

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

*Out of office*

November 28, 2001

*John Douglas*

**REGULAR MEETING 9:30 A.M.**

**BOARD ROOM 148 S. WILSON STREET NIPOMO, CA**

**BOARD MEMBERS**

ROBERT BLAIR, PRESIDENT  
RICHARD MOBRAATEN, VICE PRESIDENT  
MICHAEL WINN, DIRECTOR  
JUDITH WIRSING, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR

**STAFF**

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SEC. TO THE BOARD  
JON SEITZ, GENERAL COUNSEL

**NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.**

*5:30  
5:40  
1:50  
6:90*

*Board Secretary @ Nipomo CSD, CA*

**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) AUDIT REPORT FOR FISCAL YEAR 2000-2001**

Auditor Carlos Reynoso, CPA, to review District's FY 00-01 audit report

**D-2) NIPOMO COMMUNITY CLEAN-UP PHASE II FUNDING**

Request from the Clean-Up Committee for an additional \$2,000 for expenses

**D-3) SUPPLEMENTAL WATER OPTIONS**

Review Study Session - supplemental water options

**D-4) REVIEW LAFCO ACTIONS ON PROPOSED ANNEX NO. 20 (MARIA VISTA)**

Consideration of District options with respect to possible LAFCO actions

**D-5) SPECIAL DISTRICT REPRESENTATIVE ON LAFCO**

Review Special District representatives action with respect to NCSD's interests

**E. OTHER BUSINESS**

**E-1) PROPOSED DRAFT PRELIMINARY DISTRICT SPHERE OF INFLUENCE**

Review a proposed District Sphere of Influence boundary

**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]**

Minutes of November 7, 2001 Regular Board meeting

Minutes of November 9, 2001 Study Session Board meeting

**G. MANAGER'S REPORT**

**G-1) "LAWBRIEFS" BULLETIN**

**G-2) INCIDENT REPORT**

**H. DIRECTORS COMMENTS**

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

a. SMVWCD vs NCSD Santa Clara County Case No. CV 770214 and all consolidated cases.

b. NCSD vs State Dept of Health Services CV 990716

**ADJOURN**

The regular Board meeting for December 5 & 19, 2001 have been canceled.

The next regular Board Meeting will be held on December 12, 2001 at 9: 30 a.m..

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: NOVEMBER 28, 2001

AGENDA ITEM  
NOV 28 2001



AUDIT REPORT FY 2000-2001

**ITEM**

Audit Report on District's FY 2000-2001

**BACKGROUND**

The District is required by law to have an independent audit performed on its financial statements. Carlos Reynoso, CPA, prepared the audit for the fiscal year ending June 30, 2001.

Carlos Reynoso, CPA will review the audit report with your Honorable Board. He will answer any questions you may have regarding the financial statements.

**RECOMMENDATION**

Upon completion of the presentation and public comments, a motion would be in order to accept and file the audit report for FY 2000-2001.

Bd2001/auditreport

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: NOVEMBER 28, 2001

**AGENDA ITEM**  
**NOV 28 2001**



NIPOMO COMMUNITY CLEAN-UP - PHASE II  
FUNDING

**ITEM**

Request from the Clean-up committee for an additional \$2,000 for expenses

**BACKGROUND**

The Nipomo Community Clean-up Phase II Committee developed a program to clean up the western side of the Nipomo Mesa. Many things which were discarded in back yards, etc. were taken to a central location to be processed and disposed in an organized manner. Mr. Jim Kinninger, chairman of the Clean-Up Committee, had previously requested \$4,000 from the District to help pay for the on-going cost of this clean up (tipping fees, equipment, etc.). Due to the project being so successful, the committee is requesting an additional \$2,000 to pay for expenses.

On November 19, 2001, the District received a franchise fee of \$8,000 from South County Sanitary Services.

**RECOMMENDATION**

If desired, your Honorable Board may direct staff to allocate an additional \$2,000 from the Solid Waste Fund to pay directly to vendors associated with the Nipomo Community Clean-up Phase II project.

Board 2001\CleanUp\$.DOC

## Nipomo Community Clean-Up Phase II

October 29, 2001

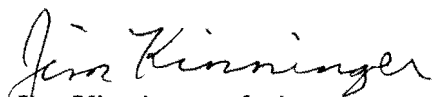
Bob Blair, President  
Nipomo Community Services District  
148 South Wilson  
Nipomo, CA 93444

Dear Sir,



The clean-up event for 2001 was a great success, and the NCSD played an important role in that success. We appreciate your commitment to the community.

We are writing to ask that your Board consider giving us another \$2,000 to help us complete our efforts to pay all the expenses for this clean-up. We did come close to reaching our budget, but the public response was greater than we had anticipated. I would like to present this request on your agenda of November 7<sup>th</sup>.

Thank you for your consideration.

  
Jim Kinninger, chairman

cc. Doug Jones, General Manager

  
NOV 06 2001  


TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: NOVEMBER 28, 2001

AGENDA ITEM  
NOV 28 2001



## SUPPLEMENTAL WATER OPTIONS

### ITEM

Review supplemental water options from the Kennedy/Jenks Consultants Report which was reviewed at the November 9, 2001 Study Session.

### BACKGROUND

The District hired the services of Kennedy/Jenks Consultants to review alternate water supplies for the District. Your Honorable Board reviewed the Kennedy/Jenks Report which listed some options: 1) negotiations with the City of Santa Maria to buy excess water 2) desalination of sea water, 3) hard rock drilling. The Board was concerned with the water rights with respect to the hard rock source.

If your Honorable Board wishes to proceed with negotiations with the City of Santa Maria, desal or hard rock drilling, direct staff accordingly.


- If the Board chooses to proceed with negotiations with the City of Santa Maria, they should direct staff to contact the city officials to start negotiations on this supply.
- If the Board wishes to go with desalination option, they may direct staff to put together a preliminary Request for Proposal to hire a consultant to do a preliminary analysis who would assist in the permitting process.
- If the hard rock drilling is considered, then the water rights issue should be investigated before proceeding in this manner.
- A combination of the above

### RECOMMENDATION

Staff recommends that your Honorable Board direct staff how to proceed in this matter.

