

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community Since 1965

REGULAR MINUTES

JUNE 12, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**
LARRY VIERHEILIG, **VICE PRESIDENT**
DAN GADDIS, **DIRECTOR**
BOB BLAIR, **DIRECTOR**
CRAIG ARMSTRONG, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **FINANCE DIRECTOR**
MIKE SEITZ, **GENERAL COUNSEL**
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**
MERRIE WALLRAVIN, **BOARD CLERK**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00
A. CALL TO ORDER AND FLAG SALUTE

President Harrison called the Regular Meeting of June 12, 2013, to order at 9:00 a.m. and led the flag salute.

00:00:40
B. ROLL CALL

At Roll Call, Directors Armstrong, Blair, Gaddis and Harrison were present.

There was no public comment.

Michael LeBrun, General Manager, announced that there were additional items for items E-1 and E-10 at the back of the room. He also announced that Director Vierheilig was not present due to a scheduled absence and Mike Seitz, Legal Counsel, is on a court call and will join the meeting shortly.

C. PRESENTATIONS AND PUBLIC COMMENT

C-1) TRANSPARENCY CERTIFICATE OF EXCELLENCE
Receive Certificate

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. The Board thanked Mr. LeBrun for his report.

C-2) REPORT ON MAY 22, 2013 REGULAR MEETING CLOSED SESSION
Announcement of actions, if any, taken in Closed Session at previous meeting

Michael LeBrun, General Manager, announced that the Board discussed Item One (Conference with District Legal Counsel re: pending litigation pursuant to GC §54956.9 SMVWCD VS. NCSD) in closed session, but took no reportable action.

The Board discussed Item Two (Conference with District Legal Counsel re: anticipated litigation pursuant to GC §54956.9 MCA VS. NCSD) in closed session, but took no reportable action.

The Board discussed Item Three (Annual performance review of District Legal Counsel pursuant to GC §54957) in closed session, and announced "The District has high expectations for its General Counsel and the Board finds, unanimously, that Shipsey & Seitz and Mike Seitz exceed those expectations.

Nipomo Community Services District
REGULAR MEETING
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00:07:12

- C-3) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.
Receive Announcements and Reports from Directors

Director Blair

- ◇ Commented on recycling gas containers.

Director Harrison

- ◇ May 28, Attended the Nipomo Mesa Management Area meeting.
- ◇ May 29 & June 5, Attended Mesa Community Alliance Vs. District Court Hearings, the District had positive rulings in both.
- ◇ June 5, Attended Olde Towne Nipomo Association meeting.
- ◇ June 6, District Bonds refunding.

- C-4) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

The following member of the public spoke:

Bill Kengel, NCSD customer, handed the Board a letter and read it aloud (See Exhibit "A") and asked the Board for an extension on his Intent-to-Serve letter.

Mike Seitz, Legal Counsel, joined the meeting at 9:12 a.m.

Mr. Kengel answered questions from the Board.

The Board directed staff to agendize Mr. Kengel's Project for the June 26, 2013 Regular Board Meeting.

*Upon the motion of Director Blair and seconded by Director Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Blair, Armstrong, Gaddis, and Harrison	None	Director Vierheilig

00:15:34

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE MAY 22, 2013 REGULAR BOARD MEETING MINUTES

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board.

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the Consent Agenda as submitted.
 Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, and Harrison	None	Director Vierheilig

E. ADMINISTRATIVE ITEMS

00:19:15

E-1) AUTHORIZATION OF THE NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT) SERIES 2013:

- AUTHORIZE SALE OF UP TO \$10,500,000 IN REVENUE CERTIFICATES AND APPROVE THE FOLLOWING SALE DOCUMENTS:
 - A TRUST AGREEMENT
 - AN INSTALLMENT SALE AGREEMENT
 - AN AGENCY AGREEMENT
 - AN ESCROW DEPOSIT AND TRUST AGREEMENT
 - A CONTINUING DISCLOSURE AGREEMENT
 - A BOND PURCHASE AGREEMENT
 - A PRELIMINARY OFFICIAL STATEMENT

Michael LeBrun, General Manager introduced the item. Maryann Goodkind Esq., Norton Rose & Fulbright, reviewed the report as presented in the Board packet. Lisa Bognuda, Finance Director, Michael LeBrun, General Manager, Curt de Crinis, C.M. de Crinis & Co., Inc., and Ms. Goodkind answered questions from the Board.

There was no public comment.

