

NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

MARCH 21, 2001

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

John
50
1000
150
511.50

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) REFINANCING OF EXISTING DEBT - AD 93-1

Review of refinancing debt obligation

D-2) INTEGRATED WASTE MANAGEMENT AUTHORITY - MEMORANDUM OF AGREEMENT (MOA)

Review the IWMA-MOA to allow membership of Special Districts

D-3) REIMBURSEMENT AGREEMENT - DRUMM LANE SEWERS (MITCHELL)

Review agreement for reimbursement to developer for sewer costs in Drumm Lane

E. OTHER BUSINESS

E-1) BOARD OF DIRECTORS BY-LAWS

Review revisions and adoption of Board of Directors By-Laws

E-2) NIPOMO MESA WATER QUALITY

Review DWR water quality from Jan 2000 Draft Report

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 March 7, 2001 Regular Board meeting

F-3) DISTRICT CHARGE CARD

Increase charge card limit with Mid-State Bank [RECOMMEND APPROVAL]

G. MANAGER'S REPORT

G-1) LAFCO REPRESENTATIVE

G-2) SLO-CSDA ANNUAL MEETING APRIL 20

G-3) ARTICLE ON WATER CONSOLIDATION

G-4) CA-NV SECTION AWWA CONFERENCE

G-5) WOODLANDS SUPPLEMENTAL EIR

G-6) ARTICLE ON GROWTH CHALLENGES

H. 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 NCSA Santa Clara County Case No. CV 770214 and all consolidated cases.
- c. NCSA vs State Dept of Health Services CV 990716, GC §54956.9

ADJOURN

The next regular Board meeting will be held on April 4, 2001.

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 DATE: MARCH 21, 2001

REFINANCING OF DEBT

ITEM

Review information provided by consultant on refinancing an existing debt obligation

BACKGROUND

A private consultant, Nicki Tallman and Richard Brandis, of IBIS Securities, will discuss with your Honorable Board the possibilities of refinancing the existing Assessment District 93-1, Summit Station.

The following are the District administered debt obligations.

ITEM	DATE ISSUED	AMOUNT	PAYABLE TIME	INTEREST RATE	BALANCE REMAINING
Eureka Well Revenue Bond	8/78	\$ 270,000	40 yr.	5%	\$ 183,000
AD 93-1 Improvement Bond	7/94	1,752,938	25 yr.	4.0-6.7%	1,040,000
Southland Sewer Plant Expansion SRF Loan	6/99	1,540,971	20 yr.	0%	1,506,103

Only Assessment District 93-1 would be appropriate for refinancing. IBIS Securities has presented a refunding proposal (attached) for the Board's review. Ms. Tallman and Mr. Brandis, of IBIS, will be making a presentation on their proposal to your Honorable Board.

The present bond market interest rates may be affected with respect to possible future interest rates reductions.

RECOMMENDATION

This is an information item. No action is required unless the Board wishes to proceed in refinancing AD 93-1 now or in the near future.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 21, 2001

AGENDA ITEM
MAR 21 2001



INTEGRATED WASTE MANAGEMENT AUTHORITY
MEMORANDUM OF AGREEMENT (MOA)

ITEM

Review the Integrated Waste Management Authority - Memorandum of Agreement (IWMA-MOA) to allow membership of Special Districts

BACKGROUND

The Nipomo Community Services District has requested LAFCO for the authority for providing refuse collection, which was granted to the District. The San Luis Obispo County Integrated Waste Management Authority (IWMA) is the agency overseeing all refuse collection in the County and is governed by a Board of Directors. Attached for your review is a Memorandum of Agreement (MOA) allowing Special Districts to be seated on the IWMA Board of Directors. Attached is the MOA for the Board's review and consideration for adoption.

RECOMMENDATION

Staff recommends that your Honorable Board approve the attached Memorandum of Agreement with the County Integrated Waste Management Authority and authorize the president of the Board to execute the document.

Board 2001\IWMA MOA.DOC

JON S. SEITZ
MICHAEL W. SEITZ
KAROL M. VOGT

SHIPSEY & SEITZ, INC.
A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA 93406
(805) 543-7272 FAX (805) 543-7281
District Legal Counsel
Los Osos Community Services District

JOHN L. SEITZ
(1924-1986)
GERALD W. SHIPSEY
(RETIRED)

March 1, 2001

Brad Bjork, General Manager
California Valley Community Services District
P.O. Box 3094
California Valley, CA 93453

Ken Topping, General Manager
Cambria Community Services District
P.O. Box 65
Cambria, CA 93428

Barry Holmes, Manager
Cayucos Sanitary District
P.O. Box 333
Cayucos, CA 93430

Kit Carter, Manager
Heritage Ranch Community Services District
4870 Heritage Road
Paso Robles, CA 93446

Bruce Buel, General Manager
Los Osos Community Services District
P.O. Box 6064
Los Osos, CA 93412

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

Mitch Cooney, General Manager
Oceano Community Services District
P.O. Box 599
Oceano, CA 93445

Mike Ellison, Manager
San Miguel Community Services District
P.O. Box 180
San Miguel, CA 93451

Janet Wood, District Secretary
San Miguel Sanitary District
P.O. Box 87
San Miguel, CA 93451

William Van Orden, General Manager
Templeton Community Services District
P.O. Box 780
Templeton, CA 93465

Re: Memorandum of Agreement for Special District Representation on
Integrated Waste Management Authority

Dear Gentlemen:

Please find appended to this letter the following documents:

1. A February 26, 2001 letter from Attorney Ray Biering who represents the County's Integrated Waste Management Authority.
2. The proposed Memorandum of Understanding allowing special districts to seat one of its members, along with an alternate on the Integrated Waste Management Authority Board.

The Special Districts were represented by Bruce Buel (Los Osos Community Services District General Manager), Bill Van Orden (Templeton Community Services District General Manager) and myself in preparing the attached Agreement.

Ray Biering has advised me that the enclosed contract has been approved by the Executive Board of Integrated Waste Management Authority and will be presented to the IWMA Board of Directors on March 14, 2001. From there the document will be circulated amongst the Cities and the Board of Supervisors for signature.

RECEIVED

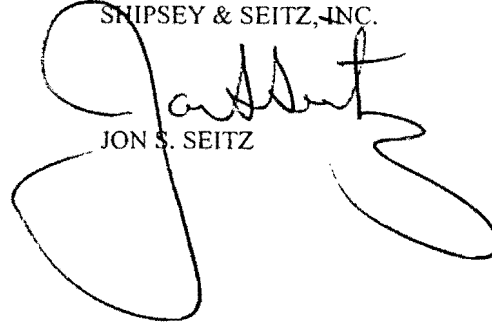
MAR 14 2001

Special Districts
March 1, 2001
Page Two of Two

At this time, the attached Agreement can be presented to your Boards for discussion and comment. If your agency should have questions it can contact Bill Worrell, IWMA Manager at 782-8530 or Ray Biering, IWMA Attorney at 781-5400 (I will be on vacation until March 13, 2001). As you may or may not be aware, IWMA members are included within the regional umbrella of the Integrated Waste Management Authority for the purposes of AB939 compliance.

Assuming that the Cities and County execute the Agreement, then those Special Districts that execute the Agreement will be entitled to appoint a single representative along with an alternate on the IWMA Board of Directors.

Very Truly Yours,
SHIPSEY & SEITZ, INC.



JON S. SEITZ

JSS:jb
Enclosure
Cc: Bill Worrell, Manager - IWMA
Ray Biering, Attorney - IWMA

MEMORANDUM OF AGREEMENT BETWEEN THE MEMBER JURISDICTIONS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (COUNTY OF SAN LUIS OBISPO AND THE CITIES OF ARROYO GRANDE, ATASCADERO, GROVER BEACH, MORRO BAY, PISMO BEACH, AND SAN LUIS OBISPO) AND THE HERITAGE RANCH COMMUNITY SERVICES DISTRICT, SAN MIGUEL COMMUNITY SERVICES DISTRICT, NIPOMO COMMUNITY SERVICES DISTRICT, SAN MIGUEL SANITARY DISTRICT, CALIFORNIA VALLEY COMMUNITY SERVICES DISTRICT, CAMBRIA COMMUNITY SERVICES DISTRICT, CAYUCOS SANITARY DISTRICT, OCEANO COMMUNITY SERVICES DISTRICT, LOS OSOS COMMUNITY SERVICES DISTRICT, AND TEMPLETON COMMUNITY SERVICES DISTRICT REGARDING MEMBERSHIP ON THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY

THIS MEMORANDUM OF AGREEMENT (hereinafter referred to as the "MOA") is executed on the date below stated by and between the member jurisdictions of the San Luis Obispo County Integrated Waste Management Authority (hereinafter referred to as the "IWMA") and the Heritage Ranch Community Services District, San Miguel Community Services District, Nipomo Community Services District, San Miguel Sanitary District, California Valley Community Services District, Cambria Community Services District, Cayucos Sanitary District, Oceano Community Services District, Los Osos Community Services District, and Templeton Community Services District (hereinafter referred to as the "Districts").

RECITALS

WHEREAS, the member jurisdictions of the IWMA entered into a joint powers agreement on May 10, 1994, to achieve the mandates of the California Integrated Waste Management Act of 1989, to plan for, suggest, and implement solutions to common solid waste problems, to assist with programs by utilizing the professional talents of the various governmental entities in the County and of experts in various other fields and to coordinate their efforts; and

WHEREAS, the IWMA member jurisdictions established a regional agency in accordance with Public Resources Code section 40973; and

WHEREAS, pursuant to the Joint Powers Agreement referenced above and Public Resources Code section 40973, the IWMA member jurisdictions have agreed that said regional agency, and not the individual IWMA member jurisdictions, shall be responsible for compliance with the waste diversion requirements set forth in Public Resources Code section 41780, et seq.; and

WHEREAS, Public Resources Code section 40977 authorizes a regional agency to allow one district to be included as a member of the regional agency; and

WHEREAS, the IWMA member jurisdictions are desirous of including a special district representative on the IWMA Board of Directors pursuant to Public Resources Code section 40999 to represent the interests of all special districts within San Luis Obispo County who provide their residents with the collection and disposal of solid waste under State law; and

WHEREAS, the special districts possessing responsibility for solid waste management are obligated by law to comply with the source reduction and recycling element and household hazardous waste element adopted by the County of San Luis Obispo; and

WHEREAS, the special districts within San Luis Obispo County are desirous of joining the IWMA and selecting from among themselves a representative member to sit on the IWMA Board of Directors.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Purpose. This MOA is entered into for the purpose of providing representation on the IWMA Board of Directors for districts within San Luis Obispo County who possess the authority to manage solid waste within their jurisdictions. It is the intent of the parties that the

representative sitting on the IWMA Board on behalf of the various districts shall have all of the rights and powers granted to an IWMA member under the JPA.

2. Membership. Membership of a special district on the IWMA Board of Directors shall be provided for as follows:

- A. Membership on the IWMA Board of Directors shall be available to any Independent Special District within the San Luis Obispo County which currently provides solid waste collection and disposal services and has executed this MOA (hereinafter referred to as "Authorized Districts").
- B. Authorized Districts in accordance with procedures to be established by said Districts shall appoint one regular member and one alternate member to represent Authorized Districts on the IWMA Board of Directors. Said selected representatives shall represent the collective interests of all Authorized Districts on the IWMA Board of Directors. The selected representatives shall serve subject to such terms and conditions as may be established at the sole discretion of the Authorized Districts.
- C. The representative so appointed shall be an elected Authorized District officer residing within the County but shall not be a member of a legislative body of a city or county. The appointed representatives shall attend the meetings of IWMA Board of Directors. The representative and alternate shall serve so long as they hold an elected office with their member agency, or until they resign or are removed by a majority vote of the Authorized Districts. Vacancies shall be filled in the same manner as the initial appointments.
- D. The alternate shall be entitled to vote on IWMA matters only in the absence of the representative.
- E. Designation of the representative and the alternate serving on behalf of Authorized Districts, as well as changes thereto, shall be transmitted in writing to the manager of the Authority. In addition, to any district presently a party to this MOA, any other district that provides solid waste collection or disposal services which may desire to participate in the activities of the Authority may do so by executing this MOA and, thereafter, shall be governed by all the terms and provisions of this MOA as of the date of execution.