E 4-1  
SUPPLY ALTERNATIVES COMPARISON TABLE

Supply Source	AF available	Costs	Complexity of Developing Contracts/Agreements	Supply Reliability	Degree of treatment required?	New facilities required for delivery? (Distance from NCSD Boundary)	Method of Use of Supply?	CEQA Required?	Potential for legal challenge?	Additional issues	Sources
SWP- SLO- Oceano CSD	350 AF permanent supply	\$1,000/AF for commodity, no up front cost, negotiable	High - OCSD, SLOCFC&WCD, SBCFC&WCD, CCWA, DWR, SWP contractors	Medium	None	Yes - turnout if approved by CCWA	Use in conjunction with groundwater	Neg. Decl. For turnout?	Medium-high	Legal issues, no turnouts, pipeline capacity issues to Nipomo	Susan Litteral, SLO County, Dan Masnada/Ray Stokes - CCWA,
SWP- SB - City of Solvang	Up to 700 AF permanent supply	Min. \$1,000 - \$2,400/AF for commodity, min. \$1,333/AF for up-front, negotiable	High - Solvang, SYWCD, SLOCFC&WCD, SBCFC&WCD, CCWA, DWR, SWP contractors	Medium	None	Yes- turnout -if approved by CCWA	Use in conjunction with groundwater	Neg. Decl.?	Medium-high	Legal issues, Not much excess entitlement, no turnouts	City of Solvang, CCWA
Intertie with City of Santa Maria	2000 - 3000 AF permanent supply	\$1,000 - 1,200/AF for commodity, \$2,000/AF for up-front, negotiable + inter-tie pipeline costs	Low - 1 entity	High	None	Yes- pipeline to Santa Maria 3+- miles and pump station	Use in conjunction with groundwater		Low	Potential legal challenge	Dwayne Chisam (City of Santa Maria)
Purchase of Desal water from Santa Barbara	Max SWP entitlement is 3000 AF, interruptible	\$1,100+/AF for commodity + \$1,000/AF min for up-front costs	High -City of SB, SLOCFC&WCD, SBCFC&WCD, CCWA, DWR, SWP contractors	Medium-low	None	Yes- turnout if approved by CCWA	Use in conjunction with groundwater	None	Medium	Would require recommissioning of desal plant in SB	Bill Ferguson, City of SB
New groundwater well on Tosco or other property	1,200 AF permanent supply	?	Low - 1 entity	High	Low	Yes- new well, pump station, chlorination?, pipeline	Additional groundwater supply	EIR/Mit. Neg. decl.?	Medium	Proper structuring of annexation and mgmt or adjudication of basin will help secure water right	Jim Anderson -Tosco
Blowdown Desalination at Tosco	360 AF/yr	\$2,000 - 3,000/AF	Low-medium, may require purchase of property from Tosco	High	High	Yes	Additional supply	EIR	Low	?	Jim Anderson -Tosco
Sea Water Desalination	2000 - 3000 AF/yr	\$3,000 - 4,000/AF	Medium	High	High	Yes	Additional supply	EIR	Low	Complexity of environmental issues associated with brine outfall and slant-drilled well	
Reclaimed Water from SSLOCSD	1,625 AF - 3,625 AF	\$2,200 - \$8,300/AF delivered depending on end-use	Low	High	Medium-high	Yes- treatment facilities, pump station and pipeline to in-lieu users in NCSD	Use in lieu of groundwater	EIR	Low	Uncertain is sufficient demand because of high TDS	K/J, Steve Tanaka, John Wallace and Associates
Reclaimed Water from NCSD Southland WWTP	300 AF/yr	?	None	High	Medium-high	Yes- additional treatment, pump station and pipeline to in-lieu users in NCSD - E.G. Regional Park	Use in-lieu of groundwater	EIR	Low	Potential user is Regional Park and future high school, may be insufficient demand	Boyle, 2001
Oil-field Produced Water from Price Canyon (Stocker Resources)	800 AF/yr	Low or no treatment cost, delivery cost	Medium	High, may not be in perpetuity	High- but cost may be borne by oil company	Unknown- may be able to use existing pipeline following rehab	Additional supply	For WTP?	Low		K/J
Hard rock drilling	500 AF/yr	\$1,000/AF	Low-medium	High	Low	Yes, well, pipeline and p.s.	Additional supply	Yes - Mitigated Neg. Decl.?	Low	Samda may be willing to share up-front costs	Mel McCulloch
Conservation	100 - 200 AF/yr?		Low	Medium-high	None	None	Reduce demand	No	None	May require additional staff for long-term outreach, may reduce recharge to groundwater	CUWCC
Water Bags	Unknown	Unknown	Low	Medium	None	Connection to distribution system from docking ships	Additional supply	Yes - Mitigated Neg Dec	Low	Not used in the U.S.	

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: NOVEMBER 28, 2001

AGENDA ITEM  
NOV 28 2001



LAFCO ACTION ON ANNEXATION #20 (MARIA VISTA)

**ITEM**

Review the action taken at the regular LAFCO meeting held November 15, 2001 with respect to Annexation #20.

**BACKGROUND**

The developers of Tract 1802, 1808 and 1856 have requested annexation into the District for water, sewer, lighting, drainage and possibly other services. The District has entered into an annexation agreement with the developer to begin the process of this annexation. These annexation requirements are broken down into a two-part series whereas LAFCO would be approving the sphere of influence and the CEQA document under LAFCO jurisdiction. The District will be reviewing the CEQA requirements for the infrastructure to provide service to this development on December 12, 2001. The District has asked Jim Garing (District engineer) to review the capabilities of the District to provide water service to this development. Mr. Doug Wood has prepared the CEQA documents for the proposed infrastructure.

There was much discussion at the LAFCO meeting (November 15, 2001) on the proposed annexation of growth inducing, litigation, water quality, private water companies and other items. Two motions were made (Minutes attached):

- Deny the annexation, which lost on a 4 to 3 vote.
- Approve the annexation without Tract 1808, which lost on a 4 to 3 vote.

The general discussion of LAFCO was to have the District have a secondary review, since the Board of Supervisors did not continue Tract 1808. Your Honorable Board may wish to include or delete Tract 1808 in the proposed annexation.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: NOVEMBER 28, 2001

LAFCO ACTION ON ANNEXATION #20 (MARIA VISTA)  
PAGE TWO

The Board may review the following:

- Approve the annexation of all three tracts because it is zoned for residential development.
- Approve annexation with just 1802 and 1856.
- If LAFCO denies the annexation, they should notify Cal Cities Water Co. (So Cal Water Co.) that the District will not provide service, therefore, the private water company may proceed to provide water service to this and other developments. LAFCO and NCSD will not have any authority how the area develops.
- If LAFCO denies the annexation, then a private water company would provide services. It is most likely that a homeowner's association would be put together to fund and manage the other services needed for this tract.
  - The Board is on record to oppose homeowner's associations and may wish to oppose such at this juncture.
- If the SLO County Planning Department determines that the water line extension is not in compliance with the development, then a review of the proposed sub-divisions may be needed. If this is a possibility, the Board may proceed with annexation since this area is presently zoned for residential development, but the future configuration may not be known at this time.
- This area may be in a future District Sphere of Influence
- Others ?

The Board has suggested that a possible supplemental water supply from the City of Santa Maria may materialize, then a water line would be constructed in Orchard Road to the Highway 166 area and across the Highway 101 bridge to tie into Santa Maria. If this is the case, then a water line would be readily available for this proposed development.

In consideration of the economics of this particular development, there are a number of benefits to the District ie: **1)** economy of scale, more users sharing the costs, **2)** developer installed water line which may eventually be used for a supplemental water source, therefore, saving the District ratepayers a substantial amount of money, **3)** in the long term because of the waste disposal operation on this tract and in conjunction with the Highway 166 commercial area, it may be possible to economically justify construction of a sewer lift station in that area and pump the wastewater to the sewer treatment plant therefore protecting the integrity and water quality of the groundwater basin from on-site disposal systems. **4)** Annexation would limit a PUC water operation in a future Sphere of Influence and/or District boundary.

### **RECOMMENDATION**

Your Honorable Board may direct staff how to proceed in this matter.



DRAFT

A-1 LAFCO FILE NO. 9-R-01, ANNEXATION NO. 20 TO THE NIPOMO  
COMMUNITY SERVICES DISTRICT (MARIA VISTA):

Commissioner Pinard moved to deny the request. Commissioner Moffatt seconded the motion.

AYES: Commissioners Pinard, Moffatt, Picanco  
NOES: Commissioners Johnson, Roberts, Mann, and Chairman Ryan  
ABSTAIN: None  
ABSENT: None

The motion failed 3-4.

