

John Snyder

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**AGENDA**



March 1, 2000

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

CONFERENCE WITH LEGAL COUNSEL GC\$54956.9

- a. SMVWCD vs NCSD Case No. CV 770214 and related cases, Case Nos. CV 990266, CV 990391, CV 990392, CV 990556, CV 990558, CV 990738, CV 990739, SM 112867, SM 113421, SM 113422, SM 113424, SM 113425, SM 113788, SM 113789 AND OTHERS

**REGULAR SESSION 7:00 P.M.**

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

**BOARD MEMBERS**

GENE KAYE, **PRESIDENT**  
AL SIMON, **VICE PRESIDENT**  
ROBERT BLAIR, **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.**

**A. CALL TO ORDER**

**B. FLAG SALUTE**  
ROLL CALL

**C. PUBLIC COMMENTS PERIOD**  
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.

**D. ADMINISTRATIVE ITEMS** (The following may be discussed and action may be taken by the Board.)

- D-1) SEWER SERVICE IN NIPOMO AREA - RWQCB  
Central Coast Reg. Water Quality Control Bd to address area sewer services - Michael LeBrun
- D-2) COUNTY SERVICE AREA NO. 1 - SEWER SERVICE AGREEMENT  
Request from SLO County to amend the NCSD/CSA 1 sewer services agreement.
- D-3) GENERAL PLAN AMENDMENT/ANNEXATION - SUMMIT STATION AREA  
Addition of 45 parcels by increasing land use density and annexation (Robertson)
- D-4) REQUEST FOR SERVICE - TRACT 2375 (HERNANDEZ)  
Request for water & sewer service for 28-lot development at Orchard & Grande Ave.
- D-5) REQUEST FOR SERVICE - CO 99-0293 (GRCE)  
Request for water & sewer service for 3-lot development on Story Rd.

**E. OTHER BUSINESS**

- E-1) REQUEST FOR PROPOSALS - RATE STUDY  
Approval to request proposals to have a water and sewer rate study done for the District

**F. 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.*

- F-1) WARRANTS (RECOMMEND APPROVAL)
- F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)  
Approval of Minutes of February 16, 2000 Regular Board meeting
- F-3) MCDONALD'S/CHEVRON - Acceptance of improvements for CO 94-087  
Acceptance of water & sewer improvements RES 00-725 (RECOMMEND APPROVAL)

**G) MANAGER'S REPORT**

- G-1) CA-NV SECTION AWWA SPRING CONFERENCE
- G-2) CSDA Legislative Update

**H. DIRECTORS COMMENTS**

4<sup>th</sup> District Supervisor Committee on growth limitation

**CLOSED SESSION**

- a. NCSD vs. State Dept of Health Services CV 990706, GC\$54956.9

**ADJOURN**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: MARCH 1, 2000

**AGENDA ITEM**  
MAR 01 2000



SEWER SERVICE IN THE NIPOMO AREA

**ITEM**

Mr. Michael LeBrun of the California Water Quality Control Board would like to address the Nipomo Board with respect to the Regional Board's policy associated with sewer services in the Nipomo area.

**BACKGROUND**

Attached is correspondence dated December 17, 1999 from Roger Briggs, the Executive Officer of the Central Coast Regional Water Quality Control Board for the Board's information.

C:\W:\Board 2000\Sewer in Nipomo.DOC



# California Regional Water Quality Control Board Central Coast Region



Justin H. Hickox  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/~rwqcb3>  
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5427  
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis  
Governor

December 17, 1999

Board of Directors  
Nipomo Community Services District  
P. O. Box 326  
Nipomo, CA 93444

Dear Directors:

**RE: SEWER SERVICE IN THE NIPOMO AREA**

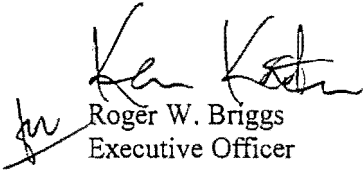
We are writing to express our concern over your current sewer service policy. We understand that your current policy is to provide sewer service only to Nipomo Community Services District water customers because billing and collection abilities are more difficult with non-customers.

The Regional Board's regulatory charge is the protection of water quality, in behalf of your Agency, all the residents of Nipomo, and other water purveyors in the area. The continued reliance on septic disposal systems in the rapidly growing Nipomo area threatens the quality of ground water in the area. Regional Board standards require new development to connect to community sewer systems whenever possible and allow septic system disposal only as a last resort.

We are concerned by the apparent conflict between the Regional Board's requirements and The District's administrative policies. We are sensitive to The District's need to ensure revenue collection, but protection of ground water resources in the area remains our paramount concern. We encourage you to seek resolution to this billing problem and offer our support in any way needed.

If you have questions, or wish to request our support, please call Michael LeBrun at (805) 542-4645.

Sincerely,

  
for Roger W. Briggs  
Executive Officer

MSL:NCSDcom3.ltr

cc:  
California Cities Water  
P.O. Box 9016  
San Dimas, CA 91773

Task: 121-01  
File: Nipomo Community Services District, Southland Treatment Plant

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NIPOMO COMMUNITY  
SERVICES DISTRICT

**California Environmental Protection Agency**



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MARCH 1, 2000

**AGENDA ITEM**  
MAR 01 2000



COUNTY SERVICE AREA NO. 1  
SEWER SERVICE AGREEMENT

**ITEM**

San Luis Obispo County Service Area No. 1 is requesting the District to provide sewer service to Tract 2196 in Galaxy Park.

**BACKGROUND**

The District, in developing the sewer project in the mid 80's, executed an agreement with the County in 1984 for construction, operation, and maintenance of the Nipomo Sewer Project which included an outside District boundary agreement to provide service to County Service Area No. 1 (CSA-1). The agreement allowed 327 services in which their wastewater will be delivered to the District for treatment. The agreement has been amended to allow People's Self Help Housing to receive service. Recently, the Regional Water Quality Control Board has requested that the CSA 1-F on-site sewer disposal system be connected to the area-wide sewer system to treat its wastewater. The County is presently doing a study to comply with the Regional Water Quality Control Board's request. To allow service to CSA 1-F, the existing agreement will have to be amended for the additional 60+ units to be served. The developer of Tract 2196, an 11-lot subdivision within the Galaxy boundary, has requested the County for service in which the County is requesting that a separate agreement be entered into to allow the 11-lot subdivision to go forward and be constructed in which this wastewater would be delivered to the District for treatment.

Staff believes that a single amendment to the agreement could be made to cover all the areas of the County Service Area. Such an agreement is attached in draft form. Due to hydrogen sulfide gases, which deteriorates concrete manholes, an additional sentence has been added to paragraph 4 to address this problem.

Attached for the Board's review is a copy of the original Nipomo Sewer Service Project Agreement dated 1994, a map showing different areas of County Service Area 1 (including CSA 1F, 1, 1A and Tract 2196) and CSA 1F time schedule for connecting to the District system.

**RECOMMENDATION**

It is staff's recommendation that the attached amendment to the service agreement be approved as amended.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 00-724**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING AMENDMENT NO. 3 TO THE AGREEMENT TITLED  
SERVICE AGREEMENT BETWEEN SAN LUIS OBISPO COUNTY AND  
NIPOMO COMMUNITY SERVICES DISTRICT FOR THE CONSTRUCTION,  
OPERATION AND MAINTENANCE OF THE NIPOMO SEWERAGE PROJECT**

**WHEREAS**, on August 7, 1984, the San Luis Obispo County Board of Supervisors acting on behalf of County Service Area No. 1 (CSA 1) and the Nipomo Community Services District (District) executed a certain agreement titled Service Agreement Between San Luis Obispo County and Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project (Service Agreement) whereby District agreed to provide sewer treatment for a defined number of Dwelling Unit Equivalents within CSA 1; and

**WHEREAS**, CSA 1 and District have executed two amendments to the Service Agreement that deducted and added Dwelling Unit Equivalents to the above-referenced Service Agreement; and

**WHEREAS**, pursuant to the Service Agreement and the above-referenced Amendments, the District currently provides sewer treatment for 337 of the 425 Dwelling Unit Equivalents within CSA 1; and

**WHEREAS**, CSA 1 has requested an amendment to the Service Agreement (herein Third Amendment) whereby the District would agree to increase the Dwelling Unit Equivalents by 77 for a total of 502 Dwelling Unit Equivalents to be provided sewer treatment within CSA 1; and

**WHEREAS**, based on the staff report and staff and public testimony received at hearing on March 1, 2000, the District Board hereby finds and determines that there is sufficient excess capacity at the District Treatment Plant to provide the additional service requested.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District as follows:

1. The above recitals are true and correct.
2. Amendment #3 to the Service Agreement (attached hereto as Exhibit A) between the District and CSA 1 is hereby approved.
3. The President of the District Board of Directors is hereby authorized to sign said Amendment.

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

AYES: Directors \_\_\_\_\_

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 1<sup>st</sup> day of March 2000.

\_\_\_\_\_  
Gene Kaye, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

RESOLUTION NO. 00-724  
AMENDMENT No. 3 TO THE  
SERVICE AGREEMENT  
BETWEEN  
SAN LUIS OBISPO COUNTY AND  
NIPOMO COMMUNITY SERVICES DISTRICT  
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE  
OF THE  
NIPOMO SEWERAGE PROJECT

This Amendment No. 3, dated \_\_\_\_\_, is by and between the County of San Luis Obispo (County), acting on behalf of County Service Area No. 1 (CSA 1), and the Nipomo Community Services District (District), acting on behalf of the Community Services District Zone for the Nipomo Sewerage Project (Zone).