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board adopted Resolution 2013-1310, A Resolution authorizing the sale, execution and delivery of not to exceed \$10,500,000 revenue certificates of participation (supplemental water and refunding project) series 2013 and approving a trust agreement, an installment sale agreement, an agency agreement, a continuing disclosure agreement, a bond purchase agreement and preliminary official statement in connection therewith and authorizing the taking of certain actions in connection therewith.
 Vote 3-1.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, and Harrison	Director Blair	Director Vierheilig

Nipomo Community Services District
REGULAR MEETING
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ITEM E-1 (CONTINUED)

RESOLUTION NO. 2013-1310

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE SALE, EXECUTION AND DELIVERY OF NOT TO EXCEED \$10,500,000 REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER AND REFUNDING PROJECT) SERIES 2013 AND APPROVING A TRUST AGREEMENT, AN INSTALLMENT SALE AGREEMENT, AN AGENCY AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, A BOND PURCHASE AGREEMENT AND PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH AND AUTHORIZING THE TAKING OF CERTAIN ACTIONS IN CONNECTION THEREWITH

PRESIDENT HARRISON ADJOURN TO PUBLIC FACILITIES CORPORATION

ITEM B

A) ROLL CALL

At Roll Call, Directors Armstrong, Blair, Gaddis and Harrison were present. Director Vierheilg was not present due to a scheduled absence.

B) APPROVAL OF DOCUMENTS IN CONNECTION WITH THE SALE, EXECUTION AND DELIVERY BY NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT) SERIES 2013

ADOPT A RESOLUTION APPROVING

- A TRUST AGREEMENT
- AN INSTALLMENT SALE AGREEMENT
- AN ASSIGNMENT AGREEMENT
- AN AGENCY AGREEMENT
- A PRELIMINARY OFFICIAL STATEMENT

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board adopted the Resolution 2013-07. A Resolution approving certain documents in connection with the execution and delivery of not to exceed \$10,500,000 Nipomo Community Services District revenue certificates of participation (supplemental water project) series 2013 and authorizing the taking of certain actions in connection therewith.

Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, and Harrison	Director Blair	Director Vierheilg

RESOLUTION NO. 2013-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$10,500,000 NIPOMO COMMUNITY SERVICES DISTRICT REVENUE CERTIFICATES OF PARTICIPATION (SUPPLEMENTAL WATER PROJECT) SERIES 2013 AND AUTHORIZING THE TAKING OF CERTAIN ACTIONS IN CONNECTION THEREWITH

The Board took a break from 10:00 to 10:15 a.m.

Nipomo Community Services District
REGULAR MEETING
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PRESIDENT HARRISON ADJOURN TO NCSD REGULAR MEETING

A) ROLL CALL

At Roll Call, Directors Armstrong, Blair, Gaddis and Harrison were present. Director Vierheilg was not present due to a scheduled absence.

01:03:14

E-2) PUBLIC HEARING – AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN PAYMENT OF SOLID WASTE FEES

Michael LeBrun, General Manager, reviewed the report as presented in the board packet. Lisa Bognuda, Finance Director, and Mr. LeBrun answered questions from the Board.

PRESIDENT HARRISON OPENED THE PUBLIC HEARING

There was no public comment.

PRESIDENT HARRISON CLOSED THE PUBLIC HEARING

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously adopted Resolution 2013-1311, A Resolution confirming report of District General Manager for unpaid solid waste collection charges.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, and Harrison	None	Director Vierheilg

RESOLUTION NO. 2013-1311

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR
UNPAID SOLID WASTE COLLECTION CHARGES

01:11:47

E-3) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2013-14 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS

Michael LeBrun, General Manager, reviewed the report as presented in the board packet Dan Hall, Blacklake Management Association, and Mr. LeBrun answered questions from the Board.

PRESIDENT HARRISON OPENED THE PUBLIC HEARING

There was no public comment.

PRESIDENT HARRISON CLOSED THE PUBLIC HEARING

*Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously adopted Resolution 2013-1312, A Resolution providing for the collection of street light assessments on the San Luis Obispo County Tax Rolls for maintenance and operation of existing public street lights in the Blacklake Village.
Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Gaddis, and Harrison	None	Director Vierheilg

Nipomo Community Services District
REGULAR MEETING
MINUTES

ITEM E-3 (CONTINUED)

RESOLUTION NO. 2013-1312

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT ASSESSMENTS ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
BLACKLAKE VILLAGE

01:22:22

E-4) PUBLIC/PROTEST HEARING – AUTHORIZE COLLECTION OF FY 2013-14 STREET
LANDSCAPE MAINTENANCE DISTRICT ASSESSMENTS

Michael LeBrun, General Manager, reviewed the report as presented in the board packet. Mike Seitz, District Deputy Legal Counsel, and Mr. LeBrun answered questions from the Board.

