

NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

AUGUST 4, 1999

CLOSED SESSION (CONFERENCE ROOM) 6:00 P.M.

CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (b) & (b)
Anticipated Litigation - Initiation of Litigation One case SDHS Citation

No action -

John S. Jones

REGULAR MEETING 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

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

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

- NO* 3. **PUBLIC HEARING - STREET LIGHTING IMPROVEMENT DIST - TRACT 2304 (WITTSTROM)**
Establish a lighting district for Tract 2304 located at Osage & Mesa Rds.
4. **SOUTHLAND WASTEWATER TREATMENT FACILITY EXPANSION - PHASE II**
 - a. Approving State Revolving Fund Loan, Approval of Award Agreement (ATA)
 - b. Awarding construction contract to Sansone Co.
5. **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.*
 - a) **BOARD MEETING MINUTES (APPROVE)**
Approval of minutes of the July 21, 1999 Regular Board meeting.

FINANCIAL REPORT

6. APPROVAL OF WARRANTS

OTHER BUSINESS

7. MANAGER'S REPORT
8. DIRECTORS COMMENTS

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
- c. SMVWCD vs NCSD Case No. CV 770214 and related cases
Case Nos. CV 990556, CV 990391, CV 990392, CV 990558, CV 990266,
CV 770214, SM 113422, SM 112867, SM 113425, SM 113421

*Approved
9/1/99*

ADJOURN

AUG 04 1999

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: AUGUST 4, 1999

STREET LIGHTING FOR TRACT 2304 (WITTSTROM)**ITEM**

Creating a street lighting maintenance district for maintaining the street lights in Tract 2304

BACKGROUND

The District has requested the developer of Tract 2304, Mr. Wittstrom, to install street lighting in Tract 2304, primarily at the intersections to assist people to locate streets in the area at night. It is proposed that nine (9) street lights be installed in the tract. To maintain and pay for the power, a street lighting district needs to be formed. A diagram showing the proposed street lighting is attached.

Garing, Taylor & Assoc. Engineering Firm has established the assessment per Prop 218 for the appropriate fee to be charged and to maintain the street lights. The assessments would be placed annually on the tax roll. It is estimated that the cost per parcel would be \$30.00 per year plus a \$2.00 per parcel SLO County administration fee.

Process which has been initiated is as follows:

1. A petition has been signed by the property owner(s) requesting the formation of the Lighting District.
2. The Board has adopted Resolution 99-701 on June 16, 1999 initiating proceedings to establish a Lighting District (Improvement District No. 1) and setting August 4, 1999 for a Public Hearing.
3. The property owner(s) are to vote to approve or disapprove the lighting assessment. One hundred percent (100%) of the property owners have approved the assessment.
4. Hold a Public Hearing on August 4, 1999 for the establishment of the Lighting District.

RECOMMENDATION

Hold the Public Hearing on the Street Lighting Improvement District. Any member of the public may speak on this issue but the only votes that count are the property owner(s) in the proposed lighting district.

The attached Resolution 99-Light establishes the lighting district and set the tax assessment for funding the lighting district.

C:\W:\Bd99\Tract 2304 lighting district.DOC

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

**NIPOMO COMMUNITY SERVICES DISTRICT
P.O. Box 326
Nipomo, CA 93444**

APN 91-311-02

RESOLUTION NO. 99 - Light

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT:**

- A. APPROVING PETITION FOR FORMATION OF STREET LIGHTING IMPROVEMENT DISTRICT NO. 1;**
- B. FORMING STREET LIGHTING IMPROVEMENT DISTRICT NO. 1;**
- C. LEVYING THE ASSESSMENT; AND**
- D. APPORTIONING THE ASSESSMENT.**

WHEREAS, BLACK LAKE RANCH ESTATES, a California Partnership (herein "Petitioners"), the sole owner of the below-described real property located within the boundaries of the Nipomo Community Services District (herein "District"), petitioned the District for the formation of Street Lighting Improvement District No. 1 for the purpose of levying an annual assessment against the following property (herein "Property"):

Being a division of Lots 18, 19 and 20 of the Los Berros Tract, being a subdivision of Lots 15, 19 and 20 of Nipomo Ranch in the County of San Luis Obispo, State of California.

