

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

SEPTEMBER 30, 1998 7:30 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 Regular Meeting of September 30, 1998 to order at 7:35 p.m. and led the flag salute.

### **ROLL CALL**

At Roll Call, all Board members were present.

### **APPROVAL OF MINUTES**

1. REGULAR MEETING OF SEPTEMBER 16, 1998

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the September 16, 1998 Regular Board Meeting.

### **PUBLIC COMMENTS PERIOD**

2. PUBLIC COMMENTS

President Mendoza opened the meeting to public comments. There were no public comments.

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

3. AUDIT REPORT FOR FISCAL YEAR 1997-98

Mr. Carlos Reynoso, CPA presented the fiscal year 1997-98 audit report to the Board of Directors. Mr. Reynoso, CPA pointed out the highlights of the report and answered questions. There were no public comments.

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously accepted the fiscal year 1997-98 audit report.

4. LUCIA MAR SCHOOL District HIGH SCHOOL #2-EIR

Mr. Jones reviewed the comments on the EIR that were in the staff report and stated that comments on the draft EIR are due by October 14, 1998. It was pointed out that the draft EIR addresses annexation only and does not mention an outside user agreement.

During this agenda item (#4), the following person spoke:

Perry Judd, Lucia Mar School District Representative - He stated that the School District was surprised at the staff report which indicates the retrofitting requirement to be 8 to 1 and not 2 to 1. He thanked District staff and Board Members for attending their public hearing the previous evening and looks forward to meeting with the District's subcommittee.

Staff will forward a letter to the School District as outlined in the staff report and will include comments regarding outside user agreements.

5. ACCEPTANCE OF IMPROVEMENTS FOR TRACT 2151 - PRATT

Mr. Jones stated that all of the documents required in the Inspection Agreement have been received from the developer of Tract 2151 for acceptance.

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

Jack Stoddard, President of the Black Lake Advisory Committee - As of July 22, 1998, the Black Lake is now known as Black Lake Village as authorized by San Luis Obispo County. Mr. Stoddard had no objection to the District accepting the improvements, however, the resolution should clearly state that the improvements are within the Black Lake Village Division. He also stated that Tract 2151 complied with the Plans and Specifications, but the improvements do not comply with the Black Lake Village Architectural Review Committee's requirements. This matter will need to be addressed at some future date.

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved Resolution 98-667, as amended to include that the offer of improvements was to the Black Lake Village, a Division of the Nipomo Community Services District.

**RESOLUTION 98-667**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2151**

6. ACCEPTANCE OF IMPROVEMENTS FOR TRACT 1779-WITTSTOM

Mr. Jones stated that all of the documents required in the Inspection Agreement have been received from the developer of Tract 1779 for acceptance.

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

Jack Stoddard, President of the Black Lake Advisory Committee - Mr. Stoddard stated that his comments previously made on agenda Item #5 apply to this agenda item as well.

Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved Resolution 98-668, as amended to include that the offer of improvements was to the Black Lake Village, a Division of the Nipomo Community Services District.

**RESOLUTION 98-668**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 1779**

7. SUPPLEMENTAL WATER CHARGE

Request by Director Blair to discuss sources, costs and procedures for acquiring supplemental water

Mr. Jones explained procedures the District would need to follow in order to obtain a supplemental water supply. The methodologies for paying for this could include modifying the Capacity Fee or monthly user charge, form an assessment District, or charge a standby fee. The formation of an assessment District or a standby charge are subject to Proposition 218 which would require a vote and a 2/3 majority.

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

John Snyder - 662 Eucalyptus Rd. - commented on NCSD's policy on water.

Upon the motion of Director Fairbanks and seconded by Director Blair, the Board unanimously agreed to pursue this item of investigating the possible acquisition of supplemental water. Director Blair and Director Simon agreed to serve on the subcommittee.

8. COUNTY WATER ADVISORY COMMITTEE FACILITATOR PROGRAM

Mr. Jones explained that Director Simon requested this item be reviewed again by the Board. Mr. Simon stated that he felt he made a mistake when he voted no at the last meeting. It is felt that if NCSD does not support the hiring of a facilitator, WRAC will not move forward since NCSD is the only elected political body in the area.

During this agenda item (Item #8) the following public spoke:

John Snyder - 662 Eucalyptus Rd. - spoke in opposition of the District supporting the hiring of a facilitator by WRAC

Upon the motion of Director Kaye and seconded by Director Simon, the Board voted to support the WRAC's hiring of a facilitator for Area 6. The vote was 4-1, with Director Blair dissenting.

9. CONTRACT FOR SEWER MANHOLE REHABILITATION

Mr. Jones explained the need to rehabilitate sewer manholes on Oakglen, Juniper and Frontage Road and reviewed the bid for this project. There were no public comments. Upon the motion by Director Kaye and seconded by Director Blair, the Board unanimously approved the resolution.

**RESOLUTION 98-669**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AWARDING SEWER MANHOLE REHABILITATION TO B & W PRECAST CONSTRUCTION, INC.**

10. REVISIONS OF DISTRICT ORDINANCES

The ordinance was reviewed by the Board on September 2 and the introduction and first reading occurred on September 16, 1998. Mr. Seitz, District legal counsel, reviewed the ordinance and pointed out the highlights of the new ordinance. There were no public comments. Upon the motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved Ordinance 98-87.

**AN ORDINANCE OF THE Board OF DIRECTORS OF THE Nipomo Community Services District:**

**A: ESTABLISHING A NEW METHOD OF CALCULATING CAPACITY CHARGES FOR CERTAIN MULTI-FAMILY UNITS; AND B: AMENDING DISTRICT ADMINISTRATIVE PROCEDURES**

**FINANCIAL REPORT**

11. APPROVAL OF WARRANTS

Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved the Warrants presented at the September 30, 1998 meeting.

**OTHER BUSINESS**

12. MANAGER'S REPORT

Mr. Jones presented information on the following items:

1. CALIFORNIA WATER JOURNAL ARTICLE ON BOTTLED WATER

13. DIRECTORS COMMENTS

Directors Blair, Mendoza and Simon and Mr. Jones commented on the California Special District Association's annual conference that they attended. Director Mendoza commented that it would be beneficial for staff to attend.

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. Potential litigation GC§54956.9z9b) 1 Case-  
NCSD vs Miller

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

**ADJOURN**

President Mendoza adjourned the meeting at 10:15 p.m.