

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

FEBRUARY 22, 2006 8:00 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 meeting to order at 8:00 a.m. and led the flag salute.

00:00:55

B. ROLL CALL

At Roll Call, all Board members were present.

00:1:37

C. CLOSED SESSION ANNOUNCEMENTS

Michael LeBrun, General Manager, announced the need to go into Closed Session to discuss the following case.

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9
SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND
ALL CONSOLIDATED CASES.

00:01:11

D. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session item.

00:02:15

E. ADJOURN TO CLOSED SESSION

The Board adjourned to the Conference Room for Closed Session.

10:00 A.M. RECONVENE TO

Recording
started
over.
00:00:00

F. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board reconvened to Open Session in the regular Board room at 10:00 a.m. Jon Seitz, District Legal Counsel, reported that the Board heard an update from Special Water Counsel, Jim Markman, on the Santa Maria Valley Water Conservation District versus NCSD Santa Clara Case No. CV 770214. There will be a trial held Monday, February 27, 2006, in Santa Maria. There was no reportable action on the Closed Session.

00:00:50

G. PUBLIC COMMENT PERIOD

PUBLIC COMMENT

Judith Wirsing, NCSD resident - Mrs. Wirsing came to the podium with the intention to speak as a member of the public. President Vierheilig informed Mrs. Wirsing the item she intended to address was on the agenda so her comments would have to wait. Mrs. Wirsing made no public comment.

00:10:44

H. CONSENT AGENDA

- H-1) WARRANTS
- H-2) BOARD MEETING MINUTES
 Regular meeting February 8, 2006
- H-3) SAFETY MEETING MINUTES
 Safety meeting February 14, 2006
- H-4) RE-APPLICATION FOR SERVICE APN 090-143-005/007
 Re-issue an Intent-to-Serve letter for on-going mixed-use development project.

Item H-4 was pulled for separate consideration.

There was no public comment. Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved Items H-1 through H-3 of the Consent Agenda, as amended in the Directors Comments of the Minutes. Vote 5-0

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

Item H-4 was discussed. Director Wirsing asked if the subject project has been considered in the residential water allocation. Mr. LeBrun said he would check that. She also asked if the language on the current Intent-to-Serve letter is the same as the one that is expiring. The answer was no. The language used in the current letter has changed. There was no public comment. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Item H-4 on the Consent Agenda. Vote 5-0

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

ADMINISTRATIVE ITEMS

00:28:14

I-1) Draft COUNTY RURAL PLANNED DEVELOPMENT POLICY

John Nall of the San Luis Obispo County Planning Department presented slides and information concerning the proposed Land Use Ordinance Amendment. The proposed ordinance will be presented to the SLO County Board of Supervisors in March or April. Mr. Nall stated that the entire report is on the County's website. After much Board discussion the Board directed staff to draft a letter to the SLO County Board of Supervisors recommending the County cease processing the ordinance. The letter should further state that should the County continue processing the amendment, a complete EIR of all the potential development sites subject to the proposed ordinance should be included.

The Board thanked Mr. Nall for his presentation.

The Board took a break at 11:42 a.m. and then went into Closed Session at 12:00 p.m.

01:41:20 M. CLOSED SESSION ANNOUNCEMENTS
 Jon Seitz, District Legal Counsel, announced that the Board would go into Closed Session to discuss the following items:

1. PUBLIC EMPLOYEE RELEASE/RESIGNATION GOV'T CODE §54957
2. LIABILITY CLAIM GOV'T CODE §54956.95 – CLAIMANT ESTATE OF ROBERTO HERNANDEZ, SR., CLAIM AGAINST NCSD

01:41:30 N. PUBLIC COMMENT ON CLOSED SESSION ITEMS
 There was no public comment on the Closed Session items.

01:41:38 O. ADJOURN TO CLOSED SESSION

01:41:42 P. OPEN SESSION
 The Board returned to Open Session at 1:10 p.m.
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION
 Jon Seitz, District Legal Counsel, announced to an empty audience that the Board heard the two items above.

1. Mr. Seitz reported that the Board, on a 5-0 vote, regretfully accepted the resignation of General Manager, Michael LeBrun, effective May 19, 2006.
2. On a 5-0 vote, the Board rejected the claim against the District by R. Hernandez, Sr. and instructed legal counsel to provide appropriate notice.

President Vierheilig activated the Ad Hoc Personnel Committee for purposes of obtaining a General Manager. He appointed Director Wirsing and himself to the committee.

Director Trotter left the meeting at 1:12 p.m.

01:42:05 I-2) ANNUAL UPDATE OF BOARD OF DIRECTORS BY-LAWS
 Jon Seitz, District Legal Counsel, reviewed the current and modified Board of Directors By-Laws. The Board considered staff recommendations to the update.
 There was no public comment.
 Upon motion of Director Eby and seconded by Director Winn, the Board unanimously approved Resolution 2006-965, adopting the amended By-Laws. Vote 4-0.

**NIPOMO COMMUNITY SERVICES DISTRICT
 RESOLUTION NO. 2006-965
 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
 NIPOMO COMMUNITY SERVICES DISTRICT
 ADOPTING AMENDED BY-LAWS (2006 UPDATE)**

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

Nipomo Community Services District
REGULAR MEETING
MINUTES

01:58:10 I-3) CONSERVATION/LANDSCAPE SUB-COMMITTEE ACTIVATION
The Board discussed activation of the Conservation/Landscape Ad-Hoc Sub-Committee. President Vierheilg appointed Director Winn as chair and himself to the committee.

02:03:00 I-4) NIPOMO/SANTA MARIA WATERLINE INTER-TIE AD HOC SUB-COMMITTEE
The Board discussed activation of the Nipomo/Santa Maria waterline inter-tie Ad-Hoc Sub-Committee. President Vierheilg appointed Director Eby as chair and Director Winn to the committee.

02:08:15 J. MANAGER'S REPORT
Michael LeBrun, General Manager, reviewed the information in the written report.

02:22:02 K. COMMITTEE REPORTS
Director Eby stated that he will try to meet on the Santa Maria Inter-tie Ad Hoc Sub-Committee, Thursday, March 2, 2006.

02:23:00 M. DIRECTOR'S COMMENTS
Director Winn – Meeting with President Vierheilg and Supervisor Achadjian Feb 23, 2006. Groundwater adjudication settlement conference to be held in Santa Maria City Hall, Friday, Feb. 24, 2006.
WRAC meeting March 1, 2006.
President Vierheilg - Olde Towne Golf Classic, March 25, 2006.
County Parks and Recreation update document is available on their website.
Received notice from Laurie Ion, CSDA, about AB 1234, the required ethics training will be held March 22, 2006, from 2:30 – 4:30 p.m. in Templeton.
All are invited to attend the March 4, 2006, Nipomo Native Gardens planting day.
Director Eby – Land Conservancy dedication will be held March 4, 2006 at 9:00 a.m. to dedicate the newest Blacklake property acquisition. Ceremony takes place at the corner of Highway 1 and Callender Road..
Director Winn – NCAC, Monday, Feb. 27, 2006, will consider changing name to South County Advisory Council.

02:31:47 ADJOURN
President Vierheilg adjourned the meeting at 1:58 p.m.

➤ THE NEXT REGULAR BOARD MEETING IS MARCH 8, 2006.