NIPOMO COMMUNITY SERVICES DISTRICT

<u>AGENDA</u>

MARCH 7, 2001

REGULAR MEETING 10:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOA

BOARD MEMBERS ROBERT BLAIR, PRESIDENT AL SIMON, VICE PRESIDENT RICHARD MOBRAATEN, DIRECTOR MICHAEL WINN, DIRECTOR JUDITH WIRSING, DIRECTOR STAFF DOUGLAS JONES, GENERAL MANAGER DONNA JOHNSON, SEC. 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 AND FLAG SALUTE
- B. 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) NIPOMO BASIN PLAN-REGIONAL WATER QUALITY CONTROL BOARD (RWQCB) RWQCB staff (S Phillips & M LeBrun) presentation on impact of septic systems on the Nipomo Basin
 - D-2) REIMBURSEMENT AGREEMENT SEWER TRACT 2386 (NEWDOLL) Review agreement for reimbursement to developer for sewers
 - D-3) OUTSIDE DISTRICT SEWER RATES Establishing an outside District boundary sewer service charge

E. OTHER BUSINESS

- E-1) REQUEST FOR WATER SERVICE JONES Hardship request for outside District water service
- E-2) BOARD OF DIRECTORS BY-LAWS Review committee's revision recommendations of By-Laws (Draft)
- 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 21, 2001 Regular Board meeting
 - F-3) ACCEPTANCE OF TRACT 2219 IMPROVEMENTS (BARLOGIO/DANA) [RECOMMEND APPROVAL] Accept water improvements for Tract 2219, an 8-lot development

G. MANAGER'S REPORT

- G-1) BOARD WORKSHOP
- G-2) CSDA WORKSHOP

H. LEGAL COUNSEL REPORT

I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC§54956.9

- a. Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)
- b. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.
- c. NCSD vs State Dept of Health Services CV 990716, GC §54956.9

ADJOURN

The next regular Board meeting will be held on March 21, 2001.

AGENDA ITEM DI MAR 07 2001

FROM: DOUG JONES

DATE:

MARCH 7, 2001

REGIONAL WATER QUALITY CONTROL BOARD NIPOMO BASIN PLAN

ITEM

Review of the Regional Water Quality Control Board - Nipomo Basin Plan by RWQCB staff member, Scott Phillips and Michael LeBrun.

BACKGROUND

The Regional Water Quality Control Board has established basin plans throughout their region, including the Nipomo Mesa. Historically, the RWQCB plan did not allow for any greater density than one unit per acre. The RWQCB has reviewed their basin plan and the existing policy is that development may be on a one-half acre lot size if in compliance with the County General Plan. Mr. Phillips and Mr. LeBrun will review the RWQCB basin plan with your Honorable Board and present the rationale how the basin plan was established.

RECOMMENDATION

Information item. No action required.

Board 2001\RWQCB Basin Plan .DOC



FROM: DOUG JONES

DATE: MARCH 7, 2001

REIMBURSEMENT AGREEMENT SEWER TRACT 2386 (NEWDOLL) HAZEL LANE AREA

ITEM

Set a Public Hearing on the cost spread for developer-installed sewer lift station and force main improvements in the Hazel Lane area and approve the cost spread per parcel.

BACKGROUND

Mr. Robert Newdoll (developer) has installed a sewer lift station and force main to serve the Hazel Lane area bracketed by Tefft Street, Hazel Lane, Grande Avenue and Cyclone Street. The developer has requested a reimbursement for the improvements that benefit others.

The developer has presented the District with invoices of the cost of constructing the sewer improvements. The costs have been spread to lots which benefit from the improvements, which are shown on Exhibit "A" Sewer Reimbursement diagram. The pro-rata share for each lot is \$2,238.48.

