

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

REGULAR MEETING

AUGUST 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**

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

B. ROLL CALL

C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT

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

Commander Basti reported sheriff activities in the Nipomo area for the past month. There were several burglaries in the area. He reminded the public that Labor Day is coming up and school will be starting soon so that school zone safety is a concern. There were two Rural Crimes Deputies assigned to this area. The Board thanked him for his report.

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

California Department of Forestry Battalion Chief Anderson reported on the fire department's activities in the Nipomo area. There was a fire on Alina Lane but there were no injuries. There will be a funeral Friday for a local firefighter who died in a Riverside fire. The Board thanked him for his report.

D. CONSENT AGENDA

D-1) WARRANTS [RECOMMEND APPROVAL]

D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Regular meeting July 27, 2005

Correction in Item H. *Draft Nipomo Creek Watershed Management Plan is out.*

D-3) BURNSED FEE REQUEST RESOLUTION [RECOMMEND APPROVAL]

RESOLUTION NO. 2005-947

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DENYING THE REQUEST OF DR. BROOKS BURNSED FOR RECONSIDERATION OF WATER AND SEWER CAPACITY CHARGES FOR TRACT 2561

D-4) INVESTMENT POLICY - SECOND QUARTER REPORT [RECEIVE AND FILE]

Upon motion of Director Eby and seconded by Director Wirsing, the Board unanimously approved the consent agenda, as amended in the minutes. Vote 5-0

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E. ADMINISTRATIVE

E-1) MANDATORY SOLID WASTE COLLECTION/PUBLIC HEARING

Mr. LeBrun, District Manager, reviewed aspects of the proposed ordinance for rates and charges and implementing mandatory solid waste collection within the District. He reported that there were 57 written protests of various kinds (rates, mandatory and loss of the orange bins) received in the District office. Jon Seitz, District Legal Counsel, reviewed the 45-day notice criteria. A majority of owners of identified parcels within the District have not submitted written protests against the proposed fees or charges identified in the Notice.

Director Wirsing stated that she is against mandatory trash service, that it affects only half of the community. She had several other questions of legal counsel and staff.

Tom Martin, Manager of the South County Sanitary Service, answered questions from the Board and the public.

The Board considered public protests to the proposed ordinance.

The following members of the public spoke:

Jean Taylor, District resident- stated that the workers were very efficient but she did not receive a notice in the mail.

Jim Cornett, District resident – stated that he favors the rate adjustment but not the mandatory.

The following District residents opposed the mandatory portion of the proposed ordinance.

Larry & Molly Zielke
Jim & Laura Cornett
Richard Mobraaten

David Kauffman
Howard Vanderwall

John Tintle
Mary Vicinanzo

Jon Seitz, District Legal Counsel, explained the protest procedure.

Director Wirsing stated that she opposes the mandatory portion of the ordinance.

Director Eby asked if a customer could opt out of mandatory trash collection.

Mr. Seitz explained a process for which a customer may request a variance of the mandatory collection.

Upon motion of Director Winn and seconded by Director Trotter, the Board approved Resolution 2005-948. Vote 4-1 with Director Wirsing voting no.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2005-948
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING SUFFICIENCY OF WRITTEN PROTESTS RELATED TO FEES AND CHARGES FOR
MANDATORY SOLID WASTE COLLECTION WITHIN THE NIPOMO COMMUNITY SERVICES DISTRICT**

Upon motion of Director Winn and seconded by Director Trotter, the Board approved Ordinance 2005-104. Vote 3-2 with President Vierheilg and Director Wirsing voting no.

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2005-104
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
WASTEWHEELER SERVICE FOR GARBAGE, RECYCLING AND GREENWASTE COLLECTION**

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The Board took a break at 10:45 a.m. and returned at 11:00 a.m.

E-2) FORMATION OF PERSONNEL SUB-COMMITTEE

The Board discussed the formation of a personnel sub-committee to assist staff with personnel issues. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to form a sub-committee to discuss the position of Conservation/Compliance specialist. Vote 5-0

President Vierheilig appointed Director Winn and himself to the committee.

Director Wirsing left the meeting at 11:09 a.m.

E-3) SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY RESOLUTION/BALLOT

The Board discussed the election of up to seven Directors to the SDRMA Board of Directors. Upon motion of Director Trotter and seconded by Director Eby, the Board agreed to postpone the decision until additional information about the candidates could be obtained. Vote 4-0

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reviewed the information in the Board letter.

G. COMMITTEE REPORTS

There were no Committee Reports.

H. DIRECTOR'S COMMENTS

Director Trotter met with some members of Blacklake to discuss salt limit violations at the wastewater plant and water softeners.

Director Eby – stated that the date by when parties to the Groundwater Adjudication must sign the stipulation is September 2, 2005.

He attended the Santa Maria City Council meeting. There seemed to be no objection to Santa Maria selling water to Nipomo.

He would like to explore the process of park powers such as Cambria CSD appointing park commissioners.

Director Winn – August 11, 2005, RRM Design Group presentation to NCAC and the Chamber of Commerce concerning the Crystal Oaks proposed project.

August 13, 2005, Creekside Opening 11:00 a.m. to 3:00 p.m.

Olde Towne Wine and Flower Festival has been postponed to Sunday Nov. 6, 2005.

He asked that the Creek Clean-up be put on the agenda to request \$15,000.

Parks and Recreation meeting has been postponed.

Halcyon Road widening is appropriately using traffic mitigation fees while the use of the same fees further down Halcyon road into Arroyo Grande is inappropriate.

Oakglen Mutual Water Co. claims that Nipomo refused water service to their project.

President Vierheilig

West Tefft Corridor Design Group will be meeting August 10, 2005, 7:00 p.m.

U.S. Forest Service Open House August 23, 2005, 5-8:00 p.m. at 1616 N. Carlotta in Santa Maria.

Nipomo Creek Watershed meeting August 18, 2005, 6:00 p.m. at the Nipomo Senior Center.

MINUTES

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 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

There was no public comment on the Closed Session items.

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 12:15 p.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 the two items above and had no reportable action.

ADJOURN

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

➤ **THE NEXT REGULAR BOARD MEETING IS AUGUST 24, 2005.**