

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

May 6, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**  
KATHLEEN FAIRBANKS, **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 Mendoza called the meeting to order at 7:05 p.m. and led the flag salute.

### **ROLL CALL**

At Roll Call, all of the Board members were present.

### **APPROVAL OF MINUTES**

1. REGULAR MEETING OF APRIL 22, 1998  
Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the April 22, 1998 meeting.
2. SPECIAL MEETING OF APRIL 29, 1998  
Upon motion of Director Blair and seconded by Director Kaye, the Board Unanimously approved the Minutes of the April 29, 1998 meeting.

### **PUBLIC COMMENTS PERIOD**

3. PUBLIC COMMENTS  
There were no public comments.

### **BOARD ADMINISTRATION**

4. HOUSE SEWER LATERAL  
The Board to review Black Lake house sewer lateral maintenance policy

Mr. Jones explained the request from the Black Lake Advisory Committee to have the Board of Directors consider changing the Black Lake house sewer lateral maintenance policy. The District's current policy requires the property owner to maintain the sewer lateral from the house to the sewer main in the public right of way. This issue arises due to two incidents involving sewer laterals at Black Lake whereby there were failures and the District billed the property owner for the cost of the repairs.

During this agenda item the following people spoke:

Jack Stoddard, 1172 Oakmont Place, Nipomo – commented that the District policy should be changed and that the District maintains the water service to the meter, but not the sewer lateral. The incidents at Black Lake were not due to the homeowner, but due to construction defaults.

Jerry Fitzer, 588 Master Circle, Nipomo – commented that the Developer that built his home is bankrupt and that the incident was not caused by blockage but a separation in the sewer lateral pipe.

Carlo Alfano, 609 Woodgreen, Nipomo – commented that the Board should consider two issues when reviewing the policy-the first is maintenance of the lateral (i.e. stoppages) and second is construction defaults.

Director Kaye stated that the policy should be the same for both the Town and Black Lake Divisions. Director Simon suggested the District charge the developer of fee for maintenance. Upon the Motion of Director Blair and seconded by Director Fairbanks, the Board agreed to 1) maintain the existing policy of requiring the homeowner to be responsible for the sewer lateral from the house to the main, and 2) any stoppages are

the responsibility of the property owner and 3) other defects would be reviewed by the Board on a case by case basis. Vote 4-1 with Director Simon voting no.

Upon the motion of Director Blair and seconded by Director Simon, the Board agreed to withdraw the charges and small claims court action against the two homeowners at Black Lake based upon the findings that the incidents were a result of faulty construction in the public right of way and not caused by stoppages caused by the homeowner. Vote 5-0.

5. STATE REVOLVING FUND LOAN

Designate the General Manager to execute documents for SRF Loan

Mr. Jones explained that the District must designate a representative to execute documents for the SRF Loan. The District has received approval to go to bid on the project.

There were no public comments.

Upon the motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Resolution 98-644.

**RESOLUTION 98-644**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE GENERAL MANAGER TO EXECUTE DOCUMENTS FOR THE STATE REVOLVING FUND LOAN**

6. SOUTHLAND WASTEWATER EXPANSION-PHASE II

Review engineering services by Garing, Taylor & Assoc. For Phase II of the wastewater plant expansion

Mr. Jones explained that the SRF loan and Phase I has been approved. Phase II plans and specifications are due to the State by August 3. Mr. Garing presented the work to be done for both Phase I and II.

There were no public comments.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved the contract for engineering services for Phase II.

**CONSENT AGENDA**

7. SUN DALE WELL IMPROVEMENTS

Recommended acceptance of sun Dale Well drilling and file Notice of Completion

8. WATER SERVICE LINE REPLACEMENT

Recommended acceptance of water service replacement by TLC Backhoe and file Notice of Completion

9. TRACT 1658 – KENGEL REQUEST FOR SERVICE

Recommend approval of Intent to Serve Letter for Tract 1658/W. Tefft St.

10. TRACT 1700 – PEOPLE'S SELF HELP HOUSING

Recommend acceptance of water and sewer improvements for Tract 1700/Grande

11. TRACT 1981 – NEWDOLL

Recommend acceptance of water and sewer improvements for Tract 1981/Primrose

12. SAFETY MEETING

Approval of minutes for District Safety Meeting

There was no public comment on items 7-12 and no items were pulled for additional discussion. Upon the motion of Director Kaye and seconded by Director Blair, the consent agenda items were unanimously approved.

**RESOLUTION 98-645**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING THE SUN DALE WELL DRILLING**

**RESOLUTION 98-646**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE REPLACEMENT OF WATER SERVICE LINES**

**RESOLUTION 98-647**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 1700**

**RESOLUTION 98-648**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 1981 (NEWDOLL)**

**FINANCIAL REPORT**

13. APPROVAL OF WARRANTS

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the May 6, 1998 Regular Meeting.

**OTHER BUSINESS**

14. MANAGER'S REPORT

Manager Doug Jones presented information on the following:

1. Conflict of Interest Pamphlet
2. State Water Project Shutdown

15. DIRECTORS COMMENTS

Director Blair gave a report on his attendance at the CSDA Government Affairs Day in Sacramento held on April 27.

Director Blair directed staff to place a Resolution on the next agenda for Board consideration on ERAF.

Director Mendoza directed staff to respond to Director Simon's letter regarding sewer laterals.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

Closed Session was canceled.

**ADJOURN**

President Mendoza adjourned the meeting at 8:50 p.m. to a Study Session at 9:00 a.m. on Tuesday, May 12, 1998.