

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

JULY 1, 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 & MICHAEL SEITZ, **General Counsel**

### **CALL TO ORDER AND FLAG SALUTE**

President Mendoza called the July 1, 1998 meeting of the Nipomo Community Services District Board of Directors to order at 7:04 p.m. and led the flag salute.

### **ROLL CALL**

At Roll Call all Board members were present.

### **APPROVAL OF MINUTES**

1. REGULAR MEETING OF JUNE 17, 1998

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Minutes of the June 17, 1998 Board Meeting.

### **PUBLIC COMMENTS PERIOD**

2. PUBLIC COMMENTS

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

### **BOARD ADMINISTRATION**

3. OUTSIDE DISTRICT WATER USER RATES

Review outside the District water user rates with possible revision.

Mr. Jones explained the analysis of the Out-of-District rate. District Legal Counsel, Mike Seitz, explained that the law dictates the District justify charges for water use outside the District. There were no public comments. Director Simon made a motion to keep the Out-of-District water rate the same as it has been. Director Blair seconded. Motion passed unanimously.

4. INTENT-TO-SERVE TRACT 1924 (WITTSTROM)

Request for water service for a 69+ lot subdivision at Camino Caballo & Osage

Mr. Karl Wittstrom requested water service for an approx. 70-lot subdivision for Tract 1924. Item tabled until new plans for Phase II of the project are submitted to the District. Mr. Wittstrom also requested that a maintenance district for lighting and drainage be formed at that tract.

During this agenda item (Item #6) the following public spoke:

Ed Sauer - 363 Hazel Lane, Nipomo - questions the need for drainage ponds.

Director Fairbanks asked if the District could influence the County to make the drainage more than a fenced weedy eyesore. The Board directed staff to write a letter to County Planning suggesting a more attractive and possibly useful drainage area.

5. REPLACEMENT OF WATER SERVICES  
Request bids to replace approx. 150 water services

Mr. Jones explained that PB pipe in Tracts 1445, 1532, 1640, 1651 and Brookside should be replaced before breakage occurs. There was no public comment. Upon motion of Director Blair and seconded by Director Fairbanks, the Board unanimously agreed to go to bid for the replacement of approx. 150 water services.

6. REQUEST FOR PROPOSAL - DESIGN WATER AND STORAGE IMPROVEMENTS  
Request for professional services to design new water mains & storage facilities.

Mr. Jones explained that in the Master Plan developed by Boyle Engineering Corp. in 1995, it was recommended that the District plan projects such as a transmission main across Nipomo Creek and a new water storage facility to improve the water system. The District has budgeted both projects for this fiscal year. There were no public comments. Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously agreed to request proposals to design a new water storage facility and transmission main.

7. CONFLICT OF INTEREST  
Review District Conflict of Interest Code

Mr. Jones explained that San Luis Obispo County requires local agencies to review its codes concerning the Conflict of Interest Code to determine if changes are necessary. Mr. Jones pointed out that the District Code § 2.08.010 complies with Government Code § 87306.5. The Board directed staff to notify the County that there are no changes necessary in Nipomo Community Services District Code regarding Conflict of Interest.

8. DISTRICT GENERAL ELECTIONS  
Election of three Directors of the Board at the Nov. 3, 1998 General Elections.

Mr. Jones explained that the Nipomo Community Services District will hold elections to elect three members to the Board of Directors of the District in the November 1998 Election. There were no public comments. The following resolutions were passed.

- a. Resolution pertaining to candidates statements  
Upon motion of Director Kaye, seconded by Director Blair, the Board unanimously approved Resolution 98-657.

**RESOLUTION NO. 98-657  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING REGULATIONS PERTAINING TO CANDIDATES STATEMENTS  
SUBMITTED TO THE VOTERS FOR THE DISTRICT'S GENERAL ELECTION  
TO BE HELD ON TUESDAY, NOVEMBER 3, 1998**



- b. Resolution requesting the District election be held the same time as the General Election.

Upon motion of Director Kaye, seconded by Director Fairbanks, the Board unanimously approved Resolution 98-658.

**RESOLUTION NO. 98-658**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**REQUESTING THE BOARD OF SUPERVISORS OF**  
**THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE**  
**A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 3, 1998**  
**WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE**  
**SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE**

#### FINANCIAL REPORT

9. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved the Warrants presented at the July 1, 1998 meeting.

#### OTHER BUSINESS

10. MANAGER'S REPORT

1. Southland Wastewater Treatment Facility Expansion Bid Results

Mr. Jones presented the unofficial bid results for the expansion of the Southland Wastewater Treatment Facility. No Board action is necessary until the next meeting. There were no public comments.

11. DIRECTORS COMMENTS

Director Blair feels that the proposal to make a recreational facility at Twitchell Dam is in discussion in Santa Maria. He also feels that the dam would be a good source of water for the District.

Director Simon discussed the \$30 million project in Arroyo Grande.

Director Mendoza enjoyed the breakfast meeting with Supervisor Brackett. He would like to see a meeting such as this scheduled regularly with the new supervisor.

During this agenda item (Item #11) the following public spoke:

Ed Sauer - 363 Hazel Lane, Nipomo - had complaints about the Board of Supervisors

District Counsel, Mike Seitz, explained the need to go into closed Session.

#### CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

1. NCSO vs. Shell Oil, et. al. Case No. CV 077387
2. Conference with real property negotiator, Dana-Doty Water line easement GC§ 54956.8
3. Conference with legal counsel - Anticipated litigation (one case)

The Board came back into Open Session and had no reportable action.

#### ADJOURN

President Mendoza adjourned the meeting at 8:29 p.m.