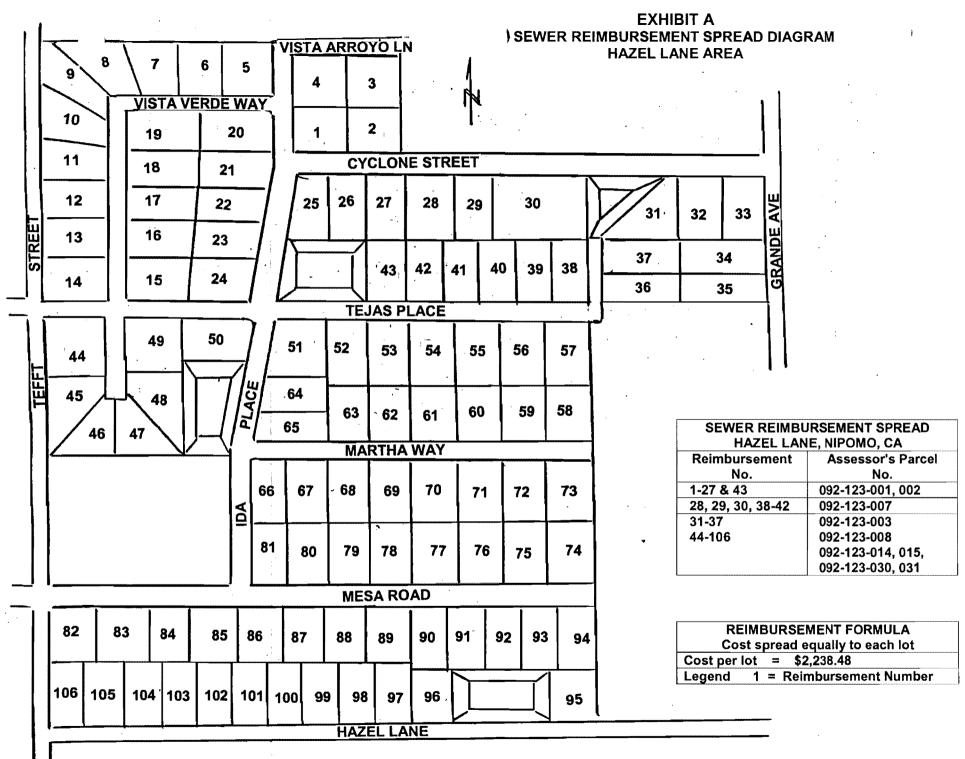
This procedure needs to be followed:

- 1. Notice to each of the benefiting property owners about their reimbursement costs.
- 2. The property owners are allowed 14 days from the date of mailing to protest the spread. No protests have been received.
- 3. The engineer would prepare a report on any protests received.
- 4. A Public Hearing needs to be set to hear any comments on the sewer reimbursements, after which the Board may consider approving the pro-rata share of costs per lot.

RECOMMENDATION

It is recommended that your Honorable Board set a Public Hearing on April 4, 2001 on the reimbursement spread for the Hazel Lane area.

Bd2001\Hazel Lane Public Hearing.DOC



Copy of document found at www.NoNewWipTax.com

NIPOMO COMMUNITY

BOARD MEMBERS ROBERT BLAIR, PRESIDENT AL SIMON, VICE PRESIDENT RICHARD MOBRAATEN, DIRECTOR MICHAEL WINN, DIRECTOR JUDITH WIRSING, DIRECTOR



SERVICES DISTRICT

<u>STAFF</u> DOUGLAS JONES, **GENERAL MANAGER** JON SEITZ, **GENERAL COUNSEL** LEE DOUGLAS, **MAINTENANCE SUPERVISOR**

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326 (805) 929-1133 FAX (805) 929-1932 Email address - NCSD@ix.netcom.com

NOTICE OF PUBLIC HEARING HAZEL LANE SEWER LIFT STATION IMPROVEMENTS

APN

«FirstName» «LastName» «Address1» «City», «State» «PostalCode»

Dear Property Owner:

R.H. Newdoll Construction, Inc. (developer) has installed a sewer lift station and force main in the Hazel Lane area to provide sewer service to this area and their properties. They have offered the dedication of the sewer improvements to the Nipomo Community Services District. The improvements were accepted on ______ 2001.

Pursuant to District Code Section 5.01.010, any lot or property, which in the future may be served by this sewer lift station, will be required to reimburse the Developers a pro-rated share of the cost of constructing the sewer lift station. The District has determined that your property is to be included in the developer-installed sewer reimbursement area. Attached is a copy of the reimbursement boundary area and sewer reimbursement spread. The cost is spread equally among all the lots. This spread is made per lot regardless of the size of the lot or the number of lots owned.

The Board of Directors set a Public Hearing on the proposed reimbursement allocations for Wednesday, April 4, 2000 at 10:30 a..m. in the District Board Room at 148 South Wilson Street, Nipomo, California. The Board will take public testimony before making their final determination on the proposed reimbursement allocation.

If you wish to protest your pro-rated share, the reason for your protest must be in writing and received at the District office no later than 14 calendar days from the date of this notice. A protest will be considered only with the division or spread of the actual construction costs between or among the properties to be included in the area subject to the pro-ration procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of the actual cost information as presented by the applicant or his agent to the District's engineer. The reimbursement period expires ten years after the District's acceptance of the improvements.

If you connect to a tributary to the sewer lift station, the District will require you to pay the Hazel Lane sewer reimbursement fee, as well as the District's standard Sewer Capacity Fee per lot. The Sewer Capacity Fee is currently \$2,370 per single family unit. This fee will increase to \$2,500 on July 1, 2001.

APN Reimbursement No Pro-rated Share <u>\$2,238.48</u>		HAZEL LANE SEWER F Engineering Construction Costs	EIMBURSEMENT COSTS \$ 29,956.27 <u>207,322.70</u>		
		Total	<u>\$237.278.97</u>		
		Shared by 106 lots	\$2,238.48 per developable lot		
PUBLIC HEARING DATE:		April 4, 2001			

If you have any question, please feel free to contact our office at 929-1133.



