

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

REGULAR BOARD MEETING AUGUST 20, 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

Vice-President Mendoza called the meeting to order at 7:05 p.m. and led the flag salute.

ROLL CALL

At Roll Call, President Fairbanks was not present. She arrived later.

APPROVAL OF MINUTES

1. REGULAR MEETING OF AUGUST 6, 1997

Upon motion of Director Simon, seconded by Director Blair the Board unanimously approved the Minutes of the August 6, 1997 meeting after a spelling correction in Item 6.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Public comments on matters other than scheduled items. Presentations limited to three (3) minutes
Vice President Mendoza asked for public comments. There were none.

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

3. PUBLIC HEARING ON ANNEXATION NO. 15 (NEWDOLL)

Proposed annexation/ approx. 27 ac. fronting Tefft between Hazel Lane and Orchard Rd.

Mr. Jones explained that all the conditions, as required by the District, have been met for annexation of the approx. 27 acres fronting Tefft Street between Hazel Lane and Orchard Rd. There were no public comments. Upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved Resolution 97-621 approving Annexation No. 15. President Fairbanks was absent for the vote. She arrived at 7:13 p.m.

4. TRACT 1805 - PHASING AGREEMENT VIOLATION

Developer of Tract 1805 are selling lots/ a violation of the District's Phasing Program.

Mr. Jones explained the situation with Snellenberger and Assoc. trying to sell lots before the District's fees were paid. This is in violation of the Phasing Agreement. Director Kaye commented about the sign at the tract offering to sell lots. Terry Orton of Westland Engineering apologized for the mistake that was made and asked if the Board would consider Option 5 in the board letter to allow the developer to continue with the project under the Phasing Program. On a motion by Director Blair and seconded by Director Simon, the Board agreed to proceed with the Phasing Agreement upon payment of the second phase. Lot 11 in Phase Four has been sold and shall be traded for a lot in Phase Two before proceeding. Director Kaye voted No.

To accommodate Mr. Walsh, upon motion of Director Kaye and seconded by Director Blair, the Board agreed to take Item 7 out of sequence.

7. PURCHASING 20 ACRES FOR THE WASTEWATER TREATMENT EXPANSION
Resolution approving the recording of the Deed of Purchase
Mr. Seitz explained that the Grant Deed and the Note of Purchasing the Property have been prepared to purchase the 20 acres for the wastewater treatment plant expansion. President Fairbanks asked for public comment. Mr. Harold Walsh asked permission to take down a lane fence. The board agreed. Upon motion of Director Blair and seconded by Director Simon the Board unanimously approved Resolution 97-622 accepting the Deed from the ShiffRAR Family Trust.

**RESOLUTION NO. 97- 622
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE DEED FROM SHIFFRAR FAMILY TRUST**

5. REVIEW COUNTY POLICIES ON STATE WATER - PUBLIC INPUT IS ENCOURAGED
SLO County Board of Supervisors will be reviewing State Water Policies and items at a Public Hearing in October 1997.

Mr. Seitz analyzed the County Policy on State Water. He would like the County to explain their criteria. Mr. Seitz suggested that the criteria that "all environmental impacts must be mitigated" was beyond the scope of CEQA. #9 No water is to be used for projects within incorporated cities." Does that mean Special Districts? Mr. Jones suggested that the Board make comments concerning the Criteria for State Water and bring the comments back to a future meeting to discuss before taking the comments to the Board of Supervisors at their meeting in October.

John Snyder commented. Mr. Jones suggested that Mr. Snyder bring his comments and questions for the County.
Ed Sauer, an Out-of District resident, asked about the possibility of using Twitchell Dam. Answer - No

Mr. Jones asked the Board and Mr. Snyder to have their comments back to the office by September 10 to be put on the September 17, Regular Board Meeting.

6. SANITARY SURVEY OF ON-SITE SEWAGE DISPOSAL SYSTEMS
Review SLO Co. Health Dept. Survey, requirement of the Nipomo Sewer Grant.

Mr. Jones reviewed the results of the sanitary survey conducted by the County Health Department. The Board directed staff to formulate a letter notifying the customers that were found to have a failing system of the necessity to connect to the sewer system within 90 days. It was discovered that there were several customers who were connected to the sewer but had not been billed. Upon motion of Director Blair and seconded by Director Simon, the Board chose to have the sewer charges effective with the September billing and not to be retroactive.

7. Taken out of order

8. INTENT-TO-SERVE RENEWAL - TRACT 1747 (HERMRECK)
Request to update an Intent-to-Serve letter for Tract 1747
a 180+ lot subdivision at Thompson and Chestnut.

Developers of Tract 1747 asked for an extension of the Intent-to-Serve letter that was issued in July of 1996. Upon motion of Director Blair, seconded by Director Kaye, the Board unanimously approved the extension of the Intent-to-Serve with revised wording as stated in the Board letter.

9. SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY CANDIDATE
Support requested to elect a Board member to SDRMA

Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 97-623 authorizing the casting of a proxy ballot .

**RESOLUTION NO. 97- 623
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING THE CASTING OF A PROXY BALLOT AT THE
1997 ANNUAL MEETING OF THE MEMBERS OF SDRMA**

10. CALIFORNIA SPECIAL DISTRICT ASSOCIATION ANNUAL BOARD ELECTIONS
Board positions are open for election to CSDA Board of Directors

Director Blair moved to nominate Kit Carter for the CSDA Board of Directors. Director Simon seconded. All Board members in favor. No public comment.

11. DISTRICT SAFETY MEETING MINUTES
Approve and file Minutes of the Safety Meeting.

Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved to accept and file the Minutes of the July 25, 1997 Safety Meeting.

FINANCIAL REPORT

12. APPROVAL OF WARRANTS

Upon motion of Director Kaye seconded by Director Mendoza the Board unanimously approved the Warrants presented at the August 20, 1997 meeting.

OTHER BUSINESS

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

1. CA-NE AWWA FALL CONFERENCE:

Byron Briley urged Board members to attend the CSDA Annual Conference.

2. Cal. County Article on Managing Groundwater

Black Lake sewer plant expansion is 95% complete.

14. DIRECTORS COMMENTS

Director Mendoza asked for an update on the new building. Mr. Jones said a letter has been sent to the contractor to complete the building. A punchlist of items to be finished was given to the contractor.

Director Kaye asked about the Santa Maria Valley Conservation District meeting. Mr. Jones will report on the meeting later.

Director Blair went to the SLO County Board of Supervisors meeting concerning the high school. He suggested that they hook up to State Water because the school would need 1000 gallons per minute.

15. PUBLIC COMMENTS

President Fairbanks asked for public comments. There were none.

Legal Counsel Jon 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

The Board came back into open session. During the Closed Session, the Board voted unanimously to direct staff to hire an appraisal for the Dana property for the proposed water line and the tank site easements. The appraisal is to establish a value of the easements for possible condemnation.

President Fairbanks adjourned the meeting at 9:42 p.m.