PRESIDENT HARRISON OPENED THE PUBLIC HEARING

There was no public comment.

PRESIDENT HARRISON CLOSED THE PUBLIC HEARING

Upon the motion of Director Gaddis and seconded by Director Blair, the Board unanimously adopted Resolution 2013-1313, A Resolution ordering the levy and collection of assessments for the Nipomo Community Services District Street Landscape Maintenance District No. 1 for fiscal year 2013-2014.
Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Gaddis, Blair, Armstrong, and Harrison	None	Director Vierheilig

RESOLUTION NO. 2013-1313

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ORDERING THE
LEVY AND COLLECTION OF ASSESSMENTS FOR THE NIPOMO
COMMUNITY SERVICES DISTRICT STREET LANDSCAPE MAINTENANCE
DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014

THE BOARD CONSIDERED ITEM E-9 NEXT

01:30:43

E-9) CONSIDER SERVICE REQUEST NIPOMO OAKS ASSISTED LIVING AND MEMORY
CARE FACILITY 2-LOT COMMERCIAL DEVELOPMENT

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Mr. Sevcik answered questions from the Board.

The following member of the public spoke:

Todd Smith, Project Consultant, stated he is available for questions and commented on the need and demand of the project.

Mr. Smith answered question from the Board.

Upon the motion of Director Blair and seconded by Director Gaddis, the Board unanimously approved the application and directed staff to issue an Intent-to-Serve letter for the project with the conditions listed in the staff report.
Vote 4-0.

Nipomo Community Services District
REGULAR MEETING
MINUTES

ITEM E-9 (CONTINUED)

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Gaddis, and Harrison	None	Director Vierheilig

THE BOARD CONSIDERED ITEM E-6 NEXT.

01:38:02

E-6) CONSIDER SERVICE REQUEST - 545 GRANDE AVENUE NIPOMO, 18-LOT RESIDENTIAL DEVELOPMENT

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Jennifer Martin, Elements Architect, and Mr. Sevcik answered questions from the Board.

There was no public comment.

Upon the motion of Director Blair and seconded by Director Armstrong, the Board unanimously approved the application and directed staff to issue an Intent-to-Serve letter for the project with the conditions listed in the staff report.

Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Blair, Armstrong, Gaddis, and Harrison	None	Director Vierheilig

THE BOARD TOOK A BREAK FROM 10:55 TO 11:10 A.M.

01:47:07

E-5) PUBLIC HEARING – ADOPT FISCAL YEAR 2013-14 BUDGET

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Lisa Bognuda, Finance Director, and Mr. LeBrun answered questions from the Board.

There was no public comment.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board unanimously approved the 2013-2014 Appropriations Limitation and the District Budget for Fiscal Year 2013-2014.

Vote 4-0.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, Gaddis, and Harrison	None	Director Vierheilig

RESOLUTION NO. 2013-1314

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING THE APPROPRIATION LIMITATION FOR THE 2013-2014 FISCAL YEAR

RESOLUTION 2013-1315

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2013-2014 FISCAL YEAR BUDGET

01:54:23

F. GENERAL MANAGER'S REPORT

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.

G. COMMITTEE REPORTS

There were no committee reports.

02:12:22

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Gaddis

- ◇ *Directed staff to agendize the sale of water for construction use.*

Director Blair

- ◇ *Directed staff to agendize Mr. Kengel's project.*

02:26:20

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSO (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(a):
Existing litigation - 1 case: Mesa Community Alliance Vs. District, Case No. CV 130222
3. ANNUAL PERFORMANCE REVIEW OF DISTRICT LEGAL COUNSEL PURSUANT TO GOVERNMENT CODE SECTION 54957
4. ANNUAL PERFORMANCE REVIEW OF DISTRICT GENERAL MANAGER PURSUANT TO GOVERNMENT CODE SECTION 54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

President Harrison adjourned to closed session at 11:45 a.m.

L. OPEN SESSION
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

The Board came back into Open Session at 1:10 p.m.

Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Items One and Two listed above under closed session announcements, but took no reportable action.