FROM: DOUG JONES

DATE: MARCH 7, 2001

OUTSIDE DISTRICT SEWER SERVICE RATES

ITEM

Establishment of an Outside District boundary sewer service rates

BACKGROUND

From time to time, the District receives a request for sewer service outside the District's boundary. Presently, the District does not provide sewer service outside its boundary, except for a contractual agreement with SLO County Service Area 1-A. The Board may wish to establish an outside District boundary sewer service fee.

The primary revenue difference between in-District and outside-District services is that a portion of the property tax revenues it receives from District residents.

The Board may consider the following in establishing an Outside District sewer use charge.

Approx. annual property taxes associated with sewer	\$70,000		
Approx. # of sewer accounts	1,600		
Approx. # of tax revenue per account rounded up to the next dollar	\$4.00 per month		
Percent of tax revenue vs. monthly sewer charge	Approx. 22%		

Since property owners within the District pay property taxes, this percentage (22%) could be added to the In-District user rates, along with an approx. additional 3-10% for annexation fee costs, outside account set-up and encumbering some capacity of the sewer system. The Board could justify an outside user rate of 130% of in-District rates.

RECOMMENDATION

Attached is a resolution for the Board's consideration to establish an Outside-District Sewer User Rate, which would be 130% of the In-District Rate. The District Code allows your Honorable Board to establish and set rates by resolution. See attached Resolution 2001-Outside

NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2001-Sewer out bound

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING CONDITIONS AND RATES FOR PROVIDING SEWER SERVICE OUTSIDE OF DISTRICT BOUNDARIES

WHEREAS, the Nipomo Community Services District (herein District) has received application for District sewer service outside of its boundaries; and

WHEREAS, the District Board of Directors desires to adopt this Resolution to establish conditions and rates for providing District sewer service outside its boundaries; and

WHEREAS, based upon facts and analysis presented the District staff, the Staff Report, and public testimony received, the Board of Directors finds:

- A. The public meetings adopting this Resolution have been properly noticed pursuant to Government Code § 54954.2 (The Brown Act); and
- B. The conditions that are the subject of this Resolution are fair, reasonable and in the District's interest.
- C. That the rates and charges established by this Resolution are fair and reasonable.

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

Section 1. When Allowed.

It is the general policy of the District that District sewer service is limited to parcels within the District boundaries. The District Board of Directors may authorize sewer service to parcels outside of the District boundaries upon a finding that:

- A. There exists an extreme hardship and there is excess capacity within the district system to serve such parcel; or
- B. District's sewer collector system is within a reasonable distance to provide service; or
- C. There is a benefit to the District or the community, by eliminating a potential health or pollution problem.

NIPOMO COMMUNITY SERVICES DISTRICT RESOLUTION NO. 2001-Sewer out bound

Section 2. Conditions

The District may establish additional conditions relating to sewer service outside the District boundaries on a case by case basis and pay all appropriate District fees.

SECTION 3. Rates

The sewer rates for District service outside of the District boundaries shall be one hundred thirty percent (130%) of the District's sewer rates charged to its residents, as amended from time to time.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

The foregoing hereby adopted this _____ day of March 2001.

Robert L. Blair, President Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson Secretary to the Board Jon S. Seitz General Counsel

RES\Sewer Service Outside District Boundaries.doc



FROM: DOUG JONES

DATE: MARCH 7, 2001

REQUEST FOR WATER SERVICE HARDSHIP - JONES

<u>ITEM</u>

A hardship request for water service outside the District boundary

BACKGROUND

The District received a letter from Mr. Ralph Jones (no relation) for water service to his property on Willow Rd. due to failing well production. The property is located across from Black Lake Golf Course fronting on Willow Rd. in which the District has one of its transmission mains.

