

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

SEPTEMBER 6, 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 10:33 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call the following Board members were present:  
Directors Mendoza, Mobraaten, Simon and Blair. Director Winn had a planned absence.

#### 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.

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

John Snyder, 662 Eucalyptus, Nipomo - handed the Board copies of the Supreme Court decision of the Mojave case and advised the Board to look at certain aspects of the case. (40) " I am claiming the basin is balanced and that NCSD's existing pumpage is currently okay. NCSD carries the responsibility to watch the basin and keep it balanced along with the other appropriators."

Jessie Hill, NCAC Water Committee - Mojave decision will be guide for future. Also suggested a possible additional hook-up fee for new water services.

Evan Evanoff, NCAC Committee member, 490 Brytec Ct., Nipomo - Agreed with Mr. Hill about Mojave decision. NCAC has information urging building slow down until enough clean safe water available.

Vince McCarthy, 194 E. Dana, Nipomo - District needs a contingency plan. Could a moratorium be put on water until further water is found? Answer: The County has a moratorium on growth.

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

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

Outside District water service request @ 660 Cherokee Place

A request for water service was received from Salvador & Helen Ortiz, Jr. at 660 Cherokee Place, Nipomo for their live-in life-skills program because of a lack of water on their property.

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

Salvador Ortiz, 660 Cherokee Place, Nipomo - requested water service to his property for his program to help families get their lives back together. At the present time, there are 12 people living on the property. Application has been made to the County requesting expansion.

Mr. Seitz, District Counsel, reminded the Board that the applicant needs to provide proof of true hardship.

Jim Dunbar, 740 Black Oak Lane, Nipomo - Supports the program Mr. Ortiz is proposing but does not agree with serving or annexing this property.



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Donna Melschau, 101 Melschau Road, Nipomo - Also does not agree with possible annexation or service. Others have tried to get service or annexation but were denied.

Director Simon moved to provide water to the Ortiz property. Motion failed due to lack of second. Director Mendoza would like to see the information requested by NCSD. This item was tabled until additional information is received.

D-2) REQUEST FOR ANNEXATION - CYPRESS RIDGE  
Request from applicant to process their annexation

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

John Snyder, 662 Eucalyptus, Nipomo - Asked if requirement for the Ortiz' to provide water rights to the District was policy or applied sporadically.

Mr. Seitz said the District has no policy requiring water rights as a condition of annexation, however, an annexation agreement will lay out water right issues, source of water, etc.

Vince McCarthy, 194 E. Dana, Nipomo - commented that the suit may put NCSD in the same position as other water companies regarding Cypress Ridge.

Mr. Seitz answered that the annexation agreement will address issues of payment, source of water, etc.

Jessie Hill, Los Berros Village - Is Cypress Ridge EIR a binding agreement?

Mr. Seitz answered that an EIR is a public document providing information to the public. Age of EIR is important to information provided. Decisions and agreements are made from the information.

Upon motion of Director Mendoza and seconded by Director Mobraaten (Director Mobraaten wanted the public to be aware that the annexation would not affect their rates as determined in the agreement), the Board agreed to have an agreement drawn up between the District and Cypress Ridge, LP with respect to fees and costs associated with filing an annexation application with LAFCO.. Vote 4-0

D-3) ANNEXATIONS - TRACTS 1802, 1808 & 1856  
LAFCO'S inquiry if NCSD will annex Tracts 1802, 1808 & 1856 (THE BLUFFS)

Correspondence was received from Paul Hood, Executive Officer of LAFCO, asking if NCSD would consent to annexation of Tracts 1802, 1808 and 1856 to the District.

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

Kent Stephens, The Bluffs Ltd, LLC (Tract 1802), P O Box 1454, Santa Maria - Wished to clarify that he represents the owners of Tract 1802. He does not know the status of the other tracts. He indicated that his tract has 38 parcels. Would like to know how he stands with this possible annexation.

Mr. Seitz, District Legal Counsel, the District does not annex if the applicant does not want to be annexed. SLO County has wanted the District to annex CSA 1 for a long time.



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Jessie Hill, Los Berros Village - Agreed that the District should follow their rules. Are they {The Bluff's} in the Coastal Zone? Answer-No

Upon motion of Director Mobraaten and seconded by Director Mendoza, the Board directed staff to send letter to LAFCO that the District would look favorably on annexation of Tracts 1802, 1808 and 1856 upon receipt of a formal annexation request and provided they meet all District requirements. Vote 4-0

D-4) SUPPLEMENTAL WATER

Proposed study to evaluate supplemental water sources

Several options for a supplemental water supply have been investigated by the Board. It has been suggested that a study would be helpful to evaluate possibilities.

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

Evan Evanoff, 490 Brytec, Nipomo - Talked with John Wallace about tertiary treated water could not go directly into the water system but could be used elsewhere.

Vince McCarthy, 194 E. Dana St., Nipomo - Questions about State Water. Stated that De-sal water is high maintenance

Upon motion of Director Mobraaten and seconded by Director Simon, the Board authorized staff to prepare a "Request for Proposal" for a consulting engineering firm to evaluate supplemental water supply alternatives. Vote 4-0

E. OTHER BUSINESS

E-1) CSDA BOARD ELECTIONS

Voting For CSDA Board of Directors

Upon motion of Director Mendoza and seconded by Director Mobraaten, the Board unanimously agreed to send the ballot to elect a Board member for the California Special District's Association Seat A of Region 4 with a vote for Clifford "Scotty" Beere from Templeton CSD. Vote 4-0.

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 16, 2000 Regular Board meeting

Approval of Minutes of August 24, 2000 Special Board meeting

F-3) SURPLUS EQUIPMENT [RECOMMEND APPROVAL]

Sale of surplus items

Upon motion of Director Mobraaten, and seconded by Director Simon, the Board unanimously approved Items F-1 through F-3. Item F-4 was pulled for discussion.

There were no public comments.

F-4) REPLACEMENT OF FIRE HYDRANTS [RECOMMEND APPROVAL]

Requesting bids to replace old fire hydrants

Upon motion of Director Mobraaten and seconded by Director Mendoza, the Board unanimously authorized staff to advertise for bids for replacing the older dry barrel fire hydrants with wet barrel hydrants.

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**G. MANAGER'S REPORT**

Manager, Doug Jones, presented information on the following:

- G-1) WALL STREET JOURNAL  
Article on water issues
- G-2) CANDIDATES FOR NCSD BOARD OF DIRECTORS
- G-3) SET DATES TO REVIEW WATER RATE ADJUSTMENT  
The Board agreed to have a Special Meeting on October 6 for the introduction and 1<sup>st</sup> reading of the water rate adjustment and to have the 2<sup>nd</sup> reading and adoption at their regular meeting of October 18, 2000.

**H. DIRECTORS COMMENTS**

Director Mobraaten reported on the Chamber of Commerce meeting at Black Lake featuring Mike Stoker.

Legal counsel, Jon Seitz, announced complainant intervention of CPUC Application No. A 00-03-029 has been filed.

There is no need to go into Closed Session.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL GC§54956.9

- a. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.
- b. NCSD vs. State Dept of Health Services CV 990706, GC§54956.9
- c. Initiation of Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)

**ADJOURN**

President Blair adjourned the meeting at 11:50