

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MAY 20, 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 members except Director Blair were present but he had informed the Board of anticipated lateness. He arrived at 7:10 p.m.

APPROVAL OF MINUTES

1. REGULAR MEETING OF MAY 6, 1998

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

2. STUDY SESSION OF MAY 12, 1998

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the May 12, 1998 Study Session.

PUBLIC COMMENTS PERIOD

3. PUBLIC COMMENTS

During this agenda item (Item #3) the following person spoke:

Ed Sauer - 363 Hazel Lane, Nipomo - Quoted Government Code Section 61779 concerning the District possibly providing sewer service outside the District. If sewer bill is unpaid, a lien could be put on the property for payment.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

4. DISTRICT POWERS - ORRIN COCKS TO ADDRESS THE BOARD
Review, GC§61600, Powers of a Community Services District

Mr. Orrin Cocks was unable to attend the meeting.

The Board discussed other District powers.

Board concluded that additional services and their funding may be looked into, but unless the public requested services that cost money, the District should not move on it. The public needs to be educated (via the newsletter) that water and sewer revenues cannot be used to support other activities i.e. to maintain park, library, etc. There was no action taken.

5. TRACT NO. 2172 (BERGER/WENDLER) OUTSIDE DISTRICT SERVICES
Request for water service at inside-District boundary rates

Mr. Jones explained that the developers of proposed Tract 2172 Mr. Berger and Mr. Wendler requested that the Board consider changing the rates for their out-of-District property to inside District rates. They also are offering a possible well-site on their property to the District in exchange for service. Mr. Seitz suggested some items that need to be considered: 1) that the area in which the proposed well site is located is considered open space, 2) that the production of the well is sufficient, 3) that the question of LAFCO be answered.

The Board directed staff to research the open space and other items mentioned by Mr. Seitz.

During this agenda item (Item #5) the following person spoke:

John Snyder 662 Eucalyptus Rd. Nipomo - commented that the Board has stated in a resolution that the basin is in an overdraft condition. The annexation policy states that a property will only be annexed if a property owner provide the District with a productive well with a pumping history of 5 years and consider that the District is an appropriator.

6. SOUTHLAND WASTEWATER PLANT EXPANSION - REQUEST FOR BIDS
Authorize going to bid for Phase II of the Southland wastewater plant expansion

Mr. Jones explained that after the State has approved the plans submitted by the District and appropriate documents have been completed, the District is ready to go out to bid for the expansion of the Southland Wastewater Treatment Facility. There was no public comment. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously agreed to authorize staff to go out for bids for the construction of the expansion of the Southland Treatment Facility, Phase 1. Vote 5-0

7. PROPOSITION 224 - DESIGN & ENGINEERING SERVICES, STATE FUNDED
The Board to take a position against Prop 224

Mr. Jones explained that Proposition 224 is opposed by the California Special Districts Association because it will reduce competition and initiate additional delays and higher costs for the people of California. There were no public comments. Upon motion of Director Kaye and seconded by Director Blair, the Board adopted Resolution No. 98-649 and directed staff to send a copy to the media. Vote 4-1 with Director Simon voting no.

RESOLUTION NO. 98-649

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
OPPOSING PROPOSITION 224 - THE SO-CALLED "GOVERNMENT COST SAVINGS AND
TAXPAYERS PROTECTION AMENDMENT"**

8. ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 42
Review ACA 42, the distribution of taxes, with respect to special districts

Mr. Jones explained ACA #42. There were no public comments. Information item only. No action needed.

9. **MANHOLE REHABILITATION IMPROVEMENTS**
Recommend acceptance of manhole rehabilitation work and file Notice of Completion

Mr. Jones explained that the rehabilitation of 17 sewer manholes is complete. There was no public comment on this item. Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Resolution No. 98-650 accepting the work completed by B & W Precast Construction, Inc.. Vote 5-0

RESOLUTION NO. 98-650

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE MANHOLE REHABILITATION IMPROVEMENTS**

FINANCIAL REPORT

10. **APPROVAL OF WARRANTS**

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the warrants presented at the May 20, 1998 meeting. Vote 5-0

OTHER BUSINESS

11. **MANAGER'S REPORT**
Manager Doug Jones presented information on the following.

1. COMPLAINT/COMPLIMENT REPORT

Mr. Seitz reminded the Board of the CSDA meeting Thursday, May 21.

12. **DIRECTORS COMMENTS**

Director Fairbanks would like to see coffee available in the Board room.
Director Simon suggested the need for a landscape maintenance person.
Director Kaye asked about James reimbursement agreement on Grande.
Director Blair asked if the State Water line has gone down yet? Also commented about the new school site.

Jon Seitz, District Legal Counsel, explained the need to adjourn to a Closed Session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

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

The Board came back into Open Session and authorized Directors Kaye and Mendoza to attend the settlement conference in Santa Barbara.

ADJOURN

President Mendoza adjourned the May 20, 1998 meeting at 8:47 p.m.