

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

REGULAR MEETING

JUNE 8, 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.

A. CALL TO ORDER AND FLAG SALUTE

President Vierheilig called the meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENT PERIOD

PUBLIC COMMENT

Bob Blair, NCSD resident-Submitted his request for a secondary unit in the Summit Station area to NCSD on May 2 and would like a decision on this request.

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

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

- Memorial Day Weekend went well
- Shooting in Nipomo has had closure
- New records system in place ties Sheriff's Department with other police agencies
- June 20 is the Sheriff Department budget hearing
- Five year staffing plan will be presented in August

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 in Battalion Chief Anderson's absence.

- 120 responses last month for two stations combined
- Fire Season has been declared
- Chipping Event resulted in 300 tons of green waste from 290 participating residents

The Board thanked Captain Camacho for his presentation.

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Regular Meeting May 25, 2005

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### D. CONSENT AGENDA (CONTINUED)

Director Eby had corrections to items C-1 and E-3. Director Winn had an additional correction to E-3. Director Trotter suggested references such as, "today, yesterday, and tomorrow" be avoided in the minutes to minimize confusion.

There was no public comment on the Consent Agenda. Upon Motion of Director Eby and seconded by Director Winn, the Board unanimously approved the Consent Agenda as amended. Vote 5-0

### E. ADMINISTRATIVE ITEMS

#### E-1) WATER AND SEWER RATE ORDINANCE

Rate Consultant, Bob Reed, of the Reed Group, Inc. made a presentation providing an overview of the workshops and community meetings the Board conducted over the past eight months. Director Winn asked about sewer strengths. District Counsel, Jon Seitz, suggested that the sewer strength determination be included in the Intent-to-Serve letters.

Bob McGill, NCSD/Blacklake resident - stated that NCSD did a good job explaining the issues to Blacklake Residents and thanked the Board.

President Vierheilig called for any written protests to the proposed rate structures. None were presented.

President Vierheilig called for any oral protests to the proposed rate structures. None were presented.

The Public Hearing was closed.

District Counsel, Jon Seitz, suggested the following finding be added to the Ordinance:

"Pursuant to the provisions of Proposition 218, NCSD delivered written public notices of the hearing to all customers. Formal protests do not meet the required 50% of the notices mailed. In fact, NCSD did not receive any protests, written or oral, regarding the proposed rates for water and sewer charges."

Upon motion of Director Winn, and seconded by Director Eby, the Board unanimously approved Ordinance 2005-103 with the addition of the above finding. Vote 5-0

**NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE NO. 2005-103**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING TITLE 3 AND TITLE 4 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ESTABLISH BI-MONTHLY RATES FOR WATER AND SEWER SERVICE FOR THE TOWN DIVISION AND BLACKLAKE DIVISION AND TO REVISE VARIOUS DISTRICT CODE SECTIONS RELATED TO WATER AND SEWER SERVICE**

Following the vote, Directors shared their thoughts:

- Director Trotter remains concerned about the level of maintenance of District facilities
- Director Winn shared Director Trotter's concerns on maintenance
- Director Wirsing thanked Mr. Reed and staff for a thorough study
- Director Vierheilig thanked Mr. Reed and stated the Rate Study will be a "working document"
- Director Trotter passed out a notice sent to Blacklake residents and would like it attached to the minutes.
- Director Eby stated we may have to re-visit rates sooner than we want to due to the assumptions/estimates made on supplemental water

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E-2) BUDGET ADOPTION

Mr. LeBrun reviewed the highlights of the budget. Director Winn asked about the population percentage of the unincorporated area used in the appropriations limitation calculation. The Department of Finance provides that information. Director Trotter and Vierheilg both suggested that the Department of Finance be made aware of the disparity between growth county-wide and growth in sub-areas of the County.

The Public Hearing was opened and no public comments were received. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Resolution 2005-940. Vote 5-0

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2005-940**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DETERMINING THE APPROPRIATION LIMITATION  
FOR THE 2005-2006 FISCAL YEAR**

Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved Resolution 2005-941. Vote 5-0.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION 2005-941**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 2005-2006 FISCAL YEAR BUDGET**

Director Vierheilg asked that Item E-5 be heard next (out of order). The Board agreed unanimously.

