

# NIPOMO COMMUNITY SERVICES DISTRICT

## AGENDA

FEBRUARY 6, 2002

REGULAR MEETING 9:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### BOARD MEMBERS

RICHARD MOBRAATEN, PRESIDENT  
MICHAEL WINN, VICE PRESIDENT  
ROBERT BLAIR, 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.

**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) SHERIFF ACTIVITIES IN NIPOMO**

Presentation by Lt. Davis of the Sheriff Dept. - Nipomo activities

**D-2) REQUEST FOR ANNEXATION (NUNEZ)**

Request for Annexation of approx. 2.5 acre parcel at 427 Amado St. for District services

**D-3) REQUEST FOR WAIVER OF DISTRICT WATER AND SEWER POLICY**

Request to waive irrigation and sewer lateral requirements

**D-4) ASSIGNMENT OF GARBAGE FRANCHISE SERVICE**

Review existing franchise agreement and the possible sale of the company

**D-5) TEFFT ST WATER LINE PROJECT**

Request bids to construct a new water line in Tefft St. Tejas to Thompson Street

**D-6) LANDSCAPE MAINTENANCE PROPOSALS**

Review landscaping proposal for the District office and Black Lake Water Facility

**E. OTHER BUSINESS**

**E-1) REVIEW BOARD OF DIRECTORS BY-LAWS**

Annual review of the Board By-Laws Policy

**E-2) REVIEW BOARD ROOM USE POLICY**

**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 January 23, 2002 Regular Board meeting

**F-3) ACCEPTANCE OF IMPROVEMENTS - PARCEL MAP CO 99-076 (LONGS)**

Acceptance of off-site water and sewer improvements Resolution 2002-Accept Longs

**G. MANAGER'S REPORT**

- STREET LANDSCAPING LEGISLATION

**H. COMMITTEE REPORTS**

**I. DIRECTORS COMMENTS**

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

A. SMWWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.

B. NCSA VS STATE DEPT OF HEALTH SERVICES CV 990716

CONFERENCE WITH NEGOTIATOR

C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR- DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE

**ADJOURN**

**The next regular Board Meeting will be held on February 20, 2002 at 9:30 a.m.**



TO: BOARD OF DIRECTORS

FROM: DOUG JONES *D*

DATE: FEBRUARY 6, 2002

AGENDA ITEM