Commissioner Roberts moved to (1) determine that the Negative Declaration prepared for the proposed project is complete and adequate, (2) approve Sphere of Influence and Service revision, (3) determine that the Negative Declaration for the proposed project is complete and adequate, and (4) conditionally approve Annexation No. 20 to the Nipomo Community Services District as presented by staff. Chairman Ryan seconded the motion.

Commissioner Roberts clarified that his motion does not include Tract 1808.

AYES: Commissioner Roberts, Chairman Ryan, and Commissioner Johnson  
NOES: Commissioners Pinard, Moffatt, Picanco, and Mann  
ABSTAIN: None  
ABSENT: None

The motion failed 3-4.

Commissioner Pinard moved to continue this item to December 6, 2001, to allow the NCSD and Legal Counsel further time to review issues raised by the Commission. Commissioner Johnson seconded the motion.

AYES: Commissioners Pinard, Johnson, Moffatt, Roberts, Picanco, Mann, and  
Chairman Ryan  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion carried 7-0.

LAFCO – LOCAL AGENCY FORMATION COMMISSION  
Serving the Area of San Luis Obispo County – Exhibit A-5 – Site Map

U.S. HIGHWAY 101

HUTTON ROAD

SANTA MARIA  
BPEEDWAY

PROPOSED SEWER  
LEACHFIELD

PROPOSED SEWER  
LEACHFIELD EXPANSION AREA

PROPOSED  
EQUESTRIAN TRAIL

BASIN  
3

TRACT  
1868

OPEN  
SPACE

JOSHUA STREET

SANTA MARIA VISTA

OPEN  
SPACE

OPEN  
SPACE

Exhibit A-5

BASIN  
2

TRACT 2034  
LOT 7

OPEN  
SPACE

OPEN  
SPACE

SOUTHLAND  
STREET

SANTA MARIA VISTA

BASIN  
1

OPEN  
SPACE

OPEN  
SPACE

6300'±

PROPOSED WATERLINE  
ALIGNMENT (ORCHARD RD)

PROPOSED WATERLINE  
ALIGNMENT (ORCHARD RD)

PARK  
SITE

PROPOSED  
EQUESTRIAN TRAIL

TRACT  
1802

OPEN  
SPACE

OPEN  
SPACE

ORCHARD ROAD

ORCHARD ROAD

WATERLINE POINT  
OF CONNECTION

TRACT 2034  
LOT 3

PROPOSED WL ALIGNMENT  
(SANTA MARIA VISTA)

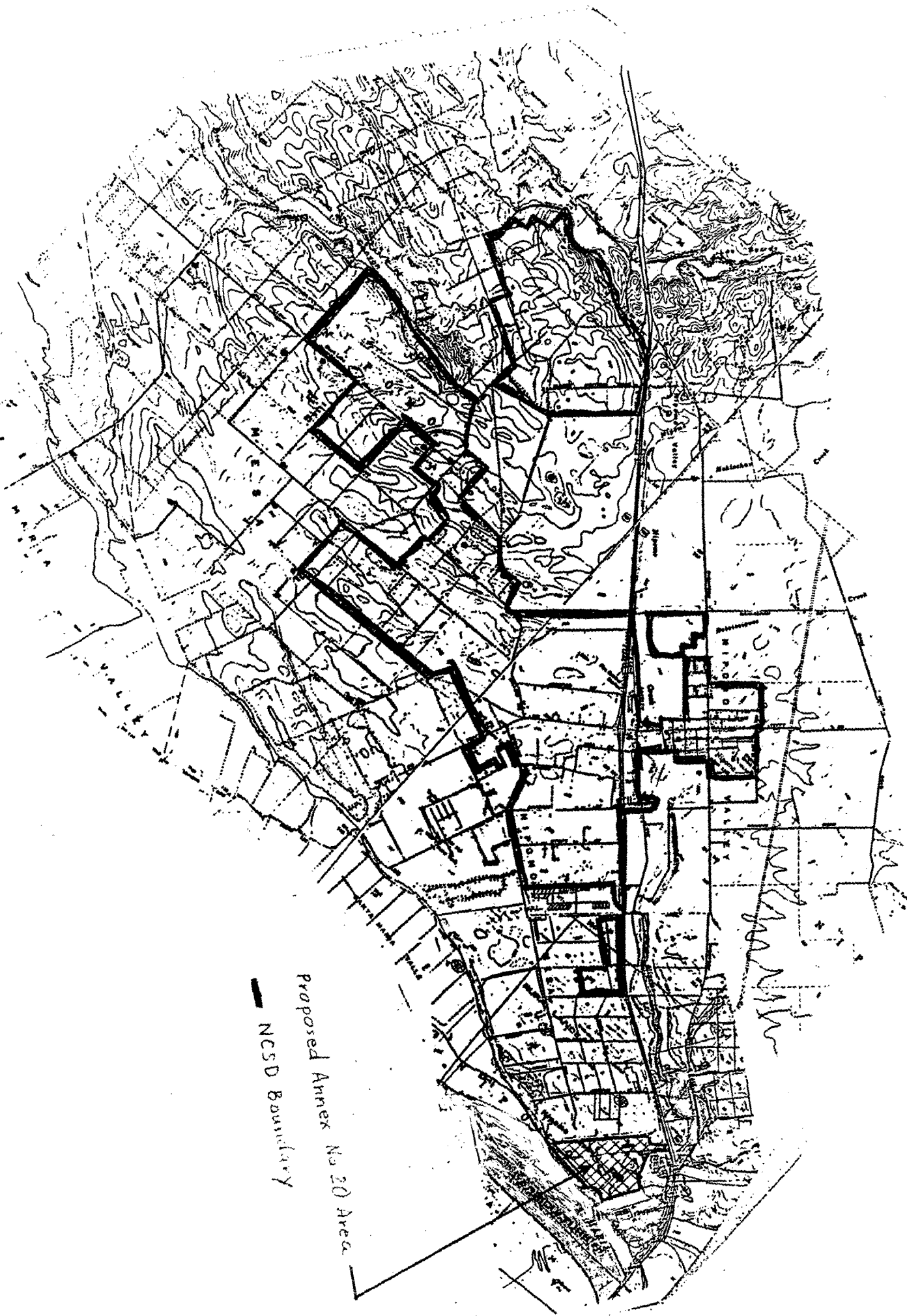
TRACT  
1808

OPEN  
SPACE

OPEN  
SPACE

A-1-23

Annexation 9-R-01 – Maria Vista – Site map



Proposed Annex No 20 Area  
- - - NCS Boundary

 **TRINCON, INC.**  
**ACQUISITIONS & SERVICES**

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November 20, 2001

Doug Jones  
Nipomo Community Services District  
Via Fax – (805) 929-1932

Re: Annexation of SLO County Tract 1808

Dear Mr. Doug Jones:


In light of the current events on November 15, 2001, at the Local Agency Formation Commission (LAFCO) meeting and denial, we would like to request under the current guidelines and requirements to provide service to Maria Vista Estates Tract 1802 & 1856.

Please place item in the agenda. We are not withdrawing our current application, but must now diligently pursue options.

Thank you,

  
Trincon, Inc.