APN: 91-311-02
TRACT NO: 2304

; and

WHEREAS, The annual assessment to be levied against the Property in each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual cost of the maintenance and operation (including administrative costs and establishing a reasonable reserve) for Street Lighting Improvements constructed by Petitioners; and

WHEREAS, on or about June 16, 1999, at a regularly scheduled meeting of the Board of Directors, the District adopted Resolution 99-701 that tentatively approved the Petitioner's Petition and set a hearing date of August 4, 1999, for the purposes of:

RESOLUTION NO. 99 - Light

1. Hearing protests to the formation of Street Lighting Improvement District No. 1.
2. Approving the formation of Street Lighting Improvement District No. 1.
3. Receiving and counting ballots establishing assessments.
4. Approving assessments for Street Lighting Improvement District No. 1. ; and

WHEREAS, on August 4, 1999, the Board of Directors opened the Public Hearing for the purposes of hearing public testimony and objections to the following:

1. The Petition.
2. The formation of the Street Lighting Improvement District No. 1.
3. The land to be included within Street Lighting Improvement District No. 1.
4. The estimate of cost.
5. The proposed assessment.
6. The apportionment of the assessment; and

WHEREAS, based on the Petitioner's Petition, the Ballots, the District Staff Report, and public testimony taken on August 4, 1999, the Board of Directors hereby finds the following:

1. That all notices were duly given as authorized by law.
2. That there are no objections to the formation of Street Lighting Improvement District No.1.
3. That the assessments established herein comply with the procedural requirements of Article XIID, Section 4 of the California Constitution.
4. That there were no protests to the proposed assessment.
5. That the assessments are directly proportionate to the special benefit received by each parcel from the services rendered.
6. That it is for the best interest of the District that the proposed Improvement District be formed as the Nipomo Community Services District Street Lighting Improvement District No.1.

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

1. That the recitals set forth above are true, correct and valid.
2. The Petition Requesting Formation of Nipomo Community Services District Street Lighting Improvement District No. 1 is hereby approved.
3. The Ballot of 100% of the Property Owners, in accordance with Section 4, Subsection 4(e) of Article XIID of the California Constitution is received and counted in favor of establishing the annual assessment of \$1,385.10 for the Property and apportioning said benefits on the recordation of the Final Map at \$30.00 per year per parcel, subject to the annual CPI Adjustment pursuant to paragraph 5 of Petitioner's Petition Requesting Formation.
4. The formation of Nipomo Community Services District Street Lighting Improvement District No. 1 is hereby approved and formed.
5. The first annual assessment for the Property is \$1,385.10, subject to the annual CPI Adjustment, pursuant to paragraph 5 of the Petition Requesting Formation.

RESOLUTION NO. 99 - Light

6. Upon recording of the Final Map for Tract No. 2304, the assessment shall be apportioned according to benefit at \$30.00 per year per parcel, subject to the annual CPI Adjustment pursuant to paragraph 5 of the Petition Requesting Formation.

7. That a San Luis Obispo County Administrative charge of \$2.00 will be added to the individual assessments established in paragraphs 5 and 6 above.

8. The Tax Collector of San Luis Obispo County is hereby authorized to collect the Street Lighting Improvement District charges on the property tax bill.

BE IT FURTHER RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT that the Board Secretary:

1. Shall cause a certified copy of this Resolution and Order creating the Improvement District to be recorded in the Office of the County Recorder of San Luis Obispo County.

2. Shall cause a certified copy of this Resolution and Order creating the Improvement District and establishing the assessments to be filed with the Office of the San Luis Obispo County Auditor.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby passed and adopted this 4TH day of August, 1999.

ROBERT L. BLAIR
President of the Board
Nipomo Community Services District

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

RESOLUTIONS/99-LIGHT

Exhibit "C"

OFFICIAL BALLOT

NIPOMO COMMUNITY SERVICES DISTRICT SPECIAL PROPERTY OWNER
PROTEST PROCEEDING TO PROPOSE THE LEVY AND COLLECTION OF
ASSESSMENTS AND ASSESSMENT FORMULA FOR THE NIPOMO COMMUNITY
SERVICES DISTRICT STREET LIGHTING IMPROVEMENT DISTRICT NO. 1

HEARING DATE: August 4, 1999

HEARING TIME: 7:00 pm

HEARING LOCATION: District Board Room
148 South Wilson
Nipomo, California

This Ballot represents: Name: KARL WITTSTROM/DOUGLAS FILLIPPONI
BLACK LAKE RANCH ESTATES, A
CALIFORNIA PARTNERSHIP
Address: P.O. Box 1665
City, State: Paso Robles, CA 93447
Property: Tract 2304
Area 1: Annual levy amount: \$1,385.10 for
the Project, and \$30/year per
parcel subject to annual CPI
adjustment pursuant to paragraph 3
of the Petition for Formation

According to Section 4, Sub-Section 4(e) of Article XIIIID of the California Constitution, the ballots are weighted according to the proportional financial obligation of the affected property. The proposed assessment for your property is presented above and the total proposed Balance to Levy for the Area is \$1,385.10 and is subject to an annual CPI adjustment pursuant to paragraph 3 of the Petition for Formation.

