

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 41 - Years of Service 1965 - 2006*

## MINUTES

**MAY 10, 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**  
BRUCE BUEL, **PROJECTS ASSISTANT**

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.
- 00:00:25** B. ROLL CALL  
At Roll Call, all Board members were present.
- 00:01:17** C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT
- C-1) PRESENTATION OF POSTER ART CONTEST WINNERS  
President Vierheilig recognized local students who are concerned about Nipomo's water. He awarded "Nipomo Water Keeper" certificates and cash prizes to Melinda Marchiano, Claire Bodger, Nikki Pesce and Amber Pesce, in recognition of their prize winning posters entered in the NCSD 2006 "Water Awareness" student poster art contest.
- 00:06:00** President Vierheilig presented a resolution commending Mr. Michael LeBrun for his service to the District.
- RESOLUTION 2006-971  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
THANKING MICHAEL LeBRUN  
FOR HIS SERVICE TO THE NIPOMO COMMUNITY SERVICES DISTRICT  
AND TO THE COMMUNITY OF NIPOMO**
- 00:11:52** C-2) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION  
Commander Basti thanked Mr. LeBrun for working so well with him during his time working for the District and congratulated him for the Resolution. He then presented information concerning sheriff activities in the Nipomo area.
- With gas prices rising, fuel thefts have been increasing. People are putting holes in the gas tank.
  - May 14-20 National Law Enforcement Memorial Week. Special services will be held Wednesday, May 17<sup>th</sup>, at the Pismo pier at 9:00 a.m. for those officers who have lost their lives in the line of duty.
  - May 13 – Torch Run to raise funds for Special Olympic athletes will be through Nipomo around noon. All are invited to come out and watch.
- Commander Basti introduced Lt. Commander Stephan Neumann from the California Highway Patrol.  
Lt. Neumann congratulated Mr. LeBrun for the send off.  
He described the duties of the Highway Patrol. He can be reached at 593-3300.  
The main areas are public information, enforcement, education and community involvement.

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

C. PUBLIC COMMENT PERIOD (continued)

- Provide safety of the motoring public, provide public information about freeway closures, wind advisory, etc., enforcement of traffic incidents, speeding, track complaints, DUI prevention programs, car seat inspection program, community involvement with school safety meetings, DUI check point.
- Grant funding has been obtained to deploy extra units when needed.
- The department is trying to reduce auto theft with a bait car with a 360° license plate reader.
- Public Affairs Officer, Joe Vega, is available for public speaking.
- Informative pamphlets are available at the Highway Patrol office or can get from Sacramento office.
- VIN verification can be obtained by appointment.
- Explorer Program is starting up again. If anyone knows a young person interested in becoming a police officer, they can contact the office.

He was informed that last year's clean up day was a success and would like more information for the next one. The Department will be willing to assist.

May 16 & 17 High School "Every 15 Minute" Program

Director Eby asked if Lt. Neumann would be available to speak at the South County Advisory Council May 22<sup>nd</sup> at 6:30 p.m.

Director Winn asked about abandoned vehicles. Cmdr. Neumann answered that the Highway Patrol handles those at this time. They are working toward getting the County Code Enforcement people involved.

00:25:30

C-3) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

CDF Battalion Chief, Dan Anderson, presented information about CDF activities in the Nipomo area.

There were 117 calls on the mesa of which 69 were medical and 9 were fires.

The annual chipping program is in progress.

There is a paramedic program in Nipomo.

Firefighter Danner was promoted to engineer. An engineer was promoted to captain and will be going to Santa Margarita. Positions will need to be filled.

New legislation was enacted this year requiring more extensive brush clearance around structures. It has been extended from a 30 foot clearance to 100 feet. The vacant lots are more difficult to get cleared because owners often live out of town.

He wished Mr. LeBrun the best and appreciated working with him.