E-5) DISTRICT BOARD MEETING SURVEY RESULTS

Mr. LeBrun reviewed the results of the customer survey and stated that there was not a strong opinion of the total customer base and suggested that the District maintain the procedures as is, however, the Board of Directors should set Board meeting times according to what works best for the Directors themselves. Director Wirsing stated that NCSD does not respond like other CSD's and should find money in the budget from the cell site revenue to televise the meetings. She doesn't know why the community is not more interested. Director Trotter stated that public attendance is an indication of their interest and is not convinced that televising would change public interest level. Director Winn stated that he attended evening meetings in the past and there was very limited attendance by the public. Of the 17 CSD's in SLO County, only 3 televise their meetings. Director Eby stated that the number of survey responses were disappointing. He suggested a trial period for night meetings because the people asked for it during his campaign and those responding to the survey favor night meetings. Director Trotter stated that the statistics are not meaningful because there was not adequate number of responses. Director Vierheilg stated applicants usually prefer morning meetings. Director Wirsing stated that the Board was elected to serve the people and their interests should come first.

Director Eby made the following motion: Have evening meetings for the months of July and August and at the end of the trial period evaluate whether or not evening

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meetings are successful. Director Wirsing seconded the motion. The motion failed on a vote of 2-3 with Director Winn, Trotter and Vierheilig voting no.

The Board's additional comments:

- Director Wirsing asked if there is a provision in the by-laws if a Board Member can no longer attend day meetings
- Director Winn stated he teaches school Monday through Thursday evening.
- Director Vierheilig quoted Section 2.1 of the by-laws
- Director Trotter stated schedule changes which prohibit meeting attendance by a Director are a personal matter.

President Vierheilig called for a recess at 10:30 a.m. Director Wirsing left the meeting. The Board reconvened at 10:40 a.m.

### E-3) BLACKLAKE STREET LIGHTING

President Vierheilig opened the Public Hearing. There were no public comments. Upon the motion of Director Trotter and seconded by Director Eby, the Board unanimously approved Resolution 2005-942. Vote 4-0

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2005-942**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACKLAKE VILLAGE**

### E-4) ASSESSMENT HEARING LANDSCAPE MAINTENANCE DISTRICT NO. 1

Director Winn stated that all references should be to "street landscaping" and not just "landscaping" because street landscaping is a NCSD power and landscaping is not a NCSD power.

President Vierheilig opened the Public Hearing. There were no public comments. Upon the motion of Director Eby and seconded by Director Winn, the Board unanimously approved Resolution 2005-943 with the changes made to reference street landscaping and not just landscaping. Vote 4-0

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2005-943**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE NIPOMO  
COMMUNITY SERVICES DISTRICT STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR  
FISCAL YEAR 2005-2006**

### E-6) CONSERVATION SUB-COMMITTEE

President Vierheilig outlined the need to reappoint members of the Conservation Sub-committee. President Vierheilig appointed Director Winn as Chair person and himself as member of the conservation sub-committee.

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- F. **MANAGER'S REPORT**  
General Manager reviewed the written report and supplemental materials with the Board of Directors.
- G. **COMMITTEE REPORTS**  
There were no committee reports.
- H. **DIRECTOR'S COMMENTS**  
Director Winn:  
June 24, 2005 is the Great Patriotic Street Faire in Olde Towne  
June 8, 2005 is the WRAC meeting  
Creek clean up days will be schedule for this fall. The local Salmon Enhancement group is not planning to organize it. NCSD should consider organizing the effort since we are the major sponsor.  
When is the next solid waste clean up week? (Suggestion to check past bills.)  
Director Eby:  
General Manager spoke at the monthly Save the Mesa meeting on June 4, 2005.  
President Vierheilig:  
The Five Cities Orchid Society raised and donated \$1,812.00 to the Alisa Ann Rusch Burn Foundation through the Orchid show. Thanks to all who supported the effort.
- I. **CLOSED SESSION ANNOUNCEMENTS**  
District legal counsel announced the following items for discussion in Closed Session:
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  
MARIA VISTA VS. NCSD CASE NO. CV 040877
  3. 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)
- J. **PUBLIC COMMENT ON CLOSED SESSION ITEMS**  
No public comment received on the Closed Session Agenda.
- K. **ADJOURN TO CLOSED SESSION**
- L. **OPEN SESSION**  
District Legal Counsel announced updates on all items were heard, no reportable action taken in Closed Session.

**ADJOURN**

The meeting was adjourned at 12:11 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JUNE 22, 2005.**