

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

AND

ANNUAL MEETING OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

REGULAR MEETING

JULY 13, 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 July 13, 2005 meeting of the Nipomo Community Services District to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, the following Board members were present: Directors Wirsing, Winn, Eby, and Vierheilig. Director Trotter was absent.

C. PUBLIC COMMENT PERIOD PUBLIC COMMENT

The following members of the public spoke:

Will Hartman, District resident, presented a verbal protest for the proposed solid waste ordinance.

Jon Seitz, District Legal Counsel, responded that NCSD was required to take over the franchise agreement. The District is subject to regulatory demands set forth by the State of California.

Director Wirsing stated that she was the only director who voted against the proposed mandatory garbage collection ordinance.

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

Commander Basti was unable to attend the meeting.

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

CDF Battalion Chief, Dan Anderson, presented some statistical information about the number and types of calls the forestry department received. He stated that the 4th of July was fairly quiet. There were six related fires.

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D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Regular meeting June 22, 2005

Special meeting June 29, 2005

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

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

E-1) FEE CONSIDERATION TRACT 2561 (BURNSED)

The Board heard information concerning the request from Dr. Burnsed.

Paul Knudsen, principle engineer at Accord Engineering and spokesperson for Dr. Burnsed – stated that Dr. Burnsed requests consideration that the fees be retroactive to when the Intent-to-Serve letter was issued. There was much Board discussion.

Director Eby made a motion to direct staff to come back with a resolution supporting denial of the appeal for fee reduction. Director Winn seconded the motion. Vote 4-0

President Vierheilg suggested a flow chart showing how to get a project through the District process be issued to each applicant and also to send a copy of correspondence to the owner as well as the agent.

E-2) CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD NOMINATION

Mr. LeBrun informed the Board that it could nominate a Director or senior staff person to compete in open election for appointment to CSDA Board.

No director chose to be nominated for the position.

ADJOURN TO THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

President Vierheilg adjourned the Nipomo Community Services District regular meeting at 9:42 a.m. and opened the regular meeting of the Nipomo Community Services District Public Facilities Corporation.

ROLL CALL

At Roll Call, the following Board Members were present for the NCS D Public Facilities Corporation meeting: Directors Wirsing, Winn, Eby, and Vierheilg. Director Trotter was absent.

Public Comment on Agenda Items

There was no public comment on the agenda items for the Public Facilities Corporation.

NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

Annual Meeting of the Nipomo Community Services District Public Facilities Corporation

Jon Seitz, District Legal Counsel, described the purpose and the process of the Public Facilities Corporation.

Upon motion of Director Eby and seconded by Director Wirsing, the Board unanimously approved the minutes of the Public Facilities Corporation as presented. Vote 4-0

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ADJOURN TO NIPOMO COMMUNITY SERVICES DISTRICT - REGULAR MEETING

President Vierheilig adjourned the Public Facilities Corporation meeting at 9:50 a.m. and reopened the regular meeting of the Nipomo Community Services District.

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, presented the Board with information concerning the following:

There have been no water allocations since last update. Two small projects are pending. The Solid Waste notice is generating numerous inquiries. Form letters have been mailed to those who have protested based on incorrect information provided in Adobe Press editorials. Clarification is posted on web site resulting in three retractions of protest to date. Our student intern is categorizing hydrant information and establishing GIS update/correction protocol.

Urban Water Management Plan update is moving along.

A Request for Proposal was received from Woodlands. More information will be given to the Board at a subsequent meeting.

[Boyle Engineering](#) is [proceeding](#) with updating the District's [Standards and Specifications](#) document.

Southland treatment plant continues to perform well and meet all discharge limits.

Blacklake Lagoon #1 has been drained in preparation for liner replacement.

We received a call from Cleath & Associates staff concerning the Hermreck Well and expect a report in the near future.

Discussion is continuing on a funding proposal from private development interests for the Santa Maria pipeline.

CEQA Notice of Preparation for the Santa Maria pipeline project is being made ready for mailing.

Dana Well #3 (high school supply well) had a [high nitrate reading](#), but it was tested again a week later and was within the limits.

[Datamatic](#) has some upgrades on their water meter reading system. New readers have been installed and the reads are now being [tested](#).

A [meter reading contract](#) is under consideration.

The [Dana Well heads](#) have been [fenced](#).

G. COMMITTEE REPORTS

The Santa Maria Supplemental Water Committee (Directors Eby and Vierheilig) met with developers concerning the Planning Area Standard. County Planners seem to want a guaranteed supply of water.

The Commercial Water Allocation Committee (Directors Winn and Trotter) met to discuss the different types of commercial uses.

The Finance Committee (Directors Vierheilig and Trotter) met to discuss the proper assignment of connection fees.

H. DIRECTOR'S COMMENTS

[Director Wirsing](#) stated that she saw an aerial photograph of 1939 Nipomo. It showed the differences of the mesa sands and the adobe in the valley. Nipomo was a tiny town then.

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Director Winn:

Water Resources Advisor Council will be meeting August 3, 2005, 1:30 – 3:00 p.m. at the SLO County Library talking about Proposition 50 grant monies.

Water Planning Forum meeting Monday, July 18, 2005 at 6:30 p.m. at the NCSO building.

There seems to be an overlapping of functions of two sub-committees (Annexation & Supplemental Water). Perhaps they could be merged.

Two priority issues need to be addressed:

NCSO needs to give measured response to the draft EIR for the Growth Management Ordinance. The response is due by August 15, 2005. Multi-use zoning has been added into the plan.

West Tefft Corridor Design Plan, which is a General Plan Amendment, includes doubling of density and should be formally commented on by the District.

Director Eby stated that a policy is needed for the supplemental water supply allocation, identifying who will benefit from the supplemental water.

I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
MARIA VISTA VS. NCSO CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
NCSO 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 comment.

K. ADJOURN TO CLOSED SESSION

President Vierheilg adjourned to Closed Session at 11:26 a.m.

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced that the Board heard an update on each of the three items above and had no reportable action.

ADJOURN

President Vierheilg adjourned the meeting at 12:30 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JULY 27, 2005.**