

# NIPOMO COMMUNITY SERVICES DISTRICT

Monday, July 2, 2007

2:00 P. M.

## SPECIAL MEETING MINUTES

### BOARD of DIRECTORS

MICHAEL WINN, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
ED EBY, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
JAMES HARRISON, **DIRECTOR**

### PRINCIPAL STAFF

BRUCE BUEL, **GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. GENERAL MANAGER**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

### **MEETING LOCATION**

**District Board Room  
148 S. Wilson Street  
Nipomo, California**

**00:00:00** A. CALL TO ORDER, ROLL CALL, AND FLAG SALUTE

President Winn called the meeting to order at 2:00 p.m. and led the flag salute.

At Roll Call, the following directors were present:

Directors Eby, Vierheilig, and Winn.

The following directors were absent:

Directors Harrison and Trotter.

President Winn announced that Public Comment is restricted to items on the agenda.

**00:01:04** B. ACCEPTANCE OF MARIA VISTA ESTATES (TRACT 1802/1856) WATER AND SEWER IMPROVEMENTS IN SUPPORT OF FIRST 25 WATER METERS

Bruce Buel, General Manager, reviewed some of the background of the Maria Vista Estates water and sewer improvements and the present status. A number of items listed in the Board letter as "yet to be completed", have been completed. (Item (c) Gravity sewer; Item (d) Lift Station/force main; Item (e) designated dollar amounts have been paid; Item (g) On site & Off site improvements – Maria Vista Estates is working with a bond counsel to resolve.

There were questions from the Board. Jon Seitz, District Legal Counsel, described the different types of bonds in the agreement, maintenance, performance, etc. The number of meters to be set seems to differ with a number discussed in the past and needs to be made clear. Director Vierheilig asked about the payment for this Special Meeting. If there had been a policy in place, there would be no question of charging for the meeting. Director Eby asked if the easements were satisfactory.

The following members of the public spoke:

Bill Denneen, Nipomo resident, near the Maria Vista development - asked if "leap frog" development is illegal. He stated that he did not understand how the development could have been approved. Also, he stated that the development should get its water from the Dana Wells.

John Fricks, attorney for the Maria Vista development – agreed that there is some confusion about the number of meter to be set. He stated the performance bonds remain valid.

President Winn explained that "leap frog" developments are illegal for incorporated cities but not for special districts.

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**B. ACCEPTANCE OF MARIA VISTA ESTATES (TRACT 1802/1856) WATER AND SEWER IMPROVEMENTS IN SUPPORT OF FIRST 25 WATER METERS (continued)**

Jon Seitz, District Legal Counsel, stated that decisions today do not include the Dana Wells.

**1. RATIFY HISTORIC DISTRICT ACCOMMODATIONS TO PROJECT**

Upon motion by Director Vierheilig and seconded by Director Winn, the Board unanimously approved the following accommodations:

- A. To delay the accounting as required by section 7(f) of the PCIA to the setting of the 28<sup>th</sup> water meter;
- B. To delay acceptance of the Dana Well improvements as a condition of immediately setting water meters until the 27<sup>th</sup> meter;
- C. To allow MVE to bifurcate a part of its sewer improvements that will not provide sewer service to the subdivision until the setting of the 27<sup>th</sup> meter provided that the caps isolating the sewer system be clearly designated on the final plans and that the issue of future connections be appropriately addressed.
- D. To pay for the July 2, 2007, Special Meeting.

Vote 3-0.

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

**2. ADOPT RESOLUTIONS ACCEPTING ON-SITE & OFF-SITE EASEMENTS**

Upon motion by Director Vierheilig and seconded by Director Winn, the Board unanimously approved the following resolution. There was no public comment. Vote 3-0.

**RESOLUTION NO. 2007-1027**  
**A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING EASEMENT GRANT DEED**  
**FROM MARIA VISTA ESTATES GENERAL PARTNERSHIP**  
**AND BENING CO., LLC A GENERAL PARTNER**

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

Upon motion by Director Vierheilig and seconded by Director Winn, the Board unanimously approved the following resolution. There was no public comment. Vote 3-0.

**RESOLUTION NO. 2007-1028**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF**  
**THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING AN IRREVOCABLE AND PERPETUAL OFFER AND DEDICATION OF**  
**SEWER PIPELINE AND WATER PIPELINE EASEMENT**

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

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3. **ADOPT RESOLUTION ACCEPTING WATER AND SEWER IMPROVEMENTS**

Upon motion by Director Vierheilg and seconded by Director Winn, the Board unanimously approved the following resolution. There was no public comment. Vote 3-0.

**RESOLUTION NO. 2007-1029**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING THE WATER AND SEWER IMPROVEMENTS**  
**FOR TRACT 1802 & 1856 (MVE)**

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

4. **ADOPT CONDITIONS FOR SETTING FIRST WATER METER**

Bruce Buel, General Manager, explained that Staff was proposing that the Board direct staff not to set any water meters until MVE provides proof to NCSD that the existing bonds are in place and valid to the satisfaction of the District Engineer and Legal Counsel.

There was much Board discussion concerning the number of meters to be set and the amount to be paid for holding a special meeting.

Upon motion by Director Eby and seconded by Director Winn, the Board unanimously agreed to authorize staff to set up to 27 meters, with the conditions as follows:

- Equitably apportion the cost of the special meeting,
- MVE provides proof to NCSD that the existing bonds are in place and valid to the satisfaction of the District Engineer and Legal Counsel.

There was no public comment. Vote 3-0.

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

C. **ADJOURNMENT**

President Winn adjourned the meeting 2:54 p.m.