3. Existing Joint Powers Agreement. By executing this MOA, the undersigned districts each agree to be bound by the terms and conditions of the Joint Powers Agreement dated May 10, 1994, a copy of which is attached hereto and incorporated by reference as Exhibit A.

4. Withdrawal and Dissolution. Any district which is a party to this MOA may withdraw from the MOA, with thirty (30) days written notice, and may terminate its participation in this MOA by resolution of its governing board. The withdrawal of the member shall have no effect on the continuance of this MOA by and between the remaining members, and the MOA shall remain in full force and effect with respect to the remaining members. No withdrawal shall become effective until thirty (30) days after receipt of written notice by the Authority. The MOA may be terminated by a joint agreement executed by the IWMA member jurisdictions and the districts which are a party hereto.

5. Notices. All notices which any IWMA member, district or the authority may wish to give in connection with this MOA shall be in writing and shall be served by personal delivery during usual business hours at the principal office of the IWMA member, district or authority, to an officer or person apparently in charge of that office, or by depositing the same in the United States mail, postage prepaid, and addressed to the IWMA member, district, or authority at its principal office, or to such other address as the IWMA member, district or authority may designate from time to time by written notice given in the manner specified in this section. Service of notice pursuant to this section shall be deemed complete on the date of service by personal delivery, or two days thereafter by mailing if deposited in the United States mail.

6. Severability. Should any part, term or provision of this MOA be decided by a final judgment of a court of competent jurisdiction to be illegal or in conflict with any law of the State

of California, or otherwise be unenforceable or ineffectual, the validity of its remaining parts, terms and provisions shall not be affected.

7. Effective Date. This MOA shall take effect upon its execution by the Chair or Mayor and Clerks of the governing bodies of all current IWMA members and at least three community service districts or sanitation districts that provide solid waste handling services or implement source reduction and recycling programs, pursuant to resolutions of such governing bodies authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein. This MOA may be executed in counterparts which together shall constitute a single agreement.

8. Amendment of JPA. Execution of this MOA by all of the member jurisdictions of the JPA shall constitute an amendment of the JPA with regard to inclusion of special districts for representation on the IWMA. All other terms and conditions of the JPA shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this MOA as of the date and year hereinabove written.

CITY OF ARROYO GRANDE

By: _____
Mayor

Date: _____

Clerk

Resolution No. _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
City Attorney

Dated: _____

NIPOMO COMMUNITY SERVICES DISTRICT

By: _____
Chair

Date: _____

Clerk

Resolution No. _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Attorney

Dated: _____

SAN MIGUEL SANITARY DISTRICT

By: _____
Chair

Date: _____

Clerk

Resolution No. _____

APPROVED AS TO FORM AND LEGAL EFFECT:

By: _____
Attorney

Dated: _____

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 21, 2001

AGENDA ITEM
MAR 21 2001



REIMBURSEMENT AGREEMENT
DRUMM LANE SEWERS (MITCHELL)

ITEM

Review agreement for reimbursement to developer for sewer costs in Drumm Lane and set a Public Hearing for the cost spread for the sewer line installed.

BACKGROUND

Mr. & Mrs. Gary Mitchell (developers) have extended the sewer line from the existing manhole at the intersection of Honey Grove lane and Southland Street to Drumm Lane and extended into Drumm Lane to their property so that their property can receive sewer service. The Mitchell's have presented District with invoices of the costs of construction of the sewer improvements. The cost has been spread on a parcel basis for those properties receiving benefit as shown on Exhibit A, Sewer Reimbursement diagram. A pro-rated share for each lot is \$1,543.00.

The District has contacted the County Planning Department (Jay Johnson) asking what is the smallest size the County will allow building to be constructed on a parcel. Mr. Johnson said the County policy allows a building permit to be issued on a parcel of 3500 sq ft with a minimum 40 foot frontage. The smallest parcel within the Drumm Lane reimbursement area is ±3800 ft. with a 75 foot frontage. Therefore, each of the smaller parcels may officially be sold and a residence built on them. The sewer spread is based on a benefit of each parcel and a total of 25 parcels are within the sewer reimbursement area.


The reimbursement procedure is as follows:

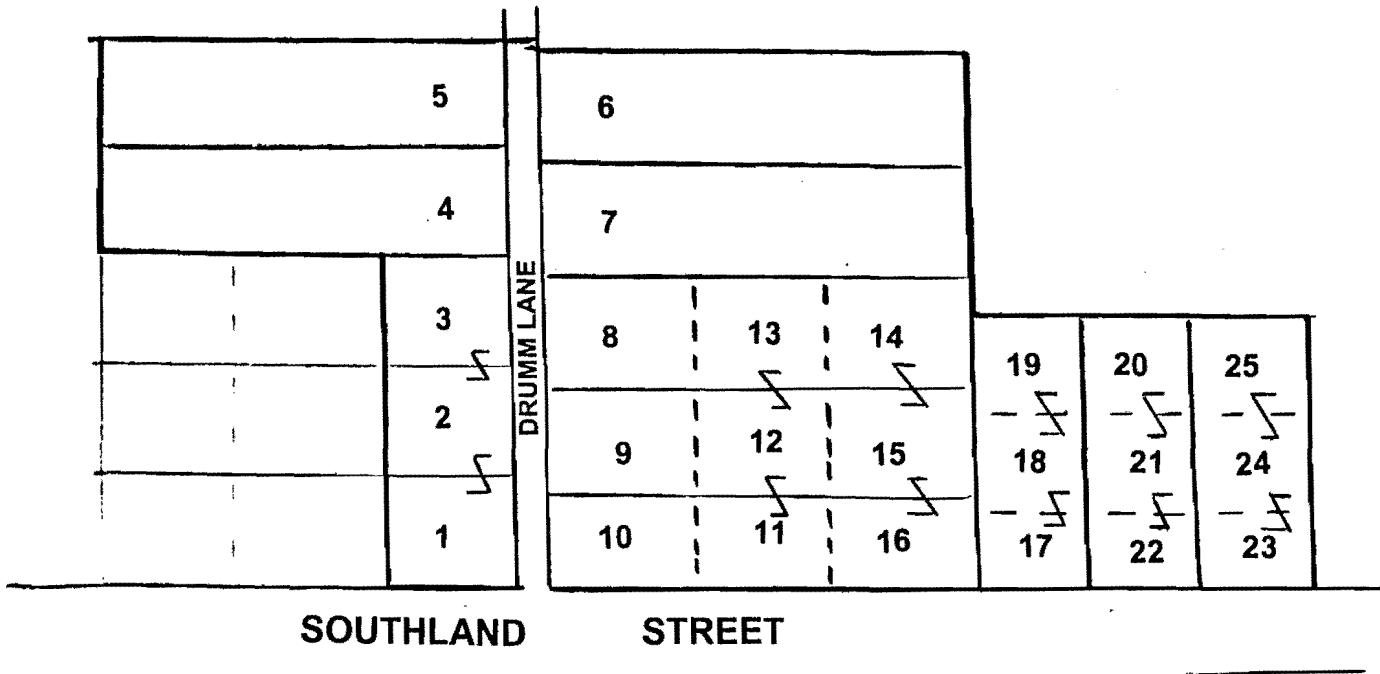
1. A notice is sent to each of the benefiting property owners about their reimbursement costs.
2. The property owners are allowed 14 days from the date of mailing to protest the spread.
3. The engineer would prepare a report on any protests received.
4. A Public Hearing is set to hear any comments on the sewer reimbursements, after which the Board may consider approving the pro-rata share of costs per parcel.

RECOMMENDATION

Staff recommends that your Honorable Board set a Public Hearing for April 18, 2001 for the sewer reimbursement spread for Drumm Lane.

**EXHIBIT A
SEWER REIMBURSEMENT SPREAD DIAGRAM
DRUMM LANE AREA**

REIMBURSEMENT FORMULA Cost spread equally to each lot	
Cost per lot =	\$ 1,543.00
Legend 1 =	Reimbursement Number
 =	Common Ownership



SEWER REIMBURSEMENT SPREAD DRUMM LANE, NIPOMO, CA	
Reimbursement No.	Assessor's Parcel No.
1	092-331-023
2	092-331-023
3	092-331-023
4	092-331-034
5	092-331-033
6	092-331-028
7	092-331-017
8	092-331-025
9	092-331-024
10	092-331-019
11	092-331-003
12	092-331-003
13	092-331-003
14	092-331-002
15	092-331-002
16	092-331-002
17	092-341-009
18	092-341-009
19	092-341-009
20	092-341-005
21	092-341-005
22	092-341-005
23	092-341-007
24	092-341-007
25	092-341-007

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

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 DRUMM LANE SEWER LINE IMPROVEMENTS

APN 092-331-000

«OWNER»
 «Address1»
 «CityStatePostalCode»

Dear Property Owner:

Mr. Gary & Mrs. Carol Mitchell (developers) have installed a sewer main in the Southland St. and Drumm Lane area to provide sewer service to this area. They have offered the dedication of the sewer improvements to the Nipomo Community Services District. The improvements were accepted on December 13, 2000.

Pursuant to District Code Section 5.01.010, any lot or property, which in the future may be served by this sewer line, will be required to reimburse the Developers a pro-rated share of the cost of constructing the sewer line. 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 buildable size lot regardless of the number of lots owned.

The Board of Directors set a Public Hearing on the proposed reimbursement allocations for Wednesday, April 18, 2001 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-ratio 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 the sewer line, the District will require you to pay the Drumm 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	092-331-000	DRUMM LANE SEWER REIMBURSEMENT COSTS	
Reimbursement No.	1	Engineering	\$ 3,384.37
Pro-rated Share	<u>\$1,543.00 per</u>	Construction Costs	34,650.00
	<u>Reimbursement No.</u>	Other Costs (Fee)	<u>500.00</u>
		Total	\$38,574.37
		Shared by 25 lots	\$ 1,543.00 per developable lot

PUBLIC HEARING DATE: April 18, 2001

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

Doug Jones, General Manager Copy of document found at www.NoNewWipTax.com

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: MARCH 21, 2001

AGENDA ITEM
MAR 21 2001



BOARD OF DIRECTORS
BY-LAWS

ITEM

The Board of Directors and the committee's recommended revisions to the Board of Directors By-Laws

BACKGROUND

At the regular Board meeting of March 7, 2001, your Honorable Board reviewed the sub-committee's recommended revisions and made some modifications of your own. Attached is a copy of the revised By-Laws with the revisions and deletions indicated.

RECOMMENDATION

Staff recommends that your Honorable Board adopt Resolution 2001-By-Laws approving the amended By-Laws.

Board 2001\ByLawsRev Approval.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2001-BYLAWS**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING BOARD BYLAWS**

WHEREAS, the Board of Directors of Nipomo Community Services District (District) is committed to providing excellence in legislative leadership; and

WHEREAS, the District is a member of the Special District Risk Management Authority (**SDRMA**); and

WHEREAS, **SDRMA** has adopted a Credit Incentive Program whereby the District can receive a one point credit for the adoption of Board Policies and Procedures (Director Bylaws); and

WHEREAS, the District can receive an annual one point credit for the annual review and re-adoption of the Director Bylaws.

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

1. The Nipomo Community Services District Board of Directors Bylaws (2001 update) attached hereto as Exhibit "A" are hereby approved and adopted.
2. All prior Director Bylaws, Resolutions and Policies of the District that are inconsistent with the Board of Director Bylaws (2001 update) attached hereto as Exhibit "A" are hereby repealed.

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

AYES:

NOES:

ABSENT:

CONFLICTS:

the foregoing resolution is hereby passed and adopted this 21st day of March, 2001.

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

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2001 UPDATE
BYLAWS
(ATTACHMENT "A" TO RESOLUTION 2001- 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 or his/her designee 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.

2. MEETINGS

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

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

2.4 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.

