

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JULY 21, 1999 7:00 P.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT**
GENE KAYE, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
RICHARD MOBRAATEN, **DIRECTOR**
ALEX MENDOZA, **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

1. ROLL CALL
At Roll Call, all Board members were present.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
President Blair opened the meeting to Public Comment. There were none.

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

3. OUTSIDE DISTRICT USER AGREEMENT
Review agreement to provide water & sewer service to new high school on No. Thompson Rd.

District Legal Counsel, Jon Seitz, summarized the key provisions of the Outside District User Agreement with Lucia Mar Unified School District.

During this agenda item, the following members of the public spoke:
Sandy Davis, Assistant Superintendent, Business, Lucia Mar Unified School District

Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously approved the Outside District User Agreement with Lucia Mar Unified School District subject to the School District's approval. It will be sent to Lucia Mar for review and execution by their Board.

4. INTENT-TO-SERVE - TRACT 2346 (Mid State Properties)
Request for water & sewer service to a 5 lot development on Juniper St.

Mr. Jones explained that Westland Engineering requested an Intent-to-Serve Letter for Tract 2346, a 5 lot development on Juniper Street. There were no public comments. Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously approved the Intent-to-Serve Letter with the conditions as written in the Board letter.

5. DISTRICT COMMITTEE MEMBERS
Review the District representatives to committees and NCAC

President Blair changed the representation to the Nipomo Community Advisory Committee to include President Blair as the Member and Director Simon as the Alternate. There were no public comments.

6. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

Director Kaye asked that Item a) from the Consent Agenda be pulled for discussion. He objected to the wording on Item 3.

- a) BOARD MEETING MINUTES (APPROVE)
Approval of minutes of the July 7, 1999 Regular Board meeting.
After discussion, it was agreed to amend the Minutes to put the comment from the bottom of Item 3 into the Directors Comments section. Also, Director Kaye asked that a review of the By-laws concerning minutes be put on the next agenda. Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved the Minutes of the July 7, 1999 Regular Meeting as amended.
- b) Development 92-351-017 - Acceptance of improvements (APPROVE)
Accept water & sewer improvements on Widow Lane
Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously approved the remainder of the Consent Agenda.

RESOLUTION 99-704

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE SEWER IMPROVEMENTS FOR APN 092-351-017 (KELLEY)**

There were no public comments.

FINANCIAL REPORT

7. APPROVAL OF WARRANTS
Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved the Warrants presented at the July 21, 1999 meeting. No public comments.
8. INVESTMENT POLICY
Mr. Jones explained the Investment Policy-Quarterly Report. There were no public comments. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously agreed to receive the report into file.
9. FOURTH QUARTER FINANCIAL REPORT (INCORPORATED IN AUDIT REPORT)
This item is tabled until the Audit Report is presented.

OTHER BUSINESS

10. MANAGER'S REPORT
Manager Doug Jones presented information on the following:
 1. U S Water News Article
 2. CA-NV AWWA Conference
 3. SLO CO Safety Element Draft
 4. Comment Log
 5. Cal. Water Journal article on the environment

There were no public comments.

11. DIRECTORS COMMENTS
Director Mobraaten reported that he attended the settlement conference in Santa Barbara. Summit Station needs to be addressed again soon.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session and further identified the anticipated litigation to concern the District's response to the citation issued by the California Department of Health Services.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)

- a. NCSD vs. Shell Oil, et. al. Case No. CV 077387
- b. NCSD vs. Dana Estates, Case No. CV 990547
- d. Anticipated litigation - One case Citation from Health Services
- e. Public Employee Performance Evaluation - General Manager GC§ 54957

The Board came back into Open Session. The Board directed Legal Counsel to proceed with challenging the citation issued by Department of Health Services. Vote 4-1 with Director Kaye voting no.

ADJOURN

President Blair adjourned the meeting at 9:50 p.m.