

# NIPOMO COMMUNITY SERVICES DISTRICT

OCTOBER 27, 2004

9:00 A.M.

## MINUTES

### REGULAR MEETING

#### BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT

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

MICHAEL LeBRUN, **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 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.**

The following members of the public spoke:

John Snyder, Outside District resident – suggested that a representative from NCSD attend the conference at the courthouse November 10, 2004, at 9:00 a.m.

Erik Benham, developer of Maria Vista Estates – stated that the NCSD Board is inappropriate in the matter of some water and sewer bonding for his project.

Jesse Hill – NCSD customer – suggested that the Board consider the charge for the water planned to be purchased from Santa Maria.

- D. 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 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 brackets.*

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Minutes of October 13, 2004, Regular Board meeting

D-3) INVESTMENT POLICY THIRD QUARTER REPORT [RECOMMEND APPROVAL]  
Summary of third quarter investment statistics

President Winn asked for more information concerning D-3, the Investment Policy.

Lisa Bognuda, District Assistant Administrator reviewed the report and explained the items listed on the board letter. The Board questioned the low interest rate earned on the LAIF account. There was no public comment.

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

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

**E-1) QUIMBY AND PUBLIC FACILITY FEES**

Presentation by Jesse Hill - County use of Quimby and public facility fees

Jesse Hill made a presentation to the Board and public about San Luis Obispo County handling of the Quimby funds. He presented several slides. A copy of the slides is in the Board packet and is available for viewing or purchase. There was no public comment. This was an information item.

**E-2) SERVICE REQUEST – TRACT 2658**

Consider service request for a 9-lot development on South Oakglen Avenue

Michael LeBrun, District General Manager, explained the request from Oakglen Estates, LLC for water and sewer service for a 9-lot development at 392 South Oakglen Avenue. The following members of the public spoke:

Scott Pace, owner of Pace Brothers Construction and the project owner – made himself available for questions from the Board.

Director Wirsing stated that she cannot support this project because of the lack of supplemental water supply.

Director Vierheilig stated he was happy to see the minimum 6000 sq ft lot sizes.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board approved the issuance of an Intent-to-Serve letter for Tract 2658, a 9-lot development. Vote 4-1 with Director Wirsing voting no.

Director Trotter suggested that the District expedite a supplemental water supply.

**E-3) AMERICANS WITH DISABILITIES ACT**

Consider letter of support for Americans with disabilities act defense

Mr. LeBrun explained that the letter originally written to Governor Schwarzenegger concerning the Americans with Disabilities Act had been changed to reflect the opinion of District Legal Counsel, Jon Seitz.

The following members of the public spoke:

Jesse Hill, outside District resident – stated that when he owned a restaurant, it cost him \$40,000 in attorney's fees for this problem.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved the letter as amended by District counsel. Vote 5-0

**E-4) CONSIDER ALTERNATIVE DATES FOR THE NOVEMBER 17, 2004 MEETING OF THE BOARD OF DIRECTORS**

Originally, the Board changed the Board meeting date to November 17<sup>th</sup>. There was a possibility that Director Blair could not attend. Circumstances changed; therefore, the need to change the meeting to November 18<sup>th</sup> was eliminated. The next Board meeting will remain November 17, 2004, at 9:00 a.m. There was no Board action.

**F. MANAGER'S REPORT**

Michael LeBrun, District General Manager, presented the information as written in the Manager's Report.

**G. COMMITTEE REPORTS**

Directors Trotter and Vierheilig (Finance Committee) met with Lisa Bognuda, Michael LeBrun and Carlos Reynoso, CPA, to discuss the current audit. The directors felt that the audit was a very thorough report and were satisfied.

#### H. DIRECTORS COMMENTS

Director Blair reported that he will attend the CSDA meeting November 18<sup>th</sup>.

He was concerned about the delay with the Pace project increasing the cost of the houses to be built there.

Director Vierheilig reported that October 16 there was a workshop with Dr. Alvin Sokolow, retired from UC Davis. The workshop was concerning local land use planning.

President Winn expressed appreciation to Director Vierheilig, Ed Eby, Gene Carl for their participation in that workshop. It was very informative.

Next Tuesday, the SLO County Board of Supervisors will be meeting. Part of the hearing will be on the RMS to advocate a Level III Severity for the mesa. The vote will be on December 14<sup>th</sup>.

WRAC will be meeting next Wednesday at 1:30 p.m. at the Veterans Memorial Building.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Items A & B below.

#### 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. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
MARIA VISTA VS. NCSD CASE NO. CV 040877
- C. POTENTIAL LITIGATION – ONE CASE

#### ADJOURN

President Winn adjourned the meeting at 11:29 a.m.

**The next regular Board meeting will be November 17, 2004**