2.5 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

NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTOR BYLAWS
2001 UPDATE
PAGE 2

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.

2.6 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 interest and 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.

2.7 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 disruption of the proceedings.

2.8 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 be 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.

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- (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.

4. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

4.1 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;

4.2 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;

4.3 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed.

4.4 The District Secretary shall attempt to record the names and general place of residence 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

4.5 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.

4.6 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.

5. MEMBERS OF THE BOARD OF DIRECTORS

5.1 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.

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

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

5.4 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

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takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

6. AUTHORITY OF DIRECTORS

6.1 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.

6.2 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.

6.3 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.

7. DIRECTOR GUIDELINES

7.1 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.

7.2 In handling complaints from residents, property owners within the District, or 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..

7.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.

7.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Administrative Assistant. The chain of command should be followed.

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

7.6 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.

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

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8. DIRECTOR COMPENSATION

8.1 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.

8.2 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.

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

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

8.5 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 discretion. 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.

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- (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 and/or with agenda packet.

- 10.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District; and
- 10.2 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.

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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.

14. BOARD BY-LAW REVIEW POLICY

Subject to 3.1 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.

15. RESTRICTIONS ON RULES

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 2001-BY LAWS

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 21, 2001

AGENDA ITEM
MAR 21 2001



NIPOMO MESA WATER QUALITY

ITEM

Review groundwater quality of the Nipomo Mesa

BACKGROUND

At the regular meeting held on March 7, 2001, your Honorable Board heard presentations from Michael LeBrun and Scott Phillips from the Regional Water Quality Control Board with respect to the Nipomo Basin Plan as developed by the Regional Water Quality Control Board. The directors requested that this item be put on the following agenda for discussion. Attached is water quality data from recent reports.

RECOMMENDATION

This is presented for discussion. No action is required.

Board 2001\Mesa Water Quality.DOC

From Woodlands EIR 1998

TABLE 4.1-2: WATER QUALITY FROM EXISTING WELLS ON NIPOMO MESA

Constituent	Units	MCL	Production Well (with sampling date)			
			Hwy 1 12/16/93	Dawn Rd. 8/6/94	Mesa Rd. 8/6/94	Homestead 8/6/94
pH	unit	*	6.9	7.7	7.6	7.2
EC	µmhos/cm	1600	610	1185	1060	1425
TDS	mg/l	1000	442	700	616	840
Total Hardness	mg/l	*	220	456	408	552
Bicarbonate (HCO ₃)	mg/l	*	95	176	144	184
Sodium (Na)	mg/l	*	43	48	41	53
Potassium (K)	mg/l	*	2	3.8	4	3.7
Calcium (Ca)	mg/l	*	54	120	115	150
Iron (Fe)	mg/l	0.3	ND	0.14	0.14	0.14
Manganese (Mn)	mg/l	0.05	ND	0.04	ND	0.04
Magnesium (Mg)	mg/l	*	21	38	29	43
Sulfate (SO ₄)	mg/l	500	140	314	286	429
Chloride (Cl)	mg/l	500	42	68	56	58
Nitrogen (NO ₃ N)	mg/l	10	3.6	0.7	2.8	0.9
Nitrate (NO ₃)	mg/l	45	16	3.1	12.4	4
Boron (B)	mg/l	*	ND	0.44	0.38	0.75

MCL = Maximum Contaminant Level (State of California)

* = No MCL has been specified by the State for these constituents

ND = Not Detected

EC = Electrical Conductance

TDS = Total Dissolved Solids

µmhos/cm = micromhos per centimeter

mg/l = milligrams per liter

Source: Coast-to-Coast Analytical Services, Water Testing and Consulting Laboratory

somewhat between the wells, all the constituents analyzed were within acceptable limits for use in domestic and agricultural applications¹⁵.

¹⁵ Water quality of the wells was tested by independent laboratories.

possibly local sea water intrusion in the shallow alluvium may all affect the groundwater quality.

Arroyo Grande Plain

The plain is an area of intense farming. In addition, it receives runoff from the Arroyo Grande Valley, also a farming area, and Los Berros Creek, a small alluvial valley with orchards and small farm acreage, and in the past, a small feedlot for cattle.

The data set for this area consists of analyses from 43 wells measured from 1951 through 1988. Of those wells, about three-fourths have been sampled only once. Sampled wells are 38 to 396 feet deep, with most in the 90- to 100-foot range.

The predominant cations in groundwater in this area are calcium and magnesium and the predominant anion is sulfate (-33G1 and -33K3 on Figure 34).

Water quality hydrographs are given in Figure 37. Only 10 percent of the sampled wells produce groundwater with TDS concentrations of less than 500 mg/L and slightly less than half of the wells produce groundwater with sulfate concentrations of less than 250 mg/L. Some wells in this area produce water with concentrations of TDS greater than 1,500 mg/L and sulfate greater than 600 mg/L. These wells are generally near the confluence of Los Berros Creek with Arroyo Grande Creek and in the southern part of the plain. Chloride concentrations in groundwater meet recommended Drinking Water Standards. About half the wells produce water with concentrations of nitrate that exceed the MCL. The quality is impaired by return irrigation water. The groundwater is classified as very hard; only a very few wells produce water classified as soft.

Some wells produce groundwater that is classified as marginal under water quality guidelines for agricultural irrigation.

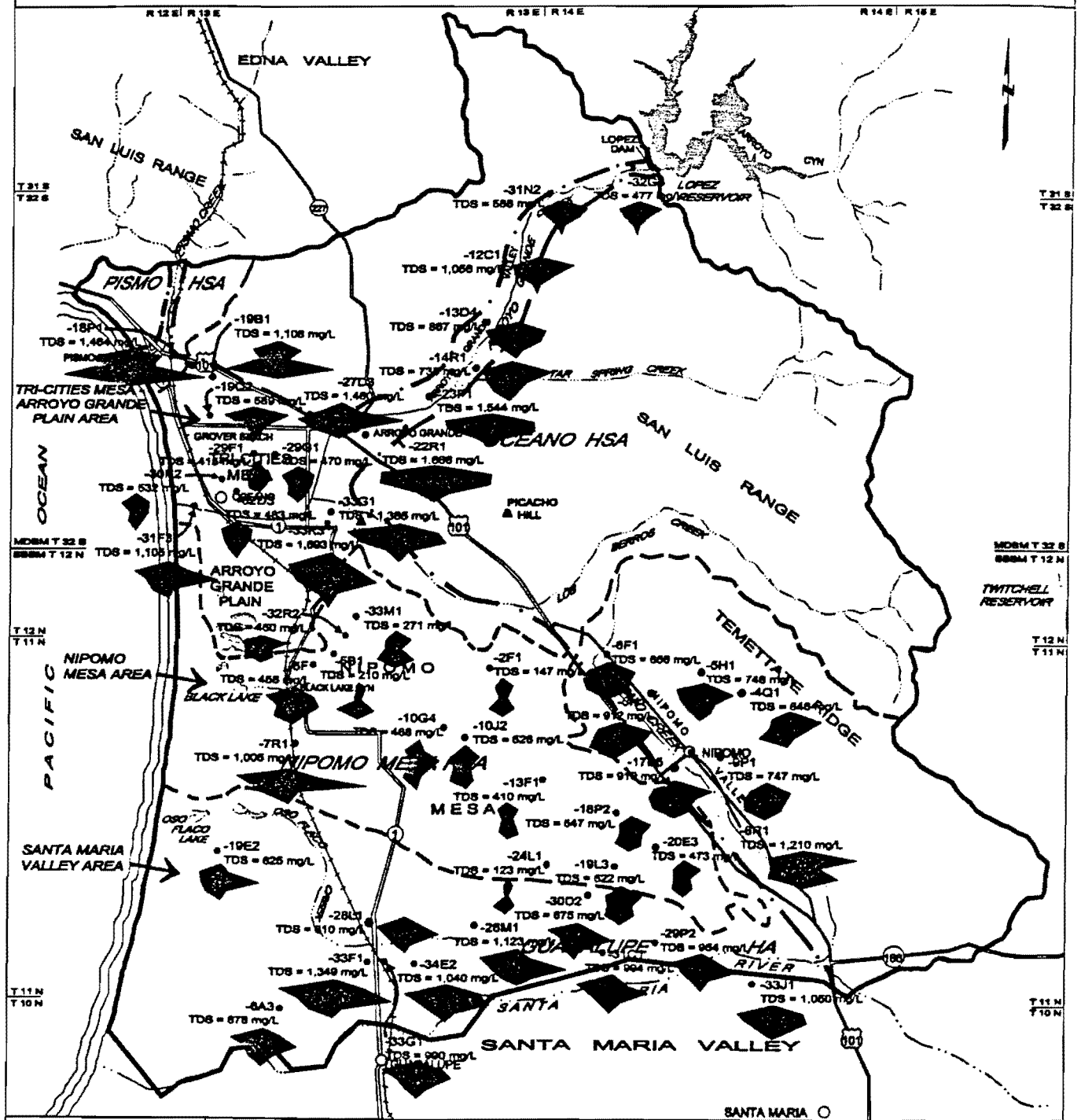
Nipomo Mesa

The Stiff diagrams on Figure 34 and the water quality hydrographs on Figure 38 illustrate the mainly good quality groundwater found in Nipomo Mesa compared with that in other parts of the study area. The quality reflects recharge of this area principally by percolation of rainfall.

The data set for Nipomo Mesa consists of analyses from 86 wells measured from 1954 through 1997. Of those wells, 37 have been sampled only once. Water agency wells in this area are sampled recurrently. Sampled wells range in depth from 24 to 810 feet, with well depth typically increasing toward the west and south.

About three-fourths of the sampled wells produced groundwater with TDS concentrations that are less than 500 mg/L and about 85 percent of the wells produced groundwater with sulfate concentrations that are less than 250 mg/L. The higher sulfate and TDS concentrations in groundwater are generally found in the deeper wells and in the western and southern parts of the mesa. Chloride concentrations are low, less than 150 mg/L, in extracted groundwaters and meet

