

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

JANUARY 11, 2006 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
ED EBY, **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 regular meeting of January 11, 2006, to order at 9:00 a.m. and led the flag salute.
- 00:00:54 B. ROLL CALL
At Roll Call, the following directors were present:
Directors Winn, Eby, Wirsing and Vierheilig. Director Trotter was absent.
- 00:01:12 C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT
- 00:01:54 RESOLUTION OF APPRECIATION FOR 15 YEARS OF SERVICE TO NCSD
KATHY BELTRAN

**RESOLUTION NO. 2006-960
A RESOLUTION OF APPRECIATION TO
KATHY BELTRAN
FOR SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT**

President Vierheilig read a resolution of appreciation to Kathy Beltran and presented her with a gift card. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved Resolution 2006-960. Vote 4-0

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing and Vierheilig	None	Trotter

- 00:09:10 C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION
Commander Basti reported on sheriff activities in the Nipomo area.
A burglary occurred, a neighbor reported it to the sheriff, and a sixteen-year-old, who was also responsible for two other burglaries in the area, was caught very shortly after. It's good to have the neighbors alert.
Department statistics for 2005 will be available soon.
February 22, 2006, Citizens Academy - An application will be available at the District counter for anyone interested in attending.
When asked about the staffing level - Commander Basti stated that the department had vacancies due to retirements and promotions. The department is working to fill the vacancies. It takes approximately six months to train a deputy. Funding levels are stable.
President Vierheilig thanked Commander Basti for his presentation.
- C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF) Battalion Chief Anderson was not present.

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The following members of the public spoke:

Bill Denneen, outside District resident – stated that he has been here in Nipomo since 1962. He thanked the Board for participating in the community, the fastest growing area in the world.

Bob Blair, District resident – commended the three ladies in the office for their excellent work. He stated that the rainfall totals recently quoted in the Tribune and attributed to a Director are incorrect. He asked when the Board was going to resolve the secondary-units matter in the Summit Station area. He stated that the Cypress Ridge area has the best sewer treatment plant in the area. He gave the Board a brochure from the sales office of the Woodlands development.

John Miranda, NCSD resident – stated that he has been in Nipomo since 1996 and in the Santa Maria area all his life. He asked why NCSD could not take water directly for State Water Pipeline, which runs through Nipomo, rather than constructing this six-million dollar pipeline project.

Jon Seitz, District Legal Counsel, answered that this District is not a contractor with State Water. NCSD voters turned down the initiative for the State Water project.

Director Winn added that NCSD would need approval from every user agency of the State Water Project from here to Santa Barbara.

00:23:10

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Regular meeting December 14, 2005
Special meeting January 4, 2006
- D-3) NOTICE OF COMPLETION
Blacklake WWTP [RECOMMEND APPROVAL]
- D-4) NOTICE OF COMPLETION
Hermreck Well [RECOMMEND APPROVAL]
- D-5) ACCEPTANCE OF TRACT 2393 (NEWDOLL) [RECOMMEND APPROVAL]
RESOLUTION NO. 2006-961
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR THE FOR TRACT 2393 (NEWDOLL)
- D-6) ACCEPTANCE OF TRACT 2398 (NEWDOLL) [RECOMMEND APPROVAL]
RESOLUTION NO. 2006-962
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR THE FOR TRACT 2398 (NEWDOLL)

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended in the Minutes (E-1, should have stated Director Winn – not President Winn.). Also, the January 11, 2006 Agenda item D-2 should have stated “Minutes for January 4, 2006” rather than January 3. There was no public comment. Vote 4-0

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing and Vierheilig	None	Trotter

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E. ADMINISTRATIVE ITEMS

E-1) COMMITTEE ASSIGNMENTS

00:25:34

Jon Seitz, District Legal Counsel, described two types of committees – Standing and Ad Hoc. A Standing Committee is a legislative body of the Board and must meet the regulations of the Brown Act. It must have an agenda and publish a notice of meeting. An Ad Hoc Committee is exempt from the Brown Act rules, but it must be ordered by the Board to meet and to report back to the Board. Board discussion ensued. There was no public comment. Upon motion of Director Eby and seconded by Director Winn, the Board unanimously agreed on the following action:

To confirm the recommendations of the President that the two committees (Santa Maria Supplemental Water/Annexation and Parks) will be Standing Committees. The others will be Ad Hoc Committees and will be suspended until Board action and will only take action on the direction of the Board. Vote 4-0

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing and Vierheilig	None	Trotter

NCSD Committee Assignments As of January 11, 2006

Delegates to Community Organizations (1 member & 1 alternate)	Member	Alternate
Nipomo Community Advisory Committee (Includes NCAC Water Committee and Land Use Committee)	Ed Eby	None per NCAC Bylaws- no alternate allowed
Water Resources Advisory Committee	Michael LeBrun	Ed Eby
Chamber of Commerce	Larry Vierheilig	Cliff Trotter
West Tefft Corridor Design Committee	Larry Vierheilig	-----
Parks & Recreation	-----	-----

