

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

REGULAR MEETING

MAY 11, 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 9:00 a.m. and led the flag salute.

President Vierheilig presented the Board Secretary with a resolution of appreciation and read the resolution in its entirety. He presented a card from the Board and staff.

B. ROLL CALL

At Roll Call, all Board members were present.

CLOSED SESSION AT 11:30 A.M.

The Board plans to go to Closed Session at 11:30 a.m. to conduct a teleconference with water rights counsel. Remaining agenda items will be concluded following Closed Session.

C. PUBLIC COMMENT PERIOD

PUBLIC COMMENT

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

Commander Basti informed the Board about sheriff activities in the Nipomo area.

- Car abatement
- Burglary occurrences
- Five new deputies on board. The department is still five behind.
- A new records management system is in process of updating information.
- The graffiti program is being reinstated because a citizen volunteered his time and Miner's Hardware donated some paint.
- The department is preparing for the upcoming Memorial Day holiday .

The Board thanked Commander Basti for his presentation.

C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

Captain Felix Camacho reported to the Board today in Battalion Chief Anderson's absence.

- Chipping event Zone 2 now in progress
- Zone 3 has until May 16th to sign up
- 197 incidents in April
- Fire fighting training is occurring
- SLO County has no weed abatement program

The Board thanked Captain Camacho for his presentation.

There was no additional public comment.

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D. CONSENT AGENDA

- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES
- D-3) NOTICE OF COMPLETION, LYN ROAD IMPROVEMENTS

RESOLUTION NO. 2005-936
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR THE FOR LYN ROAD ANNEXATION

- D-4) ENGINEERING SERVICES AGREEMENT WITH CANNON ASSOCIATES
- D-5) RESOLUTION APPROVING AN EXCHANGE OF REAL PROPERTY INTEREST OVER A PORTION OF APN 091-326-015

RESOLUTION NO. 2005-937
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AN EXCHANGE OF REAL PROPERTY
INTEREST OVER A PORTION OF APN 091-326-015

There was no public comment on the consent agenda.

Upon motion of Director Winn, and seconded by Director Eby, the Board unanimously approved the Consent Agenda as amended. Vote 5-0

Upon motion of Director Winn, and seconded by Director Eby, the Board unanimously agreed to reaffirm Resolution 2005-935. Vote 5-0

RESOLUTION NO. 2005-935
A RESOLUTION OF APPRECIATION TO DONNA K. JOHNSON
FOR SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT

E. ADMINISTRATIVE ITEMS

E-1) MANDATORY SOLID WASTE COLLECTION

Introduce Ordinance to:

- a) Establish mandatory solid waste collection within the District
- b) Require wastewheeler service for garbage, recycling and greenwaste collection
- c) Establish District wide rates and charges for solid waste collection services

Jon Seitz, District Legal Counsel, presented the Board with a copy of some proposed changes in the ordinance. A copy is available in the Board packet in the District office. He reviewed the proposed ordinance which reflects a State-mandated source reduction. He explained that if there is a 50% protest of the rate structure, it will revert to the volunteer collection method.

The Board discussed the proposed ordinance.

Tom Martin of the South County Sanitary District answered questions from the Board concerning late fees and mandatory collection.

There was no public comment.

Upon motion of Director Winn, and seconded by Director Trotter, the Board approved the reading of the Ordinance in title only and also the First Reading of the Ordinance implementing mandatory solid waste collection with the District and adopting the proposed fees with the amendment presented by Mr. Seitz. Vote 4-1 with Director Wirsing voting no.

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E-1) MANDATORY SOLID WASTE COLLECTION (CONTINUED)

ORDINANCE 2005-_____
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT IMPLEMENTING MANDATORY SOLID WASTE COLLECTION, ADOPTING DISTRICT-WIDE FEES FOR SOLID WASTE SERVICE AND AMENDING CHAPTER 7.01 OF THE DISTRICT CODE TO REQUIRE WASTE WHEELER SERVICE FOR GARBAGE, RECYCLING AND GREEN WASTE COLLECTION

President Vierheilg called for a short break at 10:04 a.m.
The Board reconvened at 10:15 a.m.