FIGURE 34 - REPRESENTATIVE WATER QUALITY FROM WELLS



LEGEND

KEY TO STIFF DIAGRAMS

● -1004 STATE WELL NO.
TDS concentration

Calcium - - Bicarbonates
Magnesium - - Sulfate
Sodium - - Chloride

CONCENTRATIONS IN MG/L

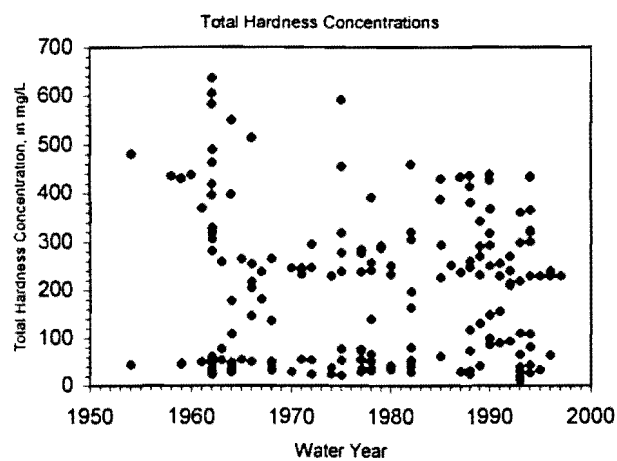
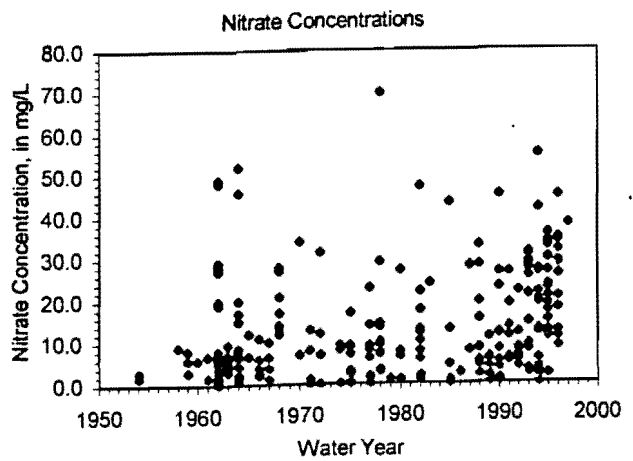
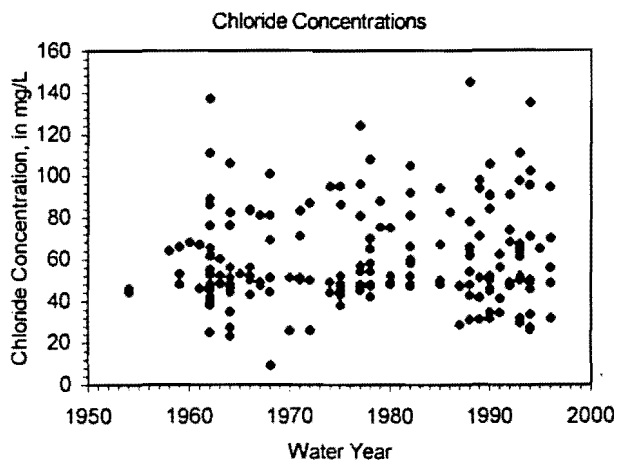
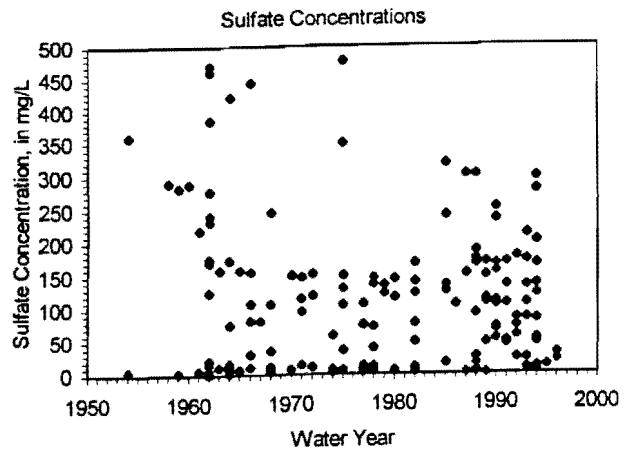
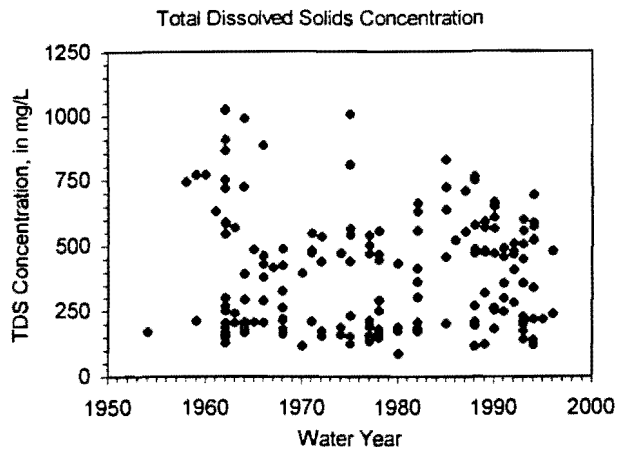
4 2 0 2 4

NOTE: DIFFERENCES IN DIAGRAM CONFIGURATION REFLECT DIFFERENCES IN CHEMICAL CHARACTER. THE SIZE OF THE DIAGRAM IS AN INDICATION OF DISSOLVED SOLIDS CONCENTRATION.

--- GROUNDWATER BASIN BOUNDARY
- - - HYDROLOGIC AREA AND SUBAREA BOUNDARIES, GEOGRAPHIC DIVISIONS OF GROUNDWATER BASIN BASED ON THESE BOUNDARIES.
- - - STUDY AREA BOUNDARY



FIGURE 38 - GROUNDWATER QUALITY HYDROGRAPHS, NIPOMO MESA WELLS



standards. A few wells have exceeded the nitrate MCL. These wells are mainly in the northwestern part of the mesa. About half the sampled wells extract groundwater classified as soft; otherwise, it ranges from moderate to very hard. The soft groundwater is mainly sodium chloride in character. The predominant cations in other groundwaters are mainly calcium and magnesium or sodium and the predominant anions are sulfate and bicarbonate.

Groundwater is classified as suitable to marginal under water quality guidelines for agricultural irrigation.

If the pumping depression on the mesa pulls in water from the Santa Maria Valley, the possibility exists for the poorer quality groundwater of the valley, containing high concentrations of dissolved solids, to locally reduce the quality of the mesa's groundwater. Existing data were not sufficient to show evidence of this possible situation.

Santa Maria Valley

Within the study area, the Santa Maria Valley is largely an agricultural area, with thousands of acres under irrigation.

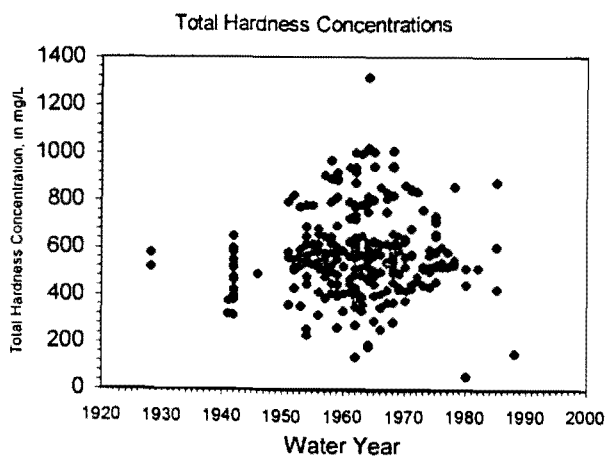
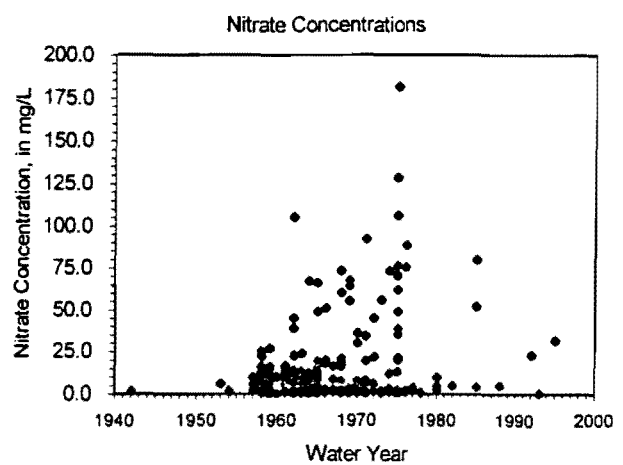
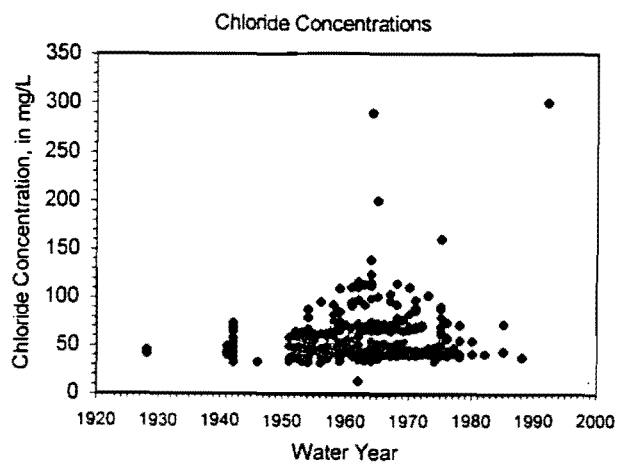
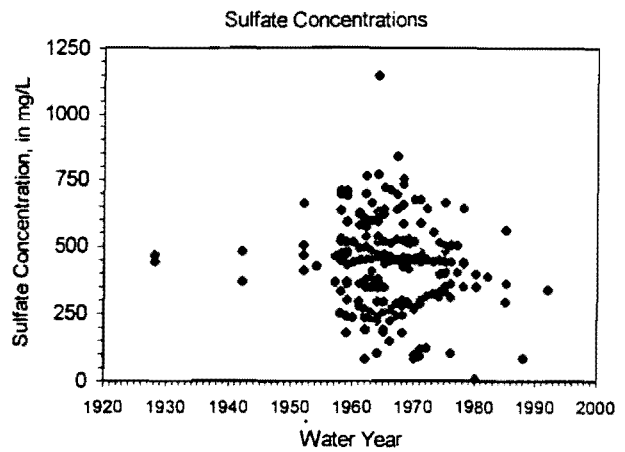
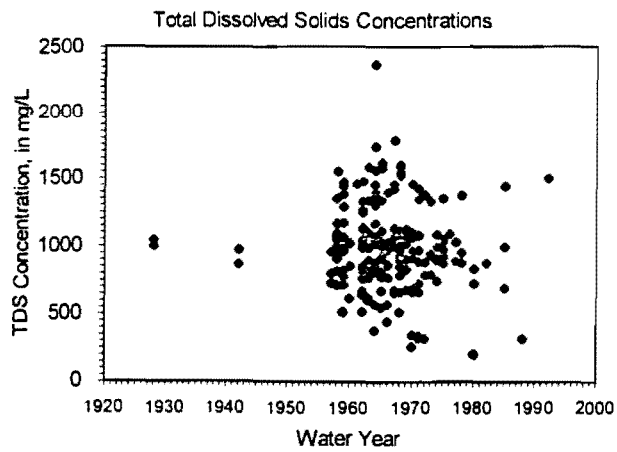
The data set for the valley consists of analyses from 57 wells measured from 1928 through 1995. Of those wells, about half have been sampled only once. Adequate sampling has not been conducted in the valley since 1975, as can be seen on the water quality hydrographs shown in Figure 39. A complete mineral analysis of groundwater was last performed on only one well in 1988, and the few analyses in the 1990s have been for one or two selected constituents. Also, except for sea water intrusion monitoring wells, little or no data within approximately 2 miles of the ocean in the valley north of the river were available. Sampled wells ranged from less than 50 feet to greater than 600 feet in depth.

Most groundwater in the valley may be characterized as a calcium-magnesium sulfate type (Figure 34). This water type reflects the quality of recharge from the Santa Maria River, which receives its flow from the Cuyama and Sisquoc Rivers. Gypsum deposits in Tertiary and pre-Tertiary marine deposits in the Cuyama Valley have been thought to influence the quality of runoff in the Cuyama River (Singer and Swarzenski, 1970).

The use and reuse of groundwater for irrigation is the major factor affecting quality of groundwater in the valley within the study area. The deep percolation of applied water with salts added from use tends to increase the salt concentrations in groundwater with each cycle of use.

TDS and sulfate concentrations in water from wells generally did not meet the recommended Drinking Water Standards and caused the water to be classified as marginal to unsuitable under water quality guidelines for agricultural irrigation (Figure 39). In a well just west of Highway 1, the TDS concentration was as high as 2,372 mg/L and the sulfate concentration as high as 1,145 mg/L. About 25 percent of the sampled wells extracted groundwater with nitrate concentrations that exceed the MCL, some with concentrations as high as about four times the MCL. The higher

FIGURE 39 - GROUNDWATER QUALITY HYDROGRAPHS, SANTA MARIA VALLEY WELLS



concentrations tended to be found in the shallower wells. With the exception of water from two wells, chloride concentrations in groundwater have been less than 250 mg/L. Most of the groundwater is classified as very hard. Only four wells have had total hardness concentrations of less than 200 mg/L. The better quality groundwater appears to be along the northern periphery of the valley.

Nipomo Valley

The data set for Nipomo Valley consists of analyses from 22 wells measured from 1962 through 1995. Of those wells, only five have been sampled more than once. Given the number of wells and the increasing development in the valley area, adequate sampling has not been conducted, as can be seen on the water quality hydrographs shown in Figure 40. In Nipomo Valley, most wells are between 100 and 300 feet deep and are drilled through the shallow older alluvium and into the underlying fractured and weathered bedrock of the Obispo and Monterey Formations.

The predominant cations in groundwater in the valley are calcium and magnesium and the predominant anion is mainly bicarbonate (Figure 34).

