

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JULY 3, 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 9:02 a.m. and led the flag salute.

B. ROLL CALL

Upon Roll Call, the following Board members were present: Directors Winn, Wirsing and Mobraaten. Directors Blair and Trotter were absent.

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 comments. There was no public comment.

President Mobraaten: It was suggested that since there is only three of us today, and we all have to vote the same to get anything passed, that if any of the three have any objections to anything on the item if you could state it now, then we could put that item on the next meeting. That means that if you think any of the three has a negative vote, we could postpone the item to the next meeting.

Director Wirsing: What does that mean?

Mike Seitz, Legal Counsel: If I could just clarify. Because there are just three of you, everyone has to vote affirmatively on every issue that is on the agenda. What is sometimes done in this situation and what I suggested to President Mobraaten is at the outset if you have an idea now that you are going to vote no on any of these items that we could identify these items now that they may be continued to the next meeting, that public hearing or public discussion could be open so that people may make comment on those items or be closed and simply be continued until the next meeting. That's just a housekeeping matter to help speed up the meeting. It's up to you.

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

D-1) REQUEST FOR SERVICE – TRACT 2375 - HERNANDEZ

Request for water & sewer service for Tract 2375, a 23-lot development at Orchard & Grande

Mr. Delfino Hernandez requested service for 23 lots but the Tract Map showed 28 lots.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to table this item for the next meeting after clarification on the number of lots for which service is requested. Vote 3-0

- D-2) CANDIDATE STATEMENT – ELECTION CODE §13307
Review regulations for printing Board of Directors candidate statements for the Nov. 2002 election

The Board reviewed the resolution to be considered regarding payment of the candidates' statements for the November election of the Board of Directors

The following members of the public spoke:

Larry Verheilig – District resident- Candidate should always pay for election.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously adopted Resolution 2002-823 pertaining to candidates' statements, as amended. Vote 3-0

**RESOLUTION NO. 2002-823
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING REGULATIONS PERTAINING TO CANDIDATES STATEMENTS
SUBMITTED TO THE VOTERS FOR THE DISTRICT'S GENERAL ELECTION
TO BE HELD ON TUESDAY, NOVEMBER 5, 2002**

E. OTHER BUSINESS

- E-1) TEFFT STREET WATER LINE PROJECT
Award bid to construct the Tefft Street Water Line – Pomeroy Road to Thompson Street

The Tefft Street Water Line Project has been delayed due to obtaining a permit from Cal Trans. The lowest responsible bidder was Whitaker Contractors, Inc.

The following members of the public spoke:

Larry Verheilig asked if NCS D could co-ordinate with PG&E before construction.

Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously agreed to award the Tefft Street Water Line Project to Whitaker Contractors, Inc. in the amount of \$613,830.50 and directed staff to complete the necessary documents for the contract. Vote 3-0

**RESOLUTION NO. 2002-824
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO WHITAKER CONTRACTORS, INC.
FOR CONSTRUCTION OF A WATER LINE IN TEFFT STREET**

- E-2) ACCEPT SEWER LINE EASEMENTS - TRACT 2412
Resolution accepting sewer line easements through Tract 2412 – Nipomo Business Center

The developers of Tract 2412, located at S. Frontage Rd. and Story St. have offered a utility easement for the District to maintain the sewer line constructed between Crystal Way and S. Frontage. There was no public comment.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously adopted Resolution 2002-825 accepting the sewer line easements for Tract 2412, the Nipomo Business Center. Vote 3-0

**RESOLUTION NO. 2002-825
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING UTILITY EASEMENT FOR TRACT 2412**

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 June 19, 2002, Regular Board meeting

There was no public comment.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved the Consent Agenda in full.

G. MANAGER'S REPORT

There was no Manager's Report.

H. COMMITTEE REPORTS

Personnel Comm.- Comments are back from the employees. The Manual will be brought back to the Board for possible adoption July 17, 2002.

I. DIRECTORS COMMENTS

Director Winn would like to see a re-cap of the money spent on the "SMVWCD VS NCSD" suit and the "Save the Mesa" suit. Would like the public to know how much it costs.

Deputy Legal Counsel, Mike Seitz, announced the need to go into a 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. SAVE THE MESA VS. NCSD CV 020181
- C. ANTICIPATED LITIGATION, ONE CASE

CONFERENCE WITH NEGOTIATOR GC\$54956.8

- D. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC\$549569

The Board came back into Open Session and had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 9:58 a.m.

The next regular Board Meeting will be held on July 17, 2002, at 9:00 a.m.