

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

OCTOBER 23, 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.**

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, AG – Outside District – Informed the Board of the decision of the SLO County Board of Supervisors to extend the map for Carriage Homes.

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

**D-1) DISTRICT AUDIT REPORT FOR FY 2001-2002**

Auditor Carlos Reynoso, CPA, to review FY 01-02 audit report

Carlos Reynoso, CPA, reviewed the Audit Report for the Board. There was some Board discussion. There was no public comment. Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to accept and file the Audit Report for FY 2002-2002. Vote 5-0

**D-2) REQUEST FOR SERVICE-TRACT 2456 (KING VENTURES)**

Request for water & sewer service for a 41-unit residential development at Division/Frontage Rd.

Dave Watson, representative for King Ventures, presented information to the Board about the project. There was no other public comment.

Director Trotter read a statement he wished to be included in the Minutes:

“In light of the profound observations by Garing October 11<sup>th</sup>, the San Luis County Resources Advisory Committee October 18<sup>th</sup> relative to the Nipomo area's future water supplies, as NCSD director, I request that the issuing of all NCSD or other commitments be tabled until it is determined that there is sufficient groundwater resources or supplemental water to meet the present and future needs of the community. This applies to the future discussions for Will-Serve letters on the agenda. I'll sanitize this thing and give it to Donna.” (Copy attached)

Director Wirsing asked that her comments be added to the record:

In today's newspaper, about the water problems at Woodland's the last paragraph, it states, “If the basin is in Level 2 severity, the scale is from 1 to 3, with 3 being the most severe, Nipomo will be out of water within 7 years, according to the Resource Management System unless a supplemental water source is secured.” I am extremely worried about our water to be able to... before we run out of water that will cause us to have mandatory conservation. I'm just really concerned about a project of this size and all the other projects that we have on line that have already received their Will-Serves and are not built yet and with our new high

school, that's not completely built out yet (student-wise anyway). I believe we are going to put our community in jeopardy."

Director Winn made a motion to issue an Intent-to-Serve letter. Motion failed due to lack of second.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to issue an Intent-to-Serve letter for Tract 2456 with the conditions as outlined in the Board letter and with the addition of the developer working with staff on CCR's for the project. Director Blair asked that Jon clarify the meaning of a vote of abstention. Jon Seitz, District Legal Counsel read from **NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2002-811 A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING BOARD BY-LAWS, ATTACHMENT A:**

**2.7** A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, those voting no and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interest and steps down from the dais prior to the discussion of the item, his or her silence or vote of abstention shall be recorded as an affirmative vote.

Vote 3-2 with Directors Wirsing and Trotter voting no and Director Blair abstaining.

- D-3) REQUEST FOR SERVICE-TRACT 2470 (COOL)  
Request for water & sewer service for a re-subdivision of Tract 2282 (addition of one lot) on Jasmine Way

Director Trotter stated that he has the same comments on this item as the last. There was no public comment.

A motion was made by Director Wirsing and seconded by Director Trotter to table this item until the water situation is clarified. Motion failed. Vote 2-3 with Directors Blair, Winn and Mobraaten voting no.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to issue an Intent-to-Serve letter for Tract 2470 with the conditions as outlined in the Board letter. Vote 3-2 with Directors Wirsing and Trotter voting no and Director Blair abstaining.

- D-4) REQUEST FOR SERVICE-CO 02-0251 (HILL)  
Request for water & sewer service for a 4-lot commercial/residential development on West Tefft St.

Jesse Hill, 1910 Grant Ave, AG – Outside District, developer of project – discussed project with the Board. There was no other public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to issue an Intent-to-Serve letter for Tract 2470 with the conditions as outlined in the Board letter. Vote 3-2 with Directors Wirsing and Trotter voting no.

#### E. OTHER BUSINESS

- E-1) AGREEMENT FOR PAYMENT OF FULL COST RECOVERY FEES FOR ANNEXATION STUDY  
Review draft annexation study agreement for conceptual approval (ROBERTSON)

Gene Mintz, Outside District – Asked Board questions about annexation. When he drilled his well, he got 9 gal/min, which was adequate. Now with all the growth, his well only produces about 1½ gallons.

Don Hilliard, Outside District - Asked Board questions about annexation.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved the agreement for an annexation study to be presented to the applicants for their signatures, giving applicant the cost estimates. Vote 5-0 with Director Blair abstaining.

- E-2) REQUEST FOR SERVICES (RFS)  
Consideration to issue Intent-to-Serve letters for RFS administratively

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to direct staff to bring back language for a resolution for an Intent-to-Serve letter policy for residential developments having water consumption 4 or less Dwelling Unit Equivalents (DUE's). Vote 5-0. 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 October 2, 2002, Regular Board meeting  
F-3) INVESTMENT POLICY-QUARTERLY REPORT [RECOMMEND ACCEPT AND FILE]

Upon motion of Director Blair and seconded by Director Trotter, the Board unanimously approved the Consent Agenda with the correction in D-5 of the Minutes of October 2, 2002.

G. **MANAGER'S REPORT**

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

- G-1) LEGISLATIVE REVIEW

Mr. Jones also reported on the AWWA seminar he and Director Blair attended in Reno.

H. **COMMITTEE REPORTS**

There was no Committee Report.

I. **DIRECTORS COMMENTS**

Director Winn thanked Mr. Fox for attending the meetings.

Thanked staff for having Board room painted.

Letters from NCAC and WRAC were good letters supporting District position on Woodlands.

Comment on BofS decision on Carriage Homes

LAFCO okayed latent powers for the District

CSDA newsletter – SB 1586 requires CSD's to document why they block annexations

Director Blair gave a report on the AWWA Meeting in Reno.

The Board took a short break at 11:45 and resumed at 11:55 a.m.

Mr. Erik Benham addressed the Board with some concerns about his Maria Vista project.

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 NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. SAVE THE MESA VS. NCSD CV 020181
- C. INITIATION OF 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\$54956.9

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

**ADJOURN**

President Mobraaten adjourned the meeting at 1:09 p.m.

**The next regular Board Meeting will be held on November 6, 2002, at 9:00 a.m.**