

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

June 21, 2000

REGULAR SESSION 10:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**  
AL SIMON, **VICE PRESIDENT**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **DIRECTOR**  
MICHAEL WINN, **DIRECTOR**

### STAFF

DOUGLAS JONES, **GENERAL MANAGER**  
DONNA JOHNSON, **SECRETARY TO THE BOARD**  
JON SEITZ, **GENERAL COUNSEL**

**NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.**

#### **A. CALL TO ORDER AND FLAG SALUTE**

Vice President Simon called the meeting to order at 10:30 a.m. and led the flag salute.

#### **B. ROLL CALL**

At Roll Call, the following Board members were present:

Directors Winn, Mendoza, Mobraaten, Simon. President Blair was absent.

#### **C PUBLIC COMMENTS PERIOD**

##### **PUBLIC COMMENTS**

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.**

Vice President Simon opened the meeting to Public Comments.

During this agenda item, the following member of the public spoke:

Bill Senna - Lucia Mar Unified School District - Thanked the NCSD staff for working with LMUSD staff toward resolving the high school agreement. Asked for a joint meeting of our two boards to resolve the outstanding issues between us concerning our new high school.

#### **E-2) SOAR INITIATIVE (Save Open space & Agricultural Resources)**

Review of the SOAR Measure

The Board moved this item to the beginning of the meeting, because members of the SOAR initiative were in the audience.

During this agenda item, the following members of the public spoke:

Tom Murray, Arroyo Grande - Spokesperson for SOAR Stated that the text in the internet and the text sent to the County were accurate and the same.

Lowell Davis, Nipomo Mesa - States that Nipomo is a prime candidate for sprawl. Says SOAR would allow residents a voice and more time before the Board of Supervisors changed the Land Use Zoning in the General Plan.

Roger Borg, Chesapeake Place, Nipomo - Supports SOAR. States that SOAR supports the SLO County General Plan.

Director Mendoza made a motion to schedule a meeting with NCSD on the SOAR Initiative. Motion failed for a lack of a second.

Director Winn made a motion to encourage Nipomo Community Advisory Counsel to host an information meeting on the SOAR Initiative. Director Mendoza seconded. Motion passed. Vote 4-0.

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

D-1) CEQA ENVIRONMENTAL DETERMINATION OF OSAGE/TEFFT WATERLINE (RECOMMEND APPROVAL)  
Review of environmental negative declaration of Osage/Tefft water line project

Public Hearing continued from June 7, 2000 meeting.

Jim Garing, Garing, Taylor & Associates, Project Engineer for Osage/Tefft St. - stated there was no significant impact on the area to be affected for the Osage/Tefft water line project.

During this agenda item, the following member of the public spoke:

John Snyder, 662 Eucalyptus Rd., Nipomo - Stated that he felt a full EIR should be done. Asked questions directed to Jim Garing concerning GTA's report.

Question #1 - Which, if any, of the following studies have you reviewed in addition to the two studies listed on your CEQA Initial Study Checklist (which were "Engineering Considerations of Groundwater Yields and Rights on the Nipomo Mesa Sub-Area, San Luis Obispo County, CA (October 1993)" and the South County Area Plan - Inland Portion (May 1991) and Attachment A (March 1994))?

Study A. "Draft Water Resources of the Arroyo Grande - Nipomo Mesa Area, DWR, (May 1993)"

Study B. "Final Draft Water Resources of the Arroyo Grande-Nipomo Mesa Area, DWR, (June 1999)"

Study C. "Revised Final Draft Water Resources of the Arroyo Grande-Nipomo Mesa Area, DWR, (June 2000)"

Question #2 - Do you know of any harm that the NCS D has done in the past to the groundwater resource under the Nipomo Mesa by pumping and distributing groundwater to its customers and if so what was the harm?

Question #3 - Based on your knowledge, is it your conclusion that this project will not harm or increase the harm NCS D is doing to the groundwater resource under the Nipomo Mesa by pumping and distributing groundwater to its customers?

