

John

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

OCTOBER 1, 1997 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

11
20
220
150
370

BOARD MEMBERS

KATHLEEN FAIRBANKS, PRESIDENT
ALEX MENDOZA, 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

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF SEPTEMBER 17, 1997

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
Public comments on matters other than scheduled items. Presentations limited to three (3) minutes

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. DISTRICT 96-97 FY AUDIT REPORT
Mr. Carlos J. Reynoso, CPA, will present the Audit Report for the Fiscal year June 30, 1997.
4. NEW OFFICE BUILDING
Mr. Barry Williams, Architect, will make a report on the status of the new office building.
5. STANDARD IMPROVEMENT SPECIFICATIONS AND DRAWINGS
Consider adoption of District's own Standard Improvement Specifications & Drawings

FINANCIAL REPORT

6. APPROVAL OF WARRANTS

OTHER BUSINESS

7. MANAGER'S REPORT
 1. Article on the Endangered Species Act
8. DIRECTORS COMMENTS
9. PUBLIC COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9
1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
Conference with real property negotiator, Dana-Doty water line easement, GC§54956.8
*GC§ refers to Government Code Sections

ADJOURN

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

SEPTEMBER 17, 1997 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

KATHLEEN FAIRBANKS, **PRESIDENT**
ALEX MENDOZA, **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 Fairbanks called the meeting to order at 7:00 p.m. and led the flag salute.

ROLL CALL

The following Board members were present at the September 17, 1997 meeting.
Directors Kaye, Blair, Simon and Fairbanks. Director Mendoza was absent as planned.

APPROVAL OF MINUTES

1. REGULAR MEETING OF SEPTEMBER 3, 1997

Director Simon said there was an error on Item 6.

Where it read: "Tract 2151 must be completed before service may be rendered to Tract 1779", it should have read as follows:

"The infrastructure for Tract 2151 must be completed and approved before service may be rendered to Tract 1779.

Upon motion of Director Simon, seconded by Director Blair, the Board approved the Minutes of the September 3, 1997 meeting as corrected.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
Public comments on matters other than scheduled items. Presentations limited to three (3) minutes

There is no audience, so requests for public comment will be suspended.

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. COUNTY POLICY ON STATE WATER
Review and comments on present County Policy on using State Water
Mr. Jones presented the draft of a letter to Ruth Brackett with District comments on the County's policy on State Water. After a few minor corrections, the Board approved the motion of Director Blair and seconded by Director Kaye to send the letter as written.

4. JANITORIAL SERVICE FOR NEW OFFICE BUILDING
Request for proposal for janitorial service for District building

Mr. Jones explained the need to hire a cleaning service for the new building. Upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved the Request for Proposals to be sent out for janitorial service for the District building.

5. SAFETY COMMITTEE MINUTES
Review and approve Minutes of 9/8/97 Safety Meeting

Upon motion of Director Blair and seconded by Director Simon, the Board unanimously approved the Minutes of the September 7 and 8, 1997 Safety Meetings to be accepted into file.

6. NEW OFFICE BUILDING CONTRACT (Deferville)
Item continued from Sept 3, 1997, Board meeting to review work to be completed.

The Board directed staff to ask about the hairline cracks on the outside of building. Other matters will be addressed at a future meeting.

7. BOARD ROOM USE POLICY
Establish a policy for use of Meeting Room by others

Mr. Jones presented the draft of the policy for use of the Board room. After discussion and additions and upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved to adopt the Rules and Regulations of the "Guidelines for Using Nipomo Community Services District Meeting Room". The fee for use is \$65.00 for staff time to open and close building and to pay for utilities. A refundable \$50.00 cleaning deposit is required. A copy is available in the District office.

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

The Board asked clarification of some of the items presented on the Warrants list. Upon motion of Director Kaye, seconded by Director Simon, the Board unanimously approved the Warrants presented at the September 17, 1997 meeting.