WITNESSETH

WHEREAS, on August 7, 1984, the San Luis Obispo County Board of Supervisors acting on behalf of County Service Area No. 1 and the Nipomo Community Services District acting on behalf of the Community Services District Zone for the Nipomo Sewerage Project executed that certain agreement "Service Agreement Between San Luis Obispo County and Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project" (Service Agreement); and,

WHEREAS, said Service Agreement established a maximum number of dwelling unit equivalents within CSA 1 to be served by the Sewerage Project; and,

WHEREAS, on September 5, 1984, Amendment No. 1 to said Service Agreement was executed by the County and District to remove 39 parcels of land erroneously listed in said Service Agreement; and,

WHEREAS, on October 3, 1989, Amendment No. 2 to said Service Agreement was executed by the County and District to add 98 dwelling unit equivalents within Tract 1898 so that those lots could be provided sewerage service from the Sewerage Project and through CSA 1's infrastructure; and

WHEREAS, Tract 2196 has applied to both District and the County for sewerage service from the Sewerage Project and through CSA 1's infrastructure; and,

WHEREAS, Tract 2196 was not included within the original maximum number of dwelling units to be served by the Sewerage Project; and,

WHEREAS, the District has determined that it's Sewerage Project currently has the capacity to serve the 11 lots within Tract 2196; and,

RESOLUTION NO. 00-724

AMENDMENT No. 3 TO THE  
SERVICE AGREEMENT  
BETWEEN SAN LUIS OBISPO COUNTY AND  
NIPOMO COMMUNITY SERVICES DISTRICT  
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE  
OF THE NIPOMO SEWERAGE PROJECT  
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WHEREAS, both District and County agree that inclusion of Tract 2196 within the Service Agreement would be in the best interests of all parties concerned; and,

WHEREAS, the Regional Water Quality Control Board staff have indicated their approval for the inclusion of Tract 2196 within the Service Agreement; and,

WHEREAS, it is now appropriate for the District and the County to amend the existing Service Agreement to add Tract 2196 to the Service Agreement's maximum number of dwelling unit equivalents; and

WHEREAS, pursuant to Regional Water Quality Control Board Waste Discharge Requirements, Order No. 80-01, County Service Area No. 1, Zone F, (CSA No. 1F) is required to connect to the District's Sewerage Project; and

WHEREAS, CSA No. 1F currently provides service to 66 service connections (66 dwelling unit equivalents); and

WHEREAS, the County desires to obtain sewerage service from the Sewerage Project and through CSA 1's infrastructure for CSA 1F; and

WHEREAS, the District has determined that its Sewerage Project currently has the capacity to serve the 66 dwelling unit equivalents that are currently being served by CSA 1F.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants, conditions, and agreements as described within the Service Agreement and as attached hereto and described as Exhibit A, the District and County agree as follows:

1. That the existing Service Agreement between the District and the County be amended to include Tract 2196 as shown in the Tract Map attached hereto and described as Exhibit B, and the existing service connections of CSA 1F, as listed in Exhibit "D", attached hereto.
2. That prior to provision of waste water service by the District or the County, Tract 2196 shall comply with the conditions outlined within the County's Conditional Intent to Provide Waste Water Service Letter dated January 26, 2000 attached hereto and described as Exhibit C.
3. That inclusion of Tract 2196 and the existing service connections of CSA 1F will increase the Service Agreement's maximum number of dwelling unit equivalents to 502 units.

RESOLUTION NO. 00-724

AMENDMENT No. 3 TO THE  
SERVICE AGREEMENT  
BETWEEN SAN LUIS OBISPO COUNTY AND  
NIPOMO COMMUNITY SERVICES DISTRICT  
FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE  
OF THE NIPOMO SEWERAGE PROJECT  
Page 3

4. That prior to provision of wastewater service by District for the existing service connections of CSA 1F, the County shall submit plans and specifications to District on the infrastructure improvements to CSA 1 and/or CSA 1F that will be needed for the existing service connections of CSA 1F to obtain wastewater service from the District. The County shall implement a hydrogen sulfide (H<sub>2</sub>S) prevention program in said infrastructure improvements.

ATTEST:

COUNTY OF SAN LUIS OBISPO

\_\_\_\_\_  
County Clerk Ex-Officio Clerk  
of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

By: \_\_\_\_\_  
Chairman of the  
Board of Supervisors

APPROVED AS TO FORM  
AND LEGAL EFFECT:  
JAMES B. LINDHOLM, JR.  
COUNTY COUNSEL

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
SECRETARY OF THE  
BOARD OF DIRECTORS  
NIPOMO COMMUNITY SERVICES DISTRICT

\_\_\_\_\_  
PRESIDENT, BOARD OF DIRECTORS  
NIPOMO COMMUNITY SERVICES DISTRICT

APPROVED AS TO FORM  
AND LEGAL EFFECT:  
GENERAL COUNSEL  
NIPOMO COMMUNITY SERVICES  
DISTRICT

EXECUTION AUTHORIZED BY  
RESOLUTION NO. 00-724  
DATED: March 1, 2000

By: \_\_\_\_\_

Galaxy park\amendment 3.doc



Service Connections of San Luis Obispo  
County Service Area No. 1, Zone F

## Exhibit D

<u>CSA 1-F</u>	<u>APN</u>
	092-127-001
	092-127-002
	092-127-003
	092-127-004
	092-127-005
	092-127-006
	092-181-035
	092-451-025
	092-451-026
	092-451-027
	092-451-028
	092-451-029
	092-451-030
	092-451-031
	092-451-032
	092-451-033
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	092-451-036
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	092-451-040
	092-451-041
	092-451-042
	092-451-043
	092-451-044
	092-451-045
	092-451-046
	092-451-047
	092-451-048
	092-454-037
	092-454-038
	092-454-039
	092-454-040
	092-454-041
	092-454-042
	092-454-043
	092-454-044
	092-454-045
	092-454-046

<u>CSA 1-F</u>	<u>APN</u>
	092-454-047
	092-454-048
	092-454-049
	092-454-050
	092-454-051
	092-456-001
	092-456-002
	092-456-003
	092-456-004
	092-456-005
	092-456-006
	092-456-007
	092-456-008
	092-457-001
	092-457-002
	092-457-003
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	092-457-008
	092-457-009
	092-457-010
	092-457-011
	092-457-012

No of APNs:

# SAN LUIS OBISPO COUNTY ENGINEERING DEPARTMENT

COUNTY GOVERNMENT CENTER • ROOM 207 • SAN LUIS OBISPO, CALIFORNIA 93408



**TIMOTHY P. NANSON**  
COUNTY ENGINEER  
**GLEN L. PRIDDY**  
DEPUTY COUNTY ENGINEER  
ENGINEERING SERVICES  
**NOEL KING**  
DEPUTY COUNTY ENGINEER  
ADMINISTRATION

PHONE (805) 781-5252 • FAX (805) 781-1229

ROADS  
SOLID WASTE  
FRANCHISE ADMINISTRATION  
WATER RESOURCES  
COUNTY SURVEYOR  
SPECIAL DISTRICTS

February 4, 2000

Doug Jones, General Manager  
Nipomo Community Services District  
PO 326  
Nipomo CA 93444

Subject: County Service Area No. 1 - Provision of Sewer Service to Tract 2196

Dear Doug:

As you are aware, Tract 2196 is an eleven lot Tract within the district boundaries of County Service Area No. 1 (CSA 1) and the owners of this property have applied to CSA 1 for wastewater service.

The County Engineering Department has issued a conditional intent to serve letter for Tract 2196 which includes a condition that the existing agreement for sewerage service between the County and Nipomo Community Services District (NCS D) must be amended by our two agencies prior to Tract 2196 receiving a final map for their project.

During the course of a telephone conversation on February 1, 2000 you indicated to me that NCS D would prefer that the above referenced amendment be included with a future amendment that would connect CSA 1F and a number of lots within CSA 1 to the NCS D sewer system. You also stated that a phased approach to this may be possible, with Tract 2196 being connected once the amendment is executed and the other lots being added at some future date (to be specified in the agreement). You further indicated that the connection fees for all of these lots (Tract 2196, CSA 1F, CSA 1) would have to be paid prior to your Board approving the amendment.

As you are aware, the County has a major on-going project to construct the necessary infrastructure for connecting all of the subject lots to the NCS D sewer system. As part of that project it will be necessary for the County to reorganize (through LAFCo) the various CSA 1's in order to develop a financing mechanism for the construction project. Once that reorganization has been completed we will be ready to develop and execute the necessary amendment to the existing agreement for inclusion of CSA 1F, the CSA 1 properties, and Tract 2196.

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However, the process to conduct the reorganization and to execute the amendment will take approximately 12 to 18 months to complete. The developers of Tract 2196 are ready to proceed with their development as soon as they can complete all of the conditions outlined in their conditional will-serve letter. We believe that a minor amendment to our sewerage agreement, for Tract 2196 only, could be executed within three to four months, provided that all the necessary NCSD connection fees have been paid and a Checking & Inspection Agreement with the County is completed prior to execution of the agreement.

A lengthy delay in getting Tract 2196 connected to the sewer system does not appear to be in the best interests of the County, NCSD or the owners of Tract 2196. If our agencies can complete the minor amendment process for just this tract within the next few months, the owners will be able to proceed with their project, a portion of the missing CSA 1 infrastructure will be constructed, and NCSD will receive approximately \$26,000 in revenues from the required connection fees at least a year sooner than they otherwise would.

Therefore, we are requesting that you discuss this matter with your Board of Directors to determine if they would be willing to entertain a simple amendment to the sewerage agreement for just the inclusion of Tract 2196 at this time, with a second amendment to follow within the next 12 to 18 months for CSA 1F and the remaining unconnected lots in CSA 1. We have contacted the Regional Water Quality Control Board staff and they support this earlier amendment for Tract 2196.

Thank you very much for your consideration. We look forward to hearing from you on this issue. Please feel free to call me at (805) 781-5116 if you have any questions regarding this letter.

Sincerely,

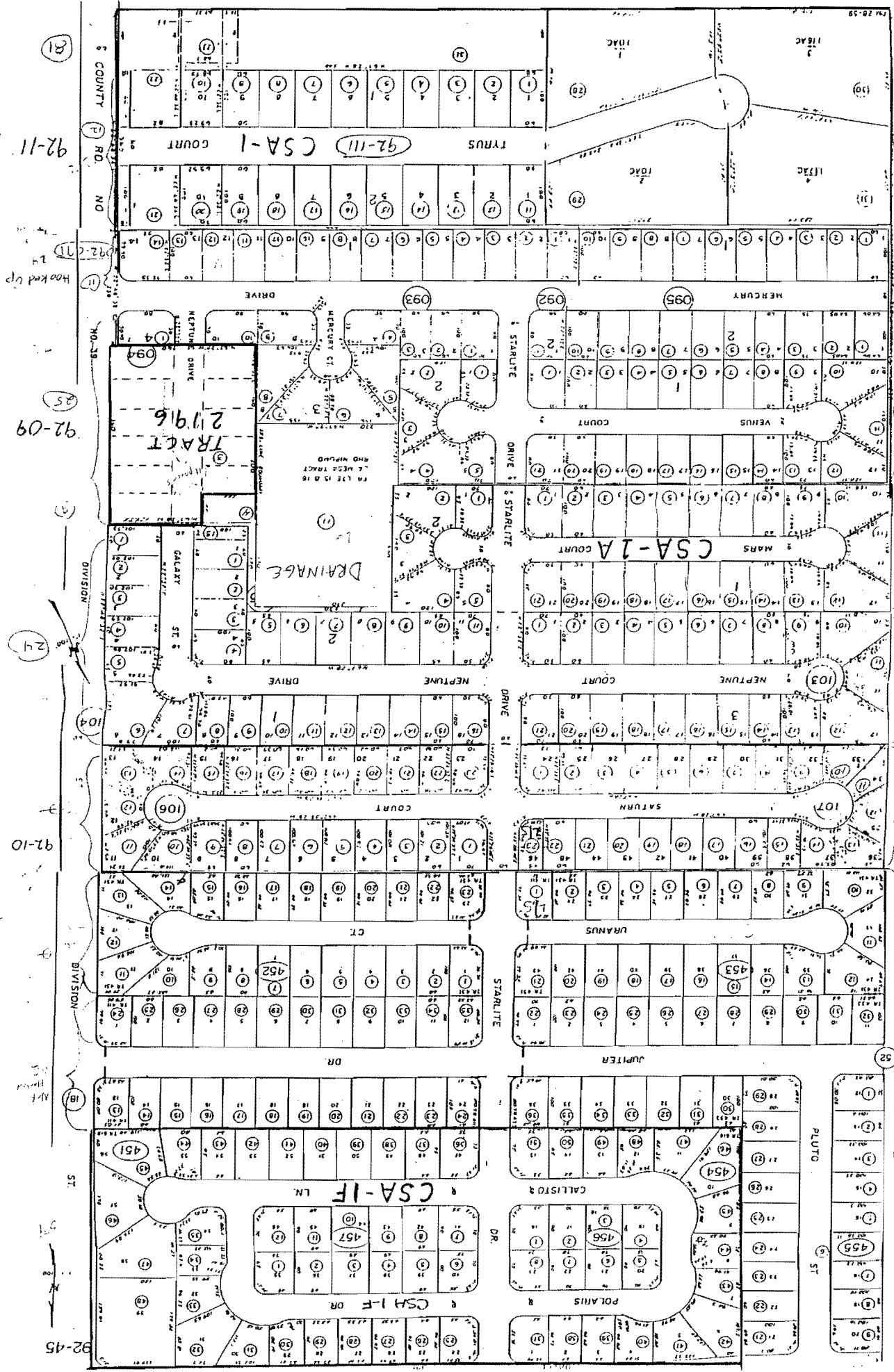
A handwritten signature in black ink, appearing to read 'Douglas C. Bird', with a large, stylized flourish at the end.

