

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

APRIL 18, 2001

REGULAR MEETING 10:30 A.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**
AL SIMON, **VICE PRESIDENT**
RICHARD MOBRAATEN, **DIRECTOR**
MICHAEL WINN, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SEC. 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 10:31 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

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 was none.

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

D-1) REQUEST FOR SERVICE (GEIHS)

Request for water and sewer service to a 9-lot development on Butterfly Lane

Cary Geihs, the developer, and his architect from Cebulla, answered questions from the Board about the project. There were no other public comments. Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously approved the Intent-to-Serve letter conditional upon receiving assurance for the County that it meets their standards. Vote 5-0.

D-2) REQUEST FOR WATER SERVICE (BODGER)

Request for water service for a 4-lot development between Sandydale & Inga Rds.

The applicant was not in the audience. There were no public comments. Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously agreed to continue this item until a representative from the project could be present to answer questions from the Board. Vote 5-0

D-3) SOLID WASTE DISPOSAL SERVICE ORDINANCE

Introduction & first reading - ordinance to establish rules & regulations to provide solid waste services

Jon Seitz, District Legal Counsel, answered question from the Board members concerning the ordinance to establish rules & regulations to provide solid waste services.

The following members of the public spoke:

John Epphard, Black Lake area - Asked about rates

D-3) continued

Mr. Seitz said the transition should be seamless. Should be no change.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved having the ordinance read in title only. Mr. Seitz read the title of Ordinance 2001-90.

Upon motion of Director Wirsing and seconded by Director Simon, the Board unanimously approved the introduction and first reading of Ordinance 2001-90. Vote 5-0

**ORDINANCE 2001-90
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING SOLID WASTE MANAGEMENT
RULES, REGULATIONS AND FEES AND CHARGES**

D-4) REQUEST FOR ANNEXATION - TRACTS 1802 & 1856 (TRINCON)
Request to annex a 77-lot development south of Joshua Rd., 82 acres

Michael Hodge, project engineer, answered some questions from the Board about the project.

Jon Seitz, District Legal Counsel, said there will be additional conditions.

The following members of the public spoke:

Jessie Hill, NCAC Chairperson - Feels this project not appropriate for NCSD

Vince McCarthy, Nipomo - See what Planning Dept has to say

Herb Kandel, Nipomo resident - Opposed to annexation

John Snyder, Nipomo - Asked who was doing CEQA?

Mr. Seitz said project will continue but question of who will serve the area still remains.

Director Winn suggested that the annexation be conditional on 1) modifying our annexation policy in terms of our sphere of influence, our general conditions for annexation and what we require for our water supply. Currently, it seems to fail in all three counts. We must look at how this will affect the entire area. 2) that we activate our powers for parks and recreation 3) the six residents in area should be notified of any future hearings and a Spanish language interpreter be provided so that those not fluent in English could fully participate in the process. 4) Staff should meet and confer with the Director of LAFCO and discuss who would conduct environmental impact studies and other necessary things.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board agreed to continue this item until further information can be provided.

Vote 5-0

E. OTHER BUSINESS

E-1) AGREEMENT FOR CROSS CONNECTION INSPECTION SERVICES
Agreement with County Health to provide cross connection inspection for the District

SLO County proposed an agreement to provide cross connection inspection services for the District. They have been providing the service for years without a formal agreement. The Board wished to have more information regarding the service provided. There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Simon, the Board agreed to continue this item for further information. Vote 5-0

E-2) MONTECITO VERDE II SEWER LINE EASEMENT

Approval of appraisal agreement to establish a value of the Montecito Verde II sewer line easement

The District received a proposal from Reeder, Gilman and Associates to appraise the Montecito Verde II sewer line easement between Montecito Verde II and Story St.

There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously approved the proposal from Reeder, Gilman and Associates to establish the value of the sewer line easement for Montecito Verde II and authorized the Board President to execute the agreement. Vote 5-0.

**RESOLUTION 2001-764
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING REEDER, GILMAN & ASSOCIATES TO PERFORM
AN APPRAISAL OF THE MONTECITO VERDE II SEWER LINE EASEMENT**

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 April 4, 2001 Regular Board meeting

F-3) ACCEPTANCE OF IMPROVEMENTS - TRACT 1658 (KENGEL)

Accepting water & sewer improvements for Tract 1658

RESOLUTION NO. 2001-765

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 1658 (KENGEL)**

F-4) ACCEPTANCE OF IMPROVEMENTS - TRACT 1876 (NEUHAUSER)

Accepting water & sewer improvements for Tract 1876

Resolution No. 2001-766

RESOLUTION NO. 2001-766

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 1876 (NEUHAUSER)**

F-5) INVESTMENT POLICY - QUARTERLY REPORT

March 31, 2001 First Quarterly Report

Received into file

There were no public comments.

Upon motion of Director Winn and seconded by Director Simon, the Board unanimously approved the items on the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

H. DIRECTORS COMMENTS

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

b. SMVWCD vs NCSA Santa Clara County Case No. CV 770214 and all consolidated cases.

The Board came back into Open Session and announced the receipt of a report from legal counsel.

No was taken

President Blair adjourned the meeting at 12:42 p.m.

The next regular Board meeting will be held on May 2, 2001.