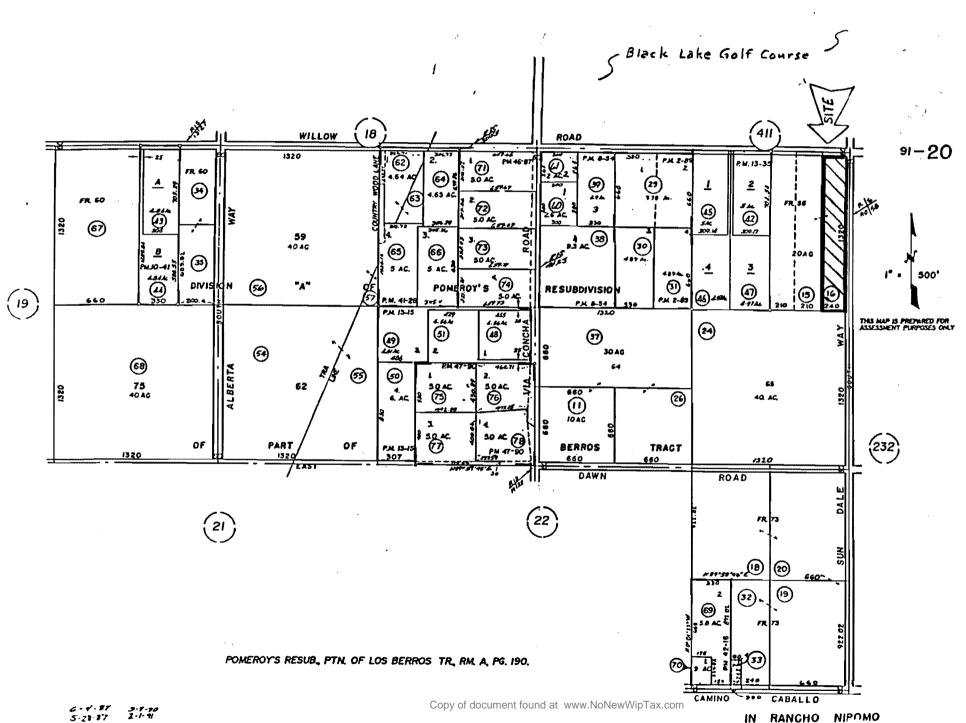
Present District policy, with respect to providing services outside the District boundary, is that the applicant bring his own water supply with him. In hardship cases, documentation is necessary. The following should be considered before providing service.

- Documentation of hardship with respect to the well by having a well driller's report with respect to the failing well.
- Retrofit the appropriate eight units to create a water supply for one new unit. If this is truly a hardship case, the Board may wish to drop this down to 4 units from 8.
- Pay all appropriate fees associated with providing a water service.
- If this item proceeded, LAFCO would be notified that the District is providing one service outside the District boundary. If LAFCO requires annexation or processing an agreement through LAFCO, the applicant is to pay all appropriate fees.

RECOMMENDATION

Staff recommends that any hardship case be documented before your Honorable Board moves forward on such request for District service.

Board 2001\Hardship.DOC



TAN THE ORIGPO ITY

Ralph L. Jones 766 Sun Dale Way Nipomo, CA 93444

805-343-2822

21 Feburary 2001

Dear NCSD,

I own a 2 bedroom house located on 7 acres on the south-west corner of Willow and Sun Dale Way. I am writing this letter to find out what terms and conditions I would be required to meet for annexation into the water district. A significant NCSD well is located just a few hundred feet west of my property.

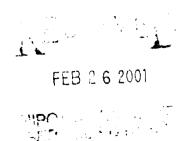
I am a legally blind senior living on a fixed income. I have had to replace the pump and motor in my well several times in the last few years. My well is producing more sand than it has in the past and I am concerned that the casing is deteriorating. Drilling an entirely new well would be a severe financial hardship for me.

I spoke to Mr. Doug Jones (no relation) at your office and was informed of the district and county fees. Please inform me of any additional conditions for possible annexation into the NCSD. Thank You.

Sincerely,

Ralph L. Jones

Ralph L. Jones





DOUG JONES

DATE: MARCH 7, 2001

BOARD OF DIRECTORS BY-LAWS

ITEM

FROM:

Review committee's recommended revisions of the Board By-Laws.

BACKGROUND

The Board of Directors established a sub-committee consisting of Directors Winn and Wirsing to review the District Board By-Laws with staff. Attached is a copy of the present By-Laws with the revisions indicated by underlining and deletions.

RECOMMENDATION

Staff recommends that your Honorable Board review these proposed By-Laws. They are presented for discussion and comments which may be incorporated into the final revision of the By-Laws.

Board 2001\BY-LAWS REVISIONS.DOC

ADMINISTRATIVE DRAFT <u>GM Comment</u> 02/23/01

NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTOR 2001 UPDATE BYLAWS

1. OFFICERS OF THE BOARD OF DIRECTORS

1.1 The officers of the Board of Directors are the President and Vice President.

1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.

1.3 In the absence of the President, the Vice President of the Board of Directors <u>or</u> <u>his/her designee</u> shall serve as chairperson over all meetings of the Board. If the president and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year.

1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.

1.6 The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad-hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made. Comment: Move to Committees.

2. MEETINGS

2.1 Regular meetings of the Board of Directors shall <u>commence at 10:30 a.m.be held</u> on the first and third Wednesday of each calendar month in the Board Room at the District Office <u>currently</u> located at 148 South Wilson, Nipomo, CA.a.

2.2 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

2.3 The General Manager, in cooperation with the Beard-President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the agenda no later than 4:30 o'clock p.m. one week prior to the meeting date. MOVED TO AGENDA

2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

(a) Board Members may briefly respond to statements or questions from the

(b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and

public; and

(c) A Board Member or the Board itself may take action to direct staff to place a matter on a future agenda.

2.5 The President, or in his/her absence the Vice President (or his/her designee) shall be the presiding officer at District Board meetings. He/she shall conduct all meetings in a manner consistent with the policies of the District. He/she shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/she shall announce the Board's decision on all subjects. He/she shall vote on all questions and on roll call his/her name shall be called last.

