

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

APRIL 17, 2002

REGULAR MEETING 9:00 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 9:03 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 Mobraaten asked for Public Comment.

There was no public comment.

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

- D-1) **ASSIGNMENT OF SOLID WASTE FRANCHISE TO WASTE CONNECTION, INC**
Approve assignment of the solid waste services franchise to Waste Connections Inc.

The Board reviewed the assignment of the Solid Waste franchise to Waste Connections, Inc. Terry Schubert, Legal Counsel for WCI answered questions from the Board.

There was no public comment.

Upon motion of Director Trotter and seconded by Director Blair, the Board unanimously approved Resolution 2002-813 approving the assignment of the Solid Waste franchise services to Waste Connections, Inc. Vote 5-0

RESOLUTION NO. 2002-813

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING AND APPROVING THE ASSIGNMENT OF THE SOLID WASTE FRANCHISE AGREEMENT TO WASTE CONNECTION, INC.

- D-2) **REQUESTS FOR ANNEXATIONS – Information Item**

- A. Craig/School – 16 lots & school site - 40 ac. at Willow Rd. & Via Concha
B. Nester -16 lots – Approx. 16 ac. at Pomeroy Rd. near Waypoint
C. Robertson - 8-10 parcels - Approx. 60 ac. at Linn Rd. & Pomeroy Rd.

The Board reviewed a proposal to combine three annexations to have all of the proposed annexations share the water produced at the Craig property.

The following members of the public spoke:

John Snyder, outside District boundary - If an overdraft is appropriated, the last person to annex will have to find water.

Jim McGillis, rep. for the Craig annexation - Asked the Board for clear direction concerning the Craig proposed annexation.

Legal Counsel, Jon Seitz, reminded the Board that tentative approval for the Craig annexation was given at a previous meeting.

Director Trotter suggested that there is an inconsistency in the letter written to Noel King and the requests for annexations. He also asked that a letter be sent to the Board of Supervisors to release the Department of Water Resources (DWR) report.
Director Blair suggested fair treatment to all customers in the District.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to have each proposed annexation brought back to the Board as separate applications, even though the water supply may link them to a common well.

- D-3) SPHERE OF INFLUENCE/DISTRICT SERVICE REVIEW – LAFCO
LAFCO request for information to update the District Sphere of Influence

This item was brought to the Board as an information item only. The Board discussed the District's Sphere of Influence.

The following members of the public spoke:

Guy Murray, inside District – encouraged the Board to expand its boundaries.

Jessie Hill, outside District – handed Board an information packet, discussed its' contents.

Richard Palmquist, outside District – preferred private enterprise over government, but because of bad feelings about Cal Cities, drilled his own well. Felt NCSD needs to neutralize the conflict with County and District. Felt that the Board should send an emissary to the city formation meetings to bring information back to the Board.

There was no Board action.

- D-4) MONTECITO VERDE II SEWER PROJECT AGREEMENT TO OBTAIN FUNDING
Agreement with SLO Co. to obtain Community Development Block Grant Funds for the MVII project.

This item was moved to be heard after E-1

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board approved the agreement to obtain the Community Development Block Grant funding for the Montecito Verde II Sewer Project and authorized the President of the Board and the General Manager to execute the agreement with correction on Paragraph 6 as noted. Vote 5-0

E. OTHER BUSINESS

- E-1) SOLID WASTE RATES
Review proposed solid waste rate increases

The Board discussed the proposed increases of the rates for solid waste collection.

Tom Martin of the Nipomo Garbage Company answered questions from the Board.

There was no public comment.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board agreed to increase the fees as presented in the voluntary service program. Vote 5-0 with Director Wirsing wanting to implement savings passed on to the customer.

- E-2) TEFFT STREET WATER LINE PROJECT
Awarding of bid to construct the Tefft Street Water Line Project

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to continue this item until the next meeting. Vote 5-0.

- E-3) DRAFT 2002-03 FISCAL YEAR BUDGET
Set Study Session to review the District's 2002-03 FY Budget

There was no public present at this time.

President Mobraaten set a Study Session for Tuesday April 30, 2002 at 9:00 a.m. to study the 2002-03 Fiscal Year Budget.

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 April 3, 2002 Regular Board meeting
Minutes of April 11, 2002 Special Board meeting
- F-3) INVESTMENT POLICY – QUARTERLY REPORT

Director Wirsing asked that F-2 (Minutes of April 11, 2002 meeting) be pulled for further comments to be added. It will be brought back to the next meeting.

Upon motion of Director Winn and seconded by Director Wirsing, the Board agreed to accept Items F-1 and F-3 on the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

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

- CSDA ANNUAL CONFERENCE
- CA-NV AWWA CONFERENCE
- CAL WASTEWATER CHARGE SURVEY

H. COMMITTEE REPORTS

There were no Committee Reports

I. DIRECTORS COMMENTS

Director Winn – Water Forum meeting Mon Night with Christine Ferrara. DWR report is out. Ferrara will head WRAC
Director Blair - wrote letter to editor about Class II Severity water shortage.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session for Item C below.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSA VS STATE DEPT OF HEALTH SERVICES CV 990716
- C. SAVE THE MESA VS. NCSA 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 announced:
The Board approved the agreement with Trincon with Trincon approval. Vote 4-1 with Director Wirsing voting no.

ADJOURN

President Mobraaten adjourned the meeting at 12:08 p.m.

The next regular Board Meeting will be held on May 1, 2002 at 9:00 a.m.