To vote, make a cross (+) in the voting square next to the word "YES" or the word "NO", sign and date the ballot. If you wrongly mark, tear, or deface this ballot, return it to the District Manager and obtain another. Mail or deliver this completed ballot to:

District Secretary
Nipomo Community Services District
P.O. Box 326
148 South Wilson
Nipomo, CA 93444

Ballots may be sent or delivered to the District Secretary at any time between the time it is received by you and the close of the Public Hearing on August 4, 1999. Completed ballots MUST be received by the District Secretary no later than before the conclusion of the Public

Hearing scheduled on August 4, 1999, and held at the District Offices, 148 South Wilson, Nipomo, California.

PLEASE CAST YOUR VOTE BY MARKING AND SIGNING BELOW



Yes, I approve of the proposed assessment of \$1,385.10 for the property and \$30.00 per parcel for the 1999/2000 fiscal year on the parcel(s) identified on this ballot, and the establishment of an annual assessment of \$30.00 per parcel adjusted for inflation as provided in Section 3 of the Petition Requesting Formation of Street Lighting Improvement District No.1.

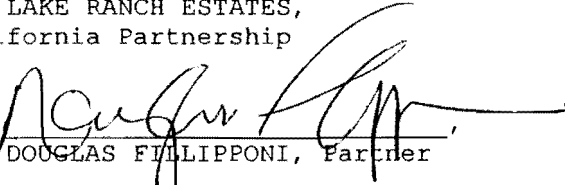
No, I do not approve the proposed assessment of \$1,385.10 for the property and \$30.00 per for the 1999/2000 fiscal year on the parcel(s) identified on this ballot, and the establishment of an annual assessment of \$30.00 per parcel adjusted for inflation as provided in Section 3 of the Petition Requesting Formation of Street Lighting Improvement District No.1.

The undersigned hereby represent that the individuals executing this ballot are expressly authorized to do so for and on behalf of Black Lake Ranch Estates, a California Partnership.

PROPERTY OWNER/ DEVELOPER:

BLACK LAKE RANCH ESTATES,
a California Partnership

By:


DOUGLAS FILIPPONI, Partner

Date:

6-11-99

By:


KARL WITTSTROM, Partner

Date:

6-11-99

street lighting ballot 6-09-99

92-12:

THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES

San Luis Valley, Co.