ITEM L (CONTINUED)

The Board discussed Item Three listed above under closed session announcements and approved a rate increase for attendance of Regular Board meetings \$160 per hour and \$185 per hour for all other services.

The Board discussed Item Four listed above under closed session announcements, but took no reportable action.

President Harrison announced that District Legal Counsel has not had a pay raise since 2008.

02:29:02

E-10) PRESENTATION OF SPRING GROUNDWATER INDEX

Dr. Bradley Newton, PG of Newton Geo-Hydrology Consulting Services LLC, reviewed the report as presented in the Board packet. Mr. Newton answered questions from the Board.

*The following members of the public spoke:
Ed Eby, NCSD customer, commented on the Groundwater Index and questioned the Technical Memorandum.*

*Upon the motion of Director Blair and seconded by Director Gaddis, the Board unanimously approved to received and filed the 2013 Spring Groundwater Index.
 Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Blair, Gaddis, Armstrong, and Harrison	None	Director Vierheilig

02:45:41

E-7) CONSIDER DISTRICT ROLE IN THE DEVELOPMENT OF JIM O. MILLER PARK

Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mike Seitz, Legal Counsel, Kathy Kubiak, President of Olde Towne Nipomo Association, and Mr. LeBrun answered questions from the Board.

*The following members of the public spoke:
Ed Eby, NCSD customer, spoke in support of the Park but questioned the District's liabilities and risks.*

Peg Miller, NCSD customer, spoke in support of the Park and commented on the maintenance of the Park.

Ruth Brackett, NCSD customer, spoke in support of the Park and commented on moving forward with the Park.

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board directed staff to work with the County and with the Olde Towne Nipomo Association in getting a Memorandum Of Understanding between the County and Olde Towne Nipomo Association.
 Vote 3-1.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, and Gaddis	Director Harrison	Director Vierheilig

Nipomo Community Services District
**REGULAR MEETING
 MINUTES**

03:02:41

E-8) CONSIDER SERVICE REQUEST JIM O. MILLER PARK

Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, Mike Seitz, Legal Counsel, Kathy Kubiak, President of Olde Towne Nipomo Association, and Mr. Sevcik answered questions from the Board.

The following members of the public spoke:

Ruth Brackett, NCSD customer, commented on receiving the Intent-to-Serve on a special basis.

Mike Seitz, Legal Counsel, commented on Ms. Brackett's comment.

Ed Eby, NCSD, customer, commented on designation of "agent to the District" and then supporting the park.

Kathy Kubiak, Olde Town Nipomo Association President, commented on Mr. Eby's comments.

Upon the motion of Director Armstrong and seconded by Director Blair, the Board approved to continue this item on the June 26, 2013, Regular Board Meeting Agenda. Vote 3-1.

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Blair, and Gaddis	Director Harrison	Director Vierheilig

03:45:49

ADJOURN

President Harrison adjourned the meeting at 2:30 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	4 hours 5 minutes
Closed Session	1 hour 25 minutes
TOTAL HOURS	5 hours 30 minutes

JUNE 12, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

PLEASE FIND ATTACHED:

6/12/2013

1) A letter dated 1/12/2010 extending an Intent-to-Serve dated 1/27/2010 to 9/8/2013. Such ITS allows water/sewer service to 20 apartment units planned for parcel II of Co 06-0225 (530 Hill St.) and demands such service be perfected prior to 9/8/2013.

2) A letter dated 10/5/2012 indicating owner of 691 W. Tefft (Tr. 2689) must make offer of dedication of any degree of ownership of water and sewer mains as well as pay associated District fees prior to allowance of use of such mains to serve 20 apartment units referenced above.

3) A letter of calculation dated 1/5/2012 indicating fees to be paid District by owner of Tr 2689 to be \$702,560.

4) A copy of District General Ledger Account #2199-B6, indicating a PCI Agreement signed 11/24/2008 in favor of Kengel, Co 06-0225 and revealing a continuous involvement in construction of water and sewer mains referenced above.