DOUGLAS C. BIRD  
Hydraulic Operations Administrator

File: Districts/CSA 1 - Correspondence

cc: Katcho Achadjian, Supervisor, District 4  
Tony Boyd, Hydraulic Operations Engineer  
Jene Kaye, NCSD Board of Directors  
Danny Pace, PO 519, Arroyo Grande, CA 93421

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COUNTY RD. NO. 92-11  
 Hooked Up 92-11  
 92-09  
 92-10  
 DIVISION  
 DIVISION  
 ST. 18  
 92-45



SERVICE AGREEMENT

BETWEEN

SAN LUIS OBISPO COUNTY AND

NIPOMO COMMUNITY SERVICES DISTRICT

FOR

THE CONSTRUCTION, OPERATION AND MAINTENANCE

OF THE

NIPOMO SEWERAGE PROJECT

---

This Agreement, dated August 7, 1984, is by and between the County of San Luis Obispo (designated herein as the "County"), acting on behalf of County Service Area No. 1 (CSA-1), and the Nipomo Community Services District (designated herein as the "District"), acting on behalf of the Community Services District Zone for the Nipomo Sewerage Project (the Zone).

WITNESSETH

WHEREAS, the District has completed the Nipomo Sewerage Project planning and design which was financed in part by voluntary participants as set forth in District Resolution No. 191, adopted on October 20, 1982, a copy of which is on file and available for inspection at the office of the District; and

WHEREAS, the District intends to construct, operate and maintain the Nipomo Sewerage Project within the boundaries of, and for the benefit of, the Community Service District Zone created by Ordinance No. 83-44, adopted March 9, 1984; and

WHEREAS, the boundaries of the Zone as originally established specifically exclude all of the properties within CSA-1; and

WHEREAS, the District, in conformance with the provisions of Government Code 61781, has previously declared its intent to enter into other formal agreements on behalf of the Zone with the County to provide sewer service from the Nipomo Sewerage Project for only those portions of CSA-1 designated as:

<u>WITHIN THE DISTRICT</u>		<u>MAXIMUM NUMBER OF DWELLING UNIT EQUIVALENTS TO BE SERVED</u>
Zone B	Nipomo Palms Mobile Home Subdivision	74
Zone D	Black Lake Mobile Estates	110
<u>OUTSIDE OF THE DISTRICT</u>		
Zone A	Galaxy Mobile Home Subdivisions	300
-----	Those properties within CSA-1 which were developed before 1972 adjacent to CSA-1A. (This does not include CSA-1F which was developed after 1972).	66

as depicted on Exhibit A attached here and incorporated herein; and

WHEREAS, the District and the County have previously executed Service Agreements for the planning of said project, on February 28, 1983, and the design of said project, on November 4, 1983; and



WHEREAS, the County and the District find that the requirements of both Service Agreements have been completed; and

WHEREAS, as a condition for obtaining Federal and State financial grants for the construction of the Nipomo Sewerage Project, the District intends to construct sewage collection facilities to serve a limited number of properties within CSA-1 outside of the boundary of the Community Service District as depicted on Exhibit A, attached hereto; and

WHEREAS, it is now appropriate for the District and the County to enter into a Service Agreement for the construction, operation, and maintenance of the proposed sewerage system to provide service for a limited portion of said CSA-1, and for the payment of appropriate fees and charges for service thereto.

NOW, THEREFORE, in consideration of the foregoing and the following mutual promises, covenants, conditions and agreements, the District and County agree as follows:

ARTICLE I. Construction of Community Sewerage System

A. District Obligation

The District shall construct a community sewerage system substantially in accordance with that certain design currently designated by the California State Water Resources Control Board as Clean Water Grant Project No. C-06-1255, subject to the requirements of the Concept Approval Amendment issued by said Board on November 1, 1983.

B. Termination of Obligations

If the District, in its sole discretion, does not begin construction of said sewerage system within one year of the date of execution of the construction grant agreement, the obligations of both the District and the County hereunder, specifically excluding the repayment of debts on behalf of the Nipomo Sewerage Project incurred prior to the date of termination, shall cease and be of no further force or effect.

ARTICLE II. Requirements of County Use of Sewerage System

A. Maximum Sewerage Service Areas and Quantities

1. Outside the District

As depicted on Exhibit B, attached hereto, the sewage disposal service provided hereunder outside the District shall be limited to only those portions of CSA-1 designated as:

<u>SERVICE AREA</u>	<u>MAXIMUM NUMBER OF DWELLING UNIT EQUIVALENTS TO BE SERVED</u>
Zone A Galaxy Mobile Home Subdivisions	300
----- Those properties within CSA-1 which were developed before 1972 adjacent to CSA 1A. (This does not include CSA-1E which was developed after 1972).	

*list of parcels by APN*

*Admitted 12/27/74  
66 27*

The maximum sewage disposal service provided outside the District shall not exceed 366 dwelling unit equivalents as defined by District

*327 TOTAL*

Ordinance; provided that if any portion of the areas specified in this Article II. A.1 is hereafter annexed to the District, the dwelling unit equivalents for sewage disposal service outside the District shall be reduced proportionately.

2. Inside the District

As depicted on Exhibit C, attached hereto, the sewage disposal service provided hereunder within the District shall be limited to those areas of CSA-1 designated as:

<u>SERVICE AREA</u>		<u>MAXIMUM NUMBER OF DWELLING UNIT EQUIVALENTS TO BE SERVED</u>
Zone B	Nipomo Palms Mobile Home Subdivision	74
Zone D	Black Lake Mobile Estates	110

3. Illegal Connections

The County shall not authorize, permit or allow any connections to the sewer system except as described upon Exhibit "B" attached hereto.

If any connections are discovered or erroneously allowed in violation of the terms hereof, the County shall cause said connections to be terminated or otherwise corrected.

B. Ownership and Control of Sewerage System

1. Ownership:

Pursuant to the requirements of the Federal and State Clean Water Grant Program, the District will be the initial owner of all sewerage system facilities constructed under the Nipomo Sewerage Project both within and outside the District.

2. Control and Maintenance:

The District and the County agree that pending completion of the final federal audit of the District's Clean Water Grant No. C-06-1255 and transfer of ownership of portions of the sewerage system to the County, the County shall be solely responsible for the control, maintenance, upkeep, repair, replacement, and operational liability of those portions of the collection system, Galaxy pump station and Division Street force main shown on Exhibit D attached hereto and incorporated herein.

The District shall be responsible for all other facilities in the sewerage system; including the collection system serving Nipomo Palms Mobile Home Subdivision and Black Lake Mobile Estates in the County Service Area. The District shall assume full control and responsibility for the operation of the Nipomo Palms and Black Lake areas when the sewerage

system becomes operational for such areas; PROVIDED, however, that the County shall first repair the existing neighborhood collection system and existing disposal system within each such area to existing district specifications before the District assumes such control and responsibility.

The District and the County shall each be responsible for operating, maintaining, and regulating the connection to the sewerage systems controlled by them, subject to the agreements and limitations set forth herein.

C. Sewage Standards

The sewage delivered by the County to the District shall at all times be residential sewage of no lower standard or quality than that established in the Water Quality Control Plan, Central Coast Region, as now adopted, and as may subsequently be modified, by the California State Water Resources Control Board. In addition, the sewage delivered by the County to the District shall not contain any constituent that causes or contributes to a violation of the effluent standards adopted, and as may subsequently be modified, by the California Regional Water Quality Control Board - Central Coast Region, in Waste Discharge No. 84-56.

D. Substandard Sewage

If the County delivers substandard sewage to the District, the County shall, after receiving notification from the District, promptly take all action necessary to locate and terminate the source of the substandard discharge, including, without limitation, initiation of nuisance abatement or judicial proceedings.

E. Sewage Quantities

The District shall accept, treat, and dispose of all residential sewage delivered. The District reserves the right however, after public hearing, to impose reasonable limitations upon the quantity of residential sewage received.

ARTICLE III. County Sewer Use Ordinance

The County shall regulate the use of those sewers under its control within the Nipomo Sewerage District, in conformance with State and Federal regulations and the District's Step 3 Grant Agreement with the State Water Resources Control Board. The County's sewer use ordinance shall also specifically refer to the applicability of said Grant Agreement to the Nipomo Sewerage Project, both within and outside the District.

ARTICLE IV. Determination, Allocation and Administration of  
Costs

A. Charges for Sewer Service

It is intended that the customers served by the sewerage system are all to pay their fair share of all

the costs and such costs are to be consistent in manner of determination, allocation, and administration whether or not customer's served property lies within or outside of the District. The County shall pay the following amounts to the District for each sewer user in all zones of the County Service Area, both within and outside the District:

1. Connection Charges

Shall be the same amount charged by the District for comparable sewer users within the District's sewer service Zone.

2. Monthly User Charges

Shall consist of the basic service charge amount established by the District from time to time for comparable users within the District's sewer service Zone.

B. Payment for Sewer Service

The County shall pay the District on the first of each month for sewer service provided to the County Service Areas the previous month. If payment is not received by the 15th of the month, the District shall deliver a written notice of delinquency to the County Engineer. Within ten days after delivery of said notice, the District may initiate action to enforce payment.

C. Ineligibility of Construction Grant Funds for County Service Areas

Any construction costs or charges attributable to any portion of the County Service Areas, and later determined by Federal auditors to be grant ineligible, shall thereafter be charged or assessed by the County solely against the users within said County Service Area.

ARTICLE V. District to Conduct On-Site Sewage Disposal Surveys

A. Purpose

As a condition of the sewer grant, the District is required to conduct regular surveys to identify failing on-site sewerage systems, if any, within the State's moratorium area.

B. County Participation

Some of the moratorium area is outside the District, and the County agrees to reimburse the District for reasonable and necessary costs incurred in conducting such surveys outside the District.