Most of the wells extracted groundwater with TDS concentrations ranging between 500 and 1,000 mg/L, meeting upper limits for drinking water. Four wells extracted groundwater with sulfate concentrations that were greater than 250 mg/L. Only one well produced groundwater having a chloride concentration greater than 250 mg/L. Two wells produced groundwater with nitrate concentrations exceeding the MCL. Like most of the groundwater in the study area, the groundwater is classified as very hard.

Groundwater is classified as suitable to marginal under water quality guidelines for agricultural irrigation.

Groundwater Quality Trends

Chloride is a useful constituent to detect quality changes. In hydrochemical groundwater evolution, the chloride ion tends to be the most conservative, being affected very little by biological processes, by precipitation, or by anion exchange reactions in the soil (Pomeroy and Orlob, 1967). Chloride concentrations therefore normally increase down the hydraulic gradient and with groundwater residence (Lloyd and Heathcote, 1985). The normal chloride concentration increase is disturbed only where pollution or dilution occurs, thus chloride is an excellent indicator of the direction of groundwater flow and of changes associated with long-term cycles of rainfall or runoff or changes in land or water use.

Because chloride concentrations in groundwaters may indicate quality changes over time, this parameter was used to evaluate trends in the groundwater quality--if degradation has occurred over time. Wells with recurrent analyses of chloride concentrations over their period of record were evaluated and statistically tested to see if any trend existed.

Seventeen wells within the groundwater basin had recurrent analyses of chloride concentrations that could be evaluated for trends. Of those wells, only one in the Tri-Cities Mesa area had a statistically significant increase in chloride concentrations over time. Chloride concentrations rose by about 15 mg/L to 47 mg/L over about 20 years. Three other wells in the same area had downward trends in chloride concentrations over time. The remaining wells in the basin had no significant trends in chloride concentrations over time.

Occurrence of Nitrate

Nitrate is one of the most problematic of all groundwater mineral constituents and its toxicology is such that Department of Health Services established the 45 mg/L (as nitrate) MCL.

Because nitrate does not occur naturally in the study area, the nitrate found in the groundwater is a result of human activity. The main sources of nitrate are applied fertilizers and wastewater. Minor sources of nitrate are the animal waste produced by cattle feedlots, chicken and hog ranches, and miscellaneous livestock. Some of these sources no longer exist, but the residual nitrate in the soils at the sites may continue to leach out to affect the groundwater quality.

Nitrate from fertilizers is introduced into the groundwater basin over a broad area wherever irrigated acreage exists. Farms and orchards are found in all parts of the basin, but are concentrated in the Arroyo Grande Valley and Plain and in the Santa Maria Valley. There are also several hundred acres of farms in Nipomo Valley adjacent to the basin, which probably contribute nitrate and other chemicals to the basin. The nitrate and nitrogen compounds in the applied fertilizers are carried to the groundwater with deep percolation of rainwater or irrigation return.

In the past, nitrate from wastewater effluent was also introduced into the groundwater basin over a broad area. Before the construction of wastewater collection systems and treatment plants, the standard disposal method was by septic tanks and leachfields and cesspools wherever there was a home, business, or farm. Later and until 1966, the City of Arroyo Grande operated a limited collection and treatment plant and discharged its treated effluent to percolation ponds and spreading grounds southeast of Grover City, now Grover Beach. These old septic tank leachfields, cesspools, and ponds are no longer operating, but they continue to contribute nitrate and other minerals to the basin as rainwater and irrigation return infiltrate the underlying sediments and leach the nitrate compounds retained in the sediments. The rise and fall of groundwater levels during very wet seasons may also leach nitrate from the vadose zone above the water table.

With the building of an ocean outfall, wastewater from this area of the groundwater basin has largely been removed as an ongoing source of nitrate.

Wastewater from one of the two plants operated by the Nipomo Community Services District discharges to a percolation pond or is used to irrigate the Black Lake Country Club golf course.

In conjunction with its conservation program, the district monitors the local groundwater. Its four monitoring wells show very low nitrate concentrations.

The district's second plant is located southwest of Nipomo. It collects and treats wastewater from Nipomo and a small part of the mesa. After treatment, the effluent is discharged to percolation ponds from which it recharges the groundwater basin. Three wells monitor the groundwater near the disposal area. The wells, which are 249 feet, 222 feet, and 225 feet deep, show nitrate concentrations well below 45 mg/L.

Grover Beach has continued to use the local groundwater, which is high in nitrate, by reducing the nitrate concentrations to acceptable levels. In 1989, the city constructed a 2.3 million gallons per day (mgd) ion exchange plant on city property at 16th Street and Mentone Ave. The supply wells are nearby. The product water from the plant is piped directly into the water supply system. A report in 1993 indicated that of the 1,750 AF of water required by the city annually, 500 AF is produced by the nitrate removal plant.

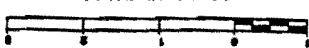
Nitrate concentrations found in water from wells sampled between 1975 and 1995 are plotted on Figure 41. The figure graphically shows the spatial distribution of three ranges of nitrate concentrations. From the figure, it can be seen that groundwater with nitrate concentrations exceeding the MCL is found mainly in the Tri-Cities Mesa - Arroyo Grande Plain area and the Santa Maria Valley.

Data from 1975 to 1995 were not available for large portions of the study area, particularly for agricultural areas. Historically, groundwater in these agricultural areas exceeded the MCL. These high nitrate concentrations have been attributed to the ongoing agricultural activities, and the high nitrate concentrations in the groundwater probably remain high.

In 1979, McCulley published results of a study that used isotopic analyses of nitrate in groundwater to determine the source of nitrate in the Tri-Cities Mesa - Arroyo Grande Plain area. Previous studies had been unable to determine whether cultivation practices, fertilizer, or infiltration of wastewater from septic tanks are the source of nitrate. McCulley found that the congruent isotopic range of nitrate in groundwater and agricultural soils demonstrated that most of the nitrate in groundwater was from agricultural land use (1979, p. 827). The study could not differentiate between nitrate derived from nitrogenous fertilizer and from oxidation of organic nitrogen.

No strong trends showing areas of decreasing or increasing nitrate concentrations were found. The nitrates contributed from old wastewater disposal practices would be expected to decrease, and the influence from the use of fertilizers will continue to be the major factor determining nitrate concentrations in the groundwater. As irrigation continues in the agricultural areas and in green areas around new developments, groundwater in these areas may also develop high concentrations of nitrate. Because nitrate concentrations may exceed the Department of Health Services's MCL in some areas, groundwater supplies for domestic use should be routinely tested for high nitrate.

SCALE IN MILES



- INTRATE CONCENTRATIONS IN GROUNDWATER
SELECTED DATA 1975 - 1988
- 245 mg/L
 - 20 to 44 mg/L
 - <20 mg/L
- LEGEND
- GROUNDWATER BASIN BOUNDARY
 - - - HYDROLOGIC AREA AND SUBAREA BOUNDARIES BASED ON THESE BOUNDARIES
 - STUDY AREA BOUNDARY

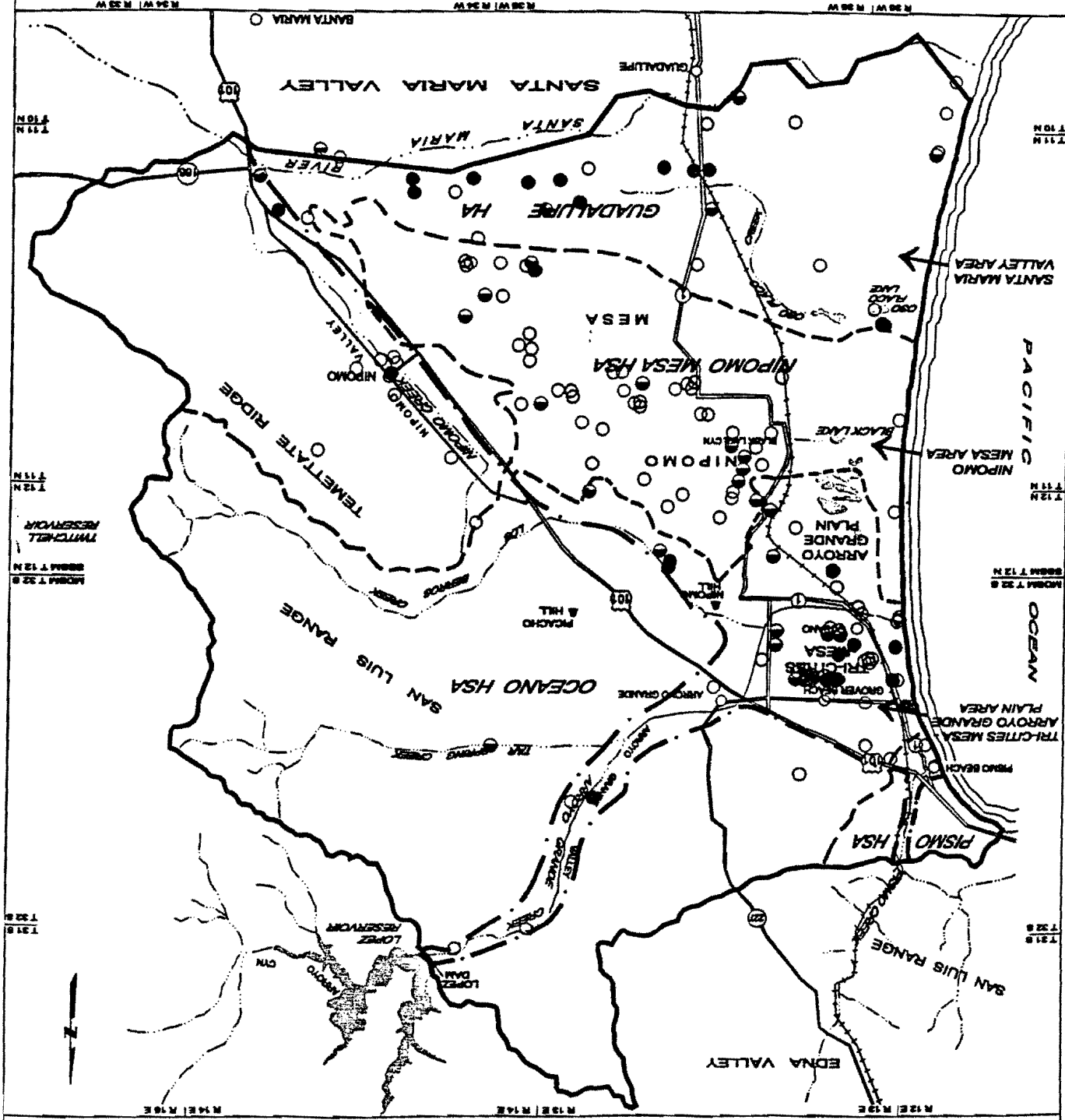


FIGURE 41 - NITRATE CONCENTRATIONS IN GROUNDWATER

AGENDA ITEM
MAR 21 2001



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 21, 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 March 7, 2001 Regular Board meeting
- F-3) DISTRICT CHARGE CARD [RECOMMEND APPROVAL]
Increase charge card limit with Mid State Bank

WARRANTS MARCH 21, 2001

HAND WRITTEN CHECKS

18419	03/07/01	CAL PERS	3,540.28
18420	03/07/01	PETTY CASH	162.37
18421	03/07/01	POSTMASTER	67.20
18423	03/13/01	VENTURA COUNTY AIR POLLUTION CONTROL DIST	25.00

VOID 18422

5675	NIPOMO GARBAGE	42.50
		14.55
	Check Total.....:	57.05
5676	NIPOMO SHELL	651.01
5677	NOBEL SYSTEMS	5000.00
5678	POSTMASTER	628.48
5679	QUILL CORPORATION	195.44
5680	RELIABLE	27.56
5681	SHIPSEY & SEITZ, INC	4714.75
5682	ALBERT SIMON	100.00
5683	SJS ENGINEERING	1173.25
5684	SAN LUIS OBISPO COUNTY	247.67
5685	STATE DEPT OF HEALTH SERV	664.97
5686	TLC BACKHOE SERVICE	675.00
5687	VERIZON	28.37
5688	MICHAEL WINN	100.00
5689	WIRSING, JUDY	100.00