OTHER BUSINESS

9. MANAGER'S REPORT
Mr. Jones presented information on the following items:

1. Open House
The Board directed staff to prepare for Open House for the new office building. Advertise in the Adobe Press and send invitations to Special Districts and others. Open House to be October 21, 1997 from 4 to 7 p.m.
2. LAFCO Correspondence
3. U.S. News Information
4. Black Lake STP Status
5. CSDA Information
Board directed Mr. Blair to vote for Kit Carter at the annual meeting.

MINUTES
SEPTEMBER 17, 1997
PAGE THREE

10. DIRECTORS COMMENTS

Director Blair attended the California Rural Water Association meeting in San Luis Obispo. He brought back a lot of information to share with the Board.

Director Simon went to the meeting in Oceano with Ruth Brackett concerning young people. He said it was excellent. He encouraged everyone to attend the next one on October 8, 1997.

11. PUBLIC COMMENTS

There were no public comments.

Jon Seitz, District Legal Counsel, explained the need to adjourn to closed session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

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

Conference with real property negotiator, Dana-Doty water line easement, GC§54956.8

*GC§ refers to Government Code Sections

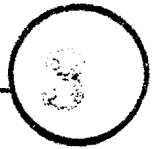
The Board came back into Open Session. There was no reportable action.

ADJOURN

President Fairbanks adjourned the meeting at 9:58 p.m.

AGENDA ITEM

BOE 1 1997



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: OCTOBER 1, 1997


ANNUAL AUDIT REPORT

The District is required by law to have an independent audit performed on its financial statements. Carlos Reynoso, CPA prepared the audit for the fiscal year ending June 30, 1997.

Carlos Reynoso, CPA is here tonight to make a formal presentation to the Board of Directors. He will answer any questions you may have regarding the financial statements.

Upon completion of the presentation and public comments, a motion would be in order to accept the audit report for June 30, 1997.

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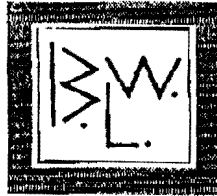
AGENDA ITEM 
OCT 1 1997

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: OCTOBER 1, 1997

NEW OFFICE BUILDING CONTRACT

Mr. Barry Williams, the architect for the new office building, will report on the status of the building. Enclosed is a letter to your Honorable Board dated September 16, 1997 which was faxed to the District for the Sept 17 meeting. Due to technical problems, the fax did not go through. Also, attached is an outline of the items Mr. Williams will be reviewing with you tonight.

C:\w:\williams.doc



BARRY LORENZ WILLIAMS ASSOCIATES
ARCHITECTS • PLANNERS

September 26, 1997

Board of Directors
Nipomo Community Services District
FAX 929-1932

Dear Honorable Board:

On October 1, 1997, at your regular Board Meeting I will be presenting a report that will outline the items that still need to be completed to finalize the construction contract with Deferrville Construction.

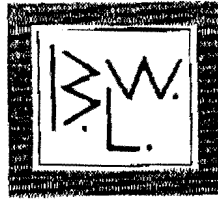
The following will be discussed:

- Sub-contractor disputes.
- Unresolved Owner / Contractor disputes.
- General construction items that need to be completed.
- General construction items that need to be adjusted or repaired.
- General construction items that need to be replaced.
- Paper work that needs to be completed.
- On-site training for equipment operation and maintenance.
- Requirements of the District in the on-going maintenance of the project.

We are getting close to having the final details of this project complete. I believe all parties are working positively towards this end.

Respectfully,

Barry L. Williams
Architect.



BARRY LORENZ WILLIAMS ASSOCIATES
ARCHITECTS • PLANNERS

September 15, 1997

Board of Directors
Nipomo Community Services District
FAX 929-1932

Dear Honorable Board:

On September 3, 1997, your Board, at my request continued an item that was asking you to find Deferville Construction Inc. in default of their construction contract for the construction of the District Office Building. This letter is to appraise you of the progress that is being made towards finalizing the contract. On Wednesday, September 10th, I met with Steve Deferville at the site to go over the final issues that remained to be completed or repaired. The days following that meeting Deferville Construction, or their sub-contractors, have been tending to those items

There are two items from sub-contractors that are in contention. In both cases the sub-contractors are asking for additional compensation for work that they have performed. In both cases it is obvious that some of the work is warranted, it was required, and the District benefited. The difficulty lies with a few items that do not appear to have been warranted, were probably not required. Whether the District benefited or not is not necessarily important if the District did not have any control over the additional work. We are currently reviewing these items and will have a final report prepared for your next Board meeting.

