

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

REGULAR MEETING

MARCH 10, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
ED EBY, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

A. CALL TO ORDER AND FLAG SALUTE

President Vierheilig 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 COMMENT PERIOD

PUBLIC COMMENT

The following members of the public spoke:

Commander Martin Basti of South County Sheriff Station - provided some information about the sheriff activities in the Nipomo area for the past month.

- A couple of burglaries occurred in Nipomo.
- Stolen power tools found in Long Beach in a storage container to be shipped out.
- Law Enforcement Torch Run (fundraiser) will be through Nipomo on June 7th.

Dan Anderson, CDF Battalion Chief, California Department Of Forestry (CDF) - provided information of CDF activities in the Nipomo area

- Signups by the following dates,
Zone 1 – Apr 04, Zone 2 – Apr 25, Zone 3 – May 16
- Chipping will be done,
Zone 1- Apr 11-22, Zone 2-May 2-13, Zone 3-May 23-Jun 3
- Hydrant test on Lyn Road more than 1000 gpm.

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

February 23, 2005, Regular Board meeting
February 18, 2005, Special Board meeting

Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved the Consent Agenda with changes as amended in E-3 of the Minutes of February 23, 2005.

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

E-1) JOINT USE OF EXCESS CAPACITY OF DISTRICT
WATER CONVEYANCE FACILITIES

First reading of an Ordinance governing the transfer of water through District facilities.

Jon Seitz, District Legal Counsel, reviewed the information in the Board letter. Board discussion ensued.

AGENDA

E-1) JOINT USE OF EXCESS CAPACITY OF DISTRICT WATER CONVEYANCE FACILITIES (CONTINUED)

The following members of the public spoke:

Jerry Bunin, Government Affairs Director for the Homebuilders Association – asked about the definition of native water. Mr. Seitz explained that the definition was taken from the groundwater litigation settlement language.

Greg Nester, local contractor – encouraged the Board to allow wells within the Sphere of Influence.

Mr. Seitz explained that water within an annexed area is not affected by this ordinance.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to instruct Staff to incorporate edits discussed into the Ordinance and Chapter 3.30 of the District Code and bring the Ordinance back to the Board at a subsequent meeting. Vote 5-0.

E-2) FORMATION OF AD-HOC COMMITTEES

Discuss and appoint committees for two pending annexation proposals

The following members of the public spoke:

Katie Fairbanks, NCS D customer – asked if it is still the policy of the District that any annexation must bring in water with the annexation.

Director Winn suggested that the committee consider:

- The Crystal Oaks area and interface with the developer concerning the water and sewer demands
- Melschau’s 42 acres
- The area between the two requests.

Director Eby stated that the committee needs to explore the water demand possibly exceeding the future water supply.

Upon motion of Director Eby and seconded by Director Winn, the Board agreed that the committee work with the applicants of the properties in area one (which includes the Crystal Oaks development and the Melschau property) to develop parameters needed for the applications to be complete. Vote 5-0

President Vierheilig appointed Directors Winn and Eby for an Ad Hoc Committee to work with annexation applicants and the General Manager to develop complete applications for annexation.

President Vierheilig called for a break at 10:30 a.m.

The Board reconvened at 10:43 a.m.

E-3) SLO COUNTY RESOURCE MANAGEMENT SYSTEM

Consider County’s groundwater resources level of severity decision for Nipomo Mesa

Jon Seitz, District Legal Counsel, explained that he and representatives from NCS D will be meeting March 30th with Supervisor Achadjian to discuss the Level III Severity matter.

The following members of the public spoke:

Jerry Bunin, Government Affairs Director for the Homebuilders Association – Stated that there are 10,000 acre feet of water that the City of Santa Maria is currently not planning to use. He hopes the NCS D Board will consider more than 3,000 acre feet.

AGENDA

E-3) SLO COUNTY RESOURCE MANAGEMENT SYSTEM (continued)

Greg Nester, local developer – stated that he understands that Santa Maria would be willing to pump as much water as would not affect the northern hydraulics. Tim Murphy, NCSD resident, from the Summit Station area – stated that he opposes the NCSD Board’s recommendation to support Level III water severity. Director Winn encouraged staff to talk to other SLO County Supervisors. Upon motion of Director Eby and seconded by Director Wirsing, the Board agreed to table this item until it is known when the SLO County Board of Supervisors will be hearing this subject. Vote 5-0

E-4) DISTRICT PLANNING RETREAT

Discuss setting and timing for a District planning retreat.

The Board discussed the possibilities for a planning retreat. Jon Seitz, District Legal Counsel, stated that the Brown Act requires an agenda to be published and for it to be open to the public. The Board agreed to provide staff with a list of items of concerns for possible items to be on the planning agenda. There was no public comment.

F. MANAGER’S REPORT

Michael LeBrun, District General Manager, reviewed the information presented in the Board letter. He also reported that he spoke to the Blacklake Homeowners Association. There was no public comment.

G. COMMITTEE REPORTS

There were no committee reports.

H. DIRECTOR’S COMMENTS

Director Eby

- Mr. Nester presented information to NCAC about the Crystal Oaks project. NCAC wanted a member of NCSD to be on a committee to review the proposed project. He stated that he would not want an NCSD member to be on such a committee.
- NCAC barely passed recommendation to the County for Level III water severity

Director Winn

- March 11th, Grace Church summary meeting for 50-year planning events held in Templeton
- March 11th 1:00 to 3:00 p.m. Task force meeting for the rec of Integrated Regional Water Management Plan at SLO City Library
- March 17th 9:00 a.m. at Templeton CSD - North County Water Planning Task Force
- March 24th 12:00 to 1:30 p.m. at NCSD Board room County Planning Chuck Stevenson – multi family housing and multi-use developments
- March 24th 7:00 a.m. Chamber of Commerce monthly breakfast - speaker will be John Scardino
- April 6th 1:30-3:00 p.m. Water Resources Advisory Council at SLO Library

AGENDA

H. DIRECTOR’S COMMENTS (CONTINUED)

President Vierheilg

- Catalog for the trash containers will be given to staff after the Olde Towne meeting tomorrow
- Allocation ordinance 6-month review coming up
- He will be participating in NCAC’s Cañada Specific Plan committee on a level limited to landscaping
- By-Law review – All requests for staff time need to go through the General Manager.

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
3. LABOR NEGOTIATIONS GC§54957.6 CONTRACT NEGOTIATIONS - SIX MONTH PERFORMANCE REVIEW OF GENERAL MANAGER. DISTRICT NEGOTIATOR - PRESIDENT VIERHEILIG

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board heard an update on the items listed above. There was no reportable action.

ADJOURN

President Vierheilg adjourned the meeting at 1:40 p.m.

- **THE NEXT REGULAR BOARD MEETING IS MARCH 23, 2005**
- **THE 4TH RATE STUDY WORKSHOP WILL BE CONDUCTED IN CONJUNCTION WITH THE MARCH 23, 2005 MEETING.**