5 Co. Parks

DANA SCHOOL

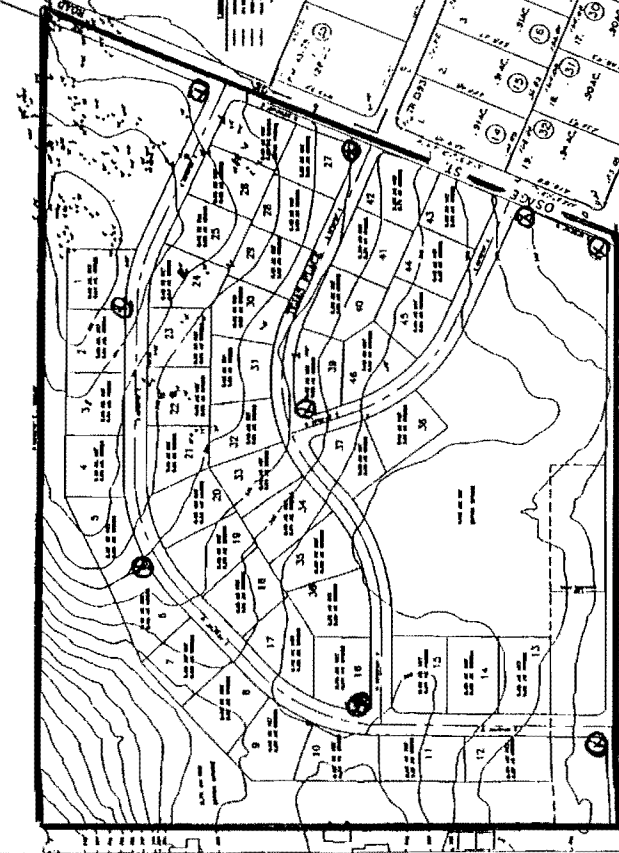
LEEFF STREET

ROAD

PLACE

DANA WAY

⊗ Indicates Street Light Placement



TENTATIVE TRACT MAP 2304

PLAT 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

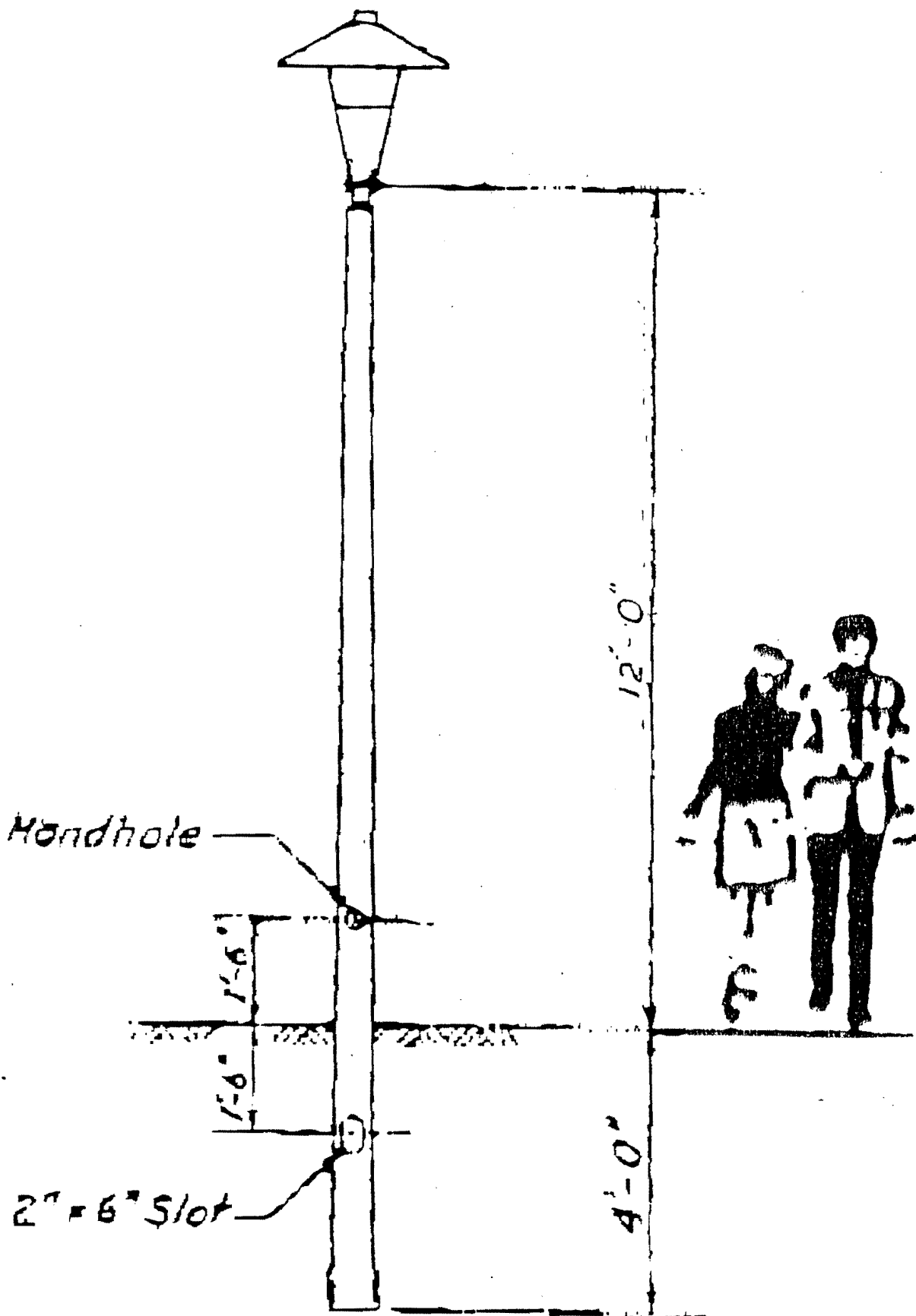


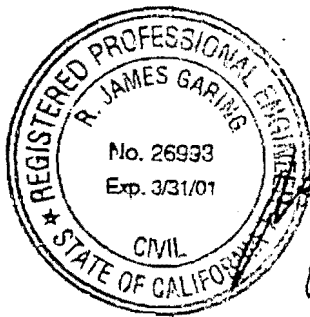
FIG. 3. EMBEDDED FIBERGLASS POST

NCSD STREET LIGHTING BENEFIT DISTRICT FOR TRACT 2304 STREET LIGHTS

Number of Street Lights	9
Number of Lots	46
Power & Maintenance Cost per pole, lighting head and power	\$10.26/mo/unit
P G & E rate code LSID	

Estimated annual cost	
9 lights x 12 mo. X 10.26/mo.	1108.08
Administration 15%, Reserves 10%	272.02
Total	\$1,385.10

Annual assessment per lot			
<u>Total Cost</u>	<u>\$1,385.10</u>		
No. of Lots	46	= \$30.11/yr/lot	say \$30.00/yr.



16 June 99

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: AUGUST 4, 1999

**SOUTHLAND WASTEWATER TREATMENT FACILITY EXPANSION
PHASE II**

ITEM

Review the State Revolving Fund Loan, Approval To Award (ATA) agreement and award the construction contract to Sansone Co. for the second phase of the sewer plant expansion.

BACKGROUND

The District has applied for and received a State Revolving Fund Loan to expand the Southland Wastewater Treatment Facility in a two phase program. The first phase of the program has been completed. The District is proceeding on the second phase, which consists of:

- Expanding the percolation ponds
- Increasing the pumping capacity
- Installing a third aeration basin

The District opened bids for the second phase on May 20, 1999. The lowest responsive bid was from Sansone Co. in the amount \$769,519.80.

The District has received the Approval To Award (ATA) from the State to proceed with the second phase of the expansion of the Southland Wastewater Treatment Facility.

RECOMMENDATION

Staff recommends the following action:

1. A motion would be in order to approve the State Revolving Fund Loan ATA budget amount including construction and allowances of \$843,605.
2. A motion to approve the attached resolution 99-Sansone awarding the contract for the Southland Wastewater Treatment Facility Expansion Phase II to Sansone Co. in the amount of \$769,519.80.

**NIPOMO COMMUNITY SERVICES
RESOLUTION NO. 99-SANSONE**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO SANSONE CONSTRUCTION CO.
