

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MARCH 6, 2002

REGULAR 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, the all members of the Board 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 Mobraaten opened the meeting to public comments.

There was no public comment.

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

D-1) STATUS OF DISTRICT SERVICE CAPACITIES

Review Board letter from Oct. 3, 2001 Agenda & Water Code 350 re: District service capacities

Information was presented to the Board reviewing the District's service capacities and the California Water Code.

Director Trotter felt that a safe yield should be considered.

Director Wirsing is concerned about supply.

Director Blair explained that the District is not the only large user. If the District puts a moratorium on the water, the other purveyors continue using. If the District does not serve water, developers will try to get water from another source.

The following members of the public spoke:

John Snyder, 662 Eucalyptus, Nipomo - Warned the Board to be sure to follow the laws.

Jon Seitz, District Legal Counsel, explained his memorandum concerning delivery of water service within the District boundaries.

This was an information item only. There was no action.

D-2) REQUEST FOR SERVICE - D010239 (KLUVER) (Cont from 2/20/02)

Request for water & sewer service for an office building @ 250 W. Dana St.

This request for water and sewer service for an office building at 250 W. Dana Street was tabled from the last meeting.

The following members of the public spoke:

Lou Kluver, architect 979 Osos Street, Suite A-2, SLO, asked if there was a problem with the design of the office building project.

Upon motion of Director Winn and seconded by Director Trotter, the Board approved an Intent-to-Serve letter for the office building at 250 W. Dana Street, Project # D010239 for the International Laborer's Union Local 402 with the conditions as outlined in the Board letter. Vote 4-1 with Director Wirsing voting no.

- D-3) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE
Proposed ordinance to establish a variance policy

Jon Seitz, District Legal Counsel, explained the proposed variance policy.

The following members of the public spoke:

Steve Cool, partner of the S. Frontage Rd. project – Would like explanation of and consideration of fire service capacity fees imposed on his project.

John Eppard, 1505 Champions Lane, Nipomo – should have fire service in public buildings to protect the public.

Director Winn asked that this subject be put on the next agenda.

Director Blair excused himself from the Board and went to the podium to make a public comment concerning customer aided installation of service.

This item was continued until the next meeting.

- D-4) MANDATORY GARBAGE SERVICE
Consideration of having mandatory garbage service in the District

The Board reviewed the proposed rate changes or mandatory garbage service.

The following members of the public spoke:

Tom Martin, Controller for Nipomo Garbage Co. – explained the proposed rate changes.

Director Winn asked for a sequence of issues needing to be addressed.

This item was continued to a future meeting.

E. OTHER BUSINESS

- E-1) UPDATE BOARD OF DIRECTORS BY-LAWS (Cont from 2/20/02)
Resolution to change meeting time to 9:00 a.m., limit length of meeting,
and establish adjustability of meeting dates

The Board was presented with a proposed set of By-Laws. There were discussions on items 2.1, 2.2, 2.10, and 6.3 and agreements were reached.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Resolution 2002-811 establishing Board By-Laws with modifications. Vote 5-0.

**RESOLUTION NO. 2002-811
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING BOARD BY-LAWS**

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 January 23, 2002 Regular Board meeting
Minutes of February 20, 2002 Regular Board meeting

There was no public comment.

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

G. MANAGER'S REPORT

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

- MISSION STATEMENT
- AWWA ANNUAL CONFERENCE
- ROBERTSON - GENERAL PLAN AMENDMENT

H. COMMITTEE REPORTS

Director Winn asked about the Personnel Policy. Mr. Seitz informed him that a meeting would be called with the Committee members to discuss before bringing to the Board.

Director Wirsing asked that video taping of the meetings be brought back to the Board for discussion.

I. DIRECTORS COMMENTS

Director Winn reminded everyone of the Town Meeting at Dana School concerning the APCD. He also asked about the Board Room Use Policy. He also asked that all the studies on supplemental water be summarized for possible public viewing.

Director Blair suggested a possible deposit for use of Board room.

Save the Mesa meetings are now open to the public.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Items C and D.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

- A. SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSO VS STATE DEPT OF HEALTH SERVICES CV 990716
- C. SAVE THE MESA VS. NCSO CV 020181

CONFERENCE WITH NEGOTIATOR GC\$54956.8

- D. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR- DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE

The Board came back into open session and had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 1:30 p.m.

The next regular Board Meeting will be held on March 20, 2002 at 9:00 a.m.