He offered to pay for the transcription of the Minutes.

District Counsel, Jon Seitz asked if Mr. Snyder had any testimony showing the Negative Declaration to be incorrect.

Director Winn asked Mr. Snyder - Can you identify any section or sub-section that has been omitted from this report?

Mr. Snyder - No

Director Winn - "Do you have information to give us at this time that would cast doubt on any single item here and if so, would you identify the item on which you were testifying?"

Mr. Snyder - If the checkmarks were based on the study, I have no problem. On the other hand, if he just checked off these boxes without looking at the studies, I would be greatly concerned.

Director Winn stated that Mr. Snyder's answers to his questions were non-responsive.

Mr. Garing stated that he had read the studies and included them in the initial study because they were relevant to land use decisions made by the County. Mr. Garing further stated that in his opinion that the pipeline was related to transportation and not resource extraction.

Mr. Seitz reviewed the resolution to adopt the Environmental Negative Declaration. Mr. Seitz explained that the Minutes available were action minutes and the tapes would contain more detailed testimony regarding a part of an agenda item.

Upon motion of Director Mendoza and seconded by Director Mobraaten, the Board unanimously approved Resolution 00-738. Vote 4-0 with President Blair absent. There were no further public comments.

**RESOLUTION NO. 00-738**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AN ENVIRONMENTAL NEGATIVE DECLARATION AND  
AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF DETERMINATION FOR THE  
OSAGE/TEFFT STREET WATERLINE PROJECT**

D-2) REVIEW EXISTING RETROFIT ANNEXATION POLICY

Consideration to establish a retrofit in-lieu fee for recent and future annexations

The Board discussed consideration to establish a retrofit in-lieu fee on future annexations.

Sub-committee, Directors Winn and Mendoza met last week. The Board discussed options. Upon motion of Director Winn and seconded by Director Mendoza, the Board directed staff to pursue more information concerning the in-lieu fee. There were no public comments.

D-3) REFUSE COLLECTION

District consideration to activate latent power to provide refuse collection

Information was presented to the Board concerning the possibility of activating the District latent power of refuse collection. There was some Board discussion. There were no public comments. No action was taken.

D-4) NIPOMO LIGHTING

Discuss if the District should take over the County Nipomo Lighting District

Information was presented to the Board concerning the possibility of taking over the County Nipomo Lighting District. Upon motion of Director Mendoza and seconded by Director Winn, the Board directed staff to continue investigation of Nipomo lighting.

E. OTHER BUSINESS

E-1) CALIFORNIA SPECIAL DISTRICT ASSOCIATION

Nomination of Board members

Information was presented to the Board concerning nominations for the Board of Directors of the California Special District Association. If any NCSD Board member is interested, they should contact the office for forms.

E-2) SOAR INITIATIVE (Save Open space & Agricultural Resources)

Review of the SOAR Measure

Item moved to beginning of meeting before D-1.

F. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

F-1) WARRANTS (RECOMMEND APPROVAL)

F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)

Approval of Minutes of June 7, 2000 Regular Board meeting

Approval of Minutes of June 9, 2000 Special Meeting

Upon motion of Director Mendoza and seconded by Director Mobraaten, the Board unanimously approved the Consent Agenda for June 21, 2000. Vote 4-0

**G) MANAGER'S REPORT**

General Manager, Doug Jones, presented information on the following items.

G-1) CSDA LEGISLATIVE UPDATE

G-2) WATER MERCHANT - Article from Governing Magazine

**H. DIRECTORS COMMENTS**

Director Mendoza asked about the generator at the Sewer Plant. Answer: It was purchased during the Phase II Expansion.

Director Winn reported that he attended the Growth Management Sub Committee of the NCAC. Roger Brett of Cal Cities was speaking

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matter below.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL GC§54956.9

a. NCSD vs. Dana Estates Case No. CV 990547

The Board came back into Open Session and reported that they gave instructions to the attorney regarding further litigation.

**ADJOURN**

Vice President Simon adjourned the meeting at 12:20 p.m.