

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 41 - Years of Service 1965 - 2006

MINUTES

APRIL 26, 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**

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, Directors Vierheilig, Trotter, Eby and Wirsing were present. Director Winn arrived shortly after roll call.

00:01:18

C. PUBLIC COMMENT PERIOD

PUBLIC COMMENT

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board.

Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

Homer Fox, District resident, asked for clarification of an item on the Supplemental Water Committee Agenda regarding water meters located on vacant lots. The General Manager indicated that Mr. Fox had made a public documents request regarding this matter the previous day and that Staff would respond.

Joy Evans, Nipomo resident, suggested the Board consider evening meetings to accommodate the working residents and consider televising the meetings.

00:14:21

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES

Regular meeting April 12, 2006

D-3 SAFETY MEETING MINUTES

Safety meeting April 14, 2006

D-4) SELECT APPRAISER TO PERFORM ROUGH/TENTATIVE APPRAISALS IN SUPPORT OF INTERTIE PROJECT

D-5) PROPERTY TAX EXCHANGE FOR PROPOSED HOLLOWAY ANNEXATION #27

RESOLUTION NO. 2006-970

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO
TO NIPOMO COMMUNITY SERVICES DISTRICT
FOR ANNEXATION NO. 26 (HOLLOWAY)

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

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

00:21:43

E. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

E-1) AMEND ANNEXATION POLICY

Director Eby stated that he thought the amendments proposed were going to be minor, however, it appears to him that they are major changes and would like to spend more time reviewing them.

Director Wirsing and Trotter agreed.

Upon the motion of Director Trotter and seconded by Director Eby, the Board unanimously agreed to defer action on the policy until it can be examined further, but would like to hear comments today. Vote 5-0

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

Director Wirsing would like the proposed changes to be presented in the traditional red-line format rather than what is presented today.

Director Vierheilig suggested a Study Session be conducted.

The following members of the public spoke:

Greg Nester, District resident, stated that the cost of a mutual water company for 8 homes on Sundale is approximately \$335,000.

Jon Seitz, District Legal Counsel, would like the Board of Directors comments delivered to Staff prior to the Study Session so Staff may consider them.

Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously agreed to hold a Special Meeting to discuss the Annexation Policy. Vote 5-0

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

00:50:55

E-2) HETRICK WATER LINE UPGRADE

Bruce Buel, Projects Assistant, reviewed the proposed project and explained the need to hire an Environmental Consultant to conduct environmental review.

Josh Reynolds, Boyle Engineering, presented drawings to the Board and answered questions about the project. The preliminary engineer's estimate is \$203,000 plus a 15% contingency, but this may change due to rising costs of materials.

Director Wirsing asked why this project is going forward. Mr. LeBrun stated that this project was listed in the Water and Sewer Master Plan Update 2002 and would help with flow restrictions and improve the water distribution system.

There was no Board action.

01:11:00

E-3) SUPPLEMENTAL WATER LAND USE ORDINANCE

Mr. LeBrun presented a draft letter to San Luis Obispo County outlining the Board's position on the Land Use Ordinance Amendment. The Board suggested grammatical corrections to the letter.

Director Eby suggested that the word restriction be replaced with the word guideline.

Director Wirsing suggested to emphasize this LUO should not facilitate GPA's.

Jon Seitz, District Legal Counsel, stated this LUO creates a restriction on GPA's.

President Vierheilig would like the letter sent the Board of Supervisors and Victor Holanda.

There was no public comment.

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Upon the motion of Director Winn and seconded by Director Trotter, the Board approved the letter with the edits. Vote 4-1

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

01:29:00

E-4) PROPOSED STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR WASTEWATER COLLECTION SYSTEMS

Bruce Buel, Projects Assistant gave an overview and stated that NCSD should be able to comply and should see this as an opportunity to fine tune the collection system and response protocol. Mr. Buel also stated that NCSD is not liable for discharge from private property owners.