Discussion: Data will be presented at a later meeting of Board (planned now for 6/26/2013), indicating construction and ownership of water and sewer mains in Tefft, Blume and Flint streets was accomplished as a joint venture pursuant to a Road Construction Agreement recorded and running with the land in perpetuity. Point will be made that current owner of Tr 2689 is willing to make offer of any and all ownership of water and sewer mains that may be in his possession and located within the existing or proposed public right-of-way, but is unable to make payment of \$702,560. Applicant Kengel believes it to be unreasonable for District to withhold service to his private project at 530 Hill St. pending payment of \$702,560 by unrelated owner of Tr 2689 at some unknown time. Though one extension of time has already been granted, Kengel pleads of Board to allow additional extension of time of maximum possible length such as to come to reasonable resolution of this unusual problem. Thank you, Bill Kengel

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

JAMES HARRISON, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
MICHEL WINN, DIRECTOR
ED EBY, DIRECTOR
BILL NELSON, DIRECTOR

STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER
LISA BOGNUDA, FINANCE DIRECTOR/ASST. GM
JON SEITZ, GENERAL COUNSEL
PETER SEVCIK, P.E., DISTRICT ENGINEER

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: ncsd.ca.gov

January 12, 2010

OWNER

William Kengel
Mesa Dunes Investment Co.
P O Box 267
Avila Beach, CA 93424

ENGINEER OF RECORD

Westland Engineering
3480 S. Higuera St, #130
San Luis Obispo CA 93401

SUBJECT: INTENT-TO-SERVE LETTER EXTENSION CO 06-0225 #2
DISTRICT ORDINANCE NO. 2009-114

Dear Property Owner:

The Nipomo Community Services District Board of Directors recently adopted Ordinance No. 2009-114 that amended Chapter 3.05, Water Service Limitations. This Ordinance is available at the District office or on the District's website. While the ordinance generally impacts new applications for service filed after the effective date of the ordinance, the Ordinance did extend the expiration date for valid and unexpired Intent-to-Serve (ITS) letters for an additional twelve (12) months.

Our records reflect that the ITS Letter for the referenced project was scheduled to terminate on or about 9/8/2012, based on the initial two (2) year term and allowable one (1) year extension. Our records reflect with the adoption of Ordinance No. 2009-114, the Intent-to-Serve termination date for the referenced project has been extended to 9/8/2013. To avoid re-application with the District, the Intent-to-Serve letter needs to be perfected by this date.

You should check your current Intent-to-Serve letter because it will control whether or not Ordinance 2009-114 and the one (1) year extension are applicable to your project.

All other conditions of your Intent-to-Serve letter remain unchanged. Should you have any questions regarding the status of your project with the District, please call me.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Peter V. Sevcik, P.E.
District Engineer

C: Michael LeBrun, Interim General Manager
Lisa Bognuda, Finance Director/Asst. General Manager

Michael LeBrun

File: TRACT

From: Michael LeBrun
Sent: Friday, October 05, 2012 7:29 AM
To: 'William Kengel'
Attachments: 2469_001.pdf

CO 06-0225
Kengel

Mr. Kengel

I received your note following your review of the development project at 691 W. Tefft. (attached)

I agree you have a separate PCI – which is ~\$800 in arrears as show on the attachment.

If you would like to review the development book from your project. You can make arrangements with Merrie to do that. I will have Peter send it over from his office. Give us until next week to get it over.

Water and sewer improvements in Bloom were part of the development plans that were reviewed and approved in relationship to 691 Tefft. The fact you made 'side' deals with that developer to include services to your planned development were done outside District involvement. I do understand as-builts that show this additional work have been provided to the District yet have not been field verified or accepted by the District. The deposit account balance for 691-W. Tefft is zero and while the project has an active Intent to Serve letter, the project is currently idle with the District.

What remains a fact is that the owner of 691 W. Tefft needs to perfect the offer of dedication, including payment of fees, after which the District can accept the improvements and then be in a position to serve customers via those improvements. All this is done per our standard development process.

It is this District's Board of Directors clear policy that development pay its own way and that current customers in no way, including use of un-reimbursed staff time, subsidize the processing of development.

In addition to preparing your project file for public review, I will direct staff to draft a letter to you requiring additional funds be deposited in your Plan Check and Inspection account.

Respectfully,

Michael S. LeBrun, P.E.
General Manager

Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444-0326
(805) 929-1133
(805) 929-1932 fax
mlebrun@ncsd.ca.gov

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NCSD DEPOSIT FEE CALCULATION

