

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SEPTEMBER 15, 1999 7:00 P.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**
GENE KAYE, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
RICHARD MOBRAATEN, **DIRECTOR**
ALEX MENDOZA, **DIRECTOR**

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
DONNA JOHNSON, **SECRETARY TO THE BOARD**
JON SEITZ, **GENERAL COUNSEL**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

1. ROLL CALL

President Blair called the September 15, 1999 meeting to order at 7:00 p.m.
At Roll Call, all Board members were present.

PUBLIC COMMENTS PERIOD

2. 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 were no public comments.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

Since the auditor had not yet arrived, the Board addressed agenda items #4 and #5 prior to addressing agenda item #3.

4. DISPLAY OF AWARD

Olde Towne Association requests to display their award in the Board Room

In a letter addressed to NCSD, Kathy Kubiak, Chair of the Olde Town Association requested permission to display their awards in the NCSD meeting room.

Director Kaye suggested they hang it where they hold their regular meetings-Creekside Cafe.

There were no public comments.

Upon motion of Director Simon and seconded by Director Mendoza, the Board approved the request with a vote of 4-1 with Director Kaye dissenting.

5. COMMUNITY CLEAN-UP EVENT

Clean-Up scheduled for October 16 & 17 and request for financial assistance

In a letter addressed to NCSD, Susie Morrison, Fundraising Chairman of Nipomo Pride-A Community Cleanup Event, requested support and a donation of \$250.00 to defer the cost of the start up of the project. The Directors were supportive of making the donation. The following options were presented 1) the District making the donation out of the property tax fund or 2)each Director contributing \$50.00 individually.

During this agenda item, the following member of the public spoke:

Susie Morrison, Fundraising Chairman of Nipomo Pride-requested a one-time donation of \$250.00 to help Phase I of their project.

Lloyd Clark, San Luis Obispo County Enforcement Officer-spoke in support of the cleanup and stated he is providing assistance to the group

Mike Winn 233 E. Knotts-spoke in support of the cleanup and stated a donation collectively from the District would be better than from the Board members individually.

Upon the motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved Resolution 99-709.

**RESOLUTION 99-709
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE
EXPENDITURE OF \$250.00 TO SUPPORT THE COMMUNITY-WIDE
CLEAN UP EVENT**

3. AUDIT REPORT FY 1998-99
Report of the District audit for Fiscal Year 1998-99 – Carlos Reynoso, CPA
Carlos Reynoso, CPA presented the audit for the Fiscal year 1998-99 to the Board of Directors. There were no public comments.
On the motion of Director Kaye and seconded by Director Simon, the board unanimously agreed to accept and file the audit report for 1998-99.
6. SAN LUIS BAY APARTMENTS – INTENT TO-SERVE (APN 092-130-048)
Request for service for a 120 unit apartment complex at Blume and Grande Ave
Mr. Jones presented the conditions of the proposed Intent-to-Serve.
During this agenda item, the following members of the public spoke:
Leon Mills, Project Engineer, of Knopf Sharp-Stated developer agrees to conditions of Intent-to-Serve and made a correction to APN 092-130-046
Dwight Long, Principal of the Bay Development Group-Discussed the project, its tax credit status and the government requirements for affordable housing.
Mike Schulte, Attorney for Bay Development Group-Discussed the project, its tax credit status and the government requirements for affordable housing.
Director Kaye stated he is against the project primarily because of the water right litigation, problems with the present system and from the negative input from the community. As of September 1, 1999, Director Kaye stated that he will not approve any Will-Serve letters or Intent-to-Serve letters until the litigation is completed. Director Mobraaten concurred with Director Kaye.
District Council suggested this item be continued to allow the Board to review its option regarding water issues and the property tax issues. Upon the motion of Director Kaye and seconded by Director Mobraaten, the board unanimously agreed to table this item to the October 6, 1999 Board Meeting.
7. SOUTHLAND SEWER REIMBURSEMENT (Information Item)
Review developer's costs and cost spread for connection to developer-constructed sewer line
Mr. Jones presented the Southland Sewer Reimbursement cost spread, outlined the procedures and dates of the filing of protests and public hearings.
There were no public comments. No action required.

8. BOARD OF DIRECTORS BY-LAWS
Sub-committee report on By-Laws

Directors Mendoza and Simon reported to the Board their comments from the Sub-Committee meeting. It was recommended that staff put more time into the preparation of the minutes to ensure accuracy and completeness. Sometimes vital information is not always found in the minutes. It was also recommended that the public side of the debate of issues be equally presented in the minutes. Also, items not related to a specific agenda item should not be included in the minutes

The committee also recommended modifications to Sections 3.3 and 8 of the Board By-Laws. There were no public comments. The Board of Directors directed staff to place the modifications to the Board By-Laws on the next agenda for consideration.

9. **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.*

- a) BOARD MEETING MINUTES (APPROVE)
Approval of minutes of the August 18, 1999 Regular Board meeting.
- b) WARRANTS (APPROVE)
- c) AMENDMENT OF RESOLUTION NO. 99-704 (Folkert Oaks Capacity Fees) (APPROVE)
Correcting the Capacity Fee transfer amount – Res No. 99-707
- d) NOTICE REGARDING ENVIRONMENTAL ACTION – RES NO. 99-708 (APPROVE)
This action requires an annual request by the public to receive environmental determinations

RESOLUTION 99-707
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING RESOLUTION 99-706

RESOLUTION 99-708
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT REQUIRING ANNUAL RENEWAL OF REQUEST FOR PUBLIC NOTICE ON ENVIRONMENTAL MATTERS

There were no public comments. The warrants will now be sent out with the packet so the Board has more time to review them. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the Consent Agenda.

OTHER BUSINESS

10. MANAGER'S REPORT

Manager Doug Jones presented information on the following:

- 1. SLO COUNTY ECONOMICS ELEMENT TO GENERAL PLAN
- 2. INFORMATION ON SB 985
- 3. EMPLOYEE WORK HOURS
- 4. CONSTRUCTION STATUS REPORT

11. DIRECTORS COMMENTS

Director Kaye commented on the Chamber of Commerce, Greenhouse Committee and Planning Commission meetings.

Director Mobraaten asked about the status of the Replacement Study. Mr. Jones stated Administrative draft is being reviewed by staff.

Director Blair stated he spoke at the Board of Supervisor's Meeting.

MINUTES
SEPTEMBER 15, 1999
PAGE FOUR

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below.

CLOSED SESSION

- CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)
- a. SMVWCD vs NCSO Case No. CV 770214 and related cases
Case Nos. CV 990556, CV 990391, CV 990392, CV 990558, CV 990266, CV 770214,
SM 113422, SM 112867, SM 113425, SM 113421
 - b. NCSO vs. STATE DEPT OF HEALTH SERVICES CV 990706

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

ADJOURN

President Blair adjourned the meeting at 9:37 p.m.