2.6 A majority of the Board shall constitute a quorum for the transaction of business. A majority of the Board is sufficient to do business, however motions must be passed unanimously if only three attend. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting, or, if no Board member is present, the District secretary shall adjourn the meeting.

2.7 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, those voting no and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interestrand steps down from the dais prior to the discussion of the item, his or her silence, or vote of abstention-shall be recorded as an affirmative vote.

2.8 Public Comment and Public Testimony shall be directed to the President of the Beard and limited to three minutes unless extended or shortened by the President in his/her discretion. Comment: Move to Agendas

2.89 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a persistent disruption of the proceedings.

2

2.940 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. AGENDAS:

3.1. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 o'clock p.m. one week prior to the meeting date.

3.2 A block of 20 minutes time shall be set aside to receive general public comment. Comments on agendized items should held until the appropriate item is called. Unless otherwise directed by the President, public comment shall be presented from the podium. The person giving public comment shall state his/her name and their general place of residence prior to giving his/her comment. Public comment shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President in his/her discretion.

3.3 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors. For example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.

(a) Board members may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. A member of the public will be given an opportunity to comment on the "Consent Agenda" however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by members of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board choose an earlier or later time.

(b) A Board member may ask questions on any item on the "Consent Agenda". When a Board member has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Board members are encouraged to seek clarifications prior to the meeting if possible.

(c). When a Board member wishes to pull an item simply to register a dissenting vote, the Board member shall inform the presiding officer that they wish to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Agenda, and the District Secretary will register a "no" vote in the minutes.

34. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

3.41 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;

34.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 3.3 below, shall not be required to record any remarks of Board Members or any other person;

34.3 Directors may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting that item is discussed.

34.4 The District Secretary shall attempt to record the names and <u>general place of</u> residence addresses of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter; and

34.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

34.6 Any tape or film record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. District tape and film records may be erased ninety (90) days after the taping or the recording.

54. MEMBERS OF THE BOARD OF DIRECTORS

54.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.

54.2 Information that is exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.

45.3 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

45.4 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

65. AUTHORITY OF DIRECTORS

56.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.

56.2 Directors do not represent any fractional segment of the community, but are, rather, a part of the body which represents and acts for the community as a whole.

56.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

67. DIRECTOR GUIDELINES

67.1 Board Members, by making a request to the General Manager or Administrative Assistant, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Administrative Assistant cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Administrative Assistant shall inform the individual Board Member why the information is not or cannot be made available.

67.2 In handling complaints from residents, <u>and</u> property owners <u>of the District, or</u> other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any. of the District, said complaints should be referred directly to the General Manager.

67.3 <u>Directors when In seeking clarification</u> for of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

67.4 <u>6.4</u> When approached by District personnel concerning specific District policy, Directors should direct inquires to the General Manager or Administrative Assistant. The chain of command should be followed.

67.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

67.5 <u>6.6</u> When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Administrative Assistant.

67.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

78. DIRECTOR COMPENSATION (Established pursuant to Resolution 95-450)

78.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board attended by him/her and for each day's service rendered as a Director by request of the Board.

78.2 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each meeting other than regular, adjourned or special meetings or other function attended by him/her and each half day's service rendered as a Director at the request of the Board.

78.3 In no event shall Director compensation exceed \$100 per day.

78.4 Director compensation shall not exceed six full days in any one calendar month.

78.5 Each Board Member is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board.

(a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Board members and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible. Actual hotel/motel costs shall be reimbursed. Personal phone calls are not reimbursable.

(b) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement and the Director shall neither be required to account for use of the per diem, return the unused portions, nor claim additional expenses for these items. The per diem shall include \$10.00 for breakfast, \$10.00 for lunch and \$20.00 for dinner for a daily total of \$40.00.

9. COMMITTEES

9.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

9.2 Standing Committees

(a) The Board may create standing committees at its discreton. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District related issues, on a continuing basis, assigned to it by the Board of Directors. Committee members of the shall be appointed by the Board of Directors.

(b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2,3 and 4 of these Bylaws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

10. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week.

(a) All letters approved by the Board of Directors and/or signed by the President on behalf of the District; and

(b) All letters and other documents received by the District that are of District wide concern as determined by District staff.

11. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Board Member or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at (916) 322-5660, prior to the day of the meeting, if they have a question about a particular agenda item.

11.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: (1)reasonably foreseeable that the decision will have a (2) material financial effect on the (3) official or a member of his or her immediate family or on an economic interest of the official, and (4) the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision.

11.2 Interest in Contracts, Government Codes Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Board member has a financial interest.

11.3 Incompatible Office

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest.

12 EVALUATION OF CONSULTANTS

The District Consultants, including the District Legal Counsel and District Consulting Engineer shall be evaluated annually during months of May and June of each year.