By Erik Benham

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: NOVEMBER 28, 2001

AGENDA ITEM  
NOV 28 2001



SPECIAL DISTRICTS REPRESENTATIVES ON LAFCO

**ITEM**

Review Special District's representative action with respect to NCSD interests

**BACKGROUND**

The SLO - Special District Association has two representatives on the LAFCO representing the special districts within the County. LAFCO is now independent and the District is funding their operations. The District's budget for LAFCO is \$17,000. Some Board members have questioned if the representatives of special districts on LAFCO are representing special districts with respect to their voting record.

This matter is on the agenda for general discussion.

**RECOMMENDATION**

The Board may want to direct staff how to proceed in this matter.

Board 2001\Special Dist Rep.DOC

2001

A-1 LAFCO FILE NO. 9-R-01, ANNEXATION NO. 20 TO THE NIPOMO  
COMMUNITY SERVICES DISTRICT (MARIA VISTA):

Commissioner Pinard moved to deny the request. Commissioner Moffatt seconded the motion.

AYES: Commissioners Pinard, Moffatt, Picanco  
NOES: Commissioners Johnson, Roberts, Mann, and Chairman Ryan  
ABSTAIN: None  
ABSENT: None

The motion failed 3-4.

Commissioner Roberts moved to (1) determine that the Negative Declaration prepared for the proposed project is complete and adequate, (2) approve Sphere of Influence and Service revision, (3) determine that the Negative Declaration for the proposed project is complete and adequate, and (4) conditionally approve Annexation No. 20 to the Nipomo Community Services District as presented by staff. Chairman Ryan seconded the motion.

Commissioner Roberts clarified that his motion does not include Tract 1808.

AYES: Commissioner Roberts, Chairman Ryan, and Commissioner Johnson  
NOES: Commissioners Pinard, Moffatt, Picanco, and Mann  
ABSTAIN: None  
ABSENT: None

The motion failed 3-4.

Commissioner Pinard moved to continue this item to December 6, 2001, to allow the NCSD and Legal Counsel further time to review issues raised by the Commission. Commissioner Johnson seconded the motion.

AYES: Commissioners Pinard, Johnson, Moffatt, Roberts, Picanco, Mann, and  
Chairman Ryan  
NOES: None  
ABSTAIN: None  
ABSENT: None

The motion carried 7-0.

16 Nov 01

Boys, please add an item to our next NCSD

agenda re CSD representation to LAFCo.

I'd like an action item, to vote now

confidence in our representative and thank that

she be replaced.

Michael Winn

AGENDA ITEM  
NOV 28 2001



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: NOVEMBER 28, 2001

PROPOSED DRAFT PRELIMINARY DISTRICT SPHERE OF INFLUENCE

**ITEM**

Review a proposed Sphere of Influence (SOI) boundary for the District for discussion purposes for LAFCO.

**BACKGROUND**

In a discussion of Annexation #20, with the executive officer of LAFCO, it was suggested that the District develop a proposed Sphere of Influence for possible consideration by LAFCO in the future. Based on this discussion, a preliminary draft Sphere of Influence (a 20-year time line) has been sketched for the Board's review and discussion.

AB 2338 requires LAFCO to update the Sphere of Influence approx. every 5 years. The last complete LAFCO SOI of NCSD was in the early 1980's.

**RECOMMENDATION**

The Board may request staff to proceed working with LAFCO to establish a Sphere of Influence for the District.

Board 2001\Sphere.DOC



**LAFCO • The Local Agency Formation Commission**  
Serving the Area of San Luis Obispo County

**COMMISSIONERS**

November 20, 2001

MICHAEL P. RYAN, Chair  
County Member

RICHARD ROBERTS, Vice Chair  
Public Member

RAY JOHNSON  
City Member

BARBARA MANN  
Special District Member

CAROLYN MOFFATT  
Special District Member

DUANE PICANCO  
City Member

PEG PINARD  
County Member

**ALTERNATES**

SHIRLEY BIANCHI  
County Member

GREGORY CAMPBELL  
Special District Member

TOM MURRAY  
Public Member

ALLEN SETTLE  
City Member

**STAFF**

PAUL L. HOOD  
Executive Officer

RAY BIERING  
Legal Counsel

DAVID CHURCH  
LAFCO Analyst

LEAHA K. MAGEE  
Clerk to the Commission

Dear Local Public Service Agency:

The San Luis Obispo Local Agency Formation Commission (LAFCO) is responsible for updating the Sphere of Influence and Service (SOI/S) Areas for jurisdictions within the county. Updating the SOI/S is a requirement of the Cortese/Knox/Hertzberg Act that was passed last year.

This letter is to request your help in preparing an update of the profile for your public service agency. The information will be used to compile an inventory of all agencies in the county. It will also help to prioritize and complete the Service Reviews that we are required to complete prior to updating your agency's SOI/S.

Please fill out the attached form to the best of your ability and return it in the enclosed postage-paid envelope or by fax by December 21, 2001. If you would like to send us any additional information please feel free to attached it to this form.

Your help is greatly appreciated. We will send you a draft copy of the inventory of Cities and Special Districts for your review and comment when it is completed. If you have any questions, please call me at (805) 788-2096 or contact me by e-mail at [DChurch@slolafco.com](mailto:DChurch@slolafco.com).

Sincerely,



David Church  
LAFCO Analyst

RECEIVED

NOV 21 2001

NIPOMO COMMUNITY  
SERVICES DISTRICT

1042 Pacific Street, Suite A • San Luis Obispo, California 93401  
(805) 781-5795, (fax) 788-2072 • [www.slonet.org/~lafco](http://www.slonet.org/~lafco)

AGENDA ITEM

NOV 28 2001



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: NOVEMBER 28, 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]
  - Minutes of November 7, 2001 Regular Board meeting
  - Minutes of November 9, 2001 Study Session Board meeting