C. Abatement Proceedings

County agrees to conduct abatement proceedings as necessary to abate or correct any failing on-site sewage disposal systems identified by the District within the moratorium area and reported to the County.

The method of abatement shall not at any time require connection of any property to the Nipomo Sewerage Project, or its extensions, without the



approval of the District issued in conformance with all applicable District ordinances, resolutions and connection policies.

ARTICLE VI. Assistance During Nipomo Sewerage Project Construction

The County shall assist the District in obtaining rights of way, construction sites, information and documentation necessary or appropriate for the construction of said sewerage system and shall provide other services including, but not limited to, the items set forth on Exhibit F attached hereto.

ARTICLE VII. System Ownership and Future Responsibilities

A. Treatment and Disposal Capacity

This Agreement is intended to satisfy the requirements of the Federal and State grant program that the District provide sewer service to limited areas outside the District. Nothing herein shall be construed or applied to give the County any ownership share or right in the treatment and disposal portions of the sewerage system or its capacity.

Conversely, the District does not derive any right from this Agreement to impose any obligation upon the County to pay for any capital improvements for, or expansion of, said system not directly benefiting areas outside of the District.

5. Transfer of Facilities

It is the intention of the parties that following completion of the final grant audit and settlement of all ineligible charges resulting therefrom, the parties will enter into a further agreement which will provide (1) County ownership and control of all community sewage collection and pumping facilities outside the District, (NOTE: a portion of the force main within the District and serving only property outside the District will also be owned and controlled by the County), and; (2) for District ownership and control of all community sewerage system facilities within the District; including, without limitation, Nipomo Palms Mobile Home Subdivision (CSA-1, Zone B), Black Lake Mobile Estates (CSA-1, Zone D) and the Montecito Verde Subdivision (CSA-1, Zone C).

C. Continuing County Responsibilities

County shall continue to provide drainage and/or lighting services within County Service Area No. 1 at such levels as County may from time to time determine to be reasonable or necessary. The assumption by the District of the responsibility to operate the sewerage system within the Nipomo Palms Mobile Home Subdivision, Black Lake Mobile Estates and Montecito Verde Subdivision shall not impose upon District any obligation to provide such drainage and/or lighting services.

ARTICLE VIII. Authority and Indemnity

The County is not authorized to incur any debt, obligation or liability on behalf of the District, or to execute any agreement, contract or other commitment on behalf of the District in connection herewith. The County shall indemnify and hold the District harmless from any such debt, obligation or liability incurred by County in violation of this Agreement. The County shall further indemnify and hold the District harmless from any liability for damages to persons or to properties which the District may sustain by reason of the sole negligence or sole misconduct of the County. Further, the District shall indemnify and hold the County harmless from any liability for damages to persons or to properties which the County may sustain by reason of the sole negligence or sole misconduct of the District.

ARTICLE IX. Enforcement

If either the District or the County brings an action to enforce compliance by the other party with the terms of this Agreement, the prevailing party shall be entitled to attorney's fees and costs.

ARTICLE X - Entire Agreement

This is the entire Agreement between the parties, and super-  
sedes any and all prior written or verbal agreements, repre-  
sentations and discussions between the parties.

IN WITNESS WHEREOF the parties have executed this  
Agreement as of the day and year first above written.

ATTEST:

COUNTY OF SAN LUIS OBISPO

FRANCIS M. COONEY

County Clerk Ex-Officio Clerk  
of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

By

James B. Lindholm, Jr.

Chairman of the  
Board of Supervisors

By: William M. Lindholm

APPROVED AS TO  
FORM AND LEGAL EFFECT:  
JAMES B. LINDHOLM, JR.  
COUNTY COUNSEL

By

James B. Lindholm, Jr.  
Deputy County Counsel

Dated

July 31, 1984

ATTEST:

Joyce Chudoba  
Secretary of the  
Board of Directors  
Nipomo Community Services  
District

Barbara K. T. Haslam  
BARBARA K. T. HASLAM, PRESIDENT  
BOARD OF DIRECTORS  
NIPOMO COMMUNITY SERVICES  
DISTRICT

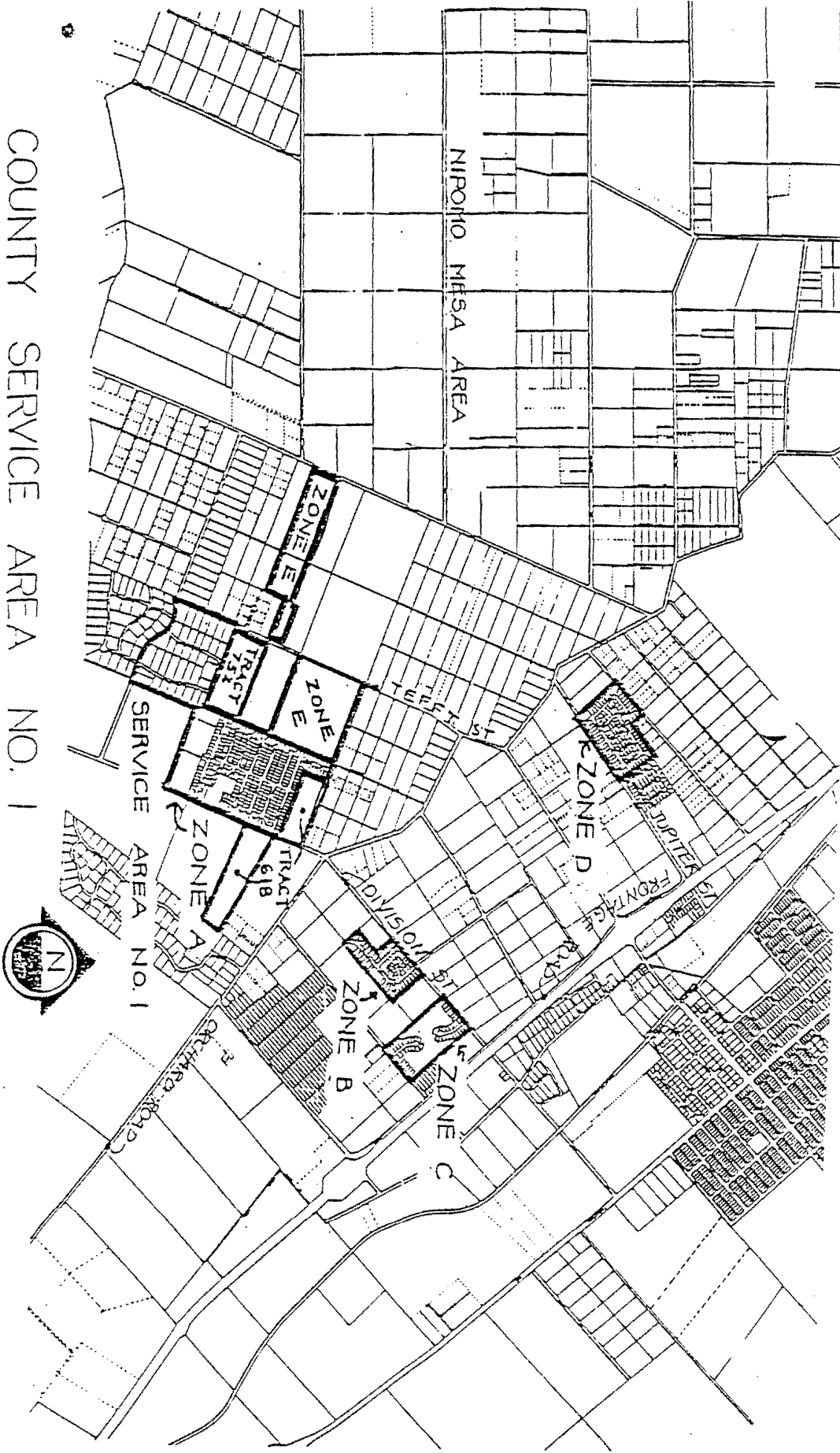
APPROVED AS TO  
FORM AND LEGAL EFFECT:  
ARTHUR J. SHAW, JR.  
GENERAL COUNSEL  
NIPOMO COMMUNITY SERVICES DISTRICT

EXECUTION AUTHORIZED BY  
RESOLUTION NO. 222,  
DATED July 26, 1984

By

Arthur J. Shaw, Jr.

COUNTY SERVICE AREA NO. 1



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MARCH 1, 2000



AGENDA ITEM  
MAR 01 2000



GENERAL PLAN AMENDMENT  
SUMMIT STATION AREA  
ROBERTSON ANNEXATION

**ITEM**

The District has received correspondence from SLO County about increasing land use density and annexation in the Summit Station area.

1. Proposed County General Plan Amendment in the Summit Station area to increase land use density by allowing 37 additional residential units.
2. Robertson Annexation

**BACKGROUND**

When the Summit Station area was annexed to the District in 1993, the County adjusted the General Plan for the annexation area to:

- minimum of five-acre parcels
- no additional subdivisions or parcels would be created in the area being annexed that received an urban water supply
- parcels larger than 5 acres (20 acres, etc.) could not be split down

A request was made to the County Planning Department by the previous 4<sup>th</sup> District Supervisor (Ms. Brackett) to review the land use restriction in the Summit Station area, which is presently being done.

The proposal received from the County Environmental Division includes

- The addition of 37 parcels via land use change in the existing Summit Station area
- A proposed annexation - eight (8) additional parcels (Robertson). The proposed Robertson annexation needs to have an application for annexation submitted to the District.

**Proposed Robertson annexation addition:**

- It would be staff's recommendation that the area fronting on the southerly side of Pomeroy Road between Hidden Ranch Road and Camino Perillo should be included in the Robertson's annexation (approx. 18 additional parcels). The reasons are:
  - The District presently has a water line fronting these properties not in the District boundary
  - These parcels receive fire protection benefits via fire hydrants
  - The District would receive a small property tax revenue for providing fire protection
  - This area could be annexed to the District and no fees paid unless the property connects to the District water system

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MARCH 1, 2000

GENERAL PLAN AMENDMENT  
SUMMIT STATION AREA  
ROBERTSON ANNEXATION  
Page Two

The Board may wish to establish a policy to provide conditions for water service to any increase in land use density (County General Plan Amendments.) The policy could be similar to the existing annexation policy where the District would consider the following for approving a water service.:

1. A reduction of District water usage by retrofitting on a 2.1 basis (8 single-family homes equivalent) or
2. A District approved supplemental water supply

Attached is the map the County has provided to the District showing the area for general plan change and the Robertson annexation. Also shown on the map is the staff recommended annexation along Pomeroy Rd. (black dots) and the correction to the northerly boundary of the Summit Station area (white dots) that should be made by the County.

The District's water infrastructure with the new improvements of the storage facilities and production wells have the capability of meeting the existing General Plan requirements for near term build-out. Based on the 1995 Water and Sewer Master Plan, additional storage may be needed after the year 2010.

**RECOMMENDATION**

1. It is recommended that a response to County letter be tabled until the Boyle Engineering study of the new Health Dept. regulations is completed.
2. That the Board consider establishing a policy for providing water service to increase land use density changes, County General Plan amendments.

