

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

MARCH 10, 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 9:01 a.m. and led the flag salute.

**B. ROLL CALL**

At Roll the following Board members were present  
Directors Vierheilig, Trotter, Blair, Wirsing and Winn

**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:

Ed Eby, NCS D resident – stated that he was disappointed that the NCS D water supply assessment was not on the agenda today. The District ratepayers and prospective buyers of Nipomo properties deserve to know if there will be restrictions in water use. Last year a projection of 1600 acre feet per year of groundwater was projected as a limit.

Jon Seitz, District Legal Counsel answered that the figure of 1600 acre feet was presented last year as a scenario for an example and based on an overdraft. The Board has not made allocations. The judge who heard the groundwater litigation arguments has only issued a tentative decision. The upcoming phases of the trial may determine restrictions, if any.

**C-1) SHERIFF LT. MARTIN BASTI, COMMANDER OF SOUTH COUNTY SHERIFF STATION**

Presentation of sheriff activities in the Nipomo area

Sheriff Basti reported that an armed robber from Arroyo Grande was captured in Nipomo. Homeland Security Program grant monies helped pay for disturbance at Mardi Gras.

21<sup>st</sup> annual Citizen Academy (12-week course in spring and fall) began two weeks ago.

Crime Prevention Program available free to the public, such as Home Security Program, Neighborhood Watch, etc.

Paintball and Airsoft guns are being used, some at the Blacklake area. They appear to be a real weapon.

The Board thanked Lt. Basti for coming to the meeting.

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

**D-1) DISTRICT WEB SITE**

Review/approve a consultant agreement to develop a District web site

The Board reviewed the contract for the firm suggested by the sub-committee to design the District's web site.

Lisa Bognuda, District's Assistant Administrator, described some of the services provided by New Image Technologies, the web design firm proposed to design the site. She explained that the upgrades to the software were provided free of charge.

D-1) DISTRICT WEB SITE (CONTINUED)

The following members of the public spoke:

Lt. Martin Basti, SLO County Sheriff – suggested including emergency numbers as other CSD web sites have.

Jon Seitz, District Legal Counsel, described the modifications to the agreement.

President Winn suggested that we explore the possibility of using NCSD.org as well as NCSD.com.

Upon motion by Director Vierheilg and seconded by Director Blair, the Board awarded the contract (as modified by District counsel) to New Image Technologies and approved the purchase of the two additional software modules for \$600.00 each. Vote 5-0

D-2) ABANDONMENT OF EASEMENTS

San Luis Obispo County Office of Education has requested that the District abandon its well-site and water line easement on their property at 170 S. Frontage Road.

The Board discussed the proposal to abandon an easement and well site on SLO County Office of Education property.

Jon Seitz, District Legal Counsel started to explain proposed resolution when President Winn suggested that this item may be tabled.

The following members of the public spoke:

David Yasso, Nipomo Recreation (NARA) Executive Director – answered questions from the Board. He stated that a \$500,000+ amount is going to NARA to compensate for the lease.

Ed Shapiro, NCSD resident, prospective buyer for property – asked the Board the reason for the size of the easement. Mr. Jones explained the need for the circulation from Mary Street.

Mary Jarvis, Assistant Superintendent for Business for SLO County Office of Education – explained that there is a lease with renewal options for the NARA.

Director Blair stated that the Recreation Center should figure a better deal out of this sale. The community needs a recreation center.

Director Wirsing stated that she was disappointed and felt that the community is being shortchanged. Many families donated time and materials toward the building.

Director Trotter stated that the Board should stay on subject.

Upon motion by Director Blair and seconded by Director Wirsing, the Board agreed to continue this item until the next meeting. Vote 5-0

E. OTHER BUSINESS

E-1) BOARD OF DIRECTORS BY-LAWS

Review possible modifications to the By-Laws

The Board discussed the proposed changes in the Board of Directors By-Laws. Section 4 (Minutes) was discussed at length.

Jon Seitz, District Legal Counsel, noted that in the past, the Board decided to have action minutes rather than lengthy and detailed minutes.

There was no public comment. Director Wirsing stated that she noticed when reading the February 25<sup>th</sup> Minutes that there were no Director's comments.

Upon motion by Director Vierheilg and seconded by Director Blair, the Board adopted Resolution 2004-991, as amended. Vote 5-0

**RESOLUTION NO. 2004-991  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2004 UPDATE)**

E-2) NOTICE OF COMPLETION - M J ROSS [RECOMMEND APPROVAL]  
Filing a Notice of Completion for the Tefft Street water and sewer services project

President Winn listed a few things that need to be completed, such as one service yet to be installed, cleaning of debris, etc. There was no public comment.

Upon motion by Director Trotter and seconded by Director Vierheilig, the Board directed staff to file the Notice of Completion when the work is completed. Vote 5-0

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 25, 2004, Regular Board meeting

There was no public comment. Upon motion by Director Blair and seconded by Director Vierheilig, the Board approved the Consent Agenda. Vote 5-0

G. **MANAGER'S REPORT**

Rate increase/water conservation notice in bills

Doug Jones, District General Manager, presented copies of the mailers to be inserted in the next set of water bills.

He also said that a supplemental EIR is being prepared for the Guadalupe Oil Field Remediation and Abandonment Project

President Winn stated his desire to have the conservation notes put in newspaper, etc.

H. **COMMITTEE REPORTS**

Directors Trotter and Winn met Monday to look at the applications of the candidates for the General Manager position. There were 14 applicants. Four were reserved to consider for interview.

I. **DIRECTORS COMMENTS**

Director Blair stated that Paul Texieria on Parks Commission asked about some confusion around the easement through the park. Something should be done.

He went to Sacramento for a CSDA meeting concerning the State taking our money.

He stated that the Recreation association was shortchanged concerning the rec. building.

Director Vierheilig stated his appreciation for the expeditious manner in sending out the letter to the CCC support letter.

He stated that the purview of the Board might not involve the transactions with the School and the Recreation Center, and the District is limited in what it can do. He would like to see it resolved.

President Winn stated that the League of California Cities has an initiative which is being spread about to qualify for the November election. The purpose of the initiative is to protect budgets of cities, counties and special districts from predations by state agencies such as ERAF did before.

The proposal is that there shall be no unfunded mandates from the State without a vote of the people. The Board of Supervisors met Tues. March 9th. One item discussed was about drainage and flood control. The subject will come to NCSD Board for consideration.

WRAC did not meet this month.

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

**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. 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 11:15 a.m.

**The next regular Board meeting will be March 24, 2004.**