Bd2001\Consent-112801.DOC

## WARRANTS NOVEMBER 28, 2001

### HAND WRITTEN CHECKS

18487	11/06/01	POSTMASTER	61.61
18488	11/13/01	POSTMASTER	656.89
18489	11/16/01	CHP	6.00

### COMPUTER GENERATED CHECKS

VOID	6410			972.76	.00	972.76		
006409	11/09/01	SLO02	DIV OF ENVIRON HEALTH	972.76	.00	972.76	15311	CROSS CONNECTION WORK
006410	11/09/01	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	110901	STUDY SESSION
				-100.00	.00	-100.00	110901u	Ck# 006410 Reversed
			Check Total.....:	.00	.00	.00		
006411	11/09/01	WIN01	MICHAEL WINN	100.00	.00	100.00	110901	STUDY SESSION
006412	11/09/01	WIR02	WIRSING, JUDY	100.00	.00	100.00	110901	STUDY SESSION
006418	11/28/01	BCS01	BASIC CHEMICAL SOLUTIONS	719.09	.00	719.09	46558	CHLORINE FOR BL WTP
				251.95	.00	251.95	46561	CHLORINE FOR BL & TOWN WF
			Check Total.....:	971.04	.00	971.04		
006419	11/28/01	BEL01	KATHY BELTRAN	50.00	.00	50.00	A11121	OPEN BOARD ROOM 11/19/01
006420	11/28/01	BLA01	ROBERT L BLAIR	100.00	.00	100.00	112801	REG BD MEETING
006421	11/28/01	BOY01	BOYLE ENGINEERING CORP	4450.68	.00	4450.68	102601-1	MASTER PLAN
				2907.36	.00	2907.36	102601-#6	MASTER PLAN UPDATE
			Check Total.....:	7358.04	.00	7358.04		
006422	11/28/01	COR01	CORBIN WILLITS SYSTEMS	2290.04	.00	2290.04	A11116	2 DAY ON SITE PROGRAMMING
				520.00	.00	520.00	A111151	ENHANCEMENT FEE FOR BILLI
			Check Total.....:	2810.04	.00	2810.04		
006423	11/28/01	CRE01	CREEK ENVIRONMENTAL LABS	75.00	.00	75.00	13747	LAB TESTS WATER
				30.00	.00	30.00	13748	BL WWTP LAB
				75.00	.00	75.00	13788	SUMMIT STATION LAB
			Check Total.....:	180.00	.00	180.00		
006424	11/28/01	DIA01	A J DIANI	218.00	.00	218.00	1039	ORCHARD RD REPAIR
006425	11/28/01	DWI01	DWIGHT'S AUTOMOTIVE	90.16	.00	90.16	10593	SERVICE 99 DODGE
				93.60	.00	93.60	10597	SERVICE 2000 CHEVY
			Check Total.....:	183.76	.00	183.76		
006426	11/28/01	EDA01	EDA	2500.00	.00	2500.00	48887	MV II SEWER PLAN
006427	11/28/01	FGL01	FGL ENVIRONMENTAL	373.50	.00	373.50	109651A	QUARTERLY MONITORING WELL
				286.40	.00	286.40	109653A	BL WWTP LAB
				44.80	.00	44.80	110170B	NIPOMO WWTP LAB
				44.80	.00	44.80	110171A	BL WWTP LAB
			Check Total.....:	749.50	.00	749.50		
006428	11/28/01	FIR01	FIRST AMERICAN REAL EST	101.07	.00	101.07	10509469	SLO MAP UPDATE
006429	11/28/01	GRO01	GROENIGER & CO	22.35	.00	22.35	111159T	MISC PARTS
				374.99	.00	374.99	112085B	MISC SUPPLIES
				82.63	.00	82.63	112086B	DIP SPOOL
				254.23	.00	254.23	112290B	BRZ SADDLE STRAP
			Check Total.....:	734.20	.00	734.20		
006430	11/28/01	GWA01	GWA INC	25.00	.00	25.00	100901	FIRE ALARM
6413	11/16/01	EMP01	EMPLOYMENT DEVELOP DEPT	397.77	.00	397.77	A11116	STATE INCOME TAX
6414	11/16/01	MID01	MIDSTATE BANK-PR TAX DEP	1755.87	.00	1755.87	A11116	FEDERAL INCOME TAX
				411.38	.00	411.38	1A11116	MEDICARE (FICA)
			Check Total.....:	2167.25	.00	2167.25		
6415	11/16/01	MID02	MIDSTATE BANK - DIRECT DP	12263.91	.00	12263.91	A11116	NET PAY DEDUCTION
6416	11/16/01	SIM01	DEBRA SIMMONS	150.00	.00	150.00	A11116	WAGE ASSIGNMENT
6417	11/16/01	STA01	STATE STREET GLOBAL	935.00	.00	935.00	A11116	DEFERRED COMP

006431	11/28/01	IKO01	IKON OFFICE SOLUTIONS	47.17	.00	47.17	16357204	COPIER MAINTENANCE
006432	11/28/01	MCI01	MCI WORLD COM	31.92	.00	31.92	220627	LONG DISTANCE
				2.61	.00	2.61	261183	LONG DISTANCE
			Check Total.....:	34.53	.00	34.53		
006433	11/28/01	MET01	METRON-FARNIER, LLC	4084.00	.00	4084.00	4610	HIGH SCHOOL METERS
006434	11/28/01	MOB01	RICHARD MOBRAATEN	100.00	.00	100.00	112801	REG BD MEETING
006435	11/28/01	PAC01	PACIFIC BELL	36.48	.00	36.48	0161-11	PHONE
				70.12	.00	70.12	1133-11	PHONE
				49.46	.00	49.46	1341-11	PHONE
			Check Total.....:	156.06	.00	156.06		
006436	11/28/01	POS02	POSTALIA	8.29	.00	8.29	206222	POSTAGE RESET
006437	11/28/01	REL01	RELIABLE	23.70	.00	23.70	XCH93502	TYPEWRITER RIBBON
006438	11/28/01	SLO02	DIV OF ENVIRON HEALTH	608.00	.00	608.00	15334	LAB TESTS
006439	11/28/01	SLO06	SAN LUIS OBISPO TAX COLL	528.98	.00	528.98	91232016	PROPERTY TAXES-CAMINO M
006440	11/28/01	STA04	STATE DEPT OF HEALTH SERV	7629.52	.00	7629.52	0120537	AB 2995 WATER SYSTEM FEE
006441	11/28/01	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	112801	REG BD MEETING
006442	11/28/01	USA01	USA BLUEBOOK	234.73	.00	234.73	491608	MISC SUPPLIES
				301.07	.00	301.07	491915	MISC SUPPLIES
			Check Total.....:	535.80	.00	535.80		
006443	11/28/01	VER02	VERIZON WIRELESS	38.32	.00	38.32	316462954	CELL PHONE
006444	11/28/01	WES02	WEST COAST INDUSTRIAL	3814.60	.00	3814.60	315/316	RETENTION - TANK PAINTIN
006445	11/28/01	WIN01	MICHAEL WINN	100.00	.00	100.00	112801	REG BD MEETING
006446	11/28/01	WIR02	WIRSING, JUDY	100.00	.00	100.00	112801	REG BD MEETING
006387	11/09/01	BLA01	ROBERT L BLAIR	100.00	.00	100.00	110901	STUDY SESSION
006388	11/09/01	COU01	COURIER SYSTEMS	90.00	.00	90.00	88102	LAB COURIER SERVICE
006389	11/09/01	CRE01	CREEK ENVIRONMENTAL LABS	30.00	.00	30.00	13571	BL WWTP LAB
				30.00	.00	30.00	13590	BL WWTP LAB
			Check Total.....:	60.00	.00	60.00		
006390	11/09/01	DAN01	DANONE WATERS	10.60	.00	10.60	949291261	DELIVERY
006391	11/09/01	DEW01	J B DEWAR INC	83.50	.00	83.50	334380	DEEP WELL PUMP OIL
006392	11/09/01	DIE01	DIEHL, EVANS & CO. LLP	100.00	.00	100.00	TAX MAN	2001 GOV TAX MANUAL
006393	11/09/01	DWI01	DWIGHT'S AUTOMOTIVE	40.00	.00	40.00	10691	SMOG INSPECTION - 96 FCF
				40.00	.00	40.00	10729	SMOG INSPECTION -94 FCF
			Check Total.....:	80.00	.00	80.00		
006394	11/09/01	FAR01	FARM SUPPLY COMPANY	49.27	.00	49.27	629960	STAND PIPE REPAIR SUPPLI
006395	11/09/01	FGL01	FGL ENVIRONMENTAL	44.80	.00	44.80	109907A	NIPOMO WWTP LAB
				44.80	.00	44.80	109908A	BL WWTP LAB
			Check Total.....:	89.60	.00	89.60		
006396	11/09/01	GAR01	GARING TAYLOR & ASSOC	171.50	.00	171.50	2289	GEN ENGINEERING
				24.50	.00	24.50	2290	ENG-WATERLINE AT PARK
				2923.98	.00	2923.98	2291	TEFFT (DANA) WTR LINE
			Check Total.....:	3119.98	.00	3119.98		
006397	11/09/01	JOH01	DONNA JOHNSON	13.90	.00	13.90	110401	REIMB FOR RECH BATTERIES
006398	11/09/01	KIN01	KINKO'S	270.58	.00	270.58	7733	MIT DEC REPORT - MARIA T
006399	11/09/01	MIS01	MISSION UNIFORM SERVICE	279.54	.00	279.54	82967-10	UNIFORM SERVICE
006400	11/09/01	MOB01	RICHARD MOBRAATEN	100.00	.00	100.00	110901	STUDY SESSION
006401	11/09/01	NIP01	NIPOMO ACE HARDWARE INC	138.62	.00	138.62	268487	MISC SUPPLIES
006402	11/09/01	NIP02	NIPOMO GARBAGE	14.55	.00	14.55	1802-11	TRASH COLLECTION
006403	11/09/01	NIP03	NIPOMO SHELL	554.24	.00	554.24	158016	GASOLINE
006404	11/09/01	PUL01	PULITZER CENTRAL COAST NP	40.50	.00	40.50	108403	LEGAL NOTICE NEC-MARIA T
				45.56	.00	45.56	108405	LEGAL NOTICE - NEG DEC M
			Check Total.....:	86.06	.00	86.06		
006405	11/09/01	REL01	RELIABLE	72.03	.00	72.03	XCH93500	MISC SUPPLIES
				55.82	.00	55.82	XCH93501	OFFICE SUPPLIES
			Check Total.....:	127.85	.00	127.85		
006406	11/09/01	REY01	CARLOS J. REYNOSO, CPA	500.00	.00	500.00	11559	AUDIT WORK
006407	11/09/01	SAI01	SAIC	2629.74	.00	2629.74	399431	LITIGATION SMV GROUNDWAT
006408	11/09/01	SHI01	SHIPSEY & SEITZ, INC	4795.68	.00	4795.68	11310	LEGAL SERVICE