**County of San Luis Obispo  
Environmental Division  
County Government Center, Room 310  
San Luis Obispo, CA 93408**

**TO:** Doug Jones, Nipomo CSD  
**FROM:** John McKenzie, Environmental Specialist *JMc*  
**DATE:** February 9, 2000  
**SUBJECT:** County & Robertson General Plan Amendments; G980008N, G990001T  
**Respond by: February 23, 2000**

The Environmental Division is currently in the preliminary stages of the initial study. We would appreciate your review and comment on the proposed project.

The county has initiated a general plan amendment to remove a planning area standard to allow future subdivision in the "Summit Station Road" area that was annexed by your District several years ago (see attached map for location). As you recall, the purpose of that annexation was to alleviate the emergency conditions that existed in the Summit Station area at that time. The intent of these planning area standards was to eliminate the potential for future subdivision and the potential for construction of secondary units. This would avoid the potentially significant growth-inducing and cumulative impacts from extending urban water service to a rural area. An additional GPA (Robertson) is requesting several properties adjacent to the "Summit Station" area to annex to this water service area and be served by the District. These requests would increase the density above what is currently allowed by the land use ordinance by 45 additional residences (37 from County GPA and 8 from Robertson GPA).

Please respond to the following questions:

1. While it is understood that the water main installed to the Summit Station area can handle more water (the line has adequate capacity) than is being provided to this area, please respond to the following:
  - a. How many will serve letters has the district issued which have not yet connected to the system.?
  - b. What is the District's estimated water demands of the remaining undeveloped area within the District's current boundaries, once item b above is factored out?
  - c. What is the district's estimate of annual water production needed to serve full buildout of parcels within the district's current boundaries?
  - d. Does the district foresee any obstacles to its ability to supply water to all parcels within the district's boundaries, assuming full buildout?
  - e. CDF has indicated the need for fire hydrants to maintain a 1,000 gpm flow. Does the existing system to the Summit Station area provide for this flow rate? If not, what does the District propose to do to bring it in compliance with CDF requirements?

If you require additional information, please do not hesitate to contact me at (805)781-5452.


Thank you for your time and consideration.

C:\MyFiles\PROJ\SummitStaGPA\NCSDreferral.wpd

FEB 11 2000





TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: MARCH 1, 2000

AGENDA ITEM   
MAR 01 2000

REQUEST FOR SERVICE  
TRACT 2375 (HERNANDEZ)

**ITEM**

Request for water and sewer service for 28-lot subdivision near Orchard and Grande Ave.

**BACKGROUND**

The Board of Directors reviewed the request for service at the regular meeting held on February 16, 2000. The Board requested that this item be continued until the next regular meeting to have the applicant's representative present to answer questions the Board may have.

Your Honorable Board may issue an Intent-to-Serve letter with the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans showing appropriate looping in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Construct the improvements required and submit the following:
  - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water improvements
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.

**RECOMMENDATION**

It is staff's recommendation that you approve the Intent-to-Serve letter for Tract 2375 with the above conditions

C:\W:Board 2000\Tract 2375 INTENT.DOC

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: FEBRUARY 16, 2000

AGENDA ITEM  
FEB 16 2000



REQUEST FOR SERVICE  
TRACT 2375 (HERNANDEZ)

**ITEM**

Request for water and sewer services for a twenty-eight (28) lot development near Orchard and Grande Ave.

**BACKGROUND**

The District received a request from Pamela Jardini, of Westland Engineering representing the developer of Tract 2375, for a 28-lot subdivision located at Orchard and Grande as shown on the attached map.

Your Honorable Board may issue an Intent-to-Serve letter with the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans showing appropriate looping in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Construct the improvements required and submit the following:
  - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water improvements
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.

**RECOMMENDATION**

It is staff's recommendation that you approve the Intent-to-Serve letter for Tract 2375 with the above conditions.

C:\W:Board 2000\Intent Hernandez.DOC

January 26, 2000

Doug Jones  
c/o Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

RE: Intent to serve letter for Tract Map #2375

Dear Doug,

We are submitting an application to the County of San Luis Obispo's Planning Department for a development of twenty-eight (28) lots on this property. The County's Planning Department requires an intent to serve letter from NCSD in order to process the tentative Tract Map. The owner of the property is Delfino Hernandez at 880 Grande Street and Chata Street, Nipomo, CA 93444; Assessor's Parcel Number 092-130-064, 072 & 073. Please provide us with an intent to serve letter. A copy of the proposed Tract Map and a reduction is enclosed for your review.

Sincerely,

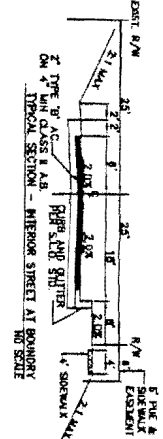
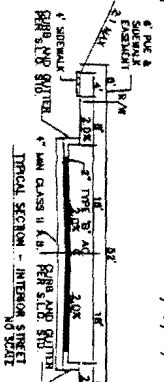
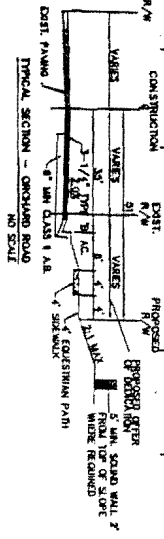
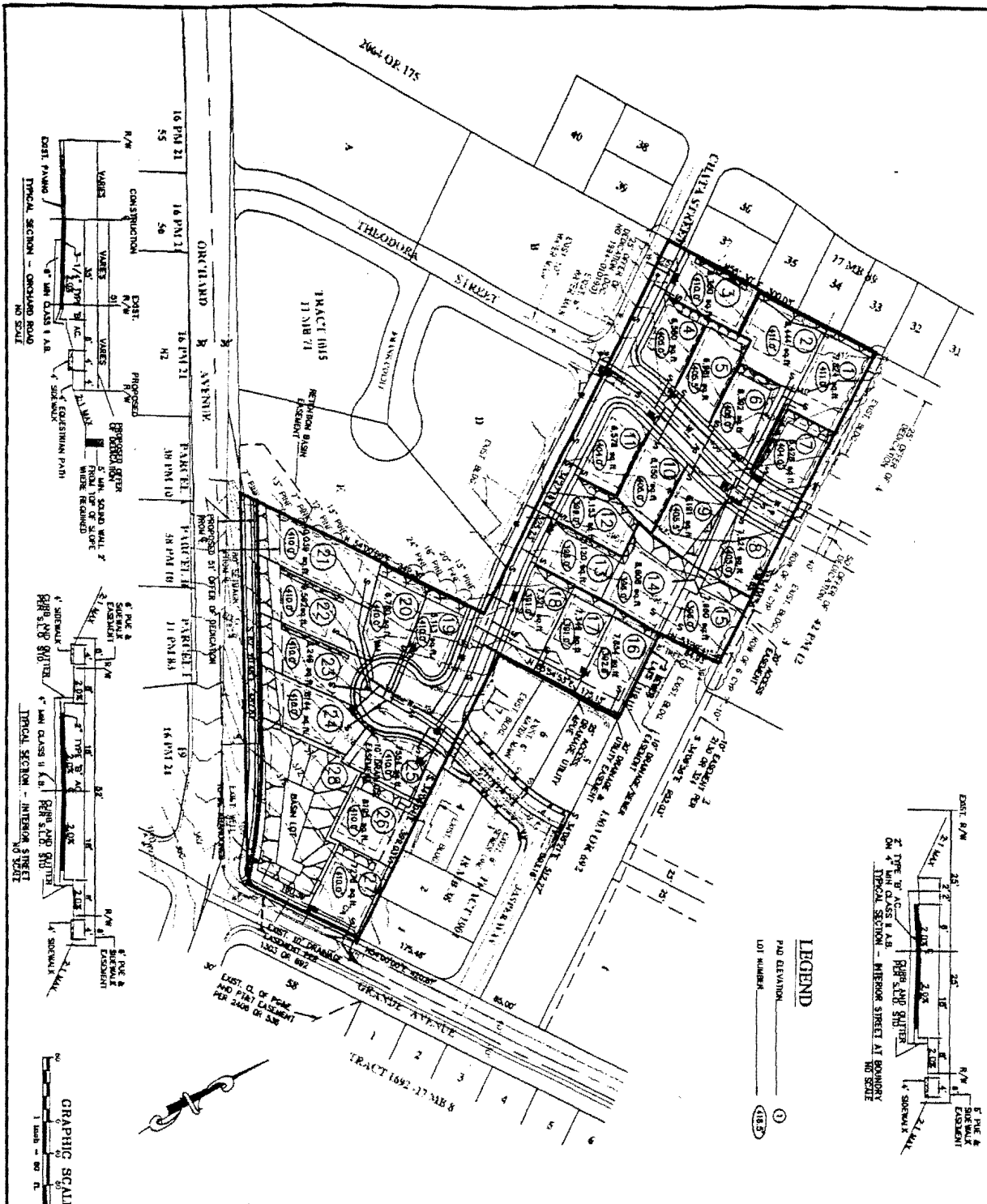


Pamela Jardini  
Westland Engineering

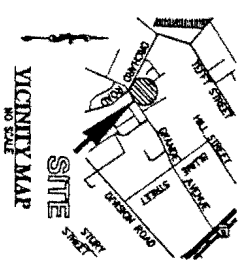
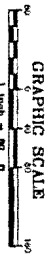
**RECEIVED**

FEB 04 2000

**NIPOMO COMMUNITY  
SERVICES DISTRICT**



**LEGEND**  
 PAID ELEVATION \_\_\_\_\_  
 LOT NUMBER \_\_\_\_\_ (1)



**OWNER'S STATEMENT**

I HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWING ON THIS PLAN AND STATE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT THE INFORMATION SHOWN HEREIN IS THE BEST OF MY KNOWLEDGE AND BELIEF.

WESTLAND ENGINEERING COMPANY  
 75 ZACK LANE, SUITE 100, SAN LUIS OBISPO, CA 93401  
 (805) 541-2384

RECORD OWNERS MR. & MRS. DELFINO HERNANDEZ  
 835 LAMAR DRIVE  
 SAN LUIS OBISPO, CA 93401

**ENGINEER'S STATEMENT**

I HEREBY STATE THAT THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMplies WITH THE LOT DIVISION ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

TERENCE K. ORTON, P.E. 21807, ENGINEER 8-30-2001  
 75 ZACK LANE, SUITE 100, SAN LUIS OBISPO, CA 93401  
 (805) 541-2384

**TRACT 2375**

**VESTING TENTATIVE MAP**

DEVELOPMENT OF PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 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, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PREPARED BY:  
**DELFINO HERNANDEZ**

WESTLAND ENGINEERING COMPANY

75 ZACK LANE, SUITE 100  
 SAN LUIS OBISPO, CALIFORNIA 93401  
 (805) 541-2384  
 JANUARY 2000 JOB NO. 98 048  
 SHEET 1 OF 2

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: MARCH 1, 2000

AGENDA ITEM  
MAR 01 2000



REQUEST FOR WATER AND SEWER SERVICE  
CO 99-0293 (GRCE)  
STORY STREET

**ITEM**

Request for water and sewer service for a 3-lot development on Story Rd.