13 CONTINUING EDUCATION

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities is to improve District operation. Subject to budgetary constraints, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

148. BOARD BY-LAW REVIEW POLICY

Subject to 2.33.1 the Board By-law Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

159. RESTRICTIONS ON RULES

159.1 The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

Resolution 96-60100-723 is hereby repealed in its entirety.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this _____ day of ______, 1998.



FROM: DOUG JONES

DATE: MARCH 7, 2001

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 21, 2001 Regular Board meeting
- F-3) ACCEPTANCE OF TRACT 2219 IMPROVEMENTS (BARLOGIO/DANA) [RECOMMEND APPROVAL]

Bd2001\Consent-030701.DOC



WARRANTS MARCH 7, 2001

HAND WRITTEN CHECKS

. . .

COMPUTER GENERATED CHECKS

					5601	02/16/01	EMP01	EMPLOYMENT DEVELOP DEPT	334.81
18417 02-27-01		-27-01	POSTMASTER J BARLOGIO	554.30 406.65	5602	02/16/01	MID01	MID STATE BANK	1572.16 388.60
10	9410 03	-07-01	NEWDOLL CONST.	1,389.30				Check Total:	1960.76
					5603	02/16/01	MID02	MIDSTATE BANK - DIRECT DP	11705.01
					5604	02/16/01	SIM01	DEBRA SIMMONS	150.00
					5605	02/16/01		STATE STREET GLOBAL	935.00
					5606	03/01/01		EMPLOYMENT DEVELOP DEPT	351.69
					5607	03/01/01	MID01	MID STATE BANK	1633.60 397.00
								- Check Total:	2030.60
VC	VOID 18415			5608	03/01/01	MID02	MIDSTATE BANK - DIRECT DP	11912.41	
				5609	03/01/01	SIM01	DEBRA SIMMONS	150.00	
5630	03/07/01	PER01	PERS RETIREMENT	1938.62	5610	03/01/01	STA01	STATE STREET GLOBAL	935.00
5631	03/07/01	PGE01	PG&E	13499.84	5611	03/07/01	ADV01	ADVANTAGE ANSWERING PLUS	105.95
5632	03/07/01	PRE01	PRECISION JANITORIAL	135.00	5612	03/07/01	ASM01	FRED ASMUSSEN	610.00
5633	03/07/01	QUI02	QUINN COMPANY	14.21	5613	03/07/01	BCS01	BASIC CHEMICAL SOLUTIONS	871.89
634	03/07/01	RIC01	RICHARDS, WATSON, GERSHON	25792.35					241.87
5635	03/07/01	SIM02	ALBERT SIMON	100.00				Check Total:	1113.76
5636	03/07/01	SLO02	DIV OF ENVIRON HEALTH	1060.08 432.00	5614 5615	03/07/01 03/07/01		ROBERT L BLAIR CHARTER COMMUNICATIONS	100.00 46.35
			Check Total:	1492.08	5616	03/07/01	COR01	CORBIN WILLITS SYSTEMS	505.00
5637	03/07/01	THEOL	THE GAS COMPANY	143.12	5617	03/07/01	CRE01	CREEK ENVIRONMENTAL LABS	30.00
5638	03/07/01	UND01	UNDERGROUND SERVICE ALERT	139.00					30.00 30.00
5639	03/07/01	VER01	VERIZON	28.94					30.00
5640	03/07/01	VER02	VERIZON WIRELESS	27.53				Check Total:	120.00
5641	03/07/01	WIN01	MICHAEL WINN	100.00	5618	03/07/01	FED01	FED EX	21.46
5642	03/07/01	WIR02	WIRSING, JUDY	100.00	5619	03/07/01	FGL01	FGL ENVIRONMENTAL	44.80 44.80
5643	03/07/01	\C001	CARDENAS, JUAN	23.59					44.80 44.80
5644	03/07/01	\E001	DOUG ENLOE WELL DRILLING,	470.00				 Check Total:	179.20
5645	03/07/01	\G001	MIRANDA GRAY & DIANNE RA,	20.00	5620	03/07/01	GIL01	GLM	217.00
5646	03/07/01	\J001	JENKINS,	20.00	5621	03/07/01	GWA01	GWA INC	25.00
5647	03/07/01	\P001	PETRO BUILDERS INC,	456.25	5622	03/07/01	IKO01	IKON OFFICE SOLUTIONS	47.17
5648	03/07/01	\R001	REPOLGLE, ANNETTE	85.50	5623	03/07/01	JOH01	DONNA JOHNSON	18.30
					5624	03/07/01	KEN01	KENNEDY/JENKS CONSULTANTS	1172.00
					5625	03/07/01	MAI01	MAINLINE	315.00
					5626	03/07/01	MID03	MIDSTATE BANK MASTERCARD	724.82
					5627	03/07/01	MOB01	RICHARD MOBRAATEN	100.00

