

# NIPOMO COMMUNITY SERVICES DISTRICT

Wednesday, December 16, 2009

9:00 A. M.

## SPECIAL MEETING MINUTES

### BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
ED EBY, **DIRECTOR**  
MICHAEL WINN, **DIRECTOR**  
BILL NELSON, **DIRECTOR**

### PRINCIPAL STAFF

MICHAEL LEBRUN, **INTERIM GENERAL MANAGER**  
LISA BOGNUDA, **ASSIST. G M/FINANCE DIRECTOR**  
DONNA JOHNSON, **BOARD SECRETARY**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DISTRICT ENGINEER**

### MEETING LOCATION

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

00:00:00

A. CALL TO ORDER, FLAG SALUTE, AND ROLL CALL

B. PARK ASSESSMENT DISTRICT NO. 1 (MILLER PARK) - PUBLIC HEARING

B-1) Receive presentation from Assessment Engineer and District Staff.

Michael LeBrun, Interim General Manager, introduced Kari Wagner of Wallace Group.

Kari Wagner, Assessment Engineer for Wallace Group, introduced Lonnie Lepore of Wallace Group and Sara Horne from the League of Women Voters of San Luis Obispo. Ms. Wagner described the process to count the votes for the assessment district.

B-2) Open Public Hearing

- Receive public comments on proposed assessment district and assessments,
- Receive assessment ballots not previously delivered to the District / provide opportunity for property owners to amend previously delivered assessment ballots.

President Harrison opened the Public Hearing.

Ms. Wagner reviewed the costs and how those costs would be distributed between NCSD and the assessment district.

NCSD's entire customer base would pay for 40% of operational costs and 60% would be covered by the assessment district. The primary zone would pay 40% (at \$35.45 per year) and the secondary zone would pay 20% (at \$12.49 per year).

There was no public comment.

B-3) Close Public Hearing and order tabulation of assessment ballots.

President Harrison closed the Public Hearing at 9:10 a.m.

Jon Seitz, District Legal Counsel, explained that the ballots need to be counted in the public purview.

The engineers from the Wallace Group and Ms. Horne tabulated the ballots in the NCSD Board room while the meeting continued.

C. PRESENTATIONS AND PUBLIC COMMENT

00:09:58

C-1) NCSD DISTRICT ENGINEER PETER SEVCIK  
 Update re: Monthly Activities

In the absence of Peter Sevcik, District Engineer, Michael LeBrun, Interim General Manager, reviewed the report. Mr. LeBrun answered questions from the Board. There was no public comment.

*The Board considered Item C-3 next.*

00:14:33

C-3) NCSD WATER CONSERVATION COORDINATOR CELESTE WHITLOW  
 Update re: Semi-Annual Performance and Monthly Outreach Activities

Celeste Whitlow, Water Conservation Coordinator, reviewed the report presented in the Board packet. She answered questions from the Board. Directors asked for a few things to be different in the next report. There was no public comment. The Board thanked Ms. Whitlow for the report.

*The Board considered Item C-2 next.*

01:02:221

C-2) NCSD SUPERINTENDENT TINA GRIETENS  
 Update re: Monthly Utility Division Activities

Tina Grietens, Utility Superintendent, reviewed the report presented in the Board packet and answered questions from the Board. There was no public comment. The Board thanked Ms. Grietens for the report.

01:23:00

C-4) PUBLIC COMMENT ON ITEMS NOT ON AGENDA

President Harrison asked for public comment on anything not on the agenda. There was no public comment.

*The Board took a break at 10:25 a.m. and returned at 10:35 a.m.*

01:24:31

B-4) Announce results of assessment ballot tabulation.  
 If a majority protest does not exist, then:

- Adopt Resolution approving Engineer's Report.
- Adopt Resolution ordering the levy and collection of the assessments;

Kari Wagner, Assessment Engineer from Wallace Group, announced the tabulation, as follows:

	No. of Ballots	Total Value of Ballots	Percentage	No. of Ballots		Total Value of Ballots
				Primary	Secondary	
Yes	79	\$2,747.56	43.7%	Primary	24	\$2,038.74
				Secondary	55	\$708.82
				Total	79	\$2,747.56
No	89	\$3,533.45	56.3%	Primary	32	\$2,350.01
				Secondary	57	\$1,183.44
				Total	89	\$3,533.45
Total	168	\$6,281.01	100%			
Invalid votes	11	\$561.79				
Late submission	1	\$12.49				
Non-Deliverable	9	\$90.37				

A majority protest exists; therefore, the Assessment District was rejected.

01:35:00

**D. CONSENT AGENDA****D-1) APPROVE WARRANTS**

Upon motion by Director Winn and seconded by Director Eby, the Board unanimously approved the Warrants presented. There was no public comment. Vote 5-0.

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

01:37:03

**E. ADMINISTRATIVE ITEMS****E-1) DISCUSS THE COLLECTION OF SUPPLEMENTAL WATER CAPACITY CHARGES FOR MULTIPLE USE DEVELOPMENT PROJECTS**

Michael LeBrun, Interim General Manager, introduced the item designed to provide the Directors with an opportunity to review and discuss District procedures for collecting supplemental water capacity charges.

Jon Seitz, District Legal Counsel, explained the timing of the collection of the fees. Those fees collected help fund on-going and future water projects.

Mr. Seitz answered questions from the Board.

Lisa Bognuda, NCSD Finance Director, talked to the Board about the policy change that was adopted in April 2009. The policy change pertained to commercial projects being developed on more than one parcel.

The Board discussed the matter.

The following member of the public spoke:

Greg Nester, local developer and President of the Home Builders Association, discussed the financial challenges occurring at this time in relation to borrowing money for developments. He stated that he appreciates the Board's consideration for developing property.

**E-1) DISCUSS THE COLLECTION OF SUPPLEMENTAL WATER CAPACITY CHARGES FOR MULTIPLE USE DEVELOPMENT PROJECTS (CONTINUED)**

Mr. Seitz reviewed the direction from the Board to look into preparing a uniform policy for all kinds of development.

**ADJOURN**

President Harrison adjourned the meeting at 11:43 a.m.