

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

REGULAR BOARD MEETING FEBRUARY 5, 1997 7:00 P.M.
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

BOARD MEMBERS

KATHLEEN FAIRBANKS, **PRESIDENT**
ALEX MENDOZA, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**
GENE KAYE, **DIRECTOR**

STAFF

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

CALL TO ORDER AND FLAG SALUTE

President Fairbanks called the February 5, 1997 meeting to order at 7:05 p.m. and led the flag salute.

ROLL CALL

At Roll Call all Board member were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF JANUARY 29, 1997
Mr. Simon pointed out that in Item 2, Mr. Speer's name was misspelled. Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Minutes of the January 29, 1997 Special Board Meeting as corrected.

PUBLIC COMMENTS PERIOD

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

President Fairbanks opened the meeting to Public Comments. There were none.

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. WOODLAND DEVELOPMENT
Review possible in-basin water transfers

Mr. Jones explained that he contacted a representative of the Woodland Project, Mr. Keith MacGregor. He indicated that it is premature to report on the Woodland Project until the EIR is completed.

4. WEED ABATEMENT
Olde Towne Nipomo Assoc. request for weed abatement assistance

Mr. Jones explained the request from Olde Towne Nipomo Association to develop a weed abatement program to rid the empty lots of weed and potential fire hazards. He also explained that an assessment district would need to be formed to have a revenue source to implement a formal weed abatement program. Mrs. Kathy Kubiak requested help, in any form, from the Board to clean up Nipomo. Staff will look into what the District could do in this matter.

5. POMEROY ROAD WATER SERVICE REPLACEMENTS
Award bid to replace water services on Pomeroy Road

Requests for bids were sent out for replacement of approx. 30 water service lines along Pomeroy Road between Tefft Street and Waypoint Way. The only bid received was from TLC Backhoe in the amount of \$18,400.00. Upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved Resolution 97-607.

**NIPOMO COMMUNITY SERVICES
RESOLUTION NO. 97-607
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO T.L.C. BACKHOE
FOR REPLACING WATER SERVICES IN POMEROY ROAD**

6. TRACT 1912 - LETTER OF CREDIT TIME EXTENSION
Request for extension of time with respect to the performance schedule for completion of the Black Lake Wastewater Treatment Facility.

Mr. Jones explained that Brad Brechwald of John Wallace & Assoc. requested a change in the Performance Schedule of Imperial Bank's Letter of Credit for Tract 1912. Mr. Brechwald, Jim Garing, Jon Seitz and Carlo Alfano spoke concerning the need for time extension. Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously decide to refer this item to the Black Lake Advisory Committee with representatives from Tract 1912 and Tract 2151 to be present at the meeting. Also, it was directed to have monitoring information available to the committee.

7. CSDA-SLO CHAPTER BY-LAWS
Review and approve proposed changes in Local Chapter By-laws of Calif. Special District Assoc.

Legal counsel, Jon Seitz, explained the resolution presented to the Board. The resolution would allow the President of the Association to cast a conditional proxy vote, if members of a District's Board of Directors or executive staff are not present at a regular chapter meeting. The vote would be an abstention.

The changes to the CSDA By-Laws were presented. Director Blair commented that the less staff involvement in Board matters, the better. Director Fairbanks asked Mr. Seitz to take Director Blair's comments back to the CSDA Board. Cees Dobbe commented.

Upon motion of Director Mendoza and seconded by Director Kaye, the Board approved Resolution 97-608 with Director Blair abstaining.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 97-608**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING A CONDITIONAL PROXY FOR GENERAL MEETINGS
OF THE SAN LUIS OBISPO COUNTY CHAPTER OF THE
CALIFORNIA SPECIAL DISTRICT ASSOCIATION**

FINANCIAL REPORT

8. SECOND QUARTER FINANCIAL STATEMENTS

Lisa Bognuda presented the Balance Sheet as of December 31, 1996 and the Income Statement for the six months ended December 31, 1996 for each Fund. Also presented was the summary of cash balances as of December 31, 1996 by Fund. The Board asked a few questions. John Snyder asked a few questions about the report. Lisa answered all their questions.

9. APPROVAL OF WARRANTS

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the February 5, 1997 meeting.

OTHER BUSINESS

10. MANAGER'S REPORT

Manager Doug Jones presented information on the following items:

1. CALIF. RURAL WATER ASSOCIATION CONFERENCE
2. SO CAL WATER CO RATE ADJUSTMENT INFO
3. OFFICE BUILDING STATUS
4. CSDA & LAO INFO ON PROP 218
5. SPECIAL ELECTION SCHEDULE - PROP 218
6. COUNTY WRAC MEETING
7. GOVERNOR'S CORRESPONDENCE ON AB 2797

11. DIRECTORS COMMENTS

None

12. PUBLIC COMMENTS

John Snyder suggested that the District choose a different water attorney than Scott Slater.
Cess Dobbe agreed.

Jon Seitz, Legal Counsel for the District, explained the need for the Board to go into Closed Session. At 8:50 p.m. the Board closed the meeting to discuss the following items:

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
3. Real Property Negotiation (Walsh), GC§ 54956.8

*GC§ refers to Government Code Sections

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

ADJOURN

President Fairbanks adjourned the meeting at 9:40 p.m.