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

November 7, 2001

REGULAR MEETING 9:30 A.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### **BOARD MEMBERS**

ROBERT BLAIR, PRESIDENT  
RICHARD MOBRAATEN, VICE PRESIDENT  
MICHAEL WINN, DIRECTOR  
JUDITH WIRSING, DIRECTOR  
CLIFFORD TROTTER, DIRECTOR

### **STAFF**

DOUGLAS JONES, GENERAL MANAGER  
DONNA JOHNSON, SEC. TO THE BOARD  
JON SEITZ, GENERAL COUNSEL

**DRAFT**

*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 9:30 a.m. and led the flag salute

#### **B. ROLL CALL**

At Roll Call, all Board members were present.

#### **C. PUBLIC COMMENTS PERIOD**

##### **PUBLIC COMMENTS**

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

President Blair opened the meeting to Public Comments.

The following members of the public spoke:

Herb Kandel, 776 Inga Rd., Creek Committee

John Snyder, 662 Eucalyptus, Nipomo - reported that SLO County was out of the groundwater suit.

Jim Kinninger, 660 Camino Roble - reported on the success of the Mesa Clean Up Day and asked the Board for \$2,000 more for unexpected expenses.

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

##### **D-1) WATER SUPPLIES AND TRANSFERS - DICK MOSS**

Mr. Moss review of California water supplies and transfers

Mr. Moss could not attend the meeting, therefore, this item was cancelled.

##### **D-2) HAZARDOUS WASTE COLLECTION - INTEGRATED WASTE MANAGEMENT AUTHORITY**

Review proposed location of hazardous waste collection site and agreement approval

Mr. Bill Worrell, IWMA, described the proposed waste collection site at 509 Southland.

The following members of the public spoke:

Herb Kandel, 776 Inga Rd., Nipomo - asked about advertising. Mr. Worrell explained.

Jesse Hill, 1910 Grant Ave, Arroyo Grande - asked about the Southland on-ramp interfering with the site. Mr. Seitz explained there was a condemnation clause in the agreement.

Upon motion of Director Mobraaten and seconded by Director Blair, the Board unanimously approved Resolution 2001-796 approving the agreement with IWMA. Vote 5-0.

**RESOLUTION 2001-796  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING HAZARDOUS WASTE COLLECTION AGREEMENT WITH  
INTEGRATED WASTE MANAGEMENT AUTHORITY**

- D-3) REVIEW SERVICES AND THE PROJECT DESCRIPTION FOR PROPOSED ANNEX. No. 20 TRACT 1808 CONDITIONS -MARIA VISTA  
Review the number of lots to be served in Tract 1808 and approve the project description

The Board reviewed the previous condition to limit the number of lots to Tract 1808.

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, Arroyo Grande - read from CEQA, re: accurate project description.  
Herb Kandel, 776 Inga Rd., Nipomo -showed pictures to the Board taken of the Bluffs before and after the March 5<sup>th</sup> rain. Spoke of the sensitivity of the Bluffs.

Mike Hodge, EDA - explained *drains, etc... design*

Director Wirsing made a motion to table this item until further information is received from the County Board of Supervisors. The motion failed for lack of a second.

Director Winn made a motion that the limitation on the number of lots that were stipulated in the last meeting be removed and to accept the number of parcels be whatever the County approves. Director Mobraaten seconded the motion. Vote 4-1 with Director Wirsing voting no.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board approved the project description for Tracts 1802, 1808 & 1856 of the proposed Annexation No. 20, including the map exhibit. Vote 4-1 with Director Wirsing voting no.

- D-4) ENVIRONMENTAL REVIEW OF INFRASTRUCTURE TO TRACT 1802, 1808 & 1856, MARIA VISTA  
Set Public Hearing - 12/12/01 to review draft Initial Study/Mitigated prop Anx. No. 20- Maria Vista Dev

The Board briefly reviewed the Draft Environmental Report for the infrastructure to Tracts 1802, 1808 and 1856. Director Trotter asked that V-8 - no impact be changed to no further impact.

The following members of the public spoke:

Jesse Hill, 1910 Grant Ave, Arroyo Grande - spoke about CEQA requirements

Vince McCarthy, 194 E. Dana, Nipomo - asked if the comments were to be sent to NCS. Yes

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously agreed to set a Public Hearing for December 12, 2001 at 9:30 a.m. to review the Initial Study/Mitigated Declaration for the infrastructure to Tracts 1802, 1808 and 1856. Vote 5-0

- D-5) ANNEXATION NO. 21 - TRACT 2325 - KNOLLWOOD

Waiver of protest proceeding for annexation No. 21

The Board reviewed the proposal to waive the protest proceeding for Annexation No. 21 because there is only one property owner who does not protest. Then LAFCO will hold the protest proceeding.

There was no public comment.

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to Director staff to write a letter to LAFCO approving the waiver of protest proceedings for Tract 2325, Annexation No. 21. Vote 5-0

## E. OTHER BUSINESS

- E-1) SURPLUS EQUIPMENT

Authorize the disposal of obsolete District equipment and items

The Board discussed the need to dispose of obsolete District equipment and items.

There was no public comment.

Upon motion of Director Mobraaten and seconded by Director Winn, the Board unanimously authorized staff to dispose of the following items:

- Six (6) used surface aerators
- 25 used fire hydrants
- Two (2) used computer monitors and 2 used hard drives
- Used flag pole.