00:29:50

D. CONSENT AGENDA

D-1) WARRANTS

D-2) BOARD MEETING MINUTES  
Regular meeting April 26, 2006  
Special meeting April 28, 2006  
Special Meeting May 3, 2006

D-3) STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1

A. RESOLUTION GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT 2006-07

**RESOLUTION NO. 2006-972  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE  
STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2006/2007**

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

D. CONSENT AGENDA (continued)

B. RESOLUTION DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR 2006-07

**RESOLUTION NO. 2006-973  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO  
LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND  
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2006/2007**

D-4) STANDARD ENVIRONMENTAL SERVICES AGREEMENT BY TASK ORDER AND RESOLUTION ESTABLISHING PROCEDURES

**RESOLUTION NO. 2006-974  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ESTABLISHING THE POLICIES AND PROCEDURES FOR EXECUTING TASK ORDERS  
FOR ENVIRONMENTAL REVIEW SERVICES**

D-5) AMEND BOYLE AGREEMENT FOR DESIGN OF BLACKLAKE WATER SYSTEM PUMP STATION TO ADDRESS INCREASED PROJECT SCOPE

**RESOLUTION 2006-975  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TASK ORDER B-009-05 FOR BOYLE ENGINEERING CORPORATION TO PERFORM  
ENGINEERING SERVICES IN SUPPORT BLACKLAKE WATER PLANT IMPROVEMENTS**

D-6) ACCEPT TELEMETRY SYSTEM UPGRADE, ISSUE NOTICE OF COMPLETION

D-7) APPROVE UPDATE TO DISTRICT STANDARDS AND SPECIFICATIONS FOR WATER AND SEWER IMPROVEMENTS TO BE DEDICATED TO DISTRICT

**RESOLUTION NO. 2006-976  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING STANDARD SPECIFICATIONS  
FOR WATER AND SEWER SYSTEM IMPROVEMENTS**

The Board briefly discussed items on the Consent Agenda. There was no public comment. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved the Consent Agenda. Vote 5-0

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

E. ADMINISTRATIVE ITEMS

00:35:52

E-1) ANNEXATION APPLICATION – APN 091-181-031 (CRAIG)

The Board discussed the request for annexation of an 18.9-acre parcel on Willow Road west of Blacklake. The applicant requests water service to a development for 16 homes on 1-acre planned lots.

Carol Florence, principal planner from Oasis Associates, discussed the project with the Board.

Director Winn asked if the 16 homes would be served with septic tanks rather than connecting to a sewer system. Ms. Florence said yes.

There was no public comment.

Director Eby stated that no annexations should be approved until supplemental water is in the District system. He recommended not authorizing annexation.

Director Winn supports the annexation.

Director Wirsing stated that the District should wait for the report from SAIC and would like to table the item.

Director Trotter and President Vierheilg support the annexation request.

E-1) ANNEXATION APPLICATION – APN 091-181-031 (CRAIG) (continued)

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

Upon motion of Director Winn and seconded by Director Trotter, the Board approved the annexation request and directed staff to draft an annexation agreement which meets the intent of the District's Annexation Policy. Vote 3-2

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

00:58:00

E-2) SERVICES REQUEST – APN 092-130-043 (ROOSEVELT APARTMENTS)

The Board discussed the request for water and sewer service to a 52-unit multi-family/low income development at 750 Grande Street. Mr. LeBrun explained that there would be a four-year water phasing allotment given to the project.

Stephen Glover, Global Premier Development – discussed the project with the Board.

The apartments are considered affordable housing.

There was no public comment.

Director Eby stated that the allocation policy needs to be revisited. Director Winn supports the project. Director Trotter stated that the allocation policy is in force now. Director Wirsing stated that she wants to be on the side of safety for water allocations.

Upon motion of Director Winn and seconded by Director Trotter, the Board approved the Intent-to-Serve letter, as outlined in the Board letter. Vote 3-2

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

The Board took a break at 10:15 a.m. and returned at 10:25 a.m.

01:16:11

E-3) CONFLICT OF INTEREST CODE REVIEW

Jon Seitz, District Legal Counsel, reviewed the proposed update of the District Conflict of Interest Code to designate Form 700 filers and categories of disclosure.

There was no public comment.

Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously approved Resolution 2006-977 revising Form 700 reporting positions and categories.