I feel progress is being made to finalize this project. Deferville is in contact with me almost daily. The list of items to be attended to is diminishing but there still are several items that need to be completed prior to determining that the construction is complete.

Respectfully,

Barry L. Williams
Architect.

AGENDA ITEM

OCT 1 1997



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: OCTOBER 1, 1997

DISTRICT STANDARD IMPROVEMENT SPECIFICATIONS AND DRAWINGS

Under the Board's direction, staff has been developing Standards Improvements Specifications and Drawings for the District. The District has been using SLO County Engineering Development Standards Specifications and Drawings and modifying them and others to meet the District's needs. The District Standards Specifications and Drawings are now completed.

Attached is a copy for the Board's review and a resolution adopting such standards and specifications.

C:\w\bd\specs.DOC

RESOLUTION NO. 97- SPEC

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING STANDARDS AND SPECIFICATIONS FOR THE DISTRICT**

WHEREAS, the Nipomo Community Services District has used the San Luis Obispo County Engineering Department's Standard Improvement Specifications and Drawings for its standards and specifications, and

WHEREAS, the Nipomo Community Services District desires to develop its own Standard Improvements, Specifications and Drawings, and

WHEREAS, such Standard Improvements Specifications and Drawings have been prepared for the District for adoption.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT as follows:

- 1, That the District adopt its Standard Improvements Specifications and Drawings as attached herewith as Exhibit "A".
2. That staff is to notify engineering firms and contractors that such drawings now exist.

On the motion of Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES: Directors _____
NOES: None
ABSENT: None
ABSTAIN: None

the foregoing resolution is hereby adopted this 1st day of October 1997.

Kathleen Fairbanks, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

P O T P O U R R I

Study Calls for Science-Based ESA

To the general public, the federal Endangered Species Act is one of the most popular environmental laws on the books. But despite its popularity, the 1973 law may also be one of the most ineffective.

That's bad news for the species the act is aimed at helping.

It's also bad news for property owners and local governments — the sources for most of the efforts and funds to protect listed species.

The act has repeatedly been used to restrict the use of property owned by individuals and local governments all over the nation in the name of helping endangered plants and animals.

Those who have been affected say it's unfair to ask them to bear all the cost of protecting wildlife — it should be a national responsibility. Their claims become even stronger if, after all their sacrifices, the act itself isn't really helping endangered species too much.

Robert Gordon, James Streeter and James Lacy, analysts at the National Wilderness Institute, spent more than a year looking at data on the Endangered Species Act.

Their findings were reported recently in an article in *Environment International*, a peer-review scientific journal.

The results were stunning:

- Numerous species were incorrectly listed as threatened or endangered.
- No species has recovered primarily as a result of the ESA.

- In only two instances can reclassification of a species from endangered to threatened be attributed to successful management actions and in both cases the actions could have been taken without the act.

- Most of the species claimed by the U.S. Fish and Wildlife Service to have achieved 75% recovery objectives are not beneficiaries of successful actions taken under the act.

- The government data is too poor to demonstrate a general trend for protected species — either positive or negative.

- Federal expenditures on endangered species are made primarily by agencies other than the USFWS or NMFS, the two agencies responsible for implementing the ESA.

- There is no scientific rationale for the allocation of funds among species.

"Government data show the ESA program to be a failure — it could be likened to a doctor who has committed innumerable misdiagnoses, is quick to elect radical surgery and has never saved a patient," said Gordon, the executive director of NWI.

Supporters of the act have claimed several success stories, species that have been removed from the list and termed "recovered." But the study disputes those claims of amazing comebacks for species on the brink of extinction.

The NWI analysts say that in some of the cases cited as recovered, "there is little demonstrable change in the species

conditions which is attributable to anything other than data error."

In other words, the species were more numerous than originally thought and were likely listed by mistake. For example, the American alligator has seen its numbers increase. But the study says its population was larger than believed to begin with.

