

# NIPOMO COMMUNITY SERVICES DISTRICT

MAY 12, 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, NCSB 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 9:03 a.m. and led the flag salute.

### **B. ROLL CALL**

At Roll Call, the following Board members were present:  
Directors Vierheilig, Trotter, Wirsing, and Winn. Director Blair had a planned absence.

### **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:

Cindy Bell, inside District resident – stated that she is concerned about property owners being able to put granny houses in the Summit Station area.

Kathy Beck, inside District resident – asked the Board to reconsider backing the release of restrictions on subdividing and the granny houses in the Summit Station area.

Lt. Martin Basti, SLO County Sheriff – The memorial service was changed until Monday. Law Enforcement Memorial Week will be May 15. Flags will be set at half-mast.

Lt. Basti reported about different criminals being apprehended. He stated statistics from the past year's service calls.

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

#### **D-1) LAFCO STAFF REPORT, SPHERE OF INFLUENCE UPDATE, MUNICIPAL SERVICE REVIEW AND ENVIRONMENTAL IMPACT REPORT**

Presentation by LAFCO Executive Officer, Paul Hood

David Church, LAFCo representative – reviewed the recommended Sphere of Influence (Sol) for Nipomo Community Services District. There are approximately 3800 acres included in about 6 square miles. He showed several slides summarizing the reports. There will be a LAFCo meeting May 20, 2004 concerning this matter. Copies of the slides are in the file packet.

The following members of the public spoke:

Dave Watson, King Ventures representative – Commended staff for the work done on the report. He asked the Board if it is assured the District has sufficient resources.

Ximena Ames, inside District resident – Stated that she wanted clarification on the Summit Station area water concerns.

Ken Bornholdt, Woodland project representative – stated that he appreciated the District staff's support that the Woodland area not be included in the SOI. Woodland will be filing comment letters about the recent court decision about the entire Santa Maria water basin not being in a state of hydrogeologic overdraft nor has the District exceeded the safe yield. The basin is a single hydrologic unit and not in an overdraft. He stated that the Papadopoulos report has flaws. He stated that it did not consider the court decision and wrongly assumed that the area is in an overdraft.

Jon Seitz, District Legal Counsel – explained the court's decision on safe yield is being investigated.

Jim Tefft, outside District resident – stated that he resides in area 7 and will hopefully be in the Sphere of Influence. He commended NCSD and LAFCo for the study and the comprehensive report.

Ed Eby, inside District resident – asked the Board about how the District plans to measure and certify the per capita water consumption.

Kathy Beck – asked the Board where the fees for annexation are spent. She asked the Board if the District pays for pipes to the areas requiring water. Mr. Jones explained that the developer installs the water lines and then dedicates them to the District. She stated that she believed that the Papadopoulos Report was based on ten year old data. President Winn explained that the Papadopoulos report is called a meta study, that is a study of all the studies. Some of the data is 35 years old and some is as recent as four years old.

Director Trotter – warned the Woodland's rep to heed the Papadopoulos Report. The court has not made its final decision.

President Winn – wanted to thank the SLO County Planning and NCAC for their input.

President Winn called a recess at 10:05 a.m.

D-2) REQUEST BY LAFCO FOR NCSD TO AUTHORIZE ADDITIONAL FUNDS FOR SOI/MSR ENVIRONMENTAL IMPACT REPORT

Review request by LAFCO for NCSD to authorize additional funds for Douglas Wood & Associates, Inc. for outside consulting services

Paul Hood, LAFCo - explained that this \$1,400.00 will be the final bill from Mr. Wood to share in the financial responsibility of the EIR.

The Board discussed the billing. Director Vierheilig discovered a slight flaw in the math. Upon motion by Director Wirsing and seconded by Director Vierheilig, the Board agreed to pay \$1400 as the final bill from Wood and Associates.