COMPUTER GENERATED CHECKS

5649	EMPLOYMENT DEVELOP DEPT	336.16
5650	MID STATE BANK	1578.76
		385.96
	Check Total.....:	1964.72
5651	MIDSTATE BANK - DIRECT DP	11607.65
5652	DEBRA SIMMONS	150.00
5653	STATE STREET GLOBAL	935.00
5654	APPLIED INDUSTRIAL TECH	978.53
5655	ROBERT L BLAIR	100.00
5656	LISA BOGNUDA	53.82
5657	BOYLE ENGINEERING CORP	6515.64
5658	CLANIN & ASSOCIATES, INC	10770.08
5659	CORBIN WILLITS SYSTEMS	359.94
5660	CREEK ENVIRONMENTAL LABS	30.00
		30.00
		30.00
	Check Total.....:	90.00
5661	DANONE WATERS	7.50
5662	DATAMATIC INC	17800.00
5663	J B DEWAR INC	345.62
5664	DP CONSTRUCTION	400.00
5665	EDA	1774.60
5666	FGL ENVIRONMENTAL	44.80
		44.80
		44.80
		44.80
	Check Total.....:	179.20
5667	GARING TAYLOR & ASSOC	503.50
		346.68
	Check Total.....:	850.18
5668	GROENIGER & CO	489.23
5669	JIM'S MACHINE REPAIR	26.75
5670	DONNA JOHNSON	30.92
		646.00
	Check Total.....:	676.92
5671	MCI WORLD COM	4.29
		7.90
		20.15
		12.35
		-3.93
	Check Total.....:	40.76
5672	MISSION UNIFORM SERVICE	211.51
5673	RICHARD MOBRAATEN	100.00
5674	NIPOMO ACE HARDWARE INC	157.84

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

12

MARCH 7, 2001

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
MICHAEL 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 10:34 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.

There were none.

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

Mr. Scott Phillips and Mr. Michael LeBrun from the Regional Water Quality Control Board presented information concerning the basin plans throughout their region, including the Nipomo Mesa. Mr. LeBrun explained how the one-acre minimum lot size for septic tanks changed to the one-half acre size where conditions are favorable. There was not a change of policy but a change in interpretation of the policy. The Board asked several specific questions concerning the resolutions changing the policy. Mr. LeBrun said the policy was misinterpreted in the past.

The following members of the public spoke:

Evan Evanoff, NCAC - feels that the Health Dept. needs to update the information collected from the wells and analyze as to trends being set.

Jesse Hill, Rural Arroyo Grande - Feels that NCSD is only group that can do anything about the septic system lot size situation. Has information about a Non-Point Source Pollution Plan for the Santa Maria groundwater basin (a document on a CD ROM) from a June 2000 publication and is willing to share that info with NCSD.

Herb Kandel, Nipomo - Needs to analyze the cumulative data to check the trends of salts and nitrates in groundwater.

A question was about the salts in the Santa Maria Valley degrading the groundwater basin. Mr. LeBrun suggested that there is little done to prove where the salts are coming from. The Board wanted to assure the public that the District is trying to look out for the good of the whole Mesa. Director Winn asked that this subject be put on the next agenda.

There was no action taken on this item. It was an information item only.

- D-2) REIMBURSEMENT AGREEMENT SEWER TRACT 2386 (NEWDOLL)
Review agreement for reimbursement to developer for sewers

The developer of Tract 2386, Mr. Robert Newdoll, has installed a sewer lift station and force main to serve the Hazel Lane area and has requested a reimbursement for the improvements that benefit others. There are presently 2 other property owners who benefit. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to set a Public Hearing for April 4, 2001. Vote 5-0
There were no public comments.

- D-3) OUTSIDE DISTRICT SEWER RATES
Establishing an outside District boundary sewer service charge

A request for sewer service outside the District boundary prompted this resolution to facilitate the billing of a connection to the NCS area-wide sewer system.

There were no Public Comments.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously approved Resolution 2001-757 to establish outside District sewer rates at 130% of the regular In-District rate. Vote 5-0

Resolution 2001-757

**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**

E. OTHER BUSINESS

- E-1) REQUEST FOR WATER SERVICE - JONES
Hardship request for outside District water service

A request for water service due to a hardship was received from Mr. Ralph Jones on Willow Rd. The property is outside the District boundary.

There were no Public Comments

Upon motion of Director Winn and seconded by Director Wirsing, the Board decided to request the property owner to provide documentation for a hardship case. Vote 5-0

- E-2) BOARD OF DIRECTORS BY-LAWS
Review committee's revision recommendations of By-Laws (Draft)

The Board made several suggestions to the proposed amended By-Laws. They will be brought back to the next meeting with suggested changes made

There were no Public Comments. No action taken.

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

**Resolution 2001-758
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR TRACT 2219 (BARLOGIO/DANA)**

There were no Public Comments.

Upon motion of Director Winn and seconded by Director Simon, the Board unanimously approved items F-1, F-2, and F-3 of the consent Agenda.

G. MANAGER'S REPORT

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

- G-1) BOARD WORKSHOP
A Workshop is set for April 5, 2001 at 9:00 am.
- G-2) CSDA WORKSHOP April 3, 2001 in Templeton.

H. LEGAL COUNSEL REPORT

Deputy Legal Counsel, Michael Seitz, updated the Board on the Cypress Ridge PUC hearings. April 20, 2001 is the CSDA social in Templeton.

I. DIRECTORS COMMENTS

Director Winn - Commented on the excellent letter to the LAFCO representative.

Comment on the Park easement issue.

Ode Towne

Letter concerning dogs was handled well.

Director Mobraaten - Lynn Road

Asked about the sale of the truck and the storage container

Director Wirsing -

Gave Board some info on how the city of Truckee handles its matters.

Gave Board a copy of the 1967 NCSD budget for the Board's interest.

CLOSED SESSION

There was no need to go into Closed Session.

ADJOURN

President Blair adjourned the meeting at 12:46 p.m.

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

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 21, 2001

AGENDA ITEM
MAR 21 2001



INCREASING DISTRICT CHARGE CARD LIMIT

ITEM

Increasing the District's charge card limit from \$2,000 to \$3,500.

BACKGROUND

In 1990, the NCSD Board of Directors authorized a District charge card with a limit of \$1,500 for travel and other District expenses. In 1992, the Board increased the limit to \$2,000. With the purchase of computer supplies, Board travel and seminars, the District is beginning to experience a problem with the limit being reached. With inflation and increased purchases, it is felt that the limit should be increased to \$3,500.

RECOMMENDATION

Staff recommends that your Honorable Board approve the attached resolution increasing the limit on the District credit card with Mid State Bank to \$3,500.

Board 2001\credit limit.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2001-limit**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING AN INCREASED LIMIT TO THE DISTRICT
MASTER CARD THROUGH MID STATE BANK**

WHEREAS, the Nipomo Community Services District has need of a charge card for travel and other expenses; and

WHEREAS, such a card is to be used by the members of the board and the General Manager; and

WHEREAS, any and all charges are to be paid monthly to avoid any interest or carrying charges; and

WHEREAS, a limit of \$3,500 shall be established for the card.

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

The Board approves the increased limit for the Master Card and directs the General Manager to proceed.

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 21st 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

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 21, 2001

AGENDA ITEM
MAR 21 2001



MANAGER'S REPORT

G-1) LAFCO REPRESENTATIVE

Mr. Bill Engels of the Templeton Community Services District has resigned his position as a member of the Board of Directors therefore relinquishing his position on the LAFCO commission. The Special Districts will be selecting a new member or alternate member to LAFCO. In the meantime, the alternate member to LAFCO will be taking his place.

G-2) SLO CSDA ANNUAL MEETING - APRIL 20, 2001

The Annual Meeting of the San Luis Obispo California Special District's Association will be held on April 20, 2001 at 6:00 p.m. at the Templeton Community Building in Templeton. You and your spouse or guest are encouraged to attend.

G-3) ARTICLE ON WATER CONSOLIDATION

Attached is an article from a utility business supporting the Board of Directors policy that all small future water companies or homeowners associations should consolidate into the local NCSO for water service.

G-4) CA-NV SECTION AWWA CONFERENCE

Attached is information on CA-NV AWWA Spring Conference

If you are planning to attend, please inform staff as soon as possible, before April 6th.

G-5) WOODLANDS SUPPLEMENTAL EIR

Enclosed is information received from SLO County Planning on Woodland's Sup. EIR.

G-6) SMART GROWTH/SPRAWL

Enclosed is an article from Governing Magazine on growth challenges

Board 2001\mgr032101.DOC

SAN LUIS OBISPO COUNTY CHAPTER
CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

**5TH ANNUAL CSDA MEETING
RECEPTION AND SILENT AUCTION**

On Friday, April 20, 2001

6:00 p.m. to 8:30 p.m.

We will be hosting our fifth annual business meeting, reception and silent auction on Friday, April 20, 2001.

Location: Templeton Community Center/Women's Club, 601 South Main Street, Templeton.

A social hour with hors d'oeuvres & a no-host bar will get underway at 6:00 p.m. & will be followed by a CSDA business meeting discussing new LAFCO legislation and how it affects special districts.

PG&E representative, Pat Mullan, will give a presentation on the California Energy Challenge.

All special districts in the County are encouraged to send representatives to the reception. Spouses are welcome! Remember that this is your opportunity to meet and network with local district representatives and discuss items affecting our local area.

RSVP REQUESTED - Please let us know how many people from your district will be attending, so we may plan accordingly. If you have any questions regarding the program, please call Doug Jones, General Manager, Nipomo CSD at (805) 929-1133.

I look forward to seeing you there.

Robert Blair, Nipomo CSD
SLO-Chapter of CSDA President

The Quiet Consolidation of Water Utilities

by Peter C. Nelson, president and CEO of California Water Service Group

In California, attention is focused on the electric industry and the consequences of deregulation. Electric utilities are fending off bankruptcy and customers are facing drastically higher rates. With the spotlight on this crisis, the water utility industry is once again the "silent service," receiving little public attention. Are those of us in the water profession sorry that we're not in the spotlight? You bet we're not. Are we facing our own challenges, just as demanding, albeit less dramatic, than those faced in the electric industry? You bet we are.

Big or small, private or municipal, water utilities must meet increasingly strict water quality standards, higher customer expectations and ongoing water supply challenges. Because not all water providers have the expertise or the finances to address these issues, the industry has seen significant consolidation. There are thousands of small water utilities and many are consolidating with larger companies. The objective is universal: to deliver the best customer service and highest quality water at the lowest price.

Water Quality

Advancing technology enables water companies to detect more minute quantities of constituents in water.



Peter C. Nelson is president and CEO of California Water Service Group in San Jose, the fourth largest investor-owned water utility in the country. California Water Service Group provides services to 2 million people. The company's operating revenue for 2000 was \$244,806,000.

Take arsenic, for instance. A naturally occurring mineral found in the earth's crust, arsenic has always been present in some water supplies. The current maximum contaminant level set by the Environmental Protection Agency is 10 parts per billion. For the mom-and-pop water providers, this new standard can be devastating. Even for large, well-capitalized companies, it's going to be a challenge. For example, California Water Service Group's Bakersfield district is planning a \$40 million treatment plant to enable the utility to meet the new arsenic standard.

Technology again, decrees what is possible.

In an era when John Q. Public can call his credit card company 24-hours a day and

review his bank account and pay bills on the Internet, the old-fashioned, single-operator water system with paper ledgers and postcard-sized invoices isn't going to cut it.

The public has come to expect the same level of service from water providers. And that means the industry is going to have to offer payment options and quick and easy phone service.

Water Supply

The driver can't be pinned so easily on technology, although advances in technology have exacerbated water shortages. For example, we all drive cars, we all buy gasoline, and the additive methyl tertiary butyl ether (MTBE) has tainted water supplies. In a small town with only one groundwater well, such pollution poses a supply challenge.