E-2) DISTRICT WATER SERVICE ALLOCATION ORDINANCE

Mr. LeBrun reviewed the allocation ordinance. Jon Seitz, District Legal Counsel, reviewed the report also.
There was no public comment.
Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to accept the report and leave the allocation ordinance as it is. Vote 5-0.

E-3) SERVICE REQUEST – APN 091-292-001

Mr. LeBrun reviewed the staff report. The Board considered the request for water service for APN 091-292-001, a 6-lot subdivision on Pomeroy at Hunter Ridge Lane pursuant to District’s water allocation Ordinance.
The following members of the public spoke:
Steve Babcock, SB Planning – stated that every effort will be made to acquire the easements necessary for looping the line, as requested in the proposed Intent-to-Serve letter.
Richard DeBlauw, owner of project – asked if the \$13 thousand plus included the \$11 thousand supplemental water fee. Answer – yes it does.
Director Wirsing stated that her property is more than 500 feet past the project.
Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously approved the Intent to Serve Letter for APN 091-292-001 with looping as possible. Vote 5-0

E-4) URBAN WATER MANAGEMENT PLAN

Mr. LeBrun reviewed the subcommittee’s recommendation for selecting a consultant to prepare an Urban Water Management Plan update. The committee recommended SAIC (Science Applications International Corporation).
Director Eby suggested a compliance matrix concerning the UWMP Act.
There was no public present to comment.
Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously agreed to hire SAIC as a consultant to update the District’s Urban Water Management Plan. Vote 5-0

E-5) COUNTY GROWTH CAP

The Board discussed the District’s position on SLO County Board of Supervisors’ upcoming decision regarding South County Area Plan growth cap.
There was no public present to comment.
There was no action.

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CLOSED SESSION AT 11:30 A.M.

The Board went into Closed Session at 11:30 a.m. to conduct a teleconference with water rights counsel. Remaining agenda items (L, F, G, & H) will be concluded following Closed Session.

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 NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- 2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSA CASE NO. CV 040877
- 3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSA vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session to the Conference Room at 11:25 a.m.
Director Trotter left the meeting at 12:00 p.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board reconvened in Open Session at 12:25 p.m.

Mr. Seitz announced that the Board heard an update concerning the items above. There was no reportable action.

ITEM TAKEN OUT OF ORDER

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reported that the WRAC supported the District in its Level III Severity position.

A community meeting was held at Blacklake Thurs. May 5 at 1:30 p.m. to discuss the new rates. There were approximately 70 people in attendance.

Another meeting was scheduled at 6:30 for the Town Division. Only one member of the community attended.

Vice President Eby gave an excellent presentation at the Board of Supervisors meeting Tuesday, May 10th. Mr. Seitz, President Vierheilg and Mr. LeBrun also presented information to the Board.

The District received a call from Kurt Souza of the Department of Health Services concerning a positive water sample that is cause for a citation. Mr. Souza related that a public notice will be necessary. More information will be in the citation. Mr. LeBrun will review the situation at the all-staff meeting, Thursday. Steps are being taken to prevent reoccurrence.

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G. COMMITTEE REPORTS

Water Resources and Other (Directors Winn & Wirsing) met and will be meeting soon to discuss conservation.

Annexation Committee (Directors Winn and Eby) met last week and will be meeting with Mr. Nester and Klara Bergman on May 17th, 1:00 p.m.

H. DIRECTOR'S COMMENTS

Director Eby gave the Board some information about the West Nile virus. There are brochures on the counter in the office

At the Board of Supervisors meeting Tuesday, it was asked about the structure or the mechanism for the supplemental water supply.

He asked about the Hermreck Well status and the well monitoring network.

President Vierheilig asked about the salt situation at Blacklake. Mr. LeBrun stated there were tests taken that were inconclusive and more will be taken later.

Cañada Specific Plan, Tuesday, May 17th at the County 10:00 a.m. to 1:00 p.m.

Budget Workshop Friday, May 13, 2005

Commercial Allocation Committee to be formed next meeting.

He asked about the survey results. Mr. LeBrun stated that the results will be reported at the next meeting.

ADJOURN

President Vierheilig adjourned the meeting at 12:58 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS MAY 25, 2005.**