

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

DECEMBER 18, 2002

REGULAR MEETING 9:00 A.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CALIFORNIA

BOARD MEMBERS

MICHAEL WINN, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
JUDITH WIRSING, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, 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

Vice President Winn called the meeting to order at 9:01 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

B-1 SPECIAL PRESENTATION

Resolution commending past Director Richard Mobraaten for his service to the community

Upon motion of Director Blair and seconded by Director Vierheilig, the Board unanimously approved Resolution 2002-843. Vote 5-0

RESOLUTION NO. 2002-843
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
COMMENDING RICHARD MOBRAATEN

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 member of the public spoke:

Ed Eby, Inside District – Suggested to the Board that the theoretical concept of supplemental water for annexations need a thorough study.

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

D-1) REQUEST FOR ANNEXATION – OAKRIDGE – (NEWMAN)
Request to annex approx. 285 acres north of Sandydale Rd., west of Hwy. 101

Mr. George Newman, developer, presented an overview of his project and answered questions from the Board.

The following members of the public spoke:

Ed Eby, Inside District – opposes the Board's consideration of annexation. This project violates NCS D's Annexation Policy. (Letter to Board included in Minutes.)

Richard Mobraaten Inside District – Would like to see large lots next to Hetrick.

Upon motion of Director Wirsing and seconded by Director Trotter, the Board agreed to table this item until a contract for supplement water is in place and that the developer is to pursue supplemental water. Vote 4-1 with Vice President Winn voting no.

D-2) REQUEST FOR VARIANCE – TRACT 2456 (KING VENTURES)
Request to construct common sewer laterals for a 41 lot development

Mr. Dave Watson, representative for King Ventures, spoke to the Board about the project.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board agreed to grant a variance to install a common sewer line conditional upon a recorded document indicating the responsibilities associated with a common sewer line. Vote 5-0

- D-3) REQUEST FOR SERVICE – APN 090-123-021 (PUHEK)
Request for water and sewer service for 6 units (3 duplexes) at 175 S. Burton Street

There was no public comment.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board approved an Intent-to-Serve letter with the conditions, as outlined in the Board letter plus a single sewer connection requirement. Vote 5-0 with Director Wirsing abstaining.

- D-4) DANA-FOOTHILL WATER STORAGE FACILITY
Review and award bids to construct a one million-gallon water tank at the Dana-Foothill site

The Board reviewed the bids received for construction of a one million gallon water storage tank at the Dana-Foothill site. There was no public comment.

Upon motion of Director Trotter and seconded by Director Vierheilig, the board unanimously awarded the contract to Spiess Construction Co. Inc. in the amount of \$412,000 and authorized the President of the Board to execute the contract to construct a one million gallon water storage tank at the Dana-Foothill site. Vote 5-0.

- D-5) REPEAL OF CHAPTER 4.16 OF THE DISTRICT CODE
Second reading & adoption to repeal Ch. 4.16 of District Code- Approval letters for sewer service

The Board reviewed an ordinance to repeal Chapter 4.16 of the District Code “Approval letter for sewer service” The introduction and first reading of the Ordinance was December 4, 2002. There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved the second reading and adoption of Ordinance 2002-09, repealing Chapter 4.16 of the District Code. Vote 5-0

**ORDINANCE 2002-94
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REPEALING CHAPTER 4.16 OF THE DISTRICT CODE**

E. OTHER BUSINESS

- E-1) SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) AMENDING JPA AGREEMENT
Resolution approving an amendment to JPA between SDRMA & Special Dist. Worker’s Comp Authority

The Board reviewed the information regarding an amendment to the JPA between Special District Risk Management Authority (SDRMA) & Special District Worker’s Compensation authority (SDWCA). There was no public comment.