TO PERFORM THE SOUTHLAND WASTEWATER TREATMENT
FACILITY EXPANSION, PHASE II**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("DISTRICT") is desirous of having sewer capacity to meet its requirements; and

WHEREAS, the DISTRICT has requested bids to expand the Southland Wastewater Treatment Facility, Phase II and said bids were opened on May 20, 1999 at 2:00 p.m.; and

WHEREAS, eleven bids were received and the apparent responsive and reliable low bid was from Sansone Company in the amount of \$769,519.80; and

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

- 1) The contract to perform the Southland Wastewater Treatment Facility Expansion, Phase II be awarded to Sansone Company, the lowest responsive bid, in the amount of \$769,512.80.
- 2) The President is instructed to execute the contract in behalf of the District.

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

AYES: Directors _____
NOES:
ABSTAIN:
ABSENT:

the foregoing resolution is hereby adopted this 4th day of August 1999.

Robert L. Blair, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Clean Water Programs
2014 T Street • Sacramento, California 95814 • (916) 227-4400
Mailing Address: P.O. Box 944212 • Sacramento, California • 94244-2120
FAX (916) 227-4349 • Internet Address: <http://www.swrcb.ca.gov>

Gray Davis
Governor

JUL 20 1999

CERTIFIED MAIL NO. P 413 976 473
Return Receipt Requested

Mr. Doug Jones
General Manager
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Dear Mr. Jones:

APPROVAL TO AWARD (ATA) --NIPOMO COMMUNITY SERVICES DISTRICT,
SOUTHLAND WASTERWATER TREATMENT PLANT EXPANSION-PHASE II, STATE
REVOLVING FUND (SRF) LOAN PROJECT NO. C-06-4501-120

We have reviewed the ATA request package submitted with the SRF ATA Form 555-1 executed on June 4, 1999. The Planning and Design Section approves the ATA construction budget request as follows:

CONTRACTOR	AMOUNT BID	APPROVED
Sansone Company, Inc.	\$769,520	\$687,851

The Division of Clean Water Programs establishes the SRF ATA budget as follows:

	REQUESTED	ELIGIBLE
A. Construction	\$687,850	\$687,851
B. Allowances	\$155,754	
1. Planning		\$28,633
2. Design		\$46,637
3. Construction		\$67,900
4. Administration		\$6,191
5. Prime Engineering		\$6,393
6. Value Engineering		-0-
TOTAL	\$843,604	\$843,605

Please refer to the enclosed **Form No. 259** for the construction eligibility calculations.