Standing Committee Assignments (2 members)	Chairperson	Member
Santa Maria Supplemental Water/Annexation	Ed Eby	Michael Winn
Parks (2 parcels in Olde Towne)	Michael Winn	Larry Vierheilig
Ad Hoc Committee Assignments		
Finance/Audit	Larry Vierheilig	Ed Eby
Water Resources- Other	Michael Winn	Larry Vierheilig
Incorporation		
Conservation/Landscape Design	Michael Winn	Larry Vierheilig
Community Projects Grant Funding	Larry Vierheilig	Michael Winn
Personnel	Larry Vierheilig	Judith Wirsing

- 00:56:00 E-2) URBAN WATER MANAGEMENT PLAN
Meredith Clement, SAIC Senior Consultant, presented the slides explaining the draft 2005 Urban Water Management Plan. The Board discussed the Plan and made suggestions for some revision. There was no public comment. The Board directed Ms. Clement to prepare the final draft with the suggested changes.

The Board took a break at 11:00 a.m. and resumed the meeting at 11:10 a.m.

- 02:07:11 F. MANAGER'S REPORT
Michael LeBrun, District General Manager, reviewed the Manager's Report. Added items include:
 Holloway Annexation Agreement will be presented to the Board soon.
 Craig development contacted the District for possible annexation.
 Meeting with the Home Builders Association and developers was productive.
 There was communication with the consultant for the CEQA documents for the Santa Maria pipeline project. Administrative draft planned by the end of the month.
 There was no public comment.

- 02:28:30 G. COMMITTEE REPORTS
 There was no Committee Report.

- 02:29:00 H. DIRECTOR'S COMMENTS
Director Wirsing – asked about the bright orange light at the Blacklake facility. (General Manager will look into it.)
Director Eby – attended meeting at Cypress Ridge January 9, 2006. The speaker stated that more homes were needed to make the sewer work properly.
Director Winn

- WRAC meeting January 4 at the Ag Bldg in San Luis Obispo
 - Election held
 - Chair - Mike Winn
 - Vice Chair – Steve Santon
 - Interim Secretary – Paavo Ogren
 - Next meeting February 1, 2006 at Ag Building
- Also attended the Cypress Ridge meeting, Jan 9th
- Board of Supervisors meeting January 10th
 - The Summit Station item was added to the Closed Session agenda.
- Will be attending a one-day class at UCLA on Land Use and Water Policy
- Asked Mr. LeBrun if there may be a different trace element in the Santa Maria water that may be detected when blended to monitor the ratio of District water to Santa Maria water.
- He stated he is thankful to the Board for not taking on drainage powers when the County proposed it.

President Vierheilig

- Reminded the Board that AB 1234 training is required.
- A course in filing out Statement 700 will be given by Lorenzo Smith.
- Air Pollution Control District issued a statement on guidelines of particulate matter from portable diesel engines, such as on tractors, etc.

- February 6, 2006 - Association of Groundwater Agencies and the American Groundwater Trust – offering a one-day seminar on groundwater recharge, desalination, etc.
- February 13 & 14 National Water Symposium 4th annual seminar in La Jolla
- American Water Works Association Bookstore catalog offers many items of interest. If any Board member is interested in purchasing products for information for District use, contact the office.

02:43:40

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 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)
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
CITIZENS AGAINST UNLAWFUL FEES vs. NCSO CASE NO. CV 050920
5. PUBLIC EMPLOYEE APPOINTMENT GOV'T CODE §54957 – PROJECTS ASSISTANT TO MANAGER
6. LIABILITY CLAIM GOV'T CODE §54956.95 – CLAIMANT MANETTA APPLE, CLAIM AGAINST NCSO
7. LIABILITY CLAIM GOV'T CODE §54956.95 – CLAIMANT ESTATE OF ELIAS AGUILAR, CLAIM AGAINST NCSO

02:45:41

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

02:45:55

K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 11:59 a.m.

02:45:57

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, reported that there was no audience when the Board came back into Open Session.

The following announcements were made:

Items 6 and 7. With a vote of 4-0, the Board agreed to reject claims from Manetta Apple and Elias Aguilar. Legal Counsel was given direction to notify claimants.

Items 1 & 2 -The Board heard an update of the SM groundwater adjudication and the Maria Vista litigation. The Board took no reportable action.

Item 3 – The Board directed the General Manager to contact San Luis Obispo County Planning staff to discuss further resolution.

Item 4 and 5 – The Board heard and up date and took no reportable action.

02:47:25

ADJOURN

President Vierheilg adjourned the meeting at 1:41 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS JANUARY 25, 2006.**