D-3) MEMORANDUM OF AGREEMENT BETWEEN THE NCSD AND THE COUNTY OF SLO REGARDING THE NCSD'S SPHERE OF INFLUENCE

Review and approve the latest revisions to the draft Memorandum of Agreement

Jon Seitz, District Legal Counsel explained that the MOA is a policy document which is framed like a resolution and yet non-binding. It basically agrees to interagency cooperation concerning planning, etc.\*

There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Trotter, the Board unanimously approved the MOA as amended. A copy of the amendments is in the office.  
Vote 4-0

- D-4) DISTRICT INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)  
Resolution adopting District IIPP

The Board discussed the proposed IIP Program. Director Vierheilig thanked staff for including his suggestion about chains, hoists, etc.  
There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Wirsing, the Board unanimously approved the Injury and illness Prevention Program. Vote 4-0

**RESOLUTION NO. 2004-895  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING THE INJURY AND ILLNESS PREVENTION PROGRAM**

- D-5) LANDSCAPE MAINTENANCE DISTRICT #1  
Resolution initiating proceedings for annual levy of maintenance of District facilities

The Board discussed the resolution relating to Landscape Maintenance District #1 to levy assessments on each of the 28 properties within Tract 2409. It was suggested to change the words "Garing, Taylor and Associates" to "an assessment engineer".  
There was no public comment.

Upon motion by Director Vierheilig and seconded by Director Trotter, the Board unanimously approved the resolution to fund the Landscape Maintenance District, as amended. Vote 4-0

**RESOLUTION NO. 2004-896  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS  
FOR ANNUAL LEVY OF ASSESSMENTS FOR THE LANDSCAPE  
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2004/2005  
PURSUANT TO THE PROVISIONS OF PART 2 OF  
DIVISION 15 OF THE  
CALIFORNIA STREETS AND HIGHWAYS CODE**

**E. OTHER BUSINESS**

- E-1) BOARD OF DIRECTORS BY-LAWS  
Review revisions to the Board By-Laws

The Board discussed the Board of Directors By-Laws, at great length, especially the matter of abstentions Section 2.9.

There was no public comment.

Upon motion by Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to continue this item to a future meeting. 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 April 2, 2004, Special Board meeting  
Minutes of April 7, 2004, Regular Board meeting  
F-3) FIRST QUARTER INVESTMENT POLICY REPORT [Receive & File]  
F-4) THIRD QUARTER FINANCIAL REPORT [Receive & File]  
F-5) RESOLUTION ACCEPTING WATER IMPROVEMENTS FOR TRACT 2387 [RECOMMEND APPROVAL]

F. **CONSENT AGENDA** (continued)

Upon motion by Director Vierheilig and seconded by Director Trotter, the Board approved the Consent Agenda. Vote 4-0 for Items F-1, 2, 3 & 4. Vote 3-1 for Item F-5

**RESOLUTION NO. 2004-897  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER IMPROVEMENTS  
FOR THE FOR TRACT 2387 (Guiton Realty)**

G. **MANAGER'S REPORT**

Doug Jones, District General Manager, provided information for the following:

Set Board Study Session for FY 04/05 Budget

Hermreck Well bid opening – May 19, 2004

Notice of LAFCo Public Hearing on Sphere of Influence – May 20, 2004

CSDA Legislative Alert

AWWA Conference

The Board set May 18, 2004, 9:00 a.m. for a Study Session - 2004-05 NCS D budget.

H. **COMMITTEE REPORTS**

The Finance Committee, Directors Vierheilig and Trotter, reviewed the budget. The comments were presented to the Board.

I. **DIRECTORS COMMENTS**

Director Winn – Water Resources Advisory Committee

Director Wirsing asked about the applications for the new manager. Mr. Jones told the Board that the deadline is May 31, 2004.

Director Vierheilig thanked staff for providing the well level information.

Director Winn reported that the AWWA conference was educational (de-sal, conservation, etc.). He suggested that if we could find affordable water to hold us for ten years, the cost of de-sal is going down. Perhaps we could do some preliminary work such as procuring the site. He has been approached by different landowners, offering a site for the de-sal.

WRAC recommended to go to Level 3 severity to the Board of Supervisors based on the Papadopoulos Report.

He mentioned planning powers, the Board of Supervisors

Meeting with Supervisor Achadjian to discuss the lot next to this building as a possible park and ride site.

Use of the Church Well is causing damage to property and is unacceptable to him personally.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session at 12:52 p.m.

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
SMVWCD VS NCS D SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.

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

**ADJOURN**

President Winn adjourned the meeting at 1:15 p.m.

**The next regular Board meeting will be May 26, 2004**