Please provide this office with a written response within thirty days of the date of this letter stating your agreement or disagreement with this decision. Send your response to:

Mr. Fred Johansen
Administration and Certification Section
State Water Resources Control Board
P.O. Box 944212
Sacramento, CA 94244-2120

If you have not contacted Mr. Johansen within thirty days, this letter will serve as our final decision.

DISBURSEMENT SCHEDULE

1. Within thirty (30) days, please submit to Ms. Ame Mathies at the above address, a preliminary **SRF Disbursement Schedule** (see enclosed format) which shows the estimated monthly amounts to be requested during the construction period. The total should equal the approved SRF ATA budget amount. This is needed to establish a preliminary disbursement schedule for your proposed loan contract.
2. The binding loan commitment takes, approximately, three months to process following your agreement on the **SRF ATA budget**, submittal of the preliminary **SRF Disbursement Schedule** and the completion of any other prerequisites.
3. Please remember that the disbursements for costs incurred prior to the binding loan commitment may be subject to the refinance rules in the SRF Policy.

CONSTRUCTION CONTRACT REQUIREMENTS

1. The enclosed **Notice to Labor Unions or Other Organizations of Workers** must be reproduced in the quantity desired, completed by the contractor, and distributed to all unions and organizations that might represent workers on the job.
2. Mail the following documents to Mr. Darrell Brunelli at the above address as soon as they become available:
 - A. One copy of the **executed construction contract**, and
 - B. One copy of the form (see enclosed format) entitled **Certification of Bond and Insurance Coverage**.

Mr. Jones

- 3 -

3. Recipients of SRF loan assistance are required to report MBE/WBE utilization to the Division. **Form MBE/WBE UR334** and the associated instructions are enclosed.

When the preconstruction conference is scheduled, please notify Mr. Darrell Brunelli at (916) 227-4436, so we may participate.

If you have any questions, please contact Mr. Ken Gonzales at (916) 227-4434.

Sincerely,



Mike Harper, Chief
Administration Unit

Enclosures

cc: Mr. Jim Garing
Garing, Taylor & Associates, Inc
141 South Elm Street
Arroyo Grande, CA 93420

**STATE WATER RESOURCES CONTROL BOARD
CONSTRUCTION CONT FOR SPREADSHEET
CONTRACTOR: SANS COMPANY, INC.**

DATE: 19-Jul-99

MAIL TO:

LOAN NUMBER : C-06-4501-120
CONTRACT NUMBER :

PAYMENT REQUEST NUMBER:

PAYMENTS UNIT
DIVISION OF CLEAN WATER PROGRAMS
STATE WATER RESOURCES CONTROL BOARD
P.O. BOX 944212
SACRAMENTO, CA 94244-2120

RECIPIENT AGENCY : Nipomo Community Services District
AGENCY ADDRESS : PO Box 326
Nipomo, CA 93444

