

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

REGULAR BOARD MEETING AUGUST 6, 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 opened the meeting at 7:02 p.m. and led the flag salute.

ROLL CALL

At Roll Call, the all Board members were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF JULY 16, 1997

Upon motion of Director Kaye, seconded by Director Mendoza, the Board unanimously approved the Minutes of the July 16, 1997 meeting.

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:

Jack Carson of Summit Station Rd. made some suggestions concerning a high school in Nipomo.

Also, that reclaimed water could be used for a football field.

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

3. BLACK LAKE TRACT 2264 - INTENT TO SERVE

Review Intent-to-Serve letter for Tract 2264

Mr. Jones explained the latest revision of the draft Intent-to-Serve letter for Tract 2264. Mr. Seitz explained further revisions.

John Scardino, legal counsel for The Estates, agreed that the formula included in the letter worked and they were satisfied with it. He thanked Mr. Seitz and Mr. Jones for the agreement reached.

John Snyder, an out of District resident, asked questions about possible EIR mitigation costs and/or possible legal costs involved in drilling a new well.

Jack Stoddard, Black Lake Management Assoc., will review the letter. Cees Dobbe concurred with John Snyder. If the area is in an overdraft, then we cannot have continued development.

Director Mendoza commented that the system demands a well be drilled.

Upon motion of Director Blair, seconded by Director Simon the Board approved the Intent-to -Serve letter for Tract 2264 with the changes as mentioned. Director Fairbanks voted no.

4. BLACK LAKE WASTEWATER TREATMENT PLANT EXPANSION (TRACT 1912)
Status report on the plant expansion and Tract 1912 homes being sold.

Mr. Jones explained that the original agreement with The Estates had been disregarded by selling lots over and above the 25 escrow closings of homes. Mr. Jones said there are some items that need to be completed before the sewer plant expansion is completely operational. The escrow company was notified that there were to be no more escrow closings until the Board made a determination. Mr. Scardino admitted that they made a mistake. Brad Brechwald said he was working with the District to get the punchlist completed. He expects the items on the list to be completed by next week. It was agreed that the items on the punch list were to be completed and the sewer treatment plant completely operational in exchange for the developer to close no more than 40 lots and houses.

Upon motion of Director Simon and seconded by Director Blair, the Board agreed to extend the number of escrow closings from 25 to 40. Director Kaye abstained.

5. BLACK LAKE INTER-TIE
Review engineering proposals to design an inter-tie between the Town & Black Lake Divisions

Mr. Jones explained that two proposals were received to perform the engineering work inter-tie between Black Lake water system and the Town Division. The lowest responsible proposal was Garing, Taylor and Assoc. at \$6,000. Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Resolution 97-619 hiring Garing, Taylor & Assoc.

**RESOLUTION 97-619
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING GARING, TAYLOR AND ASSOCIATES ENGINEERING SERVICES
TO DESIGN THE BLACK LAKE INTER-TIE**

6. TOWN DIVISION WATER RATE STUDY PROPOSALS
Review water rate study proposals received by the District

Mr. Jones explained the Board's Sub-Committee's recommendation to reject the three proposals received to perform a water rate study for the town Division of the Nipomo Community Services District. The committee, consisting of Directors Fairbanks and Kaye, felt that a replacement study would be more appropriate. There was much Board discussion. John Snyder, an out-of-District resident, commented that he was pleased with the direction the Board was taking concerning a replacement study.

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously agreed to cancel the proposed water rate study and go forward with a replacement study.

7. ACCEPT IMPROVEMENTS FOR PROJECT D950231S (JAMES) APN 090-093-004
Accept water & sewer improvements for commercial development at Chestnut & Thompson Ave.

Upon motion of Director Blair and seconded by Director Simon, the Board unanimously approved Resolution 97-620 which accepts the improvements for Project D950231S (James).

**RESOLUTION NO. 97-620
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR PROJECT NO. D950231S (APN 090-093-004 JAMES)**

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

Upon motion of Director Kaye, seconded by Director Mendoza, the Board unanimously approved the Warrants presented at the August 6, 1997 meeting.

OTHER BUSINESS

9. MANAGER'S REPORT

Manager Doug Jones presented information on the following items:

1. CSDA Annual Conf. Sept 24-26, 1997
2. SB 1268, Acquisition of Public Water Systems
3. Correspondence from Senator O'Connell on Prop. 218
4. SLO Co. State Water Project policies

Upon motion of Director Blair, seconded by Director Simon, the Board agreed to have this item put on a future agenda as an action item before the Oct. 21, 1997 SLO Co. meeting.

10. DIRECTORS COMMENTS

Director Kaye commented on the Santa Maria Times article.
Director Mendoza asked about the status of the new office building.

11. PUBLIC COMMENTS

There were no public comments.

Mr. Seitz explained the need to adjourn to a closed session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

1. NCSD vs. Shell Oil, et. al. Case No. CV 077387

Conference with real property negotiator, Dana-Doty water line easement, GC§54956.8

*GC§ refers to Government Code Sections

ADJOURN

President Fairbanks adjourned the meeting at 8:55 p.m.