**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]  
Minutes of October 17, 2001 Regular Board meeting
- F-3) FIRST QUARTER FINANCIAL REPORT (JULY-SEPT, 01)
- F-4) PROPERTY TAX EXCHANGE FOR ANNEXATION NO. 20 - MARIA VISTA  
Approve property tax exchange with SLO County on proposed Annexation No. 20  
**RESOLUTION NO. 2001-797**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE**  
**AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO**  
**TO NIPOMO COMMUNITY SERVICES DISTRICT**  
**FOR ANNEXATION NO. 20 (MARIA VISTA)**
- F-5) PROPERTY TAX EXCHANGE FOR ANNEXATION NO. 21 - KNOLLWOOD  
Approve property tax exchange with SLO County on proposed Annexation No. 21  
**RESOLUTION NO. 2001-798**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE**  
**AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO**  
**TO NIPOMO COMMUNITY SERVICES DISTRICT**  
**FOR ANNEXATION NO. 21 (KNOLLWOOD)**
- F-6) ACCEPTANCE OF IMPROVEMENTS - CO 99-0115 (SAV ON DRUG)  
Accepting water and sewer improvements for a commercial dev. on Tefft Street  
**RESOLUTION NO. 2001-799**  
**A RESOLUTION OF THE BOARD OF DIRECTORS**  
**OF THE NIPOMO COMMUNITY SERVICES DISTRICT**  
**ACCEPTING THE WATER AND SEWER IMPROVEMENTS**  
**FOR PARCEL MAP CO 99-0115 (SAV ON)**

There was no public comment.

After the Board discussed the items on the Consent Agenda, Director Winn made a motion to approve all the items. Director Blair seconded. Vote 5-0 with Director Wirsing abstaining.

**G. MANAGER'S REPORT**

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

1. CSDA LEGISLATIVE UPDATE
2. GENERAL PLAN AMENDMENT - BRAND (Notice of Preparation of Draft EIR)

**H. DIRECTORS COMMENTS**

At 11:50, Legal Counsel, Jon Seitz announced the need to go into Closed Session pursuant to GC§54956.9 .

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

The Board came back into Open Session and made the following announcement:

- a. SMVWCD vs NCSA Santa Clara County Case No. CV 770214 and all consolidated cases.  
Not discussed
- b. NCSA vs State Dept of Health Services CV 990716  
Board heard update and gave direction to legal counsel.
- c. Holliday/Hill vs NCSA CV 010563  
Board heard update and gave direction to legal counsel.

**ADJOURN**

President Blair adjourned the meeting at 12:20 p.m.

A Special Board meeting will be held on November 9, 2001. Study Session on supplemental water. The regularly scheduled Board meeting for November 21, 2001 has been canceled. The next regular Board Meeting will be held on November 28, 2001.

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**MINUTES**  
**SPECIAL MEETING**  
**STUDY SESSION**

NOVEMBER 9, 2001    FRIDAY    9:00 A. M.

BOARD ROOM    148 S. WILSON STREET    NIPOMO, CA

**BOARD MEMBERS**

ROBERT BLAIR, **PRESIDENT**  
RICHARD MOBRAATEN, **VICE PRESIDENT**  
MICHAEL WINN, **DIRECTOR**  
JUDITH WIRSING, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**

**STAFF**

DOUGLAS JONES, **GENERAL MANAGER**  
DONNA JOHNSON, **SECRETARY TO THE BOARD**  
JON SEITZ, **GENERAL COUNSEL**

President Blair called the meeting to order at 9:14 a.m. and led the flag salute.

**ROLL CALL**

At Roll Call the following Board members were present:  
President Blair, Directors Mobraaten, Winn and Wirsing. Director Trotter was absent.

**Public Comment on Agenda Items**

The public has the right to comment on any item on the Special Meeting Agenda. Comments are limited to 3 minutes or otherwise at the discretion of the Chair.

President Blair asked for Public Comments.  
There was no public comment.

**ADMINISTRATIVE ITEM**

**STUDY SESSION**

Kennedy/Jenks Report  
Review of supplemental water supplies for the District

General Manager, Doug Jones, presented information on the Kennedy/Jenks Consultants Supplemental water Report:

The Board discussed the report and the alternatives.

The following members of the public spoke:

Jessie Hill, 1910 Grant Ave. Arroyo Grande  
Vince McCarthy, 194 E. Dana, Nipomo  
John Eppard, 1505 Champions Lane, Nipomo  
El-Jay Hansson, Callendar-Garrett

This subject will be addressed at a regular Board meeting.

**ADJOURN**

President Blair adjourned the meeting at 10:26 a.m.

The next regular Board meeting will be held November 28, 2001.



AGENDA ITEM

NOV 28 2001



TO: BOARD OF DIRECTORS

FROM: DOUG JONES

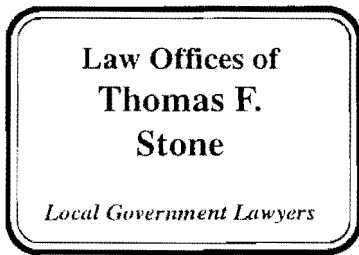
DATE: NOVEMBER 28, 2001

MANAGER'S REPORT

G-1) "LAWBRIEFS" BULLETIN

G-2) INCIDENT REPORT

Board 2001\mgr 112801.DOC



# Special District LAW BRIEFS

Legal Developments for Board Members and Managers

Bulletin No. 16

Fall 2001

## Inspection Warrants

# A Useful Tool for Enforcing Your Ordinances and Regulations

At one time or another, every district must face the challenge of enforcing its health and safety regulations. This is particularly true for those providing utility services, such as water, sewer or electricity, or for districts that provide vector control.

Violations can range from storm drains connected to sanitary sewers, lack of back flow prevention devices and uninspected connections, to illegal water softeners and unsanitary disposal of manure.

In many cases, the best strategy is to work with the appropriate county department, using the established enforcement mechanism for violation of county ordinances and state law. Because they see more cases, county officials are usually familiar with appropriate notices and other procedures and can exercise the ultimate threat of legal action by the district attorney. The county also assumes the major risk of lawsuits that can result from enforcement action.

When county enforcement is not available, such as a case where only a district regulation and no county ordinance or state law is violated, a special district may have to provide its own enforcement process.

Enforcement of ordinances and other regulations involves technical legal issues, and it is always important to consult with your attorney at an early stage. There are often very specific requirements for notices, hearings and other procedures that may be unfamiliar to staff because they are not used often.

A major legal issue is the authority of a special

district to conduct an inspection of private property. Generally, a district is not authorized to inspect or search without either (1) consent from the owner or the tenant of the property, or (2) a warrant issued by a court. The basis of this requirement is found in the United States and California Constitutions, prohibiting unreasonable search and seizure.

California law includes specific provisions that apply to special districts such as county, municipal and state water districts, community service districts, and public utility districts. These laws generally provide that the district can enter private property within the jurisdiction of the district. Permitted purposes for entry may include, depending on the type of district, violation of ordinances or regulations or the rate and charge fixing provisions of the district.

Entry can be made with the consent of the owner or tenant. If consent is refused, then the district can seek an inspection warrant from the court, with a showing of probable cause, under Section 1822.50 of the Code of Civil Procedure.

The Code allows the district to ask a court for a warrant to conduct any inspection authorized by state law or local regulation relating to building, fire, safety, plumbing, electrical, health, labor or zoning. The warrant can only be issued on a showing of probable cause. It requires an application to the court, in writing and under oath, containing some observations or other reliable information showing that it is likely that a violation of law or other lawful reason to inspect exists on the property.