AUTHORIZED REPRESENTATIVE : Mr. Doug Jones, General Manager
General

(A) ITEM NO	(B) ITEM DESCRIPTION	(C) AS BID CONTRACT QUANTITY	(D) UNIT DESCRIPTION (TON,C.Y., L.S.,ETC)	(E) AS-BID UNIT PRICE OR LUMP SUM	(F) AS-BID CONTRACT DOLLARS (CxE)	(G) TOTAL WORK COMPLETED TO DATE QUANTITY or %	(H) TOTAL COSTS INCURRED TO DATE (ExG)	(I) ELIGIBLE PERCENT	(J) TOTAL ELIGIBLE CONTRACT DOLLARS (FxI)	(K) TOTAL ELIGIBLE COSTS INCURRED TO DATE (HxI)	(L) AMOUNT PREVIOUSLY PAID	(M) PAYMENT THIS REQUEST (K-L)
CONTRACT BID ITEMS												
1	Compliance with Boiler Plate Docs	100	Days	\$1.00	\$ 100	23	\$ 23	0.00%	\$ -	\$0		\$0
2	Mobilization and Demobilization	1	LS	\$15,523	\$ 15,523		\$ -	88.50%	\$ 13,738	\$0		
3	Bracing, Sheeting, & Shoring	1	LS	\$806	\$ 806		\$ -	100.00%	\$ 806	\$0		
4	Clearing and Grubbing	1	LS	\$1,624	\$ 1,624		\$ -	100.00%	\$ 1,624	\$0		
5	Earthwork & Grading	70,000	CY	\$1.91	\$ 133,700		\$ -	100.00%	\$ 133,700	\$0		
6	Monitoring Wells - Uncased	400	LF	\$44.20	\$ 17,680		\$ -	100.00%	\$ 17,680	\$0		
7	Monitoring Wells - Cased	200	LF	\$28.60	\$ 5,720		\$ -	100.00%	\$ 5,720	\$0		
8	Erosion Control	5	Acres	\$1,826	\$ 9,130		\$ -	100.00%	\$ 9,130	\$0		
9	Gravel Roads	80,350	SF	\$0.55	\$ 44,193		\$ -	100.00%	\$ 44,193	\$0		
10	Emergency Overflow Weirs	6	Each	\$1,586	\$ 9,516		\$ -	100.00%	\$ 9,516	\$0		
11	Fencing, Chainlink	3,990	LF	\$7.00	\$ 27,930		\$ -	100.00%	\$ 27,930	\$0		
12	Fencing, Barbed Wire	500	LF	\$3.90	\$ 1,950		\$ -	100.00%	\$ 1,950	\$0		
13	8-Inch PVC Forcemain	60	LF	\$31.50	\$ 1,890		\$ -	100.00%	\$ 1,890	\$0		
14	12-Inch PVC Sewer	1,063	LF	\$19.10	\$ 20,303		\$ -	100.00%	\$ 20,303	\$0		
15	Sewer Manhole	4	Each	\$2,008	\$ 8,032		\$ -	75.00%	\$ 6,024	\$0		
16	Sewer Cleanout	1	Each	\$529	\$ 529		\$ -	100.00%	\$ 529	\$0		
17	Outlet Control Box	1	Each	\$15,427	\$ 15,427		\$ -	100.00%	\$ 15,427	\$0		
18	Retrofit Adjustable Outlet	1	LS	\$7,323	\$ 7,323		\$ -	100.00%	\$ 7,323	\$0		
19	Infiltration Basin Inlet	6	Each	\$3,773	\$ 22,638		\$ -	100.00%	\$ 22,638	\$0		
20	Prim.-Sec. Aeration Basin Transfer Pipe	1	LS	\$8,889	\$ 8,889		\$ -	100.00%	\$ 8,889	\$0		
21	Secondary Aeration Basin Pipe	1	LS	\$17,361	\$ 17,361		\$ -	100.00%	\$ 17,361	\$0		
22	Flume Metering Manhole	1	LS	\$24,610	\$ 24,610		\$ -	100.00%	\$ 24,610	\$0		
23	Influent Pumps	2	Each	\$19,285	\$ 38,570		\$ -	68.50%	\$ 26,420	\$0		
24	Pump Piping	1	LS	\$9,614	\$ 9,614		\$ -	61.70%	\$ 5,932	\$0		
25	Reconstruct Wetwell Top	1	LS	\$1,990	\$ 1,990		\$ -	100.00%	\$ 1,990	\$0		
26	Sewage Aeration Blower	1	Each	\$27,645	\$ 27,645		\$ -	100.00%	\$ 27,645	\$0		
27	Aeration System	1	LS	\$39,918	\$ 39,918		\$ -	100.00%	\$ 39,918	\$0		
28	Aeration Pipe	1	LS	\$8,689	\$ 8,689		\$ -	100.00%	\$ 8,689	\$0		
29	6-Inch Aeration Manhole	1	Each	\$2,479	\$ 2,479		\$ -	100.00%	\$ 2,479	\$0		
30	8-Inch Aeration Manhole	1	Each	\$2,589	\$ 2,589		\$ -	100.00%	\$ 2,589	\$0		
31	Water Blow-Off	1	Each	\$1,195	\$ 1,195		\$ -	100.00%	\$ 1,195	\$0		
32	Aeration Basin Lining Membrane	1	LS	\$125,834	\$ 125,834		\$ -	75.00%	\$ 94,376	\$0		
33	Blower Building Improvements	1	LS	\$19,756	\$ 19,756		\$ -	100.00%	\$ 19,756	\$0		
34	Electrical Work	1	LS	\$21,170	\$ 21,170		\$ -	85.00%	\$ 17,995	\$0		
35	Portable Standby Power Unit	1	LS	\$47,096	\$ 47,096		\$ -	50.00%	\$ 23,548	\$0		
36	Telemetry & Controls	1	LS	\$11,928	\$ 11,928		\$ -	71.30%	\$ 8,505	\$0		
37	Painting & Coatings	1	LS	\$14,002	\$ 14,002		\$ -	100.00%	\$ 14,002	\$0		
38	Finishing Project	1	LS	\$1,831	\$ 1,831		\$ -	100.00%	\$ 1,831	\$0		
39	Start-Up	1	LS	\$340	\$ 340		\$ -	0.00%	\$ -	\$0		
	SUBTOTAL CONTRACT ITEM DATA	XXXXXXXX	XXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	\$ -	XXXXXX	\$687,851	\$0		
	MATERIALS ON HAND	XXXXXXXX	XXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX						
	LESS RETENTION	XXXXXXXX	XXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX						
	CONTRACT TOTALS	XXXXXXXX	XXXXXXXX	XXXXXXXXXX	\$ 769,520	XXXXXXXXXX	\$ -	XXXXXX	\$ 687,851	\$0		\$0

