

NIPOMO COMMUNITY SERVICES DISTRICT

JULY 14, 2004

9:00 A.M

MINUTES

REGULAR MEETING

BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AND

ANNUAL MEETING OF

BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

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 9:01 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

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.

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

Presentation of sheriff activities in the Nipomo area

Comdr. Basti stated that the department was reorganized. An undersheriff was appointed. The department received some grant funding. He reported a shooting on S. Oakglen. The Street Faire and the Dana Adobe Days were manned by the sheriff's dept. President Winn asked about the streetlights. Comdr. Basti stated he would have a report made about the brightness.

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

D-1) WEB SITE HOME PAGE

Review artwork for NCSB home page web site

Ms. Julie Dunn presented a color painting showing the possible artwork for the NCSB web site home page. There was no public comment.

The Board asked Ms. Dunn to make some minor changes before accepting the painting.

D-2) REQUEST FOR PHASED PAYMENT FOR TRACT 1802/1856 (BENHAM)

Request to pay District fees in phases, formation of maintenance districts & well improvements

Phased payments

The Board heard Erik Benham, developer for Tracts 1802 and 1856, present his views about portions of the Annexation Agreement and the Plan Check and Inspection Agreement between the District and Trincon or Maria Vista Estates. He asked the Board to consider approving Will-Serve letters to his project.

D-2) REQUEST FOR PHASED PAYMENT FOR TRACT 1802/1856 (BENHAM) {continued}

Director Wirsing asked if the development has water. [Ans: There is a fire hydrant meter available and being used near the project.] She asked if the two wells were to be sold to the developer. Mr. Jones explained that the wells are not being sold and the development of the wells are the responsibility of the developer.

Mr. Benham stated that he had no knowledge of the wells being drilled.

Director Vierheilg stated that even if a phased payment were available, the Dana Wells need to be functioning before service is provided to Maria Vista.

Mr. Seitz explained the annexation agreement and the Plan Check and Inspection agreement. The purpose of an annexation agreement is to enter into the District. When the District issues a Will-Serve letter, the District is obligating itself to serve water to the project. He suggested possible methods for Mr. Benham to finance the project: Letter of Credit, a phasing ordinance, etc.

Director Wirsing asked if a Letter of Credit has been used before. [Yes] She also asked if the wells were operational. [No]

Director Blair sympathizes with the phasing possibility.

Director Vierheilg stated that the Annexation Agreement does not address Intent-to-Serve letters.

President Winn stated that this project needs to move on and is willing to work on an ordinance to help the development be completed.

Dana Wells

Erik Benham, developer – stated that it is not necessary to make all the improvements to the Dana Wells before a Will Serve letter should be issued.

Mr. Benham stated what he would like the District to go into Closed Session and hash this thing out and come back with an agreement.

Mr. Seitz stated that the Board does not go into Closed Session to work out the solutions to the projects. The development of the Dana Wells has always been a condition of annexation and service.

Upon motion of Director Vierheilg and seconded by Director, the Board Director staff to report to the next meeting the consideration of a phasing ordinance and a clarification of the Dana Wells Agreement. Vote 5-0

Mr. Seitz suggested staff prepare a report on the status of the Dana Wells.

President Winn called a break at 11:15 a.m.

The Board came back into Open Session at 11:25 a.m.

Maintenance Districts

Mr. Benham stated his understanding of forming a homeowners association. After having it explained to him, he stated that the matter was closed.

E. OTHER BUSINESS

E-1) WATER BILL DISPUTE - PERRY
Review water use charges

Mr. Perry was not present at this meeting.

There was no public comment.

Upon motion of Director Trotter and seconded by Director Vierheilg, the Board agreed to table the matter until the customer could be present. Vote 4-1 with Director Blair voting no.

- E-2) PARK/CAMINO CABALLO WATER LINE BIDS
Review and award contract to construct water line

The Board reviewed the list of bids to construct the water line across the Nipomo Park and in Camino Caballo between Pomeroy and Osage Road.

There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously agreed to adopt Resolution 2004-910. Vote 5-0. The Board directed staff to send an update to Pete Jenny.

**RESOLUTION 2004-910
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING A CONTRACT TO SPECIALTY CONSTRUCTION INC.
TO CONSTRUCT THE WATER LINE ACROSS NIPOMO PARK AND IN CAMINO CABALLO**

- E-3) UPGRADE DISTRICT SCADA SYSTEM – iPAAC
Consider contract to install/upgrade SCADA equipment

Jon Seitz, District Legal Counsel, advised the Board to continue this item until he checks that the District followed the legal proposal process.

Juan Anderson, iPAAC, explained the SCADA system.

There was no public comment.

Upon motion of Director Wirsing and seconded by Director Vierheilg, the Board unanimously agreed to continue this item until the District is assured that it complies with the requirements of the law. Vote 5-0

ADJOURN TO THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

At 12:15 p.m. the Board adjourned the regular meeting of the Board of Directors of the Nipomo Community Services District and opened the annual meeting of the Board of Directors of the Nipomo Community Services District Public Facilities Corporation.

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 Public Facilities Corporation Meeting Agenda. Comments are limited to 3 minutes or otherwise at the discretion of the Chair.

- A. BOARD MEETING MINUTES
Approval of the Board of Directors Minutes – July 23, 2003

Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously approved the minutes of the July 23, 2003, meeting. Vote 5-0

President Winn adjourned the meeting at 12:17 p.m.

ADJOURN TO NIPOMO COMMUNITY SERVICES DISTRICT - REGULAR MEETING

NIPOMO COMMUNITY SERVICES DISTRICT

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 June 23, 2004, Regular Board meeting

Minutes of June 28, 2004, Special Board meeting

F-3) ACCEPTANCE OF WATER & SEWER IMPROVEMENTS - TRACT 2375 [RECOMMEND APPROVAL]

Resolution accepting water and sewer improvements for Tract 2375 (Hernandez)

RESOLUTION NO. 2004-911

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR THE FOR TRACT 2375 (HERNANDEZ)**

F-4) GENERAL MANAGER – SALARY ADJUSTMENT [RECOMMEND APPROVAL]

Resolution approving General Manager salary

Upon motion of Director Vierheilg and seconded by Director Blair, the Board unanimously approved the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

G-1) WELL DATA

Doug Jones, District General Manager presented information about the wells.

H. COMMITTEE REPORTS

The Task Force met June 30, will meet today and again Monday July 19, 2004. A report will be given at a future Board meeting.

I. DIRECTORS COMMENTS

Director Blair would like to have a banner available for future public gatherings such as the Street Faire. He would also like tee shirts for the Board. He also asked that the fire hydrants be painted red. [It was explained that the color is dictated by the flow.]

Director Vierheilg stated that there would be a meeting with a city engineer to talk about desalination. He would like an updated Board roster. He would also like to have a copy of the signed MOA with the County.

Director Wirsing stated that the make up of the task for in the ad hoc committee was not fair to the community.

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

- A. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. ANTICIPATED LITIGATION – ONE CASE – GC§54956.9
- C. PUBLIC EMPLOYMENT – GENERAL MANAGER GC§54957

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

ADJOURN

President Winn adjourned the meeting at 12:45 p..m.

The next regular Board meeting will be July 28, 2004.