

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MAY 15, 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 9:04 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.

There was no public comment.

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

D-1) REQUEST FOR VARIANCE – TRACT 2412 – NIPOMO BUSINESS CENTER

Request for a common sewer lateral and one irrigation service

Developers of Tract 2412 asked for a variance for a common sewer lateral and one irrigation service for seven commercial lots in their project.

The following members of the public spoke:

Richard Meyer, representative for the developer – explained the concept of the design and the CCR's created for the project.

Russ Thompson, R Thompson Consulting – explained that the simplicity in the design lessens the number of potential problems.

Legal Counsel, Jon Seitz, read a portion of a proposed resolution granting variance for the seven lot commercial center. There was much Board discussion.

A Straw Vote communicated that the Board would agree to a single sewer lateral to serve the project. Vote 5-0

A Straw Vote indicated that the Board would allow one irrigation meter for the development. Vote 5-0 with Director Blair abstaining.

Legal Counsel, Jon Seitz, read Resolution 2002-816 granting the variance for their center. There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Res 2002-816. Vote 5-0

RESOLUTION NO. 2002-816

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING VARIANCE FOR TRACT 2412 A SEVEN LOT COMMERCIAL CENTER

D-2) ANNEXATION AND WATER SUPPLY

Review District's annexation policy and water supply

The Board discussed annexations and water supply as much as possible within the limits of litigation.

The following members of the public spoke:

Jessie Hill, outside the District – regarding County Planning responsibilities

John Snyder, outside the District – regarding water supply

Director Wirsing (asked that her comments be added to the Minutes) "I appreciate being able to discuss this with the Board, because normally it's against the Brown Act to discuss things with more than one Board member. I've kind of gotten a more positive view of what each Board member stands for. My main thing is that I live in Nipomo and I have my business in Nipomo and until we get supplemental water or find out where we're going, we're all at risk here, until we find out the truth, until the litigation is over to find out what direction we can go in, this District can go in. There was no Board action taken.

D-3) ORDINANCE ESTABLISHING SOLID WASTE RATES
Second reading and adoption of Solid Waste collection rates

This item was taken after D-1.

The Board heard the second reading of an ordinance establishing solid waste collection rates. There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to have the ordinance read in title only. Vote 5-0

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously adopted Ordinance 2002-93. Vote 5-0

ORDINANCE 2002-93
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FEES AND CHARGES FOR
SOLID WASTE SERVICE

Break 11:00 - 11:07 a.m.

E. OTHER BUSINESS

E-1) DISTRICT PERSONNEL POLICIES & PROCEDURES -- Administrative Draft
Introduction of Administrative Draft and set procedure for adoption

The Board reviewed the process to review and comment on the Personnel Policy. The employees, Board and public will return written comments to the Personnel Committee by June 7. The red-lined version, with the Ad Hoc Committee's recommended changes, will be delivered to the Board of Directors and Employees by July 12th. The modified policy will be brought to the July 17th meeting for adoption. 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 April 17, 2002, Regular Board Meeting
Minutes of April 30, 2002, Study Session
Minutes of May 1, 2002, Regular Board meeting

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.

G. MANAGER'S REPORT

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

CSDA – Legislative Update

H. COMMITTEE REPORTS

None

I. DIRECTORS COMMENTS

Director Blair was pleased with the Summit Station decision addressed at the Board of Supervisors meeting on May 14.

Director Winn noted that the Water Forum will be held Monday May 20, 2002, at 6:30 p.m. in NCS D Board Room. Christine Ferrara will be attending.

A meeting with Supervisor Achadjian to form a Nipomo Vision group will be held May 22, 2002. Representatives from the library asked that they be notified of the dates for excavation of the Tefft St. water line to coordinate with their programs.

NCS D is be on distribution list from Flood Committee and should be notified for plans.

Asked staff to review compliance with mandatory sewer hook-up.

Director Wirsing asked about the size of the pipe in Summit Station. Answer – 8” an 10”

President Mobraaten reviewed the vote for Mann & Campbell at the CSDA meeting.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

A. SMVWCD VS NCS D SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.

B. SAVE THE MESA VS. NCS D CV 020181

CONFERENCE WITH NEGOTIATOR GC\$54956.8

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

The Board came out of Closed Session and announced:

Upon a 5-0 vote, the Board of Directors, regarding the easement, gave direction to counsel to make a statutory offer to purchase the easement.

Regarding “Save the Mesa” – Board heard an update from Legal Counsel but had no reportable action.

Regarding SMVWCD vs. NCS D & Santa Clara County – Board a brief discussion of Noel King’s letter but had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 12:07 p.m.

The next regular Board Meeting will be held on June 5, 2002, at 9:00 a.m.