**INCIDENT REPORT  
JANUARY 2001 THRU NOVEMBER 2001**

DATE	LOCATION	COMMENT	CAUSE & ACTION
01/11/01	240 ENCINO	DIRTY WATER	CONTRACTOR HIT WATER LINE, FLUSHED F.H.
02/01/01	794 POMEROY	SAND IN LINES	UNKNOWN, FLUSHED METER
02/07/01	214 N MALLAGH	HIGH CHLORINE SMELL	NORMAL RESIDUAL
02/12/01	270 VAL VERDE	NO WATER	CUST LINE RAN OVER BY CAR, CUST TO REPAIR
02/13/01	512 HEATHER	WATER SMELL AND TASTE BAD	WATER HEATER NEEDS TO BE FLUSHED
02/28/01	745 JUNIPER	UNABLE TO TURN WATER OFF	WORKED ANGLE STOP VALVE
03/06/01	485 MEREDITH	SEWER SMELL IN HOUSE	BATHROOM SINK TRAP
03/07/01	230 E DANA	SEWER SMELL OUT SIDE	RAIN SATURATED, SEPTIC IN AREA
03/09/01	980 WAYPOINT	PARTICLES IN WATER	WATER SOFTENER BROKEN
03/12/01	670 SOUTHRIDGE	METER BOX LID DOESN'T FIT	FIREFLY AGAINST LID, TURNED METER SO LID FITS
03/13/01	108 W BENNETT	HEDGE CUT BY AMICK, LEFT ON STREET	WHILE INSTALLING FIREFLY, PICKED UP THE BRANCH
03/16/01	185 ALYSSUM	LOW PRESSURE	FILTER IN KITCHEN NEEDS CLEANING, FLUSHED LINE
04/04/01	502 MISTY VIEW	LOW PRESSURE	66 PSI AT METER, CUST NEEDS TO ADJUST REGULATOR
05/14/01	JUNIPER @ ENCINO	MANHOLE COVER COMES OFF	TRUCKS HIT MANHOLE CAUSING NOISE, COVER OK
05/15/01	234 SUMMIT STATION	LOW PRESSURE	CHART RECORDER SHOWS 40 PSI OR ABOVE FOR WEEK
05/21/01	234 SUMMIT STATION	LOW PRESSURE & DIRTY WATER	CHART RECORDER SHOWS 38 PSI, FLUSHED FIRE HYDRANT
05/21/01	563 BEVERLY	TREES IN LEACHFIELD ON HIS FENCE	TRIMMED TREES, CLEANED LEACHFIELD
05/22/01	516 MEREDITH	SEWER SMELLS	MVII PUMPED AND PONDS CLEANED
05/24/01	644 CRYSTAL	LOW PRESSURE	NO PROBLEM FOUND, 78 PSI AT METER,
05/29/01	787 STORY	LOW PRESSURE	72 PSI AT METER, CUST SPRINKLERS WERE ON
06/04/01	235 E TEFFT	F.H. FLOODS STREET AND DRIVEWAY	F.H. HIT BY CAR TWICE, INSTALLED TRAFFIC POST
06/04/01	LEMA & JUNIPER	WEEDS PUSHING FENCE OVER @ LS	CLEARED WEEDS & CLEANED LIFT STATION AREA
06/08/01	173 E KNOTTS	UNABLE TO TURN WATER OFF	REPAIR ANGLE STOP
06/08/01	234 W TEFFT	METER BOX LID BROKE	REPLACED METER BOX LID
06/11/01	N FRONTAGE	FIRE HYDRANT LEAKING	TIGHTENED CAP AND TOP VALVE
06/14/01	715 SANDYDALE	SAND IN LINES	HAD SPRINKLER LEAK, HOUSE LINES FILLED, FLUSHED
06/22/01	532 BRIARWOOD	BAD SMELL & TASTE	LINES HAD BEEN WORKED ON, FLUSHED FIRE HYDRANTS
06/29/01	794 RIDGE	BAD SMELL & TASTE	LINES HAD BEEN WORKED ON, FLUSHED FIRE HYDRANTS
07/02/01	480 BRYTEC	SEWER SMELL OUTSIDE	SEWER LATERAL WAS PLUGGED
07/06/01	1374 BLACK SAGE	LOW PRESSURE	66 PSI AT METER, REGULATOR, SOFTENER, SPRINKLERS
07/06/01	658 WOODGREEN	SIDEWALK RAISING UP FROM OUR LEAK	NOT OUR LEAK, ROOTS OF TREE, OR CUST LEAK
07/12/01	990 OLYMPIC	BILL HIGH, WANTS METER CHECKED	CITY OF AG TESTED, METER IS OK
07/16/01	288 PINECREST	SEWER SMELLS	BATHROOM SINK DRAINPIPE
07/19/01	747 CAMINO CABALLO	LARGE POT HOLES AFTER REPAIR	FILLED HOLES WITH COLD MIX
07/19/01	170 S BURTON	LOW PRESSURE	78 PSI, POSSIBLE PRESSURE REGULATOR
07/31/01	584 HILL	SAND IN LINES	FLUSHED FIRE HYDRANTS

**INCIDENT REPORT  
JANUARY 2001 THRU NOVEMBER 2001**

DATE	ADDRESS	COMMENT	CAUSE & ACTION
08/07/01	751 BEVERLY	LOW PRESSURE	PRESSURE OK, FLUSHED METER, CUST CLEAN FILTERS
08/14/01	137 W CHESTNUT	LOW PRESSURE	CONTRACTOR HIT WATER LINE, REPAIRED, FLUSHED F.H.
08/17/01	235 E BRANCH	METER LID BROKE	REPLACED METER BOX LID
08/23/01	566 BELANGER	UNABLE TO TURN WATER OFF	WORKED ANGLE STOP VALVE
08/31/01	147 N OAKGLEN	METER BOX LID DOESN'T FIT	FIREFLY AGAINST LID, TURNED METER SO LID FITS
08/31/01	101 E KNOTTS	LOW PRESSURE	SPRINKLER LEAK
09/10/01	605 BLACK RIDGE	ODOR IN SINKS	BATHROOM SINK TRAP
09/10/01	675 SOUTHRIDGE	LOW PRESSURE	SERVICE LEAK, REPAIRED
09/17/01	897 LOW PRESSURE	LOW PRESSURE	PRESSURE OK, FLUSHED METER, CUST CLEAN FILTERS
09/20/01	348 W TEFFT	LIFT STATION SMELLS	CLEANED, WILL NEED TO REPLACE SOON
10/16/01	542 CHARRO	METER BOX TO HIGH	LOWERED METER BOX
10/17/01	625 VIA ESPERANZA	F.H. HIT BY CAR, YARD IS SATURATED	DID NOT DRAIN INTO HER YARD, SEPTIC FULL
10/18/01	189 N OAKGLEN	UNABLE TO TURN WATER OFF	WORKED ANGLE STOP VALVE
11/14/01	235 E BRANCH	BROKEN METER BOX	REPLACED METER BOX LID
11/16/01	234 SUMMIT STATION	LOW PRESSURE	F.H. HIT BY CAR, REPAIRED, LINES FLUSHED
11/19/01	210 E DANA	FINE, GRITTY SAND IN WATER	FLUSHED FIRE HYDRANTS, FLUSHED METER