The supply challenge is obvious—often people live where there isn't much water. As populations grow, capturing and moving water where it is needed is tricky and expensive. California, notorious for its wet north and dry south, inevitably must move to a more open water market with water

marketing and supply transfers. Water providers in California are developing alternative sources of supply, like recycled and desalinated water. Cal Water operates a desalting plant where an aquifer was tainted by seawater intrusion. Not inexpensive, such projects are made economically feasible only by government participation.

Consolidation is a direct result of these challenges, enabling smaller water providers to opt out of a business they never thought would become so demanding. Smaller providers cannot attract the range of talent and resources needed to be successful. A good example is the Washington Water Service subsidiary. Established in 1999 by combining two of the three largest private water companies in that state, it operates more than 100 systems, some with fewer than 10 customers. Overnight, economies of scale were created. This combined company, backed-up by considerable resources in its San Jose headquarters, brings to bear more professional management, operating expertise and technical skills to serve their customers.

Water providers who find creative ways to meet customer needs and industry demands will be successful. The consolidation movement, silent and effective, is one of those initiatives. **UB**

Registration Notice



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World Of
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**CA-NV Section, AWWA
2001 Spring Conference
Garden Grove, CA • April 23-26, 2001**



California-Nevada Section
American Water Works Association

**Technical Programs,
Workshops and Exhibits
Hyatt Regency Alicante Hotel**



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

DATE: March 9, 2001
TO: NIPOMO COMMUNITY SERV DIST
PO BOX 326
NIPOMO CA 93444-0326

RECEIVED

MAR 13 2001

NIPOMO COMMUNITY
SERVICES DISTRICT

FROM: John McKenzie, Environmental Specialist
Environmental Division, Dept. of Planning & Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: Notice of Preparation of a Supplemental Environmental Impact Report for Woodlands Specific Plan; ED01-428

The County of San Luis Obispo will be the Lead Agency in preparing a Supplemental Environmental Impact Report (SEIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the SEIR prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30 day comment period which began with your agency's receipt of the Notice of Preparation (NOP).

On December 20, 2000, a project "referral" may have been sent to your agency for initial comments on this project, as well as for several other county land use or ordinance changes in the nearby vicinity. Please refer to Exhibit B for a list of agencies responding to this initial referral. Even if you have no additional project-related comments than what was originally provided, please review and include any information not already provided for items #1 through #8 below.

1. **NAME OF CONTACT PERSON.** (Please include address and telephone number)
2. **PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. **ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) which your agency will apply to features of this project. Are there

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO CALIFORNIA 93408 • (805)781-5600 • 1-800-834-4636

EMAIL: ipcoplng@slonet.org • FAX: (805)781-1242 • WEBSITE: <http://www.slonet.org/vv/ipcoplng>

Rendezvous with Density

Leaders in one booming suburban county have a solution to sprawl. But selling it to the voters may not be easy.

BY CHRISTOPHER SWOPE

If you want a lesson in the history of suburban sprawl, get in a car at the Lincoln Memorial in Washington, D.C., and start driving west into Virginia. Not far past the Potomac River, you pass by garden apartments in Arlington, then rows of aging colonials in Falls Church. Ten miles out, as you approach the malls and office towers of

Tyson's Corner, you sit in gridlock a while before punching through to dozens of rambling subdivisions built in the 1980s real estate boom. The late '90s come next, along 12 lanes of traffic on the Dulles Toll Road, where familiar Internet companies work out of glass boxes lining both sides of the highway. Finally, as this Main Street of the new economy barrels out toward Dulles Interna-

tional Airport, you see the Blue Ridge Mountains looming up in the distance.

It is past the airport, once you've entered Loudoun County, that the history lesson ends and the future of suburban sprawl is now being determined. Two years ago, Loudoun voters tossed out a board of supervisors they judged to be too comfortable with the seemingly endless proliferation of development. The new supervisors are out to make Loudoun a land-use planning showcase, where local officials and developers from around the nation might learn lessons of "smart growth." They are suburban revolutionaries, determined to stop patterns that turned closer-in suburbs into harried, traffic-clogged places. "I have nothing against Fairfax County," the group's leader, Scott York, says of his huge

DRANE SOREY (?)

A massive new apartment complex in heavily suburbanized eastern Loudoun County. When is enough enough?



neighbor to the east. "But it would be a crying shame if Loudoun County ends up looking like Fairfax."

In the eastern part of Loudoun, York's crying shame may actually be a fait accompli. The high-tech boom has spread there from Fairfax, with America Online, WorldCom and dozens of other companies planting giant office campuses. The employees of those companies are moving to nearby subdivisions such as Broadlands, a 1,500-acre planned community of townhouses and single-family homes. Percentage-wise, eastern Loudoun is growing faster than the metropolitan areas of Las Vegas, Phoenix and Atlanta. "I'm afraid to go on vacation for two weeks," says one east-county resident. "By the time I'd come back, I'd lose all my landmarks for finding my way home."

But on the western side, Loudoun is still largely undeveloped, and the new government wants to keep it that way. Driving west from AOL's headquarters, you stop seeing office buildings surrounded by parking lots and start seeing farmhouses surrounded by acres of green land and white fences. Busy highways turn into bumpy dirt roads. Business-casual yields to denim overalls. Accentless suburban speech fades into a light twang that hints of the South, passed down to farmers whose families have owned land in Loudoun for centuries.

As Scott York and his colleagues get down to fleshing out exactly what they mean by

"smart growth," they are finding that the election was the easy part. If they want to preserve Loudoun's ancient landscape, yet still ensure its place as a hub of the Internet economy, they are going to have to make some difficult choices. The hardest one of all is this: They can't have growth without a substantial increase in density.

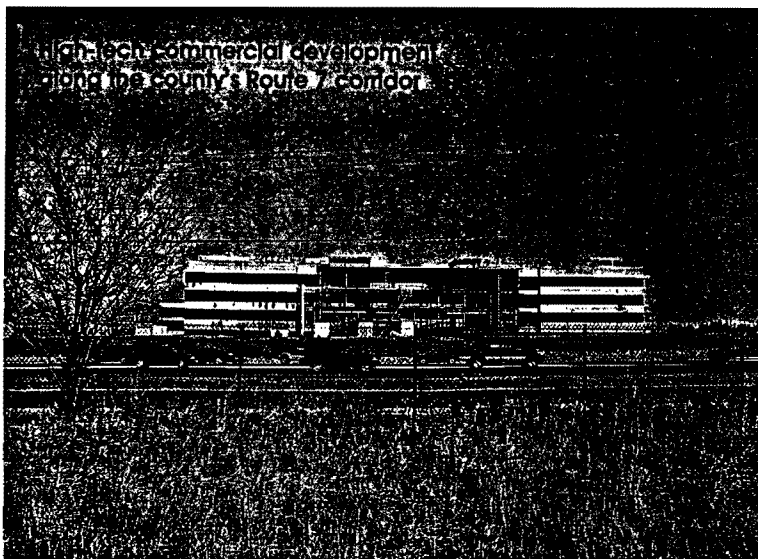
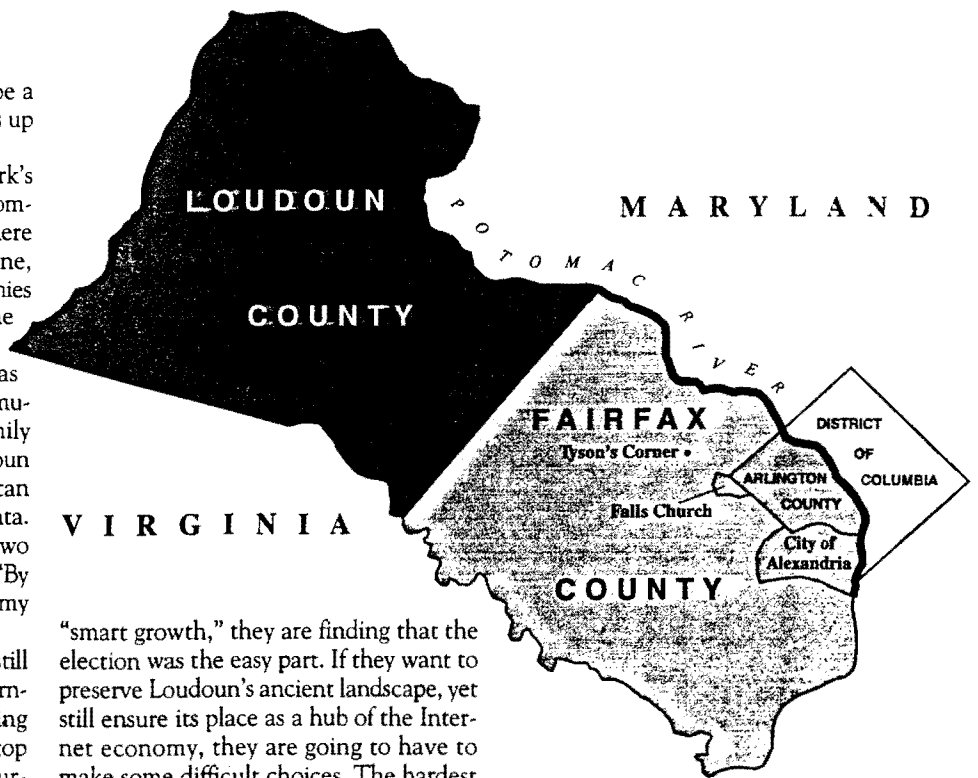
It is often said, only partly in jest, that density is the only thing Americans hate more than they hate sprawl. As the smart-growth movement spreads to suburbs everywhere, local officials are coming face-to-face with the density devil. Smart growth still means growth. It means growing in a more compact way, even an urbanized way. It means placing development close to existing roads, sewers and infrastructure, rather than turning farmland into the next concentric ring of subdivisions. It all but requires making suburbanized eastern

Loudoun County even denser than it currently is.

This is a popular idea with the county's anti-sprawl leadership. But it doesn't sound so good in the east, where most of the people are already feeling crushed by bulldozers tearing up the open space that lured them to Loudoun in the first place. In eastern Loudoun, controlling growth by steering it their way seems like a cruel irony. "People are moving out here to avoid urbanization," says Dick Black, eastern Loudoun's delegate to the state legislature. "There's simply no interest among the citizens here in creating that kind of environment."

Density politics in the eastern suburbs is only half the county's battle. Smart growth has opened a rift among landowners in the rural west, where "gentleman farmers" who want to preserve the pastoral status quo are pitted against struggling dirt farmers who would like to quit that life and cash out their land. "We're mad as hell," says Jack Shockey, a landowner who says smart growth will rob him of his property rights. Along with his wife, Patricia, Shockey has rallied working farmers to oppose the county's plans.

The real estate establishment is also fighting the supervisors, arguing that "smart growth" is really a code for "no growth" at all. Developers say the current policies will kill off an impressive run of prosperity that brought in heavyweights



such as AOL. They predict that as demand for housing outstrips supply, it will cause a shortage of affordable housing. "You can't just shut it off," says Patrick Quante, head of the Loudoun chapter of the Northern Virginia Building Industry Association. "If people can't afford to live here, then businesses won't locate here."

Change hasn't come easy or often to a county that has long defined Virginia country living. In her book *Bingo Night at the Fire Hall*, author Barbara Holland describes easygoing village life in Loudoun and the slow pace. "In 1820, James Monroe was wearing knee breeches and buckled shoes in the White House and the Civil War was still forty years in the future, and the population of the county was 23,000," Holland writes. "In 1960, when John F. Kennedy was elected president, it was still 23,000."

It was during Kennedy's administration that 10,000 acres on the Fairfax-Loudoun line were cleared to make way for Dulles Airport. While the passengers and cargo were mostly headed to Washington, D.C., the airport's sewer lines headed north through Loudoun County. Those lines were a conduit for development that would change the face of eastern Loudoun forever. By 1990, the county's population had more than tripled, to 86,000.

Wary of the invading sprawl, county officials in 1989 went through the gut-wrenching process of writing a 20-year growth plan. In many ways, the plan presaged the current debate over growth: Development, it said, should happen primarily where roads, sewers and services are available to handle it. The American Planning Association was so impressed that it eventually gave the 250-page document its "outstanding planning" award.

