

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

JULY 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 9:05 and led the flag salute.

#### **B. ROLL CALL**

At Roll Call, the following Board members were present: Directors Trotter, Wirsing, Blair and Mobraaten. Director Winn arrived a few minutes after Roll Call.

#### **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.

#### **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 and sewer services for Tract 2375, a 24 lot development @ Orchard & Grande

A request was received from Mr. Delfino Hernandez for water and sewer services for a 24-lot development at Orchard and Grande. There was no public comment.

Director Trotter asked that the following comment be put on the record:

"We continue to commit the District for more water service and we really don't know what the true water supply is, what the safe yield of the groundwater is. And I will continue to take that position. I am well aware of the ramifications of the possibility of other entities serving these subdivisions but I will stay with my position."

Director Wirsing asked that the following comment be put on the record:

"I am worried about the viability of the water resource for this project. With all the other projects that are on line and not built and occupied yet, along with the new high school's water needs, can this District guarantee an affordable, clean and stable flow of water to accommodate the families that will be occupying these homes when anyone can on any given day call the District and ask the status of the water supply and the District will tell you 'we are in an overdraft status.'

"This project is legally within the boundaries of this District and they have as much right as the next project to have and 'Intent-to-Serve' letter, but I would like to make it clear that I am truly worried about the water supply. Would this be the responsibility of the developer to disclose this possibility to their potential homebuyers before they purchase the home? Who has the responsibility to keep tally of the 2.3% growth cap?"

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to issue an Intent-to-Serve letter for water and sewer service for Tract 2375 with the conditions as outlined in the Board letter. Vote 4-1 with Director Trotter voting no.

- D-2) DISTRICT PERSONNEL POLICIES & PROCEDURES  
Final Draft of District Personnel Policies and Procedures for the Board's review and adoption

The Final Draft of the District Personnel Policies and Procedures was discussed. There were several comments and minor changes.

There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously adopted Resolution 2002-826 amending and restating the Personnel Policies and Procedures as amended. # 1020 (Organizational Chart), 3010.5 C (essential), 4002 B & C (through to after), 4140 (Company to District) and 7000-1 (other District functions) Vote 5-0

**E. OTHER BUSINESS**

- E-1) DESIGN OF A NEW WATER RESERVOIR – GARING, TAYLOR & ASSOC.  
Design a new one million gallon water storage facility to be located at Dana-Foothill tank site.

The Board discussed the proposed one million gallon storage facility. The Board was informed that Water Capacity Fes pay for infrastructure. There was no public comment. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to approve the proposal from Garing, Taylor and Associates and authorized the President of the Board to execute the contract for the following services:

1. Provide the CEQA review and design of the one million gallon storage facility in the amount, not to exceed \$15,500.
2. After the bid is awarded, GT&A will provide the staking, construction inspection and contract management of the project, not to exceed \$13,600.

Vote 5-0

- 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 July 3, 2002, Regular Board meeting  
F-3) INVESTMENT POLICY – QUARTERLY REPORT 6/30/02 (Receive & File)

Director Wirsing asked that the Minutes be pulled for discussion. She asked that the statement made by President Mobraaten be added to the Minutes for July 3, 2002.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Items F-1 and F-3 of the consent Agenda. Vote 5-0

<sup>5</sup>  
RESOLUTION NO. 2002-826  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING AND RESTATING THE PERSONNEL POLICIES AND PROCEDURES

**G. MANAGER'S REPORT**

Due to other commitments, the Board canceled the August 21, 2002, meeting.

**H. COMMITTEE REPORTS**

Director Winn: The Annexation Policy Committee met Monday to review the policy.

**I. DIRECTORS COMMENTS**

Director Wirsing:	Asked for a Study Session concerning a de-sal plant
Director Winn:	Attended School Board meeting. They reported dedication of easement to NCS D. No WRAC meeting rest of summer Planning Forum meeting Monday August 19 Clean Up Week-Solid Waste notice needs to be clearer
Director Blair	East coast cleaning up nicely. We need to learn from them.
Director Wirsing	Mobile home rents are doubling
Director Winn	Good Morning Nipomo July 25, 2002, NCS D Bd room

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session for the following matters: B, C, & D

**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
  - 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 12:01 p.m.

***The next regular Board Meeting will be held on August 7, 2002, at 9:00 a.m.***