The gray whale's numbers have climbed, but this trend began before the species act was passed. A similar story is true for the Arctic peregrine falcon and the brown pelican.

Twenty-two species have been upgraded from endangered to threatened. But NWI says that most of these upgrades are again due to better data or factors other than management under the ESA. The study reveals a disturbing fact — many species have been listed by mistake or for political purposes.

The mistakes have serious consequences. If the species in question isn't really endangered, the benefits of listing it are likely very small, but for those affected the costs can be enormous.

Congress has been putting off reauthorizing the ESA for several years now, but it needs to take up the task. The Clinton administration has let be known it supports changing the act.

NWI says protecting species is an important and noble goal but when Congress gets around to renewing the ESA it should guarantee that future actions will be based on good science — not to mention good economics.



HAND WRITTEN CHECKS

NONE

VOIDS

2302

NET PAYROLL

CK# 2303-2311

\$12,646.94

COMPUTER GENERATED CHECKS

9382	09/30/97	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$799.91
9383	09/30/97	DOUG JONES	\$300.00
9384	09/30/97	MID STATE BANK	\$4,173.15
9385	09/30/97	PUBLIC EMPLOYEES RETIREMENT SYSTEM	\$1,885.29
9386	10/01/97	ADVANTAGE ANSWERING PLUS	\$106.20
9387	10/01/97	ALL PURE CHEMICAL CO	\$1,061.38
9388	10/01/97	BERTRANDO & BERTRANDO	\$50.00
9389	10/01/97	ROBERT BLAIR	\$562.75
9390	10/01/97	CALIFORNIA APPLIED TECHNOLOGIES	\$103.01
9391	10/01/97	COMPUMEDIC	\$43.96
9392	10/01/97	DANA PROPERTIES	\$205.90
9393	10/01/97	DEFERVILLE CONSTRUCTION, INC.	\$464.44
9394	10/01/97	DEWAR, INC.	\$71.33
9395	10/01/97	GERALD LEE DOUGLAS	\$34.02
9396	10/01/97	EASTER RENTS	\$23.50
9397	10/01/97	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$208.75
9398	10/01/97	KATHLEEN FAIRBANKS	\$100.00
9399	10/01/97	GTE CALIFORNIA INCORPORATED	\$30.60
9400	10/01/97	GTE MOBILNET	\$45.08
9401	10/01/97	GROENIGER & COMPANY	\$204.91
9402	10/01/97	GREAT WESTERN ALARM AND COMMUNICATIO	\$25.00
9403	10/01/97	JOHNSON, DONNA	\$23.82
9404	10/01/97	KARDEL COMPUTER SERVICES	\$3,998.72
9405	10/01/97	GENE KAYE	\$100.00
9406	10/01/97	ALEX MENDOZA	\$100.00
9407	10/01/97	MID STATE BANK-MASTERCARD	\$1,178.63
9408	10/01/97	NIPOMO CHEVRON	\$413.85
9409	10/01/97	P G & E	\$30,391.34
9410	10/01/97	PACIFIC BELL	\$529.55
9411	10/01/97	PERS HEALTH BENEFIT SERVICES	\$3,006.95
9412	10/01/97	RUSSCO	\$84.73
9413	10/01/97	SHIPSEY & SEITZ, INC.	\$3,017.44
9414	10/01/97	SIMMONS, TOLBERT	\$254.10
9415	10/01/97	ALBERT SIMON	\$100.00
9416	10/01/97	SOUTHERN CALIF GAS COMPANY	\$17.78
9417	10/01/97	STATE COMPENSATION INSURANCE FUND	\$2,733.96
9418	10/01/97	SYLVESTER'S SECURITY ALARMS, INC.	\$35.00
9419	10/01/97	TERMINIX INTERNATIONAL	\$42.00
9420	10/01/97	TIMES PRESS RECORDER	\$81.00
9421	10/01/97	UNDERGROUND SERVICE ALERT	\$101.00
9422	10/01/97	WEST PUBLISHING COMPANY	\$125.48
9423	10/01/97	WYATT & BAKER, Lawyers	\$9,656.22

C:\WARRANTS\W100197.doc