There was no public comment. Vote 5-0

**RESOLUTION NO. 2006-977  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REVISING DISTRICT'S FORM 700  
REPORTING POSITIONS AND REPORTING CATEGORIES**

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

01:29:30

E-4) ENCUMBER AND CONSOLIDATE 2003 COP PROCEEDS

Bruce Buel, Projects Assistant, explained the proposed Resolution encumbering, consolidating, and dedicating remaining proceeds from Certificates of Participation (COPs) issued in 2003, to the Santa Maria Inter-tie project. The Board discussed the resolution. The Board would like to receive a summary of the monies spent for the different projects within the COP planned improvement projects.

There was no public comment.

E-4) ENCUMBER AND CONSOLIDATE 2003 COP PROCEEDS (continued)

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

Upon motion of Director Eby and seconded by Director Wirsing, the Board unanimously approved Resolution 2006-978. Vote 5-0

**RESOLUTION NO. 2006-978  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ENCUMBERING AND CONSOLIDATING REMAINING PROCEEDS FROM  
CERTIFICATES OF PARTICIPATION ISSUED IN 2003**

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

01:46:17 F. MANAGER'S REPORT  
Michael LeBrun, District General Manager, introduced Edward Kreins, the newly hired Interim General Manager.

Mr. LeBrun reviewed the Manager's Report as presented to the Board.  
The LAFCo meeting for May has been cancelled. The next meeting will be June 15<sup>th</sup>.  
Bruce Buel, Projects Assistant, reviewed his projects update report and answered questions from the Board.

02:04:38 G. COMMITTEE REPORTS  
Director Trotter reported on the trip to Arvin-Edison with Bruce Buel and a Blacklake representative.  
The Personnel Committee (Directors Wirsing and Vierheilig) met with Ralph Andersen and Associates to discuss the hiring of the new General Manager. Payment of relocation expenses and housing is being considered. A draft of the advertisement will soon be available.

02:09:53 H. DIRECTOR'S COMMENTS  
Director Winn

- WRAC special meeting Tues. May 16<sup>th</sup> in Paso Robles for groundwater banking scheme
- WRAC regular meeting – Wed. June 7<sup>th</sup>
- Ribbon cutting for the opening of Dorthea Lange School – Wed. 4:00 p.m. May 24<sup>th</sup>.

Director Eby

- SLO County Board of Supervisors meeting May 9<sup>th</sup>. The items discussed were growth management ordinance, planning area standard, land use ordinance, building and safety ordinance. Our water issue and growth management ordinance will be discussed at the next meeting, May 16<sup>th</sup>.

President Vierheilig

- Water Wise Landscaping Workshops June, July & August here at District office.
- SLO draft Parks and Recreation Element – June 8<sup>th</sup> and July 13<sup>th</sup> in the Board of Supervisors chambers.
- Nipomo Arts Council would like to hang art in the Board room.

02:18:02 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. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOVT. CODE §54956.9 – COASTKEEPER V. NCSA CV060349.

I. CLOSED SESSION ANNOUNCEMENTS (continued)

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

5. CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION GOVT. CODE §54956.9 – JESSE HILL (IN PRO PER) V. NCSD CV 060325 AND RELATED LIABILITY CLAIM PURSUANT TO GOVT. CODE §54961.

02:19:00 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS  
There was no public comment.

02:19:09 K. ADJOURN TO CLOSED SESSION  
The Board adjourned to Closed Session at 11:29 a.m.  
Director Trotter left the meeting at 12:05 p.m.

02:19:20 L. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION  
The Board came back into Open Session at 12:35 p.m. Jon Seitz, District Legal Counsel, announced the following:  
Items 1, 2, and 3 – The Board heard an update. There was no reportable action.  
Item 4 – The Board directed legal counsel to defend the lawsuit and seek assistance of outside counsel. Vote 5-0

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

Item 5 - The Board directed legal counsel to defend the lawsuit and seek assistance of outside counsel, McDonald, Allen, and Holland. Vote 4-0

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

02:22:56 ADJOURN  
President Vierheilig adjourned the meeting at 12:40 p.m.

➤ **THE NEXT REGULAR BOARD MEETING IS MAY 24, 2006.  
TENTATIVELY SCHEDULED ITEMS INCLUDE:**

- Supplemental Water EIR Status Report
- Supplemental Water Design Firm Selection
- Street Sweeping Bids
- Standing Committee Recommendation on Supplemental Water funding options