5628 03/07/01 NIP04

5629 03/07/01 PAC01

NIPOMO REXALL

PACIFIC BELL

Check Total....:

5.34

35.58 68.15 49.71

153.44

NIPOMO COMMUNITY SERVICES DISTRICT

<u>MINUTES</u>

FEBRUARY 21, 2001

AGENDA ITEM (

REGULAR MEETING 10:30 A.M. BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ROBERT BLAIR, **PRESIDENT** AL SIMON, **VICE PRESIDENT** RICHARD MOBRAATEN, **DIRECTOR** MICHAEL WINN, **DIRECTOR** JUDITH WIRSING, **DIRECTOR** STAFF DOUGLAS JONES, GENERAL MANAGER DONNA JOHNSON, SEC. 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 AND FLAG SALUTE

President Blair called the meeting to order at 10:35 a.m. and led the flag salute.

B. 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 Blair opened the meeting to Public Comments. The following members of the public spoke:

<u>Gene Carl, 652 N, Thompson Ave., Nipomo, Lone Pine Nursery</u>, - introduced his interest in incorporation of Nipomo.

John Barlogio, 1045 Camino Caballo, Nipomo - developer of Tract 2219 asked for letter from NCSD to County when project is complete rather than waiting until the next meeting. Mr. Jones said when all items on Intent-to-Serve letter and the construction punch list are completed, then a letter could go to the County.

- D. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)
 - D-1) GIS DATA PROJECT SERVICE AGREEMENT Approve an agreement for a water & sewer atlas for the District

There were no public comments.

Upon motion of Director Winn and seconded by Director Wirsing, the Board approved the agreement between Nobel Systems for a (Geographical Information System) GIS System for mapping water and sewer systems. Vote 5-0

D-2) LAFCO

a. LAFCO AB 2838

b. LAFCO 2001-02 staff and budget programming

District Legal Counsel, Jon Seitz, reported on the workings of the committee with Oceano CSD, Heritage Ranch CSD and others. Board members asked questions This is an information item. No action necessary. There were no public comments.

At 11:35 a.m. there was a short 5 minute break.

NCSD MINUTES FEBRUARY 21, 2001 PAGE TWO

E. OTHER BUSINESS

E-1) CAL PERS CONTRACT AMENDMENT

Resolution of Intention to amend contract for one year final compensation

The procedure to amend the contract with the California Public Employees Retirement System to include a one-year final compensation from the existing three-year average for a final compensation period was explained.

There were no public comments.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board approved Resolution . Vote 5-0

RESOLUTION 2001-756

RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE BOARD OF DIRECTORS NIPOMO COMMUNITY SERVICES DISTRICT

E-2) SLO-CSDA LAFCO COMMISSIONER Review comments made by LAFCO Special District Representative

Director Winn asked that this item be put on the agenda. It concerns of the comments made by Ms. Carolyn Moffat, the Special District's representative to the LAFCO commission at the January 18, 2001 LAFCO meeting. There were no public comments. Upon motion of Director Winn and seconded by Director Mobraaten, the Board agreed to send a letter to the SLO Chapter of the California Special District Association . Vote 5-0

- 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 7, 2001 Regular Board meeting

There were no public comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board approved the items on the Consent Agenda with the correction in the Minutes Section H where Director Wirsing asked to see an update on the Supplemental Water review and not Director Winn as stated. Vote 5-0

G. MANAGER'S REPORT

General Manager, Doug Jones, presented information on the following:

- G-1) BOARD WORKSHOP The Board discussed holding a study session first
- G-2) before hiring a consultant. Date will be set later. G-2) AWWA ANNUAL CONFERENCE
- G-2) AWWA ANNUAL CONFERENCE G-3) WATER NEWS ARTICLE ON DESALINATION
- G-4) ACWA CONFERENCE REPORT

MINUTES, SUBJECT TO BOARD APPROVAL

NCSD MINUTES FEBRUARY 21, 2001 PAGE THREE

H. LEGAL COUNSEL REPORT

Canceled

I. DIRECTORS COMMENTS

Director Winn - Comments on the Policy of the Park Department Water Forum - 2nd Monday each month, next one March 12, 2001 6:30 NCSD Board room Olde Towne Nipomo meeting - Feb. 22 By-Laws - Wirsing & Winn Sub-Committee will be presenting draft at next meeting Suggested a possible mission statement Explore redevelopment of CSD to join LAFCO CSDA meeting in Templeton in Spring Policy on annexation, Outside User Agreements, etc.

Director Mobraaten - Water Forurn South County Green Waste Disposal

President Blair - Commented on a discount on airfares for seniors Widening of bridge necessary

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

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL GC§54956.9 a. Litigation CPUC Appl. No. A 00-03-029 (Gov. Code §54956.9)

The Board came back into Open Session and announced a Vote of 4-1 with Director Wirsing dissenting to direct staff to file a protest of Rural Water Company application to provide sewer service to Cypress Ridge.