FORM No 259 (REV.8/98)

\$0 / \$769,520 = 0.00% ELIGIBLE CONSTRUCTION COST COMPLETED

NOTE: Eligibility for materials on hand and retention costs is based on overall project eligibility.

REMARK:

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

AGENDA ITEM
AUG 04 1999

5

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.

MINUTES SUBJECT TO BOARD APPROVAL

- 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.

WARRANTS AUGUST 4, 1999

HAND WRITTEN CHECKS

18170	CALIF APPLIED TECH	180.00
18171	SHIPSEY & SEITZ	3,354.00
18172	JOHN MADONNA CONST.	162,625.00
18173	WYATT & BAKER	3,887.65
18174	WESTERN CONSOLID	392.35
18175	JOHN WORK	438.45
18176	RICK'S TREE SERVICE	464.25

COMPUTER GENERATED CHECKS

11068	08/04/99	ADVANTAGE ANSWERING PLUS	\$132.30
11069	08/04/99	ROBERT BLAIR	\$100.00
11070	08/04/99	BOYLE ENGINEERING CORPORATION	\$8,850.00
11071	08/04/99	CHEMICAL ENGINEERING	\$14.75
11072	08/04/99	CHEVRON	\$474.56
11073	08/04/99	CLANIN & ASSOCIATES, INC.	\$847.23
11074	08/04/99	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$179.20
11075	08/04/99	GILLESPIE LANDSCAPE	\$217.00
11076	08/04/99	GTE CALIFORNIA	\$26.61
11077	08/04/99	GROENIGER & COMPANY	\$680.61
11078	08/04/99	JOHNSON, DONNA	\$47.20
11079	08/04/99	GENE KAYE	\$100.00
11080	08/04/99	MCKESSON WATER PRODUCTS	\$27.40
11081	08/04/99	ALEX MENDOZA	\$100.00
11082	08/04/99	MID STATE BANK-MASTERCARD	\$26.03
11083	08/04/99	MISSION UNIFORM SERVICE	\$172.52
11084	08/04/99	MOBRAATEN, RICHARD	\$196.50
11085	08/04/99	NIPOMO AUTO PARTS	\$4.16
11086	08/04/99	NIPOMO GARBAGE COMPANY	\$54.75
11087	08/04/99	NIPOMO REXALL DRUG	\$20.37
11088	08/04/99	P G & E	\$26,612.89
11089	08/04/99	PUBLIC EMPLOYEES RETIREMENT SYSTEM	\$2,731.22
11090	08/04/99	PRECISION JANITORIAL SERVICE	\$135.00
11091	08/04/99	SHIPSEY & SEITZ, INC.	\$2,648.00
11092	08/04/99	ALBERT SIMON	\$100.00
11093	08/04/99	SOUTHERN CALIF GAS COMPANY	\$43.16
11094	08/04/99	U S POSTAL SERVICE	\$367.20
11095	08/04/99	WESTBURNE/AIR COLD INC.	\$94.38

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