

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

REGULAR BOARD MEETING OCTOBER 16, 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 Small called the October 16, 1996 Regular Meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL

At Roll Call the following Board members were present:

Directors Simon, Mendoza and Small. Director Fairbanks arrived at 7:10 p.m.

APPROVAL OF MINUTES

1. REGULAR MEETING OF OCTOBER 2, 1996
Upon motion of Director Simon, seconded by Director Mendoza. the Board unanimously approved the Minutes of the October 2, 1996 meeting with the following typo corrections.
Item 5 - Last sentence should state "a" and not "the a"
Item 4 - Director Simon's name was left off of the second to the motion.

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.
There were no Public Comments at this time.

BOARD ADMINISTRATION

3. BLACK LAKE WATER INTER-TIE (Discussion/Action)
Recommendation to acquiesce to Black Lake preference of independence by having an inter-tie only for pure emergencies

Mr. Jones described the situation in the Black Lake Specific Plan Area, specifically Tracts 2151 and 1912. Mr. Jack Stoddard, President of the Black Lake Advisory Committee to the Nipomo Community Services District, said that it was planned that the developer would be paying for the emergency inter-tie. Brad Brechwald, John Wallace and Associates, also explained some of the engineering specifications involved in the possible inter-tie. Upon motion of Director Simon and seconded by Director Mendoza, the Board agreed to proceed with the concept of having two independent water systems with a pure emergency inter-tie. The motion passed 3 to 1 with Director Fairbanks voting no. Director Blair was absent for the vote. Brad Brechwald asked for a clarification of the motion. Mr. Seitz explained that the motion is in concept only and is contingent upon the District engineer's review of the proposal. Mr. Stoddard agreed.

4. LAFCO MODIFICATION OF ANNEXATION NO. 15 (NEWDOLL/HASTINGS) (Discussion/Action)
Review LAFCO's additional area added to Annexation No. 15 for District review and approval

Mr. Jones explained the history of Mr. Newdoll's request for annexation of property near the intersection of Hazel Lane and Tefft St. Mr. Robert Newdoll asked simply that the Board pass the impending resolution. President Small asked for public comments. There were none. Upon motion of Director Simon, seconded by Director Fairbanks, the Board unanimously approved Resolution 96-600 conditionally approving the annexation. Director Blair was absent for the vote.

**RESOLUTION NO. 96-600
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
CONDITIONALLY APPROVING
THE ANNEXATION OF APPROXIMATELY 23.7 ACRES
LOCATED AT THE INTERSECTION OF HAZEL LANE
AND TEFFT STREET, NIPOMO, CALIFORNIA**

5. WATER USE - MR. FORD (Discussion/Action)
Review a request by Mr. Ford for an adjustment for high water use.
Mr. Jones explained the situation with Mr. Richard Ford's water usage and his request to that the Board consider reducing his bill. The Board decided to postpone action until more information was brought forth and findings could be made.
Mr. Gene Kaye from the audience stated that Mr. Ford should be here at the meeting.
6. BOARD OF DIRECTORS BYLAWS (Discussion/Action)
Review a policy by the Board of Directors for establishing Board officers,
meeting schedule and general admission.

Mr. Jones explained that the insurance carrier for the District, SDRMA, recommends that districts adopt a resolution with a written Board Policy and Procedures (Director's By-Laws) in order that the District may receive a credit against its annual premiums. Staff feels it is prudent to earn as many points (credits) as allowable. Director Fairbanks asked if there was already a resolution in effect. Answer- Not with an actual Board policy. It was mentioned that the President is allowed to make a motion. President Small asked for public comments.

Mr. Kaye said the President made a motion at the BLAC meeting.
Upon motion of Director Mendoza and seconded by Director Simon, the Board unanimously approved Resolution 96-601.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 96-601**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING BOARD BYLAWS**

7. SAFETY MEETING MINUTES (Discussion/Action)
Review and approve 10/9/96 Safety Meeting Minutes

Upon motion of Director Simon, seconded by Director Fairbanks, the Board acknowledged receipt of the Minutes of the Safety Meeting of October 9, 1996.

FINANCIAL REPORT

8. INVESTMENT POLICY - QUARTERLY REPORT
Mr. Jones explained that according to the 1996 Investment Policy for NCSD it is necessary to prepare a quarterly report that identifies the District's investments and file the report with the District's auditor. Upon motion of Director Fairbanks, seconded by Director Mendoza the Board unanimously approved the Quarterly Report as presented.

9. APPROVAL OF WARRANTS

Upon motion of Director Simon, seconded by Director Mendoza, the Board unanimously approved the warrants presented at the October 16, 1996 meeting.

OTHER BUSINESS

10. MANAGER'S REPORT

Mr. Jones presented information on the following items:

1. NIPOMO CHAMBER OF COMMERCE TRADE FAIR - NOV. 9, 1996
2. WOODLAND SPECIFIC PLAN - NOTICE OF PREPARATION SUPPLEMENT TO EIR

The Board made comments that perhaps Mr. Jones could put in a letter to John McKenzie, Environmental Specialist, County of San Luis Obispo, on the Woodland Constraint Analysis (Study). Deadline October 18 for response, but Mr. McKenzie would extend time.

Are we privy to Mr. Cleath's report? No. The study was based on the Cleath report.

Some items discussed in the study:

The report confirms that the safe yield is being exceeded.

You're not overdrafted until you have problems, but then it is too late.

Groundwater levels will continue to decline with or without the project.

Based upon chart, the basin groundwater is being mined.

More groundwater is flowing into rather than out of the Nipomo Subarea.

Woodland and Cypress should be considered together instead of separately.

A contingency plan for supplemental or other water and a timeline in which to accomplish it should be developed.

3. MINUTES OF BLACK LAKE ADVISORY COMMITTEE, 10/1/96

11. DIRECTORS COMMENTS

There were none.

12. PUBLIC COMMENTS

Mr. Gene Kaye suggested a need to gather support from other areas.

Mr. Seitz described the reasons for the Board to adjourn to a closed session. At 9:15 President Small directed the Board into Closed Session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

1. Existing litigation GC§ 54956.9
NCSD vs. Shell Oil, et. al. Case No. CV 077387
2. Existing Litigation, Pratt vs. NCSD Case No. CV 79715 GC§54956

*GC§ refers to Government Code Sections

The Board came back into open session and announced no reportable action.

ADJOURN

President Small adjourned the meeting at 9:45 p.m.