**BACKGROUND**

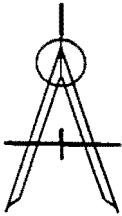
The District received a request from Dyer Engineering for water and sewer service for a 3-lot development on Story St. On November 17, 1999, an Intent-to-Serve letter for CO 99-0293 was issued for water only. The applicant is now requesting sewer service. Your Honorable Board may issue an Intent-to-Serve letter for water and sewer service with the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water and other fees associated with this development.
4. Construct the improvements required and submit the following:
  - a. Reproducible "As Builts" - A paper copy and digital format disk (Auto Cad) which includes engineer, developer, tract number and water improvements
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.

**RECOMMENDATION**

Staff recommends that an Intent-to-Serve letter for water and sewer service be issued for Parcel Map CO 99-0293 with the above mentioned conditions and that the previously issued Intent-to-Serve letter for water service be withdrawn.

Board 2000\Intent CO 99-0293.DOC



**William R. Dyer**

Civil Engineering - Land Surveying

1123 Grand Avenue, Suite B  
P. O. Box 432  
Grover Beach CA 93483

Phone: (805) 481-1964  
FAX: (805) 481-9146

DATE: 2/15/00

TO: DOUG JONES  
NIPOMO COMMUNITY SERVICES DIST.  
P.O. Box 326  
NIPOMO, CA 93444

TRANSMITTAL   
MEMO \_\_\_\_\_  
FAX \_\_\_\_\_  
FAX # \_\_\_\_\_

NO. PAGES INCL. COVER SHT. \_\_\_\_\_

SUBJECT: PARCEL MAP Co 99-0293

TRANSMITTED HEREWITH ARE:  
- 1 CC TENTATIVE PARCEL MAP  
- 1 CC 8 1/2 X 11" REDUCED MAP

For Your Review \_\_\_\_\_ For Your Information \_\_\_\_\_ For Your Action  Per Your Request \_\_\_\_\_

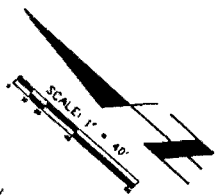
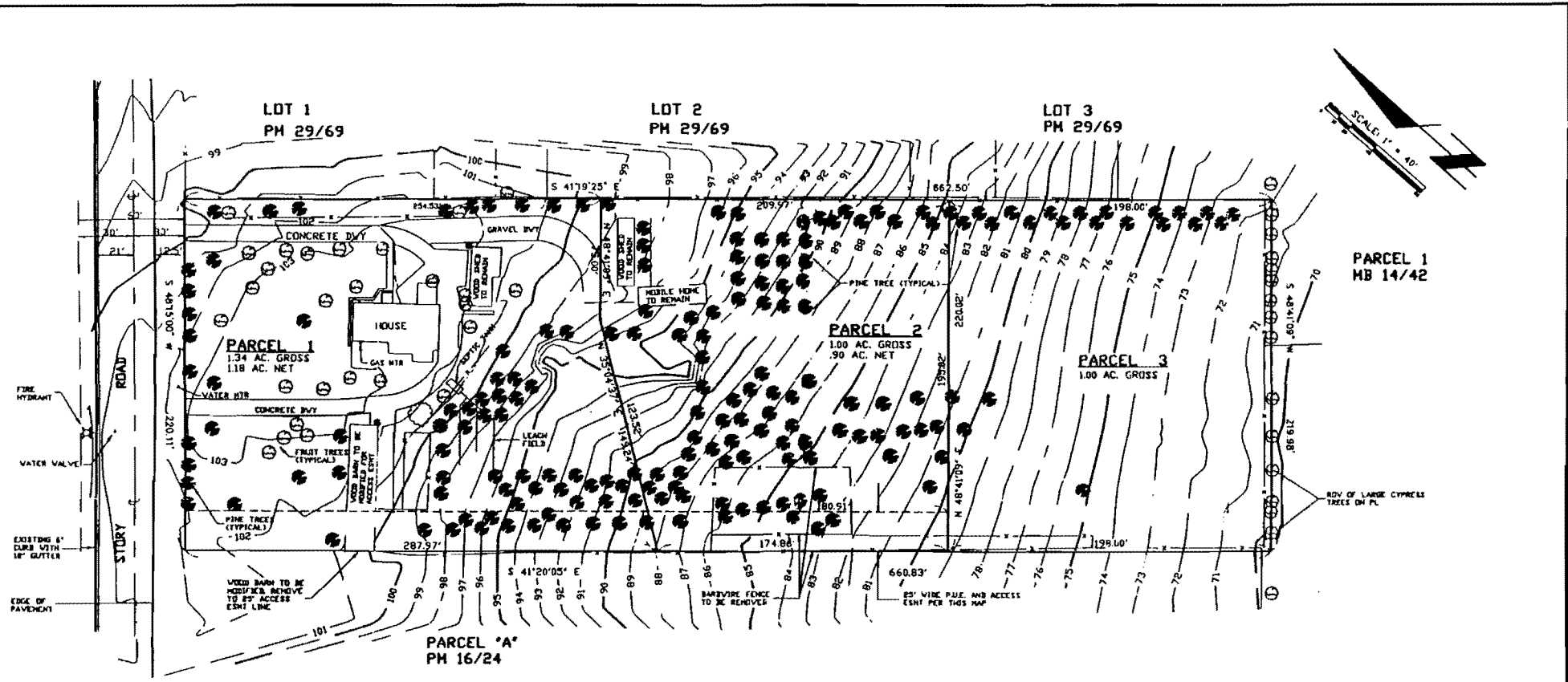
COMMENTS:  
PER OUR RECENT DISCUSSION REGARDING THE NEED FOR AN  
ADDITIONAL INTENT TO SERVE LETTER FOR SEWER  
(WE CURRENTLY HAVE INTENT TO SERVE LETTER FOR WATER ONLY)  
I AM FORWARDING THE ABOVE MENTIONED ITEMS.  
IF YOU HAVE ANY QUESTIONS PLEASE CALL ME AT 481-1964.

FROM: REGARDS,  
Tim Crawford

RECEIVED

FEB 18 2000

NIPOMO COMMUNITY SERVICES DISTRICT



**OWNER'S STATEMENT**

WE HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON THIS MAP AND CERTIFY THAT WE ARE THE LEGAL OWNER OF SAID PROPERTY OR THE AUTHORIZED AGENT OF THE LEGAL OWNER AND THAT THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF

BY: \_\_\_\_\_

**ASSESSOR'S PARCEL NUMBER:**

092-153-018

**OWNERS:**

SO AND MARIE ORCE  
361 STORY ROAD  
MPOW, CA 93144  
(805) 828-4801

**SURVEYOR'S STATEMENT**

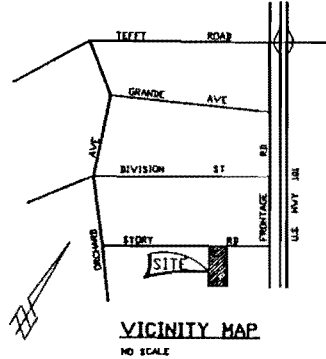
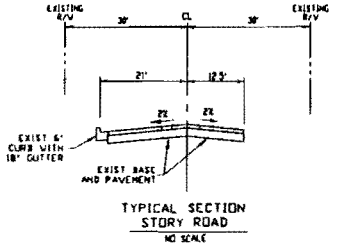
THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE LOT DIVISION ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA

BY: WILLIAM R. DYER



**LEGEND**

- EXISTING CONTOUR ——— 60'
- PROPERTY LINE ———
- CENTERLINE ———
- EDGE DIRT ROAD ———
- EDGE PAVEMENT (EP) ———
- FENCELINE (FNL) ———
- FIRE HYDRANT ○ FH
- GAS METER ○ GW
- WATER VALVE ○ WV
- POWER POLE ○ PP



Surveying by:

**William R. Dyer**  
Civil Engineering - Land Surveying  
P. O. Box 432, Grover Beach, CA 93483  
Ph: (805) 461-1964 FAX: (805) 461-9148

**VESTING TENTATIVE  
PARCEL MAP NO. CO 99-0293**

BEING A DIVISION OF PARCEL 'B' OF PARCEL MAP CO 74-287  
(16 PM 24)  
COUNTY OF SAN LUIS OBISPO  
STATE OF CALIFORNIA  
OCTOBER 1999

SHEET 1 OF 1



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: MARCH 1, 2000

AGENDA ITEM  
MAR 01 2000



REQUEST FOR PROPOSALS  
RATE STUDY

**ITEM**

Request for proposals for a water and sewer rate study for the Town and Black Lake Divisions of the District.

**BACKGROUND**

In 1999, the District adjusted the Town Division's water rates approximately \$3.00 per account to cover the litigation costs associated with the Santa Maria Groundwater Basin water rights issue. Prior to that time, the last water rate increase was implemented in 1992, at which time the rates were approximately doubled from the previous rates. In 1995, Boyle Engineering completed a sewer and water master plan for the District and in 1996, the District hired Perry Louck, CPA to do a rate study. At that time the Board reviewed the rate study but did not implement the recommend rate increases except for adjusting the water and sewer capacity fees. In 1997, the District requested proposals for a new water rate study, however, the Board rejected all the proposals and recommended that a replacement study be completed prior to having a new rate study completed. In January 2000, the District's water and sewer replacement study was completed by Boyle Engineering. The replacement study outlines the associated costs for replacing facilities in the upcoming years. This information will be incorporated into a new water and sewer rate study and may have an impact on future rates.

During the 1990's the District has seen a substantial growth within the boundaries of the District. This growth, due to the economy of scale, has created sufficient revenue to cover the expenses in operating the water and sewer systems within the District boundaries. Most of this growth has occurred as infill within the District boundaries to the point where potential future development will see limitations.

Due to the potential limited growth in the future, the availability of a replacement study, and the time since the last rate increase, it is proposed that the District request proposals for a water and sewer rate study for the District.

Attached for your review is a draft of a proposal from consultants to do a water and sewer rate study for the District.

**RECOMMENDATION**

It is recommended that your Honorable Board authorize staff to request proposals for a water and sewer rate study for the District.

C:\W:\Board 2000\Rate study.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT  
P.O. BOX 326 148 SOUTH WILSON STREET  
NIPOMO, CA 93444-0326  
(805) 929-1133 FAX (805) 929-1932**

**REQUEST FOR PROPOSAL**

**WATER AND SEWER RATE STUDY**

Nipomo Community Services District is requesting proposals to conduct a water and sewer rate study. The intent of the study is to independently assess and evaluate the existing water and sewer rate structures of the District. The study shall include recommendations as to how the rates should be fairly and equitably structured to meet current and future fiscal requirements of the District.

The study will be based on comprehensive review of the District's Water and Sewer Funds and Budgets, Water and Sewer Master Plan, current usage data, future planned growth of the District pursuant to the San Luis Obispo County Area Update, and any other information deemed necessary.

