

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SEPTEMBER 2, 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**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

President Mendoza called the Regular Meeting of September 2, 1998 to order at 7:08 p.m. and led the flag salute.

ROLL CALL

At Roll Call, the following Board members were present:
Directors Kaye, Simon, Fairbanks and Mendoza. Director Blair arrived at 7:12 p.m.

APPROVAL OF MINUTES

1. REGULAR MEETING OF AUGUST 19, 1998

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the August 19, 1998 Regular Meeting. Director Blair was absent for the vote.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

President Mendoza opened the meeting to public comments. The following spoke.

Orrin Cocks - 1457 Deer Canyon Rd. Arroyo Grande -Presented some information to the Board concerning an idea from Sheila Boone to create a Butterfly Palace on the Nipomo Mesa. He felt that the District would be interested because she would be using water from the Nipomo Basin.

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

3. RESOLUTION OF NECESSITY

Possible adoption of a resolution to begin the process of eminent domain for public easements

President Mendoza postponed Item 3 until District Deputy Counsel Mike Seitz could arrive to speak with Mr. Weldon.

At 7:40 p.m., after Item 6 was completed, the Board returned to Item 3.

Mr. Mike Seitz spoke with Mr. Weldon, the Dana Family's attorney. Because not all signatures have been obtained, the Resolution of Necessity should be passed but possession should not be taken for a few more days. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 98-666.

RESOLUTION NO. 98-666

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT OF NECESSITY FOR CONDEMNATION OF EASEMENTS FOR THE THOMPSON-TEFFT WATER MAIN AND STORAGE PROJECT

Upon motion of Director Fairbanks and seconded by Director Kaye, the Board unanimously agreed to instruct to legal counsel not to file a law suit until Wednesday, September 9, 1998 at 8:00 a.m. in anticipation of the final signature being obtained.

4. WAIVER OF WATER SERVICE

Request for a waiver of ordinance requirements for a second water service

Rufus Ferguson requested a waiver to the requirements of District Code §3.12.050(b) (Ord. 84-47) An ordinance revision is in process which may answer his request. There were no public comments. Upon motion of Director Blair and seconded by Director Simon, the Board unanimously decided to table this item.

5. OAKGLEN/MALLAGH WATER LINE BIDS

Review bids received to construct Oakglen/Mallagh water line and award contract

Mr. Jones explained that six (6) bids were received for the construction of the Oakglen/Mallagh water line. The lowest responsible bidder was Sansone Company. One permit from the Corps of Engineers is still outstanding.

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

Richard Mobraaten - 704 Ridge Rd. - Red-legged frog not found in the area according to a report from the EIR for the School District.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Resolution 98-664, subject to permit issued from the Corps of Engineers.

RESOLUTION 98-664

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO SANSONE COMPANY TO CONSTRUCT THE OAKGLEN/MALLAGH WATER LINE**

6. REVISION OF DISTRICT BY-LAWS

Review revision to By-Laws and adopt resolution

Mr. Jones explained that SDRMA (District insurance carrier) requires a review of the Board By-Laws annually in order to receive credits toward premiums. Mr. Seitz explained that the Board By-Laws were adopted October 16, 1996. To update the By Laws, staff and counsel have reviewed and revised them. Mr. Seitz went over the changes. There was Board discussion. There were no public comments. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved Resolution 98-665, revising the Board By-Laws.

RESOLUTION 98-665

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING BOARD BYLAWS**

7. REVISION OF DISTRICT ORDINANCES

Review of possible revisions of District ordinances (General Discussion)

Mr. Jones explained that staff has been reviewing the District ordinances. This item is for introduction to the Board for information only. It will be brought back to the Board at a future meeting for formal introduction and adoption.

During this agenda item (Item #7) the following public spoke:

John Snyder - 662 Eucalyptus Rd. - Questioned the annexation policy

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

Director Kaye mentioned some possible ownership changes in AD 93-1 refunds. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the Warrants presented at the September 2, 1998 meeting.

OTHER BUSINESS

9. MANAGER'S REPORT

Mr. Jones presented information on the following items:

1. CHC CORRESPONDENCE TO LAFCO
2. SLO-CSDA RECEPTION FOR MIKE GOTCH 9/11/98
3. NEWSPAPER ARTICLE ON NIPOMO GROWTH

10. DIRECTORS COMMENTS

Mr. Jones described some of the discussions at the WRAC meeting today.

Legal counsel, Jon Seitz, explained the need to go into Closed Session. President Mendoza adjourned the meeting to Closed Session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

- A. Existing litigation GC§ 54956.9
 1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
- B. Conference with real property negotiator-District Negotiator-General Manager GC§ 54956.8
 1. Dana-Doty water line/tank easements

The Board came back into open session with no reportable action.

ADJOURN

President Mendoza adjourned the meeting at 9:00 p.m.