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved Resolution 2002-846 amending the JPA to allow the SDRMA and the SDWCA to combine the operations and authorized the Vice president of the Board to execute the document. Vote 5-0

**RESOLUTION NO. 2002-846
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE FORM OF AND AUTHORIZING THE
EXECUTION AND DELIVERY OF A FIFTH AMENDED
AND RESTATED JOINT POWERS AGREEMENT**

- E-2) SLO COUNTY STATE WATER PROJECT CONTRACT VALUATION REPORT
Consultant – Optimal Water Inc. report on the sale/lease of state water

Director Blair asked to have this item on agenda to have people aware of the proposal to have SLO County sell a portion of the State Water allocation. Optimal Water Inc. prepared the report. The Board discussed the report. There was no public comment. The Board received the report in file. The Board directed staff to write a letter to SLO County Flood Control District.

- E-3) DISTRICT AGENDA PACKET DISTRIBUTION POLICY
Review District policy of giving the agenda packet to the press

The Board discussed the survey of the Community Services Districts in our area regarding their policies on distribution of agenda packets to the press.

The following members of the public spoke:

Homer Fox, Inside District – Does not want to purchase the agenda. Wants packet available for review.

Ed Eby, Inside District – Opposes the process of obtaining agenda packet or portions
Upon motion of Director Blair and seconded by Director Trotter, the Board agreed to reaffirm the current policy to provide the agenda packets to the press free of charge and public will pay current copy fees. Also, staff will simplify process to obtain public documents. Vote 5-0

- E-4) ANNUAL ELECTION OF THE PRESIDENT & VICE PRESIDENT OF THE BOARD OF DIRECTORS TO PRESIDE FOR THE 2003 YEAR

Vice President Winn explained the rules of nominating and voting for the positions open.

Director Trotter nominated Director Winn for President of the Board.

There were no other nominations for President.

There was no public comment.

All Board members voted for Director Winn.

Director Blair nominated Director Trotter for Vice President. Director Trotter declined the nomination.

Director Trotter nominated Director Wirsing for Vice President. There were no other nominations. There was no public comment. All Board members voted for Director Wirsing for Vice President.

President pro tem Winn asked Board members to inform him of any preferences to serve on any committees. The committees will be appointed at the January 8, 2003 meeting.

- 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.*

Director Wirsing asked about litigation fees. It was agreed that the matter would be put on the next agenda for further discussion.

- F-1) WARRANTS [RECOMMEND APPROVAL]

Upon motion of Director Vierheilig and seconded by Director Blair, the Board unanimously approved F-1 Warrants Vote 4-0 with Director Trotter momentarily absent for the vote. Director Trotter returned to seat for discussion of F-2.

F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]

Minutes of December 4, 2002, Regular Board meeting

Director Wirsing asked Director Trotter clarification of his vote on Item D-8. The Minutes correctly reflected Mr. Trotter's vote.

Minutes of December 11, 2002, Special Board meeting

Director Wirsing asked about comment from John Snyder had stated that copies of the transcripts in the Santa Clara case were available for \$47.00. Mrs. Wirsing understood that Mr. Jon Seitz would obtain copies for the District. Mr. Michael Seitz, District Deputy Legal Counsel, assured the Board that the documents would be obtained.

There was no public comment.

Upon motion of Director Vierheilig and seconded by Director Wirsing to approve Item F-2, the Board unanimously approved Minutes of Dec. 4 and 11, 2002, as amended. Vote 5-0

G. MANAGER'S REPORT

Doug Jones, District General Manager, presented the following report.

- January 2003 Board of Directors Meeting Schedule

1st meeting – January 8, 2003

2nd meeting – January 22, 2003

- Office will be closed December 23-27, 2002, December 31 half day and January 1, 2003.

H. COMMITTEE REPORTS

There were no Committee Reports.

I. DIRECTORS COMMENTS

Director Blair commented on the Woodlands Project

Director Wirsing comments about the 18,000 homes proposed

Director Vierheilig commented about a BoS member comment.

He also is concerned about keeping our facilities clean, and minimal landscaping efforts.

Director Wirsing commented about lawns shouldn't be only for the wealthy.

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. ANTICIPATE/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§549569

ADJOURN

There will be a Special board meeting December 20, 2002, 9:00 a.m.

The regular meeting scheduled for January 1, 2003 (New Year's Day) is canceled.

The next regular Board Meeting will be held on January 8, 2003, at 9:00 a.m.