend on getting water rights.

Ed Eby, NCSD resident – handed the Board a letter requesting this item for a future agenda. He read the letter to the Board

Larry Vierheilig, NCSD resident - stated that the SLO Parks Element Update will have a public workshop in Nipomo this evening.

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

D-1) ABANDONMENT OF WELL EASEMENT

SLO County School requests NCSD to abandon well easement on Hill Street

The following members of the public spoke:

Julian Crocker, SLO County Superintendent of Schools - requested the abandonment of the easements.

JC Martin, Real Estate Broker from Santa Barbara handling the sale of the property – stated that a small retail center and motel is planned. The easement runs through the planned development.

Dennis Allen, Real Estate agent for the Board of Education – stated that the easements decreases the value of the property.

Jon Seitz, District Legal Counsel, stated that the School District will provide legal description of the property.

Upon motion by Director Blair and seconded by Director Trotter, the Board directed staff to prepare a resolution to abandon the well easement and the easement through the middle of the SLO County School property on Hill Street with the District to be reimbursed for costs. Vote 4-0

D-2) REQUEST FOR SERVICE - CO 02-0021 (FLYNN)

Request to renew Intent-to-Serve letter for water & sewer service for a 15-unit apt (555 Orchard)

The Board briefly discussed this project. Director Trotter is concerned about the availability of water. There was no public comment.

Upon motion by Director Blair and seconded by Director Vierheilg, the Board approved the renewal of the Intent-to-Serve letter with the conditions stated in the February 25, 2002, letter. Vote 3-1 with Director Trotter voting no.

D-3) STATE JOBS HOUSING BALANCE INCENTIVE GRANT REIMBURSEMENT AGREEMENT
(Between SLO County & NCSD)

Review/approve an agreement to reimburse District costs associated with the Olde Towne improvements

The Board discussed the agreement with San Luis Obispo County regarding the use of State Jobs Housing Balance Incentive Grant Program funds for the Tefft Street Improvements.

The following members of the public spoke:

Homer Fox, NCSD resident – asked about the cost for installing the water and sewer lines. Will the District make money on the deal? [The answer is no. The District will be reimbursed for the costs.]

Upon motion by Director Vierheilg and seconded by Director Trotter, the Board agreed to approve the agreement with the County for reimbursement of JHBIG funds to the District. Vote 4-0

E. OTHER BUSINESS

E-1) SLO CALIFORNIA CONSERVATION CORPS PROPOSED CAMP CLOSURE (Director Vierheilg)
Request letter of support for the SLO CCC

Director Vierheilg explained that the State proposes to close some of the CCC operations due to cuts in the State's budget.

There was no public comment.

Upon motion by Director Trotter and seconded by Director Blair, the Board agreed to have the District write a letter in support of keeping the SLO CCC center open. Director Vierheilg will draft a letter. Vote 3-1 with Director Winn voting no.

E-2) REVIEW BOARD OF DIRECTORS BY-LAWS
Annual review of Board By-Laws

Homer Fox told the Board that he did not have a chance to comment on Item D-3. The comment is recorded on D-3.

Ed Eby, NCSD resident – stated that abstention is considered as absent.

Jon Seitz, District Legal Counsel stated that the Fair Political Practice Act allows that if a portion of a subject (e.g. budget) is a conflict of interest, that portion could be portioned out and the rest handled separately. The Board member could then excuse himself/herself and the portion that is a conflict could be dealt with by the remaining Board members.

Upon motion by Director Vierheilg and seconded by Director Blair, the Board agreed to have Mr. Seitz come back with language in the By-Laws that described abstention as undecided. Vote 4-0

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.*

F-1) WARRANTS [RECOMMEND APPROVAL]

F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Minutes of February 09, 2004, Special Board meeting
Minutes of February 11, 2004, Regular Board meeting

There was no public comment. Upon motion by Director Vierheilg and seconded by Director Blair, the Board approved the Consent Agenda.

G. MANAGER'S REPORT

Seismic Safety Commission will meet March 11th & 12th. Hearing is on the San Simeon earthquake.

AWWA Spring Conference information received Monday. If any Board member is interested in attending, please contact the office by Friday, March 27, 2004.

H. COMMITTEE REPORTS

There were no committee reports.

I. DIRECTORS COMMENTS

Director Blair attended the NCAC meeting Monday night. He stated that NCAC did not want the AJ Diani batch plant proposed on Hwy 166. When the creek is cleaned in town, it should be cleaned further out.

Director Trotter stated that it was a sad thing that the Bowens were not asked to come back to NCAC. They made an immense contribution to the community and NCAC.

President Winn stated that the Supervisor Achadjian suggested to the NCAC that it would be more sensible for the County to be in control of the flood system as long as NCSD has no planning powers, but that we would be able to assume those responsibilities when we had planning powers too.

Concerning a GPA allowing AJ Diani to rezone 50 acres off Cuyama Lane Industrial, the District has no rightful role to play in that planning, but we must watch the EIR for the proposed project to make sure the groundwater is fully protected from the asphalt in the batch plant Diani is planning to build there.

Meeting Friday with Supervisor Achadjian, Mr. Seitz and two from Oceano CSD about drainage Meeting also on Friday with CalTrans and the Regional Water Quality Control Board about non-point source pollution of runoff and groundwater.

The following members of the public spoke about the items on the Closed Session:

Ed Eby, NCSD resident – stated that he hopes that the NCSD has strategy to do your best for the ratepayers.

Homer Fox, NCSD resident – stated that he asked the Board to quit spending money on the lawsuit. Jesse Hill had spoken earlier during the public comment period concerning this matter.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following.

CLOSED SESSION

CONFERENCE WITH

- A. LEGAL COUNSEL - EXISTING LITIGATION - SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES. GC§54956.9
- B. REAL PROPERTY NEGOTIATOR – EASEMENT ON APN 090-451-036, DIST NEG. DOUG, PROPERTY NEG. STILLWELL REGARDING TERMS AND PRICE GC§54956.8

The Board came back into Open Session and had no reportable action.

ADJOURN

President Winn adjourned the meeting at 11:25 a.m.

The next regular Board meeting will be March 10, 2004.