ADJOURN

President Blair adjourned the meeting at 1:05 p.m.

The next regular Board meeting will be held on March 7, 2001.



FROM: DOUG JONES

DATE: MARCH 7, 2001

ACCEPTANCE OF WATER IMPROVEMENTS FOR TRACT 2219 BARLOGIO/DANA

ITEM

Acceptance of water improvements for Tract 2219

BACKGROUND

Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer (Barlogio/Dana) for Tract 2219, an 8-lot development on Camino Caballo has installed water improvements and has met the District's conditions:

- Installed the improvements
- Paid associated fees
- Provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification

RECOMMENDATION

Staff recommends that your Honorable Board approve the attached Resolution 01-accept 2219, accepting the water improvements for Tract 2219.

Bd 2001\Accept Tr 2219.DOC

RESOLUTION NO. 2001-ACCEPT 2219

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING THE WATER IMPROVEMENTS FOR TRACT 2219 (BARLOGIO/DANA)

WHEREAS, on February 16, 2000, the District issued a conditional Will-Serve Letter for water service for Tract 2219 on Camino Caballo in Nipomo; and

WHEREAS, the District approved and signed the construction plans on February 29, 2000 for the water improvements to be constructed; and

WHEREAS, the water improvements have been constructed and said improvements are complete and certified by the engineer; and

WHEREAS, on February 8, 2001, the Owner offered the water 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 fees for service, required in conformance with District Ordinances, have been paid in full for Tract 2219.

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

That the water improvements constructed to serve Tract 2219 on Camino Caballo in Nipomo 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 7th day of March 2001.

Robert L. Blair, President Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson Secretary to the Board Jon S. Seitz General Counsel

RES\01-Accept 2219.doc

FROM: DOUG JONES

DATE: MARCH 7, 2001

MANAGER'S REPORT

G-1) BOARD WORKSHOP

Your Honorable Board discussed the possibility of holding a workshop with Board and staff to review District goals and policies. You may wish to set a date and time in the near future for such a workshop. Attached is a map showing the District boundary area with respect to the Nipomo Mesa. You may want to review possible spheres of influence.

AGENDA ITEM

G

G-2) CSDA WORKSHOP

The California Special District Association will be holding a workshop at the Templeton Community Services District on April 3, 2001. The title of the workshop will be ""Effective Special District Management and Governance. If any member of the Board wishes to attend this workshop, please notify staff and arrangements will be made for you.

Board 2001\mgr030701.DOC





¿FFECTIVE SPECIAL DISTRICT MANAGEMENT & GOVERNANCE

CSDA is rolling out its "Workshop on Wheels" program for the third year in a row. Designed for the convenience of special district administrators and board members, this information-packed one-day session is being held in various locations around the state to encourage participation and reduce your travel costs. In other words, CSDA is doing its best to bring more education workshops to you.

TOPICS INCLUDE

- Effective Board Governance
- Public Outreach
- Liability Exposures
- Strategic Planning & Service Delivery
- Claims & Loss Prevention
- Intergovernmental Relations
- Governmental Immunities
- Policy Development
- Discrimination Claims and the Workers' Compensation Claimant
- SDRMA MEMBERS (Fee waived)

This workshop will earn one credit incentive point toward a reduced premium.

SDWCA MEMBERS (Fee waived)

This workshop will earn your district three variable discount points in the variable discount program.

The workshop in your area is scheduled for April 3, 2001 at Templeton Community Services District - 601 Main Street, Templeton, California, Phone: 805.434.4900. ADA Compliant.

Registration begins at 8:30 a.m.

Program convenes at 9:00 a.m. and adjourns at 4:00 p.m.

Lunch is included in the registration fee.

This workshop also counts for continuing education credits toward the Special District Administrator Certification. For more information, contact the Special District Leadership Foundation at 916.442.7887.

REGISTRATION FORM - APRIL 3, 2001 - WORKSHOP #4

Please make copies of form for additional attendees.

- \$ 85 CSDA STATE and/or LOCAL CHAPTER MEMBERS
- \$125 NON-CSDA MEMBERS

(REGISTRATION FEE WAIVED FOR SDRMA AND/OR SDWCA MEMBERS)

Name/Titie:				
			State:	
			Fax:	
	O Check		O Mastercard	
Acct Name:			Acct #:	
Expiration D	ate:	Author	ized Signature:	

ELEASE MAIL/FAX TO: CSDA, 1215 K STREET, STE 930, SACRAMENTO, CA 95814, (F) 916,442:7889. DUESTIONS? PLEASE CONTACT US AT 916,442.7887 OR VISIT OUR WEBSITE: WWW.CSDA.NET

In an effort to make this as relevant to your district as possible, please write below three questions you would like answered during this workshop.

2	
3	

CANCELLATION POLICY: Any cancellation MUST be made IN WRITING no later than three days prior to the event in order to receive a full refund, less a \$25 processing fee. NO EXCEPTIONS.