

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

AUGUST 16, 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**

President Blair called the meeting to order at 10:35 a.m.

**B. ROLL CALL**

At Roll call the following Board members were present:

Directors Winn, Mobraaten, Simon, Blair. Director Mendoza arrived 5 minutes later.

**F. CONSENT AGENDA**

President Blair moved ahead to the Consent Agenda to allow Mr. Mendoza time to arrive. There were no public comments. Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved the Consent Agenda for August 16, 2000. Vote 4-0 Director Mendoza arrived at 10:40 a.m.

**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.

President Blair opened the meeting to Public Comments. There were none.

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

**D-1) REQUEST FOR WATER SERVICE (ORTIZ)**

Request for water service outside District boundary at 660 Cherokee Place

A request was received from Mr. & Mrs. Ortiz for service to their property at 660 Cherokee Place in Nipomo, which is outside the District boundary. Jon Seitz, District Legal Counsel, explained the District's policy for service outside District boundaries. The Ortiz' case seemed to fit in the hardship category. Upon motion of Director Winn and seconded by Director Mobraaten, the Board decided to table this item to the next meeting and directed staff to ask the Ortiz' to attend the next meeting so the Board may have more information about the project, such as the projected water demand, etc. The Board also directed staff to send a letter to the County Planning Department concerning this project. There were no public comments.

**D-2) INCREASE IN METER INSTALLATION FEE FOR NEW WATER SERVICES**

Resolution to increase the water meter fee \$105 for the purchase and installation of an automatic meter reading device.

Proposal to adopt resolution to increase the water meter fee \$105.00 to cover the purchase and installation of automatic meter reading devices for new meter services. There were no public comments. Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved Resolution 00-740.

**RESOLUTION NO. 00-740**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING APPENDIX "A" TO CHAPTER 3.04 OF THE NIPOMO COMMUNITY SERVICE DISTRICT CODE TO ESTABLISH NEW METER FEES**

**E. OTHER BUSINESS**

- E-1) ANNEXATION CONSIDERATION (CYPRESS RIDGE)  
Annexation of Cypress Ridge Development to NCSD for water and sewer service

A letter was received from Mr. Denis Sullivan, President of the Cypress Ridge Development Corp. requesting water and sewer service to the Cypress Ridge Golf Course Development consisting of 386 acres, north of Black Lake Canyon.

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

Denis Sullivan, 950 Parkway - Reported to the Board that he brought as-built plans to the District as requested. The water and sewer lines have been in place for some time. There are five wells within the development.

Judy Wirsing, 926 Olympic Way, Nipomo - Asked how many homes were proposed for this development? Answer - Potential of 386.

Mr. Sullivan reported that a request is in the County for approval for a change from seven residences to a hotel with 103 units for a water neutral use.

Director Mendoza made a motion to proceed with the annexation and Director Simon seconded. There was some discussion. Director Winn asked that staff examine the implications of annexation and report back to the Board and based on the report, the Board may or may not proceed with the annexation procedure. Vote 5-0

Motion was made by Director Winn and seconded by Director Mobraaten that the Board express its sense of direction that we are interested in annexing Cypress Ridge subject to findings that staff submits to Board at a later date. Vote 5-0

- E-2 Legal Counsel, Jon Seitz, explained the need to add an item to the agenda. The item was brought to staff's attention after the agenda was prepared but needs action before the next meeting. Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved placing the subject of Election Consolidation on the agenda for August 16, 2000. Vote 5-0  
Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved placing the subject of the Nipomo Community Services District vs. the Department of Health Services on the Closed Session Agenda for August 16, 2000. Vote 5-0

**CONSOLIDATION OF DISTRICT ELECTION WITH THE GENERAL ELECTION**

A resolution requesting County Board of Supervisors to consolidate the District general election to be held on November 7, 2000 needs to be adopted by the Board. Upon motion of Director Winn and seconded Mobraaten the Board unanimously approved Resolution 00-741. Vote 5-0.

**RESOLUTION NO. 00-741**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 7, 2000 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE**

- 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 August 2, 2000 Regular Board meeting

Moved to beginning of meeting to allow arrival of Director Mendoza.

**G. MANAGER'S REPORT**

General Manager, Doug Jones, presented information on the following:

- G-1) CSDA BOARD OF DIRECTORS ELECTION - CANDIDATES STATEMENTS
- G-2) GOVERNING - ARTICLE ON WATER SHORTFALLS

**H. DIRECTORS COMMENTS**

Director Winn reported on the NCAC Growth Management meeting. One of the speakers was Ken Penngroth.

Director Mobraaten asked if the District could express interest to TOSCO or Unocal in using the abandoned oil pipe lines. The directors asked the staff to place Supplemental Water Study on the next agenda.

Directors agreed that October 4, 2000 in the morning would be acceptable for a Study Session including the Rate Study report by Perry Louck.

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. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.  
Not discussed
- b. NCSD vs. State Dept of Health Services CV 990706, GC§54956.9

The Board came back into Open Session and reported that instructions were given to legal counsel.

**ADJOURN**

President Blair adjourned the meeting at 11:50 a.m.

Cypress Ridge

The motion was clarified as follows: The Board directs staff to proceed with the request for annexation, to give applicant a form to fill out, that the Board would look favorably toward annexation and if the applicant wishes to extradite the matter, he could start applying to LAFCO for annexation. Both would run concurrently because LAFCO would ask the District for input. Then the report would be ready for LAFCO.