

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

REGULAR MEETING

NOVEMBER 16, 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.

00:00:00

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.

00:01:15

C. PUBLIC COMMENT PERIOD

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

Commander Martin Basti reported to the Board and the public about the following:

Spike strips proved to be effective in a chase that occurred only one week after outfitting the patrol cars with the strips.

Take care during the holidays. Keep car and house doors locked, protect packages, etc. Some flyers with holiday safety tips were left for the public.

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

Battalion Chief, Dan Anderson, reported the following:

There was a successful control burn near Lake Lopez.

There will be another near Alamo Creek when the weather conditions permit.

He left some flyers about house fire escape plans. He introduced the newest CDF medic –Richard Baier. Mr. Baier stated that he is happy to be on staff.

PUBLIC COMMENT

The following members of the public spoke:

Bob Blair, inside District customer – asked the Board about the status of the lawsuit concerning Summit Station. He stated that it does not seem fair that an annexation such as Holloway's be considered by the Board when Summit Station area property owners are being denied the ability to build granny units.

Jon Seitz, District Legal Counsel, responded that the proposed annexation will not take place without supplemental water supply in place.

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00:14:01

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES
Regular meeting October 26, 2005

D-3) RE-APPLICATION FOR SERVICE APN 090-135-006

D-4) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS, CO 03-0027
RESOLUTION NO. 2005- 955
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR THE FOR CO 03-0027 (KELLEY CONSTRUCTION)

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

00:17:05

E. ADMINISTRATIVE ITEMS

E-1) URBAN WATER MANAGEMENT PLAN PUBLIC WORKSHOP PRESENTATION

Meredith Clement presented information on the District's draft 2005 Urban Water Management Plan update in a public workshop forum.

The following members of the public spoke:

Jamie Kirk, representative for Rob Rossi – informed the Board that there may be a hotel in the Blacklake area. They would like to be considered in the water planning.

Jon Seitz, District Legal Counsel, suggested that Ms. Kirk send specific written comments directly to the District.

Greg Nester, developer and representative for Cañada Ranch/Crystal Oaks – asked that the consultants please include the proposed Crystal Oaks project in the study.

The Board discussed the update information. Written comments from the Board are requested to be given to the General Manager by November 23rd to be compiled in a report to SAIC. A public review draft will be made available shortly thereafter. NCSD Board adoption of the update is expected in January 2006.

01:34:14

E-2) HOLLOWAY ANNEXATION UPDATE

Michael LeBrun, District General Manager, gave an update on the Holloway application for annexation. Director Eby asked if there was a time limit on the annexation request.

The following members of the public spoke:

Bob Blair, NCSD resident – stated he is opposed to this annexation and others until the Summit Station situation is resolved.

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to direct staff to communicate with the applicant about these issues:

- The property is within the Sphere of Influence.
- The Board of Supervisors has now ruled against a mutual water company (even an interim one) of another applicant within our Sphere of Influence.

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- Ask if the applicant intends to sign a stipulation for the groundwater litigation.
- Communicate that the District is looking for a reasonable time to continue the application. The offer for annexation will not terminate but the terms may change which may necessitate a new application.

Mr. LeBrun reported that LAFCo staff stated that the District had made a lot of progress toward water conservation and supply and LAFCo may be willing to conditionally approve applications for annexation.

Mr. Seitz explained that the conditions must be complete before the annexation is finalized.

Vote 3-2 with Directors Wirsing and Eby voting no.

Director Wirsing asked that the following be put on the record.

What disturbs me is that the District has always advocated entitlement property rights. The responsibility of this District has overdeveloped, even when they knew we were in an overdraft, now we find ourselves in this position and we are harming long-time residents who have been here forever and they want to develop their land, as everybody else has. So this is where I'm coming from. We dug our own hole and now everybody's paying for it because we wouldn't say no to anything or anybody. There are massive things going on here in Nipomo with motels and things. I'm just disappointed that since I've been on the Board, I've just seen "spending water" like crazy and now we're down to this where a property owner has to spend a million dollars just to build twenty homes. This is bothersome.

Director Wirsing left the meeting at 11:37 a.m.

02:19:03

E-3) SUPPLEMENTAL WATER FUNDING PLAN REVIEW

Michael LeBrun, District General Manager, reviewed the District's current model for funding supplemental water infrastructure.

Director Eby stated that the funds for supplemental water are not defined. There are too many assumptions of sources for money.

Director Trotter stated that the District should request a commitment from other possible supplemental water users

The following members of the public spoke:

Greg Nester, developer, NCSD ratepayer – stated that a funding plan needs to be in place. The homebuilders group offers its help and will come before the Board with a more formal offer in the near future.

The Board discussed possible stipulation, in writing, from other purveyors

The Board directed staff to continue talking with Mr. Markman about commitment for participation from Cal Cities and Woodlands.

02:56:00

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reviewed the items in his report

02:59:00

G. COMMITTEE REPORTS

Personnel committee met Tuesday, November 15th to discuss new Project Management position.

November 2nd, the Finance Committee met with the Auditor.

Supplemental Water Committee agrees there are milestones to meet.

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03:20:00

H. DIRECTOR’S COMMENTS

Director Winn

- Pleased with Board of Supervisors decision concerning mutual water companies.
- Dana Lilley, SLO County Planning, gave a presentation on housing etc. It is very important for us to keep track of this element to see what’s happening next. Much of the growth in the County will take place in Nipomo.
- Friday, November 18, 2005, 8:30 a.m. - 4:00 p.m. Embassy Suites SLO conference – put on by the Regional Water Quality Control Board and other agencies to discuss “Low Impact Development”, “Smart Growth” etc..
- Friday, November 18, 2005, County Planning, LAFCo and CRP Cal Poly meeting at Performing Arts building to discuss “Low Impact Development.”.
- Resource Management System is out and will be discussed at December 7 WRAC meeting. Comments on the RMS to Board of Supervisors are needed before December 20th.
- Saturday, November 19, Chamber of Commerce Gift Boutique at the Edwards Barn on Pomeroy.

03:27:28

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)

Also the District was served with a law suit November 15, 2005, after the agenda had been posted. “Citizens Against Unlawful Fees vs. Nipomo Community Services District. This item will also be discussed.

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public present to comment.

K. ADJOURN TO CLOSED SESSION

03:30:40

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, announced the following:

The Board heard updates on the items above and the new lawsuit. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to defend the lawsuit brought by “CITIZENS AGAINST UNLAWFUL FEES” and to hire the law firm of McDonald, Holland and Allen to assist District Legal Counsel in the defense. Vote 4-0

ADJOURN

President Vierheilg adjourned the meeting at 12:40 p.m.