PROJECT OR TRACT # 2689

APN IIS Board Letter Calculation

WATER CAPACITY FEES	<u>23</u>	X	<u>1inch 3293</u>	=	<u>\$75,739</u>
SUPPLEMENTAL WATER FEE	<u>23</u>	X	<u>1inch 14,605</u>	=	<u>\$335,915</u>
IRRIGATION CAPACITY FEES	<u>2</u>	X	<u>1inch 3293</u>	=	<u>\$6,586</u>
IRRIG. SUPPLEMENTAL WATER	<u>2</u>	X	<u>1inch 14,605</u>	=	<u>\$29,210</u>
FIRE SYSTEM CAPACITY FEES	<u>1</u>	X	<u>6inch 12,346</u>	=	<u>\$12,346</u>
FIRE SYS SUPPLEMENTAL WATER	<u>1</u>	X	<u>6inch 54,767</u>	=	<u>\$54,767</u>
SEWER CAPACITY FEES	<u>23</u>	X	<u>7864</u>	=	<u>\$189,872</u>
REIMBURSEMENT AGREEMENT	_____	X	_____	=	_____
NCSD FRONT FOOTAGE FEE	_____	X	_____	=	_____
METER FEES	<u>25</u>	X	<u>275</u>	=	<u>\$6875</u>
ACCOUNT SET UP FEES	<u>25</u>	X	<u>10</u>	=	<u>\$250</u>
CREDITS (EXPLAIN)	_____		_____	=	< _____ >
	_____		_____	=	< _____ >
	_____		_____	=	< _____ >
				=	

DEPOSIT OF FEES PAID	DEPOSIT OF FEES DUE	=
DATE _____	(VALID THROUGH _____)	<u>=====</u> <u>\$702,560</u> <u>=====</u>

CHECK # _____

CALCULATION COMPLETED BY PVS DATE 1/5/2012

CALCULATION REVIEWED BY _____ DATE _____

NOTES - FINAL FEES WILL BE CALCULATED PRIOR TO ACCEPTANCE OF PROJECT
 FINAL FEES WILL BE CALCULATED USING THE CURRENT FEE SCHEDULE
 FEES ARE SUBJECT TO CHANGE BY THE BOARD OF DIRECTORS

**NIPOMO COMMUNITY SERVICES DISTRICT
KENGLE CO 06-0225
PLAN CHECK AND INSPECTION
GENERAL LEDGER ACCOUNT #2199-B6**

PCI Agreement Signed	11/24/2008
Deposit balance requiring additional deposit	500.00

DESCRIPTION	DATE	CHECK #	INVOICE AMOUNT	KENGEL DEPOSIT	RUNNING BALANCE
PCI Deposit	11/24/08	8768		\$3,000.00	\$3,000.00
AECOM Engineering (Services thru 1/31/09)			(\$2,343.60)		\$656.40
AECOM Engineering (Services thru 4/3/09)			(\$502.20)		\$154.20
AECOM Engineering (Services thru 5/1/09)			(\$502.20)		(\$348.00)
AECOM Engineering (Services thru 5/29/09)			(\$2,797.20)		(\$3,145.20)
Shipsey & Seitz			(\$204.00)		(\$3,349.20)
AECOM Engineering (Services thr 7/31/09)			(\$907.20)		(\$4,256.40)
Shipsey & Seitz			(\$818.40)		(\$5,074.80)
AECOM Engineering (Services 8/28/09)			(\$669.60)		(\$5,744.40)
Shipsey & Seitz			(\$140.80)		(\$5,885.20)
PCI Deposit	6/3/10	1244		\$9,000.00	\$3,114.80
AECOM Engineering			(\$1,417.50)		\$1,697.30
AECOM Engineering			(\$438.75)		\$1,258.55
AECOM Engineering			(\$1,271.70)		(\$13.15)
Shipsey & Seitz			(\$123.20)		(\$136.35)
Shipsey & Seitz			(\$70.40)		(\$206.75)
Shipsey & Seitz			(\$299.20)		(\$505.95)
PCI Deposit	2/14/11	1432		\$3,000.00	\$2,494.05
AECOM Engineering (Services thru 7/29/11)			(\$2,058.75)		\$435.30
AECOM Engineering (Services thru 8/26/11)			(\$1,242.00)		(\$806.70)
Shipsey & Seitz			(\$343.20)		(\$1,149.90)
PCI Deposit	11/7/11	1614		\$3,806.70	\$2,656.80
AECOM Engineering (Services thru 11/25/11)			(\$1,417.50)		\$1,239.30
Shipsey & Seitz			(\$404.80)		\$834.50
Shipsey & Seitz			(\$193.60)		\$640.90
Shipsey & Seitz			(\$572.00)		\$68.90
Shipsey & Seitz			(\$158.40)		(\$89.50)
			<u>(\$18,896.20)</u>	<u>\$18,806.70</u>	