

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MAY 16, 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 10:32 a.m.

B. ROLL CALL

At Roll Call, the following Board members were present: President Blair, Directors Mobraaten, Winn and Wirsing. Vice President Simon was ill.

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 Comment. There was none.

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

D-1) REFINANCING OF EXISTING DEBT - AD93-1

Review of refinancing of Assessment District 93-1 (Summit Station)

Present Blair excused himself from the Board for this item because of a Conflict of Interest. He owns property in the area being discussed.

Richard Brandis and Nicki Tallman of IBIS Securities discussed the savings if the District refinanced the AD 93-1 (Summit Station). Members of the Board and Legal Counsel, Jon Seitz, asked questions.

The following members of the public spoke:

Jessie Hill, rural Arroyo Grande - asked about new parcels being formed within the assessment district.

Bob Blair, Summit Station area - stated that his neighbors would like to see the assessment costs go down.

Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously approved Resolution 2001-767. Vote 3-0

RESOLUTION NO. 2001-767

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT MAKING PRELIMINARY DETERMINATIONS, DECLARING INTENTION TO ISSUE REFUNDING BONDS FOR PROPOSED REASSESSMENT DISTRICT NO. 93-1R AND ORDERING A REPORT THEREON

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Resolution 2001-768. Vote 3-0

RESOLUTION NO. 2001-768

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT APPROVING THE REPORT OF THE REASSESSMENT ENGINEER AND CONFIRMING REASSESSMENTS WITHIN REASSESSMENT DISTRICT NO. 93-1R

- D-1) REFINANCING OF EXISTING DEBT - AD93-1 (continued)
Review of refinancing of Assessment District 93-1 (Summit Station)

Upon motion of Director Mobraaten and seconded by Director Wirsing, the Board unanimously approved Resolution 2001-769. Vote 3-0

RESOLUTION NO. 2001-769
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A REFUNDING NOTE, APPROVING FORM OF LOAN AGREEMENT AND ESCROW AGREEMENT AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH

- D-2) DISTRICT ANNEXATION POLICY
Consideration to approve revisions to the District's annexation policy

The existing annexation policy was considered to approve revisions. Since the policy was adopted by ordinance, it must be repealed by ordinance.

The following members of the public spoke:

Jessie Hill, rural Arroyo Grande - NCAC Chairman - against change in annexation policy

Jon Martin, property owner near Black Lake - in favor of change in annexation policy

Vince McCarthy, Nipomo resident - against change in annexation policy

John Snyder, 662 Eucalyptus Rd., Nipomo - pointed out inconsistency of new annexations policy in light of NCSD's claim to be overdrafting the basin.

Donna Mehlschau, Nipomo resident - cautioned that DWR report may not be accurate

Erik Benham, 124 W. Main, Suite C, Santa Maria, Trincon Inc. representative - in favor of change in annexation policy

Directors Mobraaten and Winn and President Blair expressed their opinions in favor of the change in the existing annexation policy. Director Wirsing stated her opposition.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board agreed to have Ordinance 2001-91 read in title only. Vote 3-1 with Director Wirsing voting no.

Legal Counsel, Jon Seitz, read the title of the proposed ordinance.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board approved the first reading of Ordinance 2001-91. Vote 3-1 with Director Wirsing voting no.

ORDINANCE NO. 2001-91
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REPEALING SECTIONS 40 AND 41 OF ORDINANCE 98-87, SECTION 14 OF ORDINANCE 79-35 AND SECTION 18 OF ORDINANCE 78-27

A new annexation policy may be adopted by a resolution. Upon motion of Director Winn and seconded by Director Mobraaten, the Board adopted Resolution 2001-770. Vote 3-1 with Director Wirsing voting no.

RESOLUTION 2001-770
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING AN ANNEXATION POLICY

- D-3) REQUEST FOR ANNEXATION - TRACTS 1802 & 1856 (TRINCON)
Review draft annexation agreement to annex a 77-lot dev. on 82 acres near Santa Maria Speedway

Legal counsel, Jon Seitz, reviewed the draft annexation agreement for the 77-lot development by Trincon, Inc.

The following members of the public spoke:

John Snyder, 662 Eucalyptus Rd., Nipomo - pointed out inconsistency of new annexations policy in light of NCSD's claim to be overdrafting the basin.

Jessie Hill, rural Arroyo Grande - NCAC Chairman - spoke against annexation.

Erik Benham, Trincon Corp., developer of the Bluffs - spoke in favor of his project

Some Board members felt that the County would approve this development regardless of who maintained the utilities, so it would be better if the District were managing water and sewer facilities. Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously agreed to direct staff to proceed with the annexation agreement for consideration at the next meeting. Vote 4-0

E. OTHER BUSINESS

None

- 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 May 2, 2001 Regular Board meeting

Approval of Minutes of May 9, 2001 Study Session

There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously approved all the items on the Consent Agenda. Vote 4-0

G. MANAGER'S REPORT

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

G-1) Review future Board meeting schedule June 6, 27, and July 18, 2001

G-2) Elimination of the Unitary Roll from the Teeter Plan by SLO County

H. DIRECTORS COMMENTS

Some Board members commented on meetings they have attended and plan to attend.

Director Winn commended Mr. Jones for letters written in behalf of the District. He also explained some of the fine points of the TDC refinements decided upon at the Board of Supervisors meeting May 15, 2001. He also reported that Lucia Mar Unified School District had tentatively set the boundaries for the high school District.

Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the following.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC§54956.9

1. Public Employee Performance Evaluation (Gen Mgr) GC§ 54957

ADJOURN

President Blair adjourned the meeting at 12:40 p.m.

There will be a Special Board meeting May 23, 2001 at 2:00 p.m.

The next regular Board meeting will be held on June 6, 2001.