

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

DECEMBER 12, 2001

REGULAR MEETING 9:30 A.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**  
RICHARD MOBRAATEN, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**  
CLIFFORD TROTTER, **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 9:34 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 Comment.

Vince McCarthy, 194 E. Dana, Nipomo - Are Automatic Meter Reading devices in use? - Yes.

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

##### **D-1) PUBLIC HEARING**

##### **ENVIRONMENTAL REVIEW OF INFRASTRUCTURE TO MARIA VISTA DEVELOPMENT**

Review/adopt Draft Initial Study/Mitigated Neg Dec of infrastructure to Tracts 1802, 1808 & 1856

Douglas Wood of Douglas Wood & Assoc. 1461 Higuera Suite A, San Luis Obispo presented the Draft Initial Study/Mitigated Negative Declaration of infrastructure of Tract 1802 and 1856 and answered questions from the Board.

President Blair opened the Public Hearing.

The following members of the public spoke:

John Snyder, 662 Eucalyptus, Nipomo -

Nora Jenae, 692 Beverly Drive, Nipomo - Spoke against annexation

Vince McCarthy, 194 E. Dana, Nipomo - Spoke against annexation

Jesse Hill, 1910 Grant Ave, AG - Proposed project believed to be growth inducing

Eric Benham, 124 W. Main St, Santa Maria - (Developer of proposed project) Said he was available for questions.

Upon motion of Director Winn and seconded by Director Trotter, the Board agreed to table this item until report is received from SLO County surveyor's office. Vote 4-1 with Director Mobraaten voting no.

##### **D-2) REQUEST FOR SERVICE - 427 AMADO STREET (NUNEZ)**

Request of water and sewer service outside District boundary

A request was received from the Nunez family for the District to provide water and sewer service to their property outside the District boundary on a hardship basis. There was no public comment. Upon motion of Director Winn seconded by Director Wirsing, the Board unanimously agreed to table this item for a time when the applicant can attend the meeting to provide more information to the Board. Vote 5-0

- D-3) REQUEST FOR SERVICE - CO 01-0375 (VONS)  
Request for service for a lot split at Juniper and N. Frontage Rd.

A request was received from EDA for a Will-Serve letter for service for a lot split on a commercial property at Juniper Street and N. Frontage Rd. There was no public comment. Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously agreed to issue an Intent-to-Serve letter for Parcel Map CO 01-0375 with the conditions as outlined in the Board letter. Vote 5-0

- D-4) PURCHASE POLICY AND PROCEDURES  
Approving a resolution establishing a purchase policy for the District  
Gov. Code § 54202 provides that every local agency shall adopt policies and procedures, including bidding regulations, government purchases of supplies and equipment. The Board reviewed the proposed Purchase Policy. There was no public comment. Upon motion of Director Trotter and seconded by Director Mobraaten, the Board unanimously approved Resolution 2001-800 establishing a Purchase Policy.

**RESOLUTION NO. 2001- 800  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ESTABLISHING POLICIES, PROCEDURES, AND REGULATIONS GOVERNING THE PURCHASE OF  
SUPPLIES AND EQUIPMENT BY THE DISTRICT**

- D-5) SPECIAL DISTRICT REPRESENTATION ON LAFCO  
Review Special District representatives action concerning NCSD's interests

Legal Counsel, Jon Seitz, explained the process to change a representative to LAFCO from the Special District's Association.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo - Asked which representative did some Board members wish to have removed. Answer - Carolyn Moffatt

No action was taken.

**E. OTHER BUSINESS**

- E-1) BLACK LAKE WATER SYSTEM  
Authorization to install a variable frequency drive system in the hydromatic water system.

The existing hydromatic water system at Black Lake needs to be replaced with a more efficient system. There was no public comment.

Upon motion of Director Mobraaten and seconded by Director Wirsing, the Board unanimously authorize a budget adjustment in the Black Lake Water Operation Fund of \$20,000 for the installation of a variable speed drive system for the Black Lake water system. Vote 5-0

- E-2) FEDERAL/STATE SURPLUS PROPERTY PROGRAM  
Authorize District to participate in the Fed/State surplus property program

The California Department of General Services Reutilization disposes of salvage and surplus personal property from California state agencies. The property is made available to other state agencies, political subdivisions, and assistance organizations for a predetermined service and handling fee. There was no public comment. Upon motion of Director Mobraaten and seconded by Director Trotter, the Board unanimously approved Resolution 2001-801 authorizing the purchase of surplus property and directed staff to submit the necessary documents to the Department of General Services. Vote 5-0

**Resolution 2001-801  
CALIFORNIA DEPARTMENT OF GENERAL SERVICES  
PROCUREMENT  
FEDERAL/STATE SURPLUS PROPERTY PROGRAM**

- E-3) ELECTION OF BOARD OFFICERS  
Election of President & Vice President of the Board for calendar year 2002 (§ 1.4 By-Laws)

There was no public in the audience so requests for public comment was suspended.

Director Winn nominated Director Mobraaten for President for the year of 2002.

There were no other nominations. Roll Call vote 5-0.

President Blair nominated Director Winn for Vice-President for the year of 2002.

Director Mobraaten nominated Director Wirsing for Vice-President for the year of 2002.

Director Trotter seconded the nomination for Director Winn. There was no second for the nomination for Director Wirsing. Vote 4-1 for Director Winn for Vice-President for the year of 2002 with Director Mobraaten voting no.

Committee members will be appointed in January.

- 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]

Minutes of November 28, 2001 Regular Board meeting

F-3) NOTICE OF COMPLETION - PAINTING OF TANKS

Notice that the contract to paint District water storage tanks is completed

F-4) ACCEPTANCE OF IMPROVEMENTS - TRACT 2277 (NEWDOLL) Res. 2001-802

Acceptance of water and sewer improvements for a 4-lot development on Mesa Rd.

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

**RESOLUTION NO. 2001-802**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2277 (NEWDOLL)**

**G. MANAGER'S REPORT**

There was no Manager's Report.

**H. DIRECTORS COMMENTS**

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

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation 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 990716
- c. Holliday/Hill vs NCSD CV 010563
- d. Ronald Arnett, et al vs. California Public Employees Retirement System (PERS) et al Case No. C 95-3022 CRB

The Board came back into Open Session and announced the unanimous decision to opt out of the Item **d** case above.

**ADJOURN**

President Blair adjourned the meeting at 11:59 a.m.

The regular Board meetings for December 19, 2001 and January 2, 2002 have been canceled. The next Board Meeting will be held on January 9, 2001 at 9:30 a.m.