The District currently operates two separate and distinct water and sewer systems. The study shall address each system independently when making recommendations. The number of services for each system is as follows:

	Water	Sewer
Town Division	2660	1891
Black Lake Division	568	517

The breakdown of water services are as follows:

Class	Town Division	Black Lake Division
Commercial	65	1
Agriculture	2	0
Landscape	19	36
Residential	2402	463
Multi Family	172	68
Total	2660	568

**NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR PROPOSAL  
WATER RATE STUDY**

**SCOPE OF WORK**

**A. STUDY OBJECTIVES**

The objective of the study is to review the District's water and sewer rate structures and recommend modifications as appropriate in conformance with the following policy directions.

1. The recommended rate structures shall be based on cost of service and shall be sufficient to meet the short and long-term revenue requirements of the District's Water and Sewer Funds.
2. The study shall consider the current and future price of water and its effect on demand.
3. The recommended rate structures shall consider basic health and sanitation needs as well as promote efficient water use by providing a disincentive for inefficient use of water.
4. The recommended rate structures shall be consistent with industry practice for utility rate making in California.
5. The benefits of any proposed modifications shall be weighed against the financial impacts on ratepayers.
6. Justification for any special classes of customers under the recommended rate structures shall be demonstrated.
7. The recommended rate structures shall result in stability of the revenue stream to the Water and Sewer Funds. Consideration shall be given to funding of depreciation (a Replacement Study was completed in February 2000 by Boyle Engineering).
8. The recommended rate structures shall be easy to administer and understand.
9. The District's current automated billing system should be able to handle any proposed rate structures.
10. The recommended rate structures shall be planned for at least five years.

**B. STUDY ELEMENTS**

1. Consideration of different rate structures for different classes of users including domestic, commercial, schools, agriculture, irrigation, construction and out-of-District.

**NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR PROPOSAL  
WATER RATE STUDY**

2. Review of the monthly service charges based on meter size
3. Consideration of water rates with respect to conservation of resources

C. SERVICES TO BE PROVIDED BY CONSULTANT

The services to be provided by the Consultant shall include, but not necessarily limited to the following:

1. Conduct a detailed review of the existing water and sewer rates and status of each Fund, and develop a general familiarity with the District's billing system.
2. Meet or confer with staff at a kick off meeting and as needed thereafter
3. Conduct analyses as required to address the scope of work.
4. The study sessions and public hearings shall be as follows:
  - Study session with the Board of Directors to provide an overview of the rate study methodology, theory and key steps
  - Study session with the Board of Directors to discuss the draft revenue requirements and cost of service
  - Study Session to present to the Board of Directors the draft rate design options
  - Public Hearing on the proposed rate designs
5. Prepare and provide all handouts for all workshops and public hearings (10 copies of each)
6. Submit 10 copies of the final report in addition to one reproducible copy
7. Supply a time schedule for the study sessions, meetings and submittal of final report.

D. SERVICES TO BE PROVIDED BY DISTRICT

The services to be provided by the District shall include, but not necessarily limited to the following:

1. Furnish all available records and information, including financial reports, budgets, and consumption data
2. Copy of the District's Water Master Plan (1995)
3. Copy of the District's Water and Sewer Replacement Study (2000)
4. Provide staff support and assistance as required.

**NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR PROPOSAL  
WATER RATE STUDY**

**SELECTION PROCESS AND CRITERIA**

Following review of the proposals and interviews by District Selection Committee, the selection will be based on the following:

1. The firm's qualifications and the qualifications of the assigned staff and their ability to meet the needs as described above.
2. Experience of the firm's key staff on projects similar in scope and nature.
3. Responsiveness to project needs and ability to perform the tasks outlined above within a reasonable time frame.
4. Cost estimates of project.

As part of the consideration for entering into agreements with the successful firm, the firm will be required to sign a contract and provide proof of insurance, including liability, workman's compensation and errors and omissions insurance.

C:\W\REQ4PROP\RATESTUDY 2000

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR PROPOSAL  
WATER RATE STUDY

REQUEST FOR PROPOSALS

Boyle Engineering  
973 Higuera Street Suite C  
San Luis Obispo, CA 93401  
(805) 542-9840

Perry Louck, CPA  
28850 Vallejo  
Temecula, CA 92592  
(909) 695-6927

John Wallace & Associates  
4115 Broad Street  
San Luis Obispo, CA 93401  
(805) 544-4011

Economic and Engineering Services, Inc.  
P.O. Box 1989  
Bellevue, WA 98009-1989  
(206) 452-8100

Reiter Lowry Consultants  
11417 W. Bernardo Court  
San Diego, CA 92127  
(619) 675-4400

**AGENDA ITEM**  
**MAR 01 2000**



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MARCH 1, 2000

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.

- F-1) WARRANTS (RECOMMEND APPROVAL)
  
- F-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)  
Approval of Minutes of the February 16, 2000 Regular Board meeting
  
- F-3) McDONALD'S/CHEVRON - Acceptance of improvements for CO 94-087  
Acceptance of water and sewer improvements - Resolution 00-725  
(RECOMMEND APPROVAL)

C:\W:Bd2000\Consent MAR.DOC

AGENDA ITEM  
MAR 01 2000



WARRANTS MARCH 1, 2000

HAND WRITTEN CHECKS

18252	CREEK ENVIRON LABS	270.00
18253	MBNA	63.81
18254	ADB SYSTEMS	163.73
18255	ROBERT BLAIR	100.00

VOIDS 11497-11509

COMPUTER GENERATED CHECKS

11510	03/01/00	BOB'S RUBBER STAMPS	\$29.15
11511	03/01/00	BOYLE ENGINEERING CORPORATION	\$5,500.00
11512	03/01/00	CLEAR SOLUTIONS	\$603.55
11513	03/01/00	EASTER RENTS	\$246.85
11514	03/01/00	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$134.40
11515	03/01/00	FIRST AMERICAN REAL ESTATE SOLUTIONS	\$231.32
11516	03/01/00	GTE WIRELESS	\$22.26
11517	03/01/00	GREAT WESTERN ALARM AND COMMUNICATIO	\$25.00
11518	03/01/00	IKON OFFICE SOLUTIONS	\$104.45
11519	03/01/00	JOHNSON, DONNA	\$79.19
11520	03/01/00	GENE KAYE	\$100.00
11521	03/01/00	MCI TELECOMMUNICATIONS	\$51.04
11522	03/01/00	McKESSON WATER PRODUCTS	\$8.05
11523	03/01/00	ALEX MENDOZA	\$100.00
11524	03/01/00	MOBRAATEN, RICHARD	\$100.00
11525	03/01/00	NIPOMO SHELL	\$820.68
11526	03/01/00	PACIFIC BELL	\$160.19
11527	03/01/00	PERRY'S ELECTRIC MOTORS & CONTROLS	\$150.44
11528	03/01/00	CALPERS HEALTH BENEFIT DIVISION	\$3,212.23
11529	03/01/00	RICHARDS, WATSON & GERSHON	\$18,531.25
11530	03/01/00	SAN LUIS OBISPO COUNTY HEALTH DEPART	\$648.00
11531	03/01/00	SCIENCE APPLICATIONS INTERNATIONAL C	\$1,866.29
11532	03/01/00	ALBERT SIMON	\$100.00
11533	03/01/00	SOUTHERN CALIF GAS COMPANY	\$96.47
11534	03/01/00	STATEWIDE SAFETY & SIGNS, INC.	\$35.00
11535	03/01/00	TERMINIX INTERNATIONAL	\$42.00
11536	03/01/00	UNDERGROUND SERVICE ALERT	\$131.00



# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

February 16, 2000

AGENDA ITEM

MAR 01 2000



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

Continued until conclusion of meeting.

REGULAR SESSION 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

GENE KAYE, PRESIDENT  
AL SIMON, VICE PRESIDENT  
ROBERT BLAIR, 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.

#### A. CALL TO ORDER

President Kaye called the meeting to order at 7:00 p.m. and led the flag salute.

#### B. FLAG SALUTE

ROLL CALL

At Roll Call, all Board members were present.

#### C. PUBLIC COMMENTS PERIOD

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.

President Kaye opened the meeting to Public Comments.

There were no public comments.

#### D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)

##### D-1) INCORPORATION OF NIPOMO

Nipomo Chamber of Commerce's investigation of incorporation (cityhood)

During this agenda item, the following member of the public spoke:

Teri Howard, 1245 Magenta, Nipomo - (Nipomo Chamber of Commerce and Fact Finding Committee) Trying to determine if incorporation is wise. County Board Supervisor Achadjian supports committee's effort. Asked for input from the Board about incorporation of Nipomo. Gave the Board a list of future meetings involving incorporation of Nipomo.  
Peter Malley, 490 Nopal Way, Nipomo - Presented a list of steps needed to incorporate an area. Showed the Board newspaper articles with Nipomo on the front page, but yet Nipomo has no voice in the community.

Jesse Hill, 1910 Grant Ave, Arroyo Grande - asked where the city boundaries would be.

The Board unanimously supports the idea of Nipomo as a city and encouraged the committee to go forward.

##### D-2) REQUEST FOR SERVICE - PARCEL MAP CO 90-208 (FRUIT PROPERTIES)

Request to renew an Intent-to-Serve Letter for a recreational vehicle & mini-storage area at Camino Caballo & N. Frontage

A request was received from Mr. Don Pruit for a renewal of an Intent-to-Serve letter for a recreational vehicle and mini-storage area at Camino Caballo and N. Frontage Rd. There were no public comments. Upon motion of Director Simon and seconded by Director Mendoza, the Board approved the Intent-to-Serve letter for Parcel Map CO 90-208 (Pruit Properties) with the conditions outlined in the Board letter. Vote 4-1 with President Kaye dissenting.

MINUTES SUBJECT TO BOARD APPROVAL

- D-3) REQUEST FOR SERVICE - TRACT 2219 (RANCHO SAN JUAN)  
Request for water service for an 8-lot (5-acre parcels) development on Camino Caballo

A request was received from John Barlogio (representative for the Rancho San Juan Estates) for an 8-lot subdivision. This is a 40 acre parcel. Each lot will be 5 acres. There were no public comments. Upon motion of Director Blair and seconded by Director Simon, the Board approved the Intent-to-Serve letter for Tract 2219 (Rancho San Juan) with the conditions outlined in the Board letter. Vote 4-1 with President Kaye dissenting.

- D-4) REQUEST FOR SERVICE - TRACT 2375 (HERNANDEZ)  
Request for water and sewer service for a 28-lot development at Orchard & Grande Ave.

There were no public comments. Upon motion of Director Mendoza and seconded by Director Simon, the Board unanimously decided to table this item until the applicant attends a Board meeting with information on his project.

- D-6) REQUEST FOR SERVICE - PARCEL MAP CO 99-0115 (SAV-ON DRUGS)  
Request for water and sewer service for a commercial development at Mary & Tefft St.

During this agenda item, the following member of the public spoke:

Peter Malley, 490 Nopal Way, Nipomo - Commented about the traffic problems and the number of drug stores really needed.

There were Board comments concerning the traffic problems but that the Board has no jurisdiction on land use. Upon motion of Director Blair and seconded by Director Simon, the Board approved the Intent-to-Serve letter for CO 99-0115 (Sav On Drugs) with the conditions outlined in the Board letter with a vote of 4-1. President Kaye was the dissenting vote.

