

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 9, 2002

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

BOARD MEMBERS

RICHARD MOBRAATEN, **PRESIDENT**
MICHAEL WINN, **VICE PRESIDENT**
ROBERT BLAIR, **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 Mobraaten called the meeting to order at 9:30 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. COMMENT PERIOD

C-1) BOARD PRESIDENT COMMENTS

President Mobraaten made the following comments:

The Board of Directors conducts business meetings that pertains to the District. These meetings are public to comply with the Brown Act., otherwise we would have closed Board meetings like the big industry does. We are not an advisory group, nor are we a group to serve whatever but a business to serve the residents within the District, to consider those who wish to become a part of the District. We are in the business of providing water, sewer, garbage and other services at this time and are not a social organization to provide assistance to groups that exist. Our responsibility lies to the customers within. We are not into land use, general plan zoning or approval of subdivisions or lot splits. Thus we have no control over growth until it is proven that the water is a major factor. Now it is not, but it may be in the future. It is under study by various organizations, County, State, Engineering, and the courts.

C-2) 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.**

After Item D-2 was finished, Mr. Herb Kandel arrived from another meeting and asked if he could be included in the Public Comments.

The following members of the public spoke:

Herb Kandel, 776 Inga Rd., Nipomo - Creek Committee

Brett Wilkison, 173 Chorro Street, SLO - Creek Committee

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

D-1) REQUEST FOR SERVICE - CO 01-512 (HAND)

Request for water & sewer service for a 3-lot development between Primrose & Bracken Lanes

A request was received for an Intent-to-Serve letter for PM CO 01-512, a 3-lot development between Primrose and Bracken Lanes.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved issuance of an Intent-to-Serve letter for CO 01-512. Vote 5-0

D-2) DISTRICT POLICIES AND PROCEDURES

Review establishment of capitalization, accounting and fee collection policies

The District's Auditor, Carlos J. Reynoso, CPA, recommends that the District adopt formal policies to establish a capitalization threshold for capital assets and accounting for fees collected from developers for sewer sags during installation.

There was no public comment.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Resolution No. 2002-803. Vote 5-0.

RESOLUTION NO. 2002-803

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING THE FOLLOWING ACCOUNTING POLICIES

A. CAPITALIZATION THRESHOLDS FOR CAPITAL ASSETS

B. ACCOUNTING FOR FEES COLLECTED FROM DEVELOPERS FOR SEWER SAGS DURING INSTALLATION

E. OTHER BUSINESS

E-1) SAN LUIS OBISPO CITY/COUNTY LIBRARY

Review presentation made to County Board of Supervisors.

Moe McGee, Assistant Library Director, SLO City-County Library spoke with the members of the Board urging them to support the efforts to expand library services. She informed the Board there would be a meeting of the Library Committee in the NCSD Board room on January 30, 2002 at 7: p.m. There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agree to support the City-County Library's efforts. Vote 4-1 with Director Blair voting no.

E-2) SPECIAL DISTRICT LATENT POWER

Review procedure to acquire latent powers

The Board reviewed the procedures for activating latent powers within the District

There was no public comment.

This item was tabled until the next meeting.

E-3) BOARD COMMITTEES

President to appoint committee members to established committees

President Mobraaten appointed the following Committee members.

These ad hoc committees require one member and an alternate.

<u>Committees for 2002</u>	<u>Present Member</u>	<u>Present Alternate</u>
Nipomo Community Advisory Committee (Will include NCAC Water Committee)	Mike Winn	Judy Wirsing
Water Resources Advisory Committee	Doug Jones	Bob Blair
Chamber of Commerce	Judy Wirsing	Mike Winn

These ad hoc committees require two (2) members.

<u>Committees for 2002</u>	<u>Present Members</u>	
Finance Committee	Dick Mobraaten	Cliff Trotter
Water Committee	Mike Winn	Judy Wirsing
High School Committee	Dick Mobraaten	Bob Blair
Annexation Policy Committee	Mike Winn	Cliff Trotter
Personnel Committee	Dick Mobraaten	Mike Winn
Flood Control Committee	Mike Winn	Cliff Trotter

There was no public comment.

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 December 12, 2001 Regular Board meeting
- F-3) ACCEPTANCE OF IMPROVEMENTS - PARCEL MAP CO 95-0262 (NIPOMO GROUP)
Acceptance of water improvements for a commercial development on N. Frontage Rd.
Resolution No. 2002-804
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS FOR PARCEL MAP CO 95-0262 (NIPOMO GROUP)
- F-4) ACCEPTANCE OF IMPROVEMENTS - PARCEL MAP CO 89-217 (MOORE)
Acceptance of water and sewer improvements for a 4-lot development on Butterfly Lane
Resolution No. 2002-805
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR PARCEL MAP CO 89-217 (MOORE)

There was no public comment. Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved the items on the Consent Agenda. Vote 5-0.

G. MANAGER'S REPORT

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

- G-1) Minutes - IWMA meeting
- G-2) CSA-1F connected to District sewer system

H. DIRECTORS COMMENTS

Director Winn - (a) Senate Bill 210 (b) Lighting District (c) Flood Control (d) WRAC (e) Nipomo Valley Mutual Water Company - State Water (f) Housing meeting (g) Black Lake Supplemental water use.

Director Trotter asked that his comments about Woodlands be added to the minutes.

This District is in an overdraft. There is in existence a draft study by the DWR to determine the true nature of our groundwater reservoir. I suggested several meetings back that a strong letter be sent to the Board of Supervisors and the State requesting that that report be completed. We had no response that I know of. It is imprudent for the supervisors and NCSD to act on things of this magnitude without knowing the facts. There is a general feeling in the community that I perceive that they are worried. They are worried because of the overdraft. Many consultants have determined that there is an overdraft. In the Woodland Report there are weasel words regarding the availability of groundwater. It is not a scientific approach. Woodlands is a very large undertaking and will have a significant impact on this community, not only in terms of water, but traffic, etc.

Director Wirsing disappointed with Woodlands decision.

Director Blair pleased with decision. Asked about water line through park. (Will be discussed in closed session at the next meeting.)

Legal Counsel, Jon Seitz announced the need to go into Closed Session pursuant to GC§54956.9 .

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

The Board came back into Open Session and announced:

- (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 990716
Gave direction to staff to hire consultant.
- (c) Holliday/Hill vs NCSD CV 010563
Approved to pay a fractional share of attorney fees of \$4,500.

ADJOURN

President Mobraaten adjourned the meeting at 11:43 a.m.

The regular Board meetings for January 2, 2002 and January 16, 2002 have been canceled.

The next Board Meeting will be held on January 23, 2001 at 9:30 a.m.