Director Trotter asked if quality issues are addressed. Mr. Buel stated “no”, with the exception of collection system pre-treatment requirements.

There was no public comment.

There was no Board action.

01:45:00

E-5) APPOINT DISTRICT REPRESENTATIVE TO SOUTH COUNTY ADVISORY COUNCIL

Director Eby is now a voting member of SCAC and can no longer represent NCSD. Director Winn volunteered.

There was no public comment.

President Vierheilig nominated Director Winn. Director Trotter seconded the nomination. Vote 5-0

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

Director Winn excused himself from the meeting at 11:05 a.m.

01:50:00

E-6) INVESTMENT POLICY – FIRST QUARTER REPORT

Director Trotter left the room at 11:08 a.m.

There was no public comment.

Upon motion by Director Eby and seconded by Director Wirsing, the Board unanimously approved accept and file the first quarter investment policy report. Vote 3-0

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

01:53:00

E-7) QUARTERLY FINANCIAL REPORT – THIRD QUARTER

Director Trotter returned to the room at 11:13 a.m.

Director Eby and Vierheilig asked questions.

There was no public comment.

Upon motion by Director Eby and seconded by Director Wirsing, the Board unanimously approved to accept and file the third quarter financial report. Vote 4-0

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

02:02:00

F. MANAGER’S REPORT

Michael LeBrun, District General Manager-reviewed the Board Letter. A Study Session for the Draft Budget was set for May 3, 2006 at 8:30 a.m.

There was no public comment.

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02:30:05

G. COMMITTEE REPORTS

Bruce Buel, Projects Assistant handed out a revised set of minutes for the April 19, 2006, Supplemental Water Project Committee Meeting.
The Finance Committee met with Staff on April 17 to review the draft Budget.
The Personnel Committee did not meet.

02:39:00

H. DIRECTOR'S COMMENTS

Director Trotter stated that he and Bruce Buel are going to the Valley for a tour and would like approval from the Board. Upon motion of Director Eby and seconded by President Vierheilig, the Board authorized the trip and associated expenditures pursuant to the Board By-Laws. Vote 4-0

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

Director Eby stated the outside speaker is not working. The annexation policy changes were difficult to follow. The Board should consider revisiting the Board meeting times on a future agenda, however, he does not favor a new poll. SCAC will meet again on the Growth Management Ordinance.

Director Wirsing suggested that our Water Conservation/Compliance Specialist prepare educational materials on the maintenance of septic tanks.

President Vierheilig stated the Personnel Committee will meet on May 3 at 3:00 p.m. to have a Kick Off meeting with the recruiting firm. On April 13, he and Madonna met with the Blacklake Gyro Men's Club and made a presentation on native plants and water conservation. On May 1 at 5:30 p.m. at Nipomo High School the Chamber of Commerce is hosting a Plan for the Future meeting.

At 11:49 a.m., Jon Seitz, District Legal Counsel, announced the following items to be discussed in Closed Session.

02:49:00

I. CLOSED SESSION ANNOUNCEMENTS

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 CITIZENS AGAINST NON-NOTIFICATION (CANN) VS. NCSA, CASE NO. CV 051002
4. PUBLIC EMPLOYEE APPOINTMENT – INTERIM GENERAL MANAGER GOVERNMENT CODE §54957 (TENTATIVELY SCHEDULED FOR 1:30 P.M.)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public.

K. ADJOURN TO CLOSED SESSION

02:51:15

L. OPEN SESSION

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ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 3:15 p.m. Jon Seitz, District Legal Counsel, announced that the Board heard an update on the items listed above and conducted interviews with prospective Interim General Manager candidates. There was no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 3:17 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS MAY 10, 2006.**

TENTATIVELY SCHEDULED ITEMS INCLUDE:

- Conflict of Interest Code Review
- 2003-Certificates of Participation Resolution
- Southland Upgrade Standards
- Blacklake Water Plant Design Agreement Amendment
- Review Environmental Services Proposals