

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

REGULAR MEETING

MAY 25, 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**

Mission Statement: 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 and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the below referenced public meeting by contacting the District General Manager or Assistant Administrator at 805-929-1133.*

A. CALL TO ORDER AND FLAG SALUTE

President Vierheilig called the meeting to order at 9:02 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, the following directors were present.

Directors Trotter, Winn, Eby and Vierheilig. Director Wirsing was absent.

C. PUBLIC COMMENT PERIOD

PUBLIC COMMENT

The following members of the public spoke:

Brooks Burnsed, outside District resident with a commercial business within the District – He stated that he would like to have had notice given about the fee increase before it was in effect.

Director Eby stated that the Intent-to-Serve letter stated the project would be subject to change in District fees.

George Billinger, District resident and member of the Blacklake Village Council – stated that the May 5<sup>th</sup> meeting at the Blacklake resort about the rate increase was informative. Several residents of Blacklake formed an ad hoc committee and would like to meet with the water counsel.

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Regular Board meeting, May 11, 2005

Special Board meeting, May 13, 2005

D-3) LANDSCAPE MAINTENANCE DISTRICT NO. 1 [RECOMMEND APPROVAL]

A. RESOLUTION GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT 2005-06

B. RESOLUTION DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR 2005-06

MINUTES

D. CONSENT AGENDA

RESOLUTION NO. 2005-938  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2005/2006

RESOLUTION NO. 2005-939  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2005/2006

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda. There was no public comment. Vote 4-0.

E. ADMINISTRATIVE ITEMS

E-1) SERVICE REQUEST – APNS 092-083-009 AND 092-083-010

Mr. LeBrun presented the request for water and sewer service to a development at 160 and 170 San Antonio Lane pursuant to District's water allocation Ordinance.

John Knight, RRM Design Group – discussed the project with the Board. He would like assurance that the expiration date for the Intent-to-Serve letter would extend through October 2007.

The Board agreed that the allocation length of the Intent-to-Serve letter should go the end of the water year, September 30, 2008.

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved issuance of an Intent-to-Serve letter with the conditions in the Board letter, as amended. Vote 4-0.

E-2) DISTRICT BOARD MEETING SURVEY RESULTS

Mr. LeBrun reviewed the results of the survey forms received. There was no public comment. The Board discussed the matter. Director Eby would like to consider night meetings for a trial period. Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed to continue this matter until Director Wirsing could be present. Vote 4-0

E-3) COUNTY RESOURCE MANAGEMENT SYSTEM

Mr. LeBrun reviewed the Board letter concerning the County Board of Supervisors' recent decision on water resources level of severity.

Kim Murry, Division Manager of SLO County Planning – presented information to the Board. The Board discussed the matter with her.

The following members of the public spoke:

Greg Nester, developer – stated that he would like to hear the Board's opinions before commenting.

Board discussion ensued.

Director Winn stated that Director Eby and Director Vierheilig did an excellent job presenting information to the County about the need for a Level III Severity. He was disappointed that the County disregarded the information given and stayed with a Level II. He urges County staff and our staff to works together to resolve the problem.

## MINUTES

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

Director Eby stated that the County failed to recognize a Level III. He repeated the Board of Supervisors list of six questions to work through (included in Board packet in office). The three things that NCSD was asking for are:

1. County certify a Level III
2. Any new GPA's that increase the water use over the current general plan of May 2002 be required to offset the excess water use with supplemental water
3. Any new land divisions be required to offset their water use with supplemental water.

He stated that the District needs to work on ways to reduce the depletion of our groundwater until we hear from the County.

Director Trotter stated that because we don't have the support of the other major water users, it works for the long term detriment of the community.

President Vierheilig stated that the only ways to reach an agreement is either through JPA's or through a court settlement.

The following members of the public spoke:

Greg Nester, developer – stated that he is against a moratorium and would like to work with the District.

Victor Montgomery, RRM Design Group – stated that a moratorium is not a solution.

Klara Bergman, developer Chestnut Villas and Crystal Oaks – stated that she got the impression that the District wanted to annex the Cañada Ranch property and server the proposed development.

Jon Seitz, District Legal Counsel, responded to several questions from the public.

Levels of severity are not County-wide. Woodlands and Cal Cities water is subject to the litigation judgment. Draft settlement agreements are in process.

Director Eby stated that the information relayed at the annexation meeting was to outline the process for annexation.

Level III does not trigger a moratorium. The County is trying to work out other appropriate measures.

President Vierheilig stated that he is not in support of a moratorium. There will be a meeting tomorrow with County Planning to discuss this matter.

### F. MANAGER'S REPORT

Michael LeBrun, District General Manager – reviewed the information in the Board letter. The Budget will be brought to the Board on June 8<sup>th</sup>. He discussed a letter from a customer requesting relief from a large bill.

### G. COMMITTEE REPORTS

The Annexation Committee met and presented the applicants with NCSD and LAFCo procedures and talked about supplemental water.

The Conservation Committee was unable to meet.

### H. DIRECTOR'S COMMENTS

President Vierheilig stated the following:

Trails Committee will be meeting at the NCSD building today.

West Tefft Corridor Design meeting here at 6:30 p.m. Thursday, May 26, 2005.

MINUTES

H. DIRECTOR’S COMMENTS (continued)

President Vierheilig comments:

May 17<sup>th</sup> Cañada Ranch developers and RRM Design group met.

He will meet with Pat Beck after June 1.

President Vierheilig appointed the Commercial Allocation Sub-Committee to consist of Director Winn and Director Trotter.

It has been requested to reappoint the Conservation Sub-Committee.

I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, Announced the need to go into Closed Session for the Board 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

John Fricks, attorney representing Mr. Pender and Mr. Benham – stated that the judge hoped that the parties involved can work together.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:52 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session and announced the following:  
The Board heard an update on all three items and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 1:16 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS JUNE 8, 2005.

SCHEDULED ITEMS INCLUDE:

- SECOND READ AND ADOPTION OF RATE ORDINANCE
- 2005-2006 BUDGET REVIEW AND ADOPTION
- PUBLIC HEARING BLACKLAKE VILLAGE STREET LIGHTING DISTRICT
- PUBLIC HEARING LANDSCAPE MAINTENANCE DISTRICT #1