**E. 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.*

- E-1) WARRANTS (RECOMMEND APPROVAL)  
E-2) BOARD MEETING MINUTES (RECOMMEND APPROVAL)  
Approval of Minutes of February 2, 2000 Regular Board meeting

The Board asked that the Minutes be corrected in A and E-1.

Upon motion of Director Mobraaten and seconded by Director Blair, the Board unanimously approved the Consent agenda with the corrections made in the Minutes.

**F) MANAGER'S REPORT**

General Manager, Doug Jones, presented information on the following items.

- F-1) California Water Journal articles - weather, toilets  
F-2) AWWA Opflow article on hydraulics  
F-3) AWWA Annual Conference  
F-4) SDRMA Workshop  
F-5) Review SDRMA video

The Board will view the video after the Closed Session and the Open Session resumes.

**G. DIRECTORS COMMENTS**

Board members noticed that the paint was removed from the sidewalk in front of the building. During this agenda item, the following member of the public spoke:  
Lee Wainscott, 550 Calle Cielo - Asked about a hydroelectric turbine.  
Mr. Jones explained that it had been determined that it was not feasible for this area.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below.

**CLOSED SESSION**

- a. NCSD vs. State Dept of Health Services CV 990706, GC§54956.9
- b. Public Employment - Review General Manager contract GC§54957
- c. SMVWCD vs NCSD GC§54956.9 Case No. CV 770214 and related cases, Case Nos. CV 990266, CV 990391, CV 990392, CV 990556, CV 990558, CV 990738, CV 990739, SM 112867, SM 113421, SM 113422, SM 113424, SM 113425, SM 113788, SM 113789

The Board came back into Open Session and reported:

- a. Upon motion of Director Mendoza and Seconded by Director Blair the Board approved the contract with Boyle Engineering to Provide Supplemental Engineering Services for Water System Evaluation and for Boyle to bring a report to the Board after the completion of Tasks 100-400. Vote 4-1 with President Kaye dissenting.
- b. Upon motion of Director Blair, seconded by Director Simon, the Board agreed to add the \$300.00 vehicle allowance to the Manager's salary by amending Section 4.2 of the "General Manager's Employment Agreement" dated August 23, 1994. Vote 4-1 with President Kaye dissenting.
- c. There was no reportable action on Item c.

The Board went into the Conference Room to view the SDRMA Video "The Power of Pooling."

**ADJOURN**

President Kaye adjourned the meeting at 9:40 p.m.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MARCH 1, 2000

**AGENDA ITEM**  
MAR 01 2000



CHEVRON/McDONALD'S - CO 94-087  
ACCEPTING WATER AND SEWER IMPROVEMENTS

**ITEM**

Acceptance of water and sewer improvements for CO-94-087 McDonald's/Chevron

**BACKGROUND**

Upon completion of a developer's project and all District requirements are met, the District accepts improvements of the project. The developer for McDonald's/Chevron, CO 94-087, has installed water and sewer improvements and has met the District's conditions of installation of improvements, payment of associated fees and provision of the necessary paperwork, including the Offer of Dedication and the Engineer's Certification. Attached is a resolution accepting the water and sewer improvement for McDonald's/Chevron, CO 94-087.

**RECOMMENDATION**

Staff recommends that your Honorable Board adopt the attached Resolution No. 00-725 accepting the water and sewer improvements in CO 94-087.

C:\W:Board 2000\C094-087-accept.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 00-725**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR CHEVRON/McDONALD'S AND CO 94-087**

**WHEREAS**, on September 16, 1998, the District Board of Directors did conditionally approve water and sewer improvements for Chevron/McDonald's CO 94-087, and

**WHEREAS**, the District approved and signed the construction plans on September 17, 1998 for the water and sewer improvements to be constructed, and

**WHEREAS**, on September 17, 1999, the Owner offered the water and sewer improvements to the Nipomo Community Services District, and

**WHEREAS**, this District has accepted such offer without obligation except as required by law, and

**WHEREAS**, all water and sewer fees for service, required in conformance with District Ordinances, have been paid in full for Chevron/McDonald's and CO 94-087, and

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District as follows:

That the water and sewer improvements constructed to serve the lots created by Chevron/McDonald's and CO 94-087 are accepted by this District.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 1<sup>st</sup> day of March 2000.

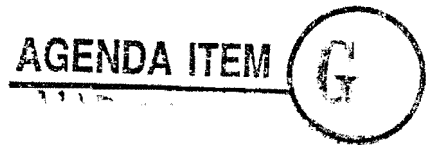
\_\_\_\_\_  
Gene Kaye, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: MARCH 1, 2000

MANAGER'S REPORT

G-1) CA-NV Section AWWA Spring Conference

The California-Nevada Section of the American Water Works Association is holding their spring conference in Monterey on April 24-27, 2000. If any Board member is interested in attending this conference, please let staff know and arrangements will be made for you.

G-2) CSDA Legislative Update

- Enclosed in CSDA Legislative Update is information on a report on the Commission of Local Governance for the 21<sup>st</sup> Century.
- Employing alternate ways to allocate property taxes
- 2000 Government Affairs Day is scheduled for Monday, April 10, 2000 in Sacramento.

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G 2

## CSDA LEGISLATIVE UPDATE

Tuesday, February 15, 2000

### **Growth Within Bounds: Report of the Commission on Local Governance for the 21<sup>st</sup> Century**

The recently released report titled, "Growth Within Bounds" includes the final recommendations of the Commission on Local Governance for the 21<sup>st</sup> Century. CSDA closely followed the efforts of the Commission as they worked their way through the Cortese-Knox Local Government Reorganization Act of 1985 and related local government issues. "Special Districts: Tailor-Made Government for Californians" is the title on the chapter on independent special districts. One declaration in the report that is worth noting is: *The Commission finds that the focus of the public policy debate should be on the adequacy of provision of services to citizens, not on the number of districts....Consolidating districts solely for the sake of reducing their numbers, however, is a disservice to the citizens who desire the services provided.*

The following recommendations are being proposed by the Commission:

#### **Recommendation 3-24**

...recommends that LAFCO costs be apportioned equally among all constituencies that select members to the commission.

#### **Recommendation 5-1**

... recommends that Government Code Section 56001 be amended to declare that single purpose agencies have a legitimate role in local governance, while recognizing that multi-purpose agencies may be a better mechanism for establishing service priorities and that services should be provided by the local agencies which can best accommodate and provide necessary services.

#### **Recommendation 5-2**

... recommends that the Cortese-Knox Act be reinforced as the sole authority for special district reorganization and that LAFCO rather than the county board of supervisors be designated as the conducting authority for proceedings for the formation of a special district, in accordance with the relevant principal act.

#### **Recommendation 5-3**

...recommends that, if no master property tax exchange agreement is in place, the county board of supervisors must consult with all affected independent special districts prior to conducting negotiations on their behalf regarding property tax exchange. Such consultation shall include, at a minimum, provision of written notification and an opportunity to comment.

#### **Recommendation 5-4**

...recommends that special district representation on LAFCO under Sections 56332 and 56450 not be contingent upon the districts giving up their right to exercise latent powers. Those LAFCOs which already regulate their special districts' latent powers as a condition of membership should be required

to repeal the relevant regulations, upon request of the Independent Special District Selection Committee. In addition, the Commission recommends moving the language in Section 56450 regarding review by LAFCO of the activation of a new power by an existing district to spheres of influence (Section 56425).

**Recommendation 5-5**

...recommends that special districts be given the automatic option to select 2 LAFCO members, if requested by the special districts selection committee or a majority of the independent special districts in the county.

**Recommendation 5-6**

...recommends that, where LAFCO approves a consolidation or dissolution of an agency and when the action is not supported by the district or districts involved, that LAFCO may impose conditions which provide that the outgoing board may not take the following actions:

1. Approve increases in compensation or benefits for the Board of Directors or officers.
2. Appropriate or obligate any funds beyond the current year's revenues without making a finding of an emergency.

**Recommendation 5-7**

...recommends that LAFCOs be authorized to enter into agreements with the LAFCOs of adjoining counties for the purpose of determining procedures for consideration of matters concerning multi-county districts.

**Recommendation 5-8**

...recommends that notice be provided to all affected jurisdictions of multi-county proposals for changes of organization or reorganization under Government Code Section 56123.

Two additional recommendations are specifically directed at water delivery in California. Those recommendations include appointment of a blue ribbon commission to undertake a study of water governance in California and that water supply considerations be integrated into LAFCO decision-making regarding boundary changes.

CSDA has taken a "support with amendments" position on the Commission report and the Legislative Committee will be working on those amendments when the recommendations are placed in a legislative bill or bills. The Commission's final recommendations are located on their website: [www.clq21.ca.gov](http://www.clq21.ca.gov). We encourage all districts to read the Commission's report.

**Reconsidering AB 8: Exploring Alternative Ways to Allocate Property Taxes**

A recent report was released by the Legislative Analyst Office (LAO) titled, "Reconsidering AB 8." The report is a result of AB 676 (1999) which declared the existing property tax allocation system to be "seriously flawed" and stated its intent to revamp the system in order to: (1) increase taxpayer knowledge, (2) provide greater local control, and (3) correct the skewed land use incentives faced by local government. The report can be found on the LAO website: [www.lao.ca.gov](http://www.lao.ca.gov) or call (916) 445-2375.



The CSDA Legislative Committee will be reviewing both of these reports as well as awaiting release of the final reports from the Little Hoover Commission and also the Speaker's Commission on State and Local Government Finance. It is our understanding that a Senate/Assembly Conference Committee will be established to review all of these reports. CSDA will continue to closely monitor all of these reports and related activities, and respond when appropriate. We will update our members on any important activities.

### **Senate Budget and Fiscal Review Committee**

You may recall that last year Senate Budget and Fiscal Review Committee Chair Senator Steve Peace held roundtable discussions around the state to obtain information from local government officials on local finance issues and concerns. The Senator is preparing to convene one additional roundtable in 2000. The roundtable is tentatively scheduled for March 24, 2000 in Ukiah. We anticipate the Committee will be offering recommendations on local government finance issues upon completion of this final roundtable.

## **Mark Your Calendars!**

2000 Governmental Affairs Day is scheduled for Monday, April 10, 2000 at the Sacramento Convention Center. This legislative session is shaping up to be one of the most significant in special district history as reports and recommendations are being released on local government structure and finance. Not since the state budget battles of the early 90s have public policy debates focused on local government finance. Confirmed speakers include: Legislative Analyst Elizabeth Hill, Senate Local Government Committee Chair Richard Rainey and CSDA Legislative Advocate Ralph Heim.

This year's event is cosponsored by: California Association of Public Cemeteries, California Association of Recreation and Park Districts, California Rural Water Association, California Special Districts Association, and the Mosquito and Vector Control Association of California.

We want the greatest turnout year at Governmental Affairs Day! Show your support of local special district governance and be in Sacramento on April 10, 2000! Registration materials will be mailed out in late February.

**SEE YOU ON APRIL 10<sup>TH</sup>!**

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*Your Voice in the State Capitol!*