But just as the plan gained final approval in 1991, the local economy sank into a recession and the real estate market went bust. Suddenly, Loudoun officials didn't care so much about how the county grew. They just wanted it to start growing again. When developers asked to rezone land for subdivisions, they usually got what they wanted. And as the economy rose out of recession into the Internet-fed boom of the late '90s, those lenient policies continued. In the past decade, Loudoun's population doubled, to 172,000, and it is currently growing at a staggering 8 percent a year.

By the time of the 1999 election, a backlash against growth was in full swing.



**Loudoun County supervisor Scott York—
a.k.a. 'landuseman'**

To counter the development community's clout, a hodgepodge of activists formed a political action committee. Voters to Stop Sprawl received much of its financial backing from Loudoun's "landed gentry" in the west, including \$50,000 from Jeffrey Osborn, a retired Internet millionaire who spends summers on his 28 acres near Leesburg. But the message was largely tailored to suburbanites in the east, the ones who commute in traffic every day and who find their school district lines changing almost every year.

Scott York, a Republican supervisor who became increasingly interested in development issues (for a number of years, he used "landuseman" as his e-mail address), led a slate of eight candidates campaigning on a smart-growth platform. To underline their point, they swore off contributions from the development industry. Not only does sprawl eat up farmland, they said, but it bankrupts county government. They cited studies that show that for every \$1 in tax revenue a new home brings in, the county is out \$1.55 in roads, sewers and other services. School construction alone—23 new schools are slated to be built over the next five years—will cost \$600 million. "We've grown too fast," York says. "I mean, can you imagine being a school administrator and keeping up with hiring 300 new teach-

ers a year when there's already a shortage of teachers?"

The smart-growth slate romped to victory in every contested election. Then it began to face the hard part—translating a catchy two-word slogan into a 20-year plan for the county's future. They knew at the start that it wouldn't be easy: The more people in Loudoun you ask about smart growth, the more definitions you get. "Smart growth is a generic rubber term you can stretch and stretch," says Eugene Delgaudio, the lone supervisor opposing the new board's efforts. "After all, no one is for stupid growth."

As Loudoun officials flesh out the details, it's the density issue that poses the greatest political risk. Some 70 percent of Loudoun voters live in the eastern suburbs. And while the bulk of them cast their ballots in 1999 in support of Voters to Stop Sprawl, their continued participation in the effort is fragile, to say the least.

The supervisors continue to argue that the only way to protect the remaining open space in the west is to build in the already-developed east. Not only are



Jack and Patricia Shockey: 'We're mad as hell' at the smart-growth people.

40,000 more housing units approved and waiting to be built, but plans are for 100,000 more homes over the next 20 years—and most of those in the east, where voters backed York and his colleagues in 1999 in the belief that they were voting for protection against more bulldozers and more asphalt.

Ray Chamberlain, a retiree living in the eastern suburbs who was active in Voters to Stop Sprawl, thought stopping sprawl meant putting a lid on construction, not building 5,000 new houses a year. "People are moving here because it's still an attractive place to live," says Chamberlain, who himself moved to Loudoun eight years ago. "But if we stay on this path to 100,000 more units, the attractiveness will start to erode."

The more virulent opponents of the supervisors' plan deride it as "density packing." They say it would benefit rich landowners in the west who want their horse-country views undisturbed, while middle-class suburbanites are forced to take the brunt of future growth. "When people in the east voted for smart growth, they thought it meant development would slow down in their own neighborhoods," says state legislator Dick Black. "But what

happened is the planning commission and the board of supervisors are trying to shift all of the growth and put it into the suburbs. That's density packing."

To many of Black's constituents, the very mention of density conjures up thoughts of Manhattan high-rises and a lack of personal space. What many don't realize is that the rambling subdivisions they have grown accustomed to can be as dense as the gridded towns built before World War II. The design is just different. For Loudoun officials, overcoming this fear of density is perhaps the largest obstacle to smart growth. When they envision 100,000 new houses, they have compact, pedestrian-oriented communities in mind, where people might have a realistic choice to trade their car trips for a bus or train commute. "You can't say you're for smart growth and not be for density," insists supervisor Mark Herring, who chairs the land-use committee.

Herring sees a good bit of Loudoun's future development happening around transit nodes. Plans are to extend Washington's Metro subway system to Dulles Airport, and a rail or bus link into Loudoun beyond the airport is possible. Herring wants transit-oriented development to spring up around the transit stops, with a walkable mix of housing, commer-

cial, retail and entertainment uses. "We can either take advantage of that and have a compact town center," Herring says, "or we could build a parking lot around it and let the county turn into Fairfax."

Loudoun's plans also call for a batch of New Urbanist "countryside villages" of 100 to 1,000 homes apiece. The idea is to re-create the Main Street feel of such historic Loudoun towns as Middleburg, where antique shops and cafés are surrounded by a ring of homes and then by farmland. The new countryside villages would have their own commercial cores, and 50 percent of the land in each village would remain open space.

These ideas represent the cutting edge of current thought about urban planning, not just in Virginia but nationally as well. The question is whether they would work in places where spacious yards are expected and car culture is a given. Many real estate developers argue that the winding subdivisions they've been building for decades—the stuff that critics now call "sprawl"—are exactly what most customers want. If there was a demand for so-called "traditional neighborhood developments," the argument goes, these would already exist in large numbers. "TNDs work great where they're closer-in and they don't compete with cul-de-sac communities," says Deborah Rosenstein, a Northern Virginia housing market analyst. "Loudoun is not an urban market. It would be nice to think that, but it just isn't."

Meanwhile, Loudoun's government continues to find itself dancing around the "D" word. In August, planning commissioners began looking at housing densities in the eastern part of the county. Current rules allow three or four houses per acre, which is pretty typical for a suburban subdivision. The county planners decided to nudge it up to five houses per acre. But the density plan met massive resistance, and the idea was dropped. "Residents in the east are as entitled to green space and open space as anywhere else," dissenting supervisor Drew Hiatt told the *Loudoun Easterner* newspaper. "We are not going to become the dumping ground for all the density in the county."

The fact that smart growth is taking a few lumps in the developed suburbs doesn't seem to be protecting it much elsewhere. In the still-rural western areas, where county planners want to make it difficult for farmers to sell

DIANE SCREY

land to developers, they are running into a property-rights backlash.

Much of Loudoun's farmland is currently zoned to allow one house on every three acres. The plan is to "downzone" almost all of that land, so that only one house would be allowed every 25 acres. Plots that size aren't conducive to subdivisions, and when faced with such zoning, developers would likely take their money and housing plans elsewhere. In a single swipe, downzoning has the potential to keep western Loudoun distinctly rural, and at no cost to the county's taxpayers.

To people such as Suzanne Wright, however, it could come at a significant cost. Wright manages a hilly 400-acre farm outside Leesburg that has been in the family since her late husband's grandfather bought it in the 1920s. But agriculture in Loudoun isn't what it used to be. Dairying failed when refrigeration made it possible to farm further out from the cities, and Loudoun's soils were never very good for growing grains. Nowadays, Wright grows hay and grazes buffalo and llamas, and she rented out a farmhouse to tenants until it burned down last fall. The farm loses \$50,000 a year.

Wright is 64 years old and sounds tired. It's clear that she's just about had it with farming. She has no immediate plans to sell to a developer, but she has always figured her land was a rough equivalent to the 401(k) plans that the suburban office workers have. Now, according to one county study, downzoning could decrease the value of her property by as much as 55 percent. "My land is my everything," Wright says. "The government is coming and invading my assets."

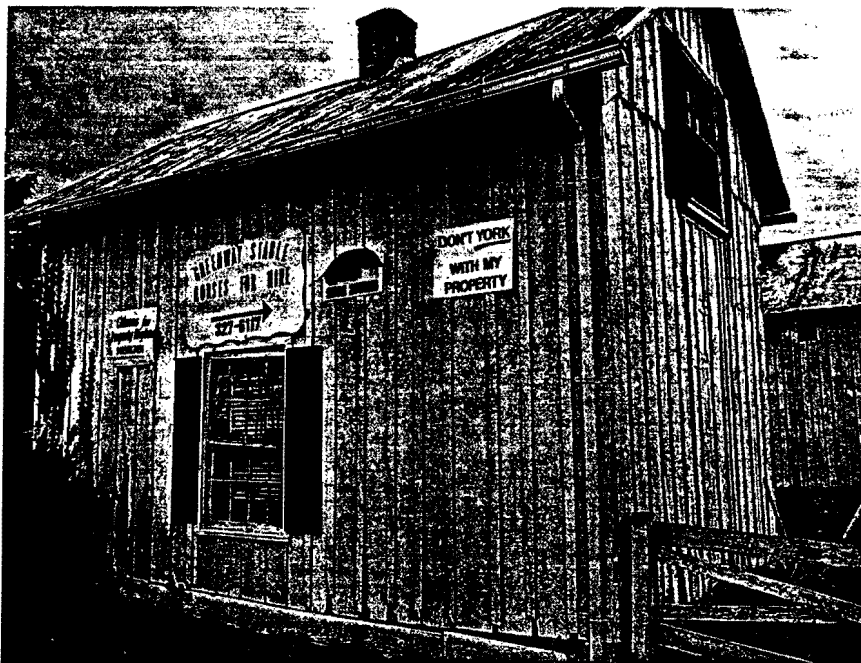
She and a ragtag brigade of working farmers are smart growth's loudest opponents. They have formed a group called Citizens for Property Rights, and they turn out in force at every county planning meeting wearing red bandannas. At one public input session, a farmer dressed in a red flannel shirt and blue overalls lampooned downzoning by reading aloud from the work of Friedrich Engels.

Smart growth has rural Loudoun split. There is some serious wealth in this part of Virginia, where family names include DuPont, Mellon and Firestone. Some of the wealthier locals still enjoy fox hunting. Sprawl threatens everything they love

about the county, and they want as much of western Loudoun as possible to remain open space. They are on a collision course with land-rich, cash-poor farmers such as Wright, who are looking at the bottom line. "Open space isn't just open by itself," she says. "It costs money to manage."

County officials say Wright and her allies need only look around them, at farmers who are trying alternatives to traditional agriculture. A "rural economy" is springing up, catering to sprawl-bound tourists who escape to western Loudoun's calm countryside on weekends. Farmers are growing grapes for wine, planting Christmas trees, and running bed and breakfast inns. Part of smart growth, says Scott York, is supporting these activities. "There's a sizable chunk of money to be made for folks who get involved in the rural economy," he says. "And that saves us from providing amenities such as schools, roads and other facilities for which we don't have money now."

This spring, Loudoun's supervisors will finish work on the new 20-year growth plan that embodies many of their principles. Next up will be



the county's zoning code, where those principles will be translated into the rules that guide day-to-day land-use decisions. At least until the next round of elections in 2003, York and his smart-growth allies have the votes to prevail. From there, it will primarily be a matter of political will: Future county leadership will decide whether to stick to the plan, to rewrite it

or to keep it in force but make exceptions when tempting new plans for development come before them.

A lot will depend on the economy. The current push for smart growth reflects at least in part an embarrassment of riches from the longest boom in memory. If Loudoun's economy slows dramatically, as it did in the early '90s, voters may very

well stop caring about what growth looks like. They may feel they can't afford to be so choosy. They may feel that the board of supervisors elected in 1999 misunderstood public sentiment and made a mistake.

But people who look at the current dispute and decide that smart growth is doomed in Loudoun County may be making their own mistake. Smart growth has advanced as a national movement. Local anti-sprawl activists are more educated and organized than they have ever been. And institutions such as Voters to Stop Sprawl loom as well-funded political heavyweights that will stay in the ring with developers for the long run. Whoever is elected to run the county in coming years will be held accountable by an entrenched growth-control movement that believes that the future is on its side. "Think about Central Park," says Michael Chandler, a planning professor at Virginia Tech. "When Olmsted said to preserve that land, people thought he was crazy. Today, you can't imagine New York City without Central Park. Maybe Loudoun County will be the same way."