

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

FEBRUARY 8, 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.

- 00:00:01 A. CALL TO ORDER AND FLAG SALUTE
President Vierheilig called the meeting to order at 9:00 a.m. and led the flag salute.
- 00:00:50 B. ROLL CALL
At Roll Call, all directors were present
- 00:01:14 General Manager, Michael LeBrun introduced the newest member of the staff to the rest of the Board. Madonna Dunbar stated that she was looking forward to working at the District.
- 00:03:50 C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT
- C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION
Commander Martin Basti provided a data sheet that recapped statistics for the previous two years of sheriff calls and arrests. He stated that there is a five-year plan for the Sheriff Department needs before the Board of Supervisors. He complimented the NCSB Board for bringing Bruce Buel on staff.
The Board thanked Commander Basti for his report.
- 00:09:31 C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF)
Captain Felix Camacho presented CDF activities in the Nipomo area. He recapped the calls from the Pioneer station (1191) and the Mesa station (533). In January there were 115 calls with 24 being flood-related. Several Nipomo crew members have been dispatched to a fire in Southern California. He introduced two new members of the crew, John Denner and Rick Baer. Because of the increase in population in Nipomo, there has been an increase in medical and traffic incidents. The Board asked Captain Camacho for a copy of the year-end report and thanked him for his presentation.
- 00:16:30 D. CONSENT AGENDA
D-1) WARRANTS
D-2) BOARD MEETING MINUTES
Regular meeting January 25, 2006
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

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

00:18:07 E. ADMINISTRATIVE ITEMS

- E-1) PRESENTATION: NIPOMO CREEK WATERSHED MANAGEMENT PLAN
Steph Wald, Water Shed Project Manager for the Central Coast Salmon Enhancement, presented a brief overview of the recently completed Nipomo Creek Watershed Management Plan.
Bob Hill, Conservation Director of the Land Conservancy of San Luis Obispo County, presented slides detailing the Plan. The Plan is available for viewing in PDF format on the Land Conservancy website <http://www.special-places.org/ecm/Home.html>, under Conservation Planning.
 The Board discussed the Plan with Mr. Hill.
 There was no public comment. The Board thanked Ms. Wald and Mr. Hill for their presentation.

THE BOARD TOOK A BREAK AT 10:00 A.M. AND RETURNED AT 10:10 A.M.

00:59:45 E-2) BOARD BY-LAW AND POLICY REVIEW

Jon Seitz, District Legal Counsel, reviewed the relevant changes to community services district law effective January 1, 2006, Government Code §61000 et seq.
 The Board discussed some of the changes. There was no public comment. The Board directed staff to return to a future meeting with a draft update to the District By-Laws.

02:57:17 E-3) Draft COUNTY RURAL PLANNED DEVELOPMENT POLICY

Director Winn outlined the proposed Land Use Ordinance Amendment to be presented by Mr. John Nall of the San Luis Obispo County Planning Department at the next NCSD Board meeting. There was some Board discussion. There was no public comment.

THE BOARD TOOK A BREAK AT 12:10 P.M. AND RETURNED AT 12:17 P.M.

Director Wirsing left the meeting at 12:10 p.m.

03:22:03 F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reviewed the Manager's Report as presented in the Board packet. The Board discussed some of the items on the report. There was no public comment.

03:39:00 G. COMMITTEE REPORTS

There was no committee report.

03:39:55 H. DIRECTOR'S COMMENTS

Director Trotter

- Expressed his displeasure with the three men from Los Osos who spoke during the public comment period on Item E-3 (Contract Approval - Mr. Buel) at the Jan. 25, 2006, Board meeting. He stated that it was inappropriate for the speakers to speak.

Director Eby

- Board of Supervisors meeting February 7, 2006 – There seems to be differing opinions about the outcome of the meeting with Supervisor Achadjian concerning supplemental water fees. Language will come out in the March meeting.
- Cypress Ridge was turned down for a proposal to expand the Nipomo Mesa.

Director Winn

- WRAC meeting Feb. 1 in the Ag. Commissioners Auditorium. Mr. Nall was not at the

meeting.

- The County needs to be reminded of commitment to increase groundwater monitoring efforts in Nipomo.
- Cypress Ridge – many people showed up at the meeting and some were surprised that the project was turned down.
- February 23, 2006 – Meeting with President Vierheilg, Supervisor Achadjian and others concerning parking lots, street sweeping, etc.
- February 24, 2006 – Tour of California bicycle race comes through SLO and Nipomo
- March 1, 2006 – WRAC will meet. John Nall will make a presentation.
- It was reported that the land behind Chevron has been put up for sale because NCSD would not provide water for 10-15 years. It has since been cleared up that it was not NCSD that was causing the delay.
- Nipomo Creek Watershed Report can be downloaded.

President Vierheilg

- Stated that a sign or two is needed pointing the way to the front office.
- Central Coast Orchid Show – March 10, 11, and 12
- Noted the article sent to Board members about pharmaceuticals in water systems.

00:58:20 I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, noted that there was no public in the audience and announced the need to go into Closed Session to discuss the following items:

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
 SM/VWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. 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)
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
 CITIZENS AGAINST UNLAWFUL FEES vs. NCSD CASE NO. CV 050920
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
 CITIZENS AGAINST NON-NOTIFICATION vs. NCSD, CASE NO. CV 051002

03:59:25 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session items.

03:59:30 K. ADJOURN TO CLOSED SESSION

The Board adjourned to Closed Session at 1:22 p.m.

03:59:35 L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session: Jon Seitz, District Legal Counsel, announced that the Board heard an update on Items 1-3 above and had no reportable action.

Item 4 - On a motion by Director Trotter and second by Director Winn, the Board directed legal counsel to defend the lawsuit and acquire services of the Law Firm of McDonald, Holland, and Allen to assist in the defense. Vote 4-0. Director Wirsing was absent.

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

04:01:00 ADJOURN

President Vierheilg adjourned the meeting at 2:00 p.m.