

# NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

REGULAR BOARD MEETING JULY 3, 1996 7:00 P.M.  
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

## BOARD MEMBERS

STEVEN SMALL, **PRESIDENT**  
KATHLEEN FAIRBANKS, **VICE PRESIDENT**  
ALEX MENDOZA, **DIRECTOR**  
AL SIMON, **DIRECTOR**  
ROBERT BLAIR, **DIRECTOR**

## STAFF

DOUGLAS JONES, **General Manager**  
DONNA JOHNSON, **Secretary to the Board**  
JON SEITZ, **General Counsel**

## **CALL TO ORDER AND FLAG SALUTE**

President Steven Small called the July 3, 1996 meeting to order at 7:05 p.m. and led the flag salute.

## **ROLL CALL**

At Roll Call, the following Board members were present:  
Directors Blair, Simon, Mendoza and Small. Director Fairbanks was on vacation.

## **APPROVAL OF MINUTES**

### 1. REGULAR MEETING OF JUNE 19, 1996

Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously approved the Minutes of the June 19, 1996 Regular Meeting with the changes noted in Items 7 & 10.

## **PUBLIC COMMENTS PERIOD**

### 2. PUBLIC COMMENTS

Public comments on matters other than scheduled items.  
Presentations limited to three (3) minutes

President Small opened the meeting to Public Comments.

Beverly Chapman of the Nipomo Area Advisory Group told the Board about conditions that are causing high density with the Nipomo area, like transfer of development credits. She invited the Board to meeting July 18 at Dana Elementary School. The SLO County Board of Supervisors and Commissioners have been invited. Kim Weber - Land Use Development will be one of the speakers.

**BOARD ADMINISTRATION**

3. PUBLIC HEARING - BLACK LAKE STREET LIGHTING  
Setting the revenues needed to operate the street lighting on the tax rolls (Discussion/Action)

Mr. Jones explained that NCS D provides street-lighting to the Black Lake Golf Course Development. An annual charge is required to be placed on each parcel that directly benefits from the service rendered. The notice for the Public Hearing was placed in the local newspaper - The Times-Press Recorder- as required by law.

President Small opened the meeting to a Public Hearing. There was Board discussion. Counsel, Jon Seitz read the title and summarized the resolution before the Board. No comments were heard from the audience. The Public Hearing was then closed.

Upon motion of Director Simon, seconded by Director Blair, the Board unanimously approved Resolution 96-587 with a 4-0 vote.

**RESOLUTION NO. 96-587**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE BLACK LAKE DEVELOPMENT (GOLF COURSE AREA)**

It was the consensus of the Board to take Item 5 before Item 4.

5. PRESENTATION BY BEVERLY CHAPMAN REGARDING THE POTENTIAL ACQUISITION OF THE LIBRARY BUILDING  
( Oral Presentation/Direction to Staff)

Beverly Chapman talked to the Board about the possibility of using the old library building as a community service or public services office. She is negotiating with the County for a price that is acceptable to both. She would like to have the District purchase the building and lease it back to several social service organizations for a revenue neutral lease agreement. Proposed name - Nipomo's Independent Center

Counsel Seitz explained some of the concerns to be considered by the Board. There was much Board discussion.

This was an *Information Only* item. No action was taken.

The Board continued on with Item #4 on the Agenda.

4. REVIEW OF DISTRICT ACTIVITIES (POWERS)

Present District activities include water supply and distribution, sewer collection and treatment, street lighting and drainage. Review other District latent powers. (Discussion/Information)

Mr. Jones explained the memo from LAFCO listing potential consolidation of CSA-1 (Galaxy Park area).

District Counsel, Jon Seitz, explained the powers the District presently has and the latent powers that NCS D could implement as outlined in Section 61600 of the Government Code.

J. Frederick asked if NCS D had the street lighting all over Nipomo. - No, only Black Lake Golf course area.

NCS D would need to go to LAFCO to consolidate the County's Nipomo lighting area. There was much Board discussion.

Beverly Chapman suggested a community meeting to discuss how many of these latent powers the community would like for NCS D to have. She suggested that groups such as NAAG, Old Town Nipomo, Friends of the Library, etc. should be invited to attend such a meeting.

This was an *Information Only* item. No action was taken.

6. ASSESSMENT DISTRICT 93-1, SUMMIT STATION, CALLING OF BONDS

Calling (Buying Back) some of the Assessment District Bonds (Discussion/Action)

Lisa S. Bognuda , Administrative Assistant, explained the calling of the bonds at the Summit Station area, Assessment District 93-1.

Gene Kaye from the audience suggested that the residents should be informed of the bond calling and the reduction in their assessments. Lisa assured him that noticing customers was in the plans.

Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously approved Resolution No. 96-588 with a 4-0 vote.

**RESOLUTION NO. 96-588**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
MAKING DECLARATION REGARDING SURPLUS IN IMPROVEMENT FUND**

7. REVIEW OF DISTRICT POLICY FOR COLLECTION OF CAPACITY FEES

Oral presentation by District Legal Counsel. (Discussion/Information)

Counsel, Jon Seitz, reviewed how the District collects Capacity Fees. Bill Kengel, from the audience, spoke to the Board concerning his project, a 36 lot development at Orchard and Tefft. There was Board discussion concerning financing of projects.

B. Chapman and Gene Kaye also commented from the audience. This was an *Information Only* item. No action was taken.

8. SAFETY MINUTES  
Review and approve the minutes of a Safety Meeting. (Discussion/Action)  
Upon motion of Director Blair and seconded by Director Mendoza, the Board directed the Board secretary to acknowledge the receipt of the Minutes of the Safety Meeting held on June 13, 1996. The motion passed unanimously.

**FINANCIAL REPORT**

9. APPROVAL OF WARRANTS  
Upon motion of Director Blair, seconded by Director Mendoza, the Board unanimously approved the Warrants presented at the July 3, 1996 meeting.

**OTHER BUSINESS**

10. MANAGER'S REPORT  
Manager Doug Jones presented information on the following:

1. Letter from SLO County on Local Planning Commission
2. CSDA Constitution Revision Commission information
3. July 5, 1996, the office will be closed..
4. Planning Department Meeting, July 11, 1996
5. SLO County may tax District owned land outside its boundary.

11. DIRECTORS COMMENTS  
Director Blair asked about Sandydale & Pomeroy trench from fire hydrant.

12. PUBLIC COMMENTS  
Gene Kaye asked if water losses have been reduced. Report will be out at the end of this month.  
B. Chapman asked about customer water losses. Does customer get charged when their is a leak? Answer - Customer side is charged to customer. Main side is charged off to pumping costs.  
J. Fredericks asked what is the Government Code that allows one governmental agency to tax another?  
Answer - California Constitution Article 13a Section 11.

Counsel Seitz explained the cases to be discussed. The Board went into Closed Session at 9:50 p.m.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

1. Existing litigation GC§ 54956.9  
NCSD vs. Shell Oil, et. al. Case No. CV 077387
2. Initiation of litigation pursuant to GC§ 54956.9 (c) one case

The Board came back into open session with no reportable action.

**ADJOURN**

\*GC§ refers to Government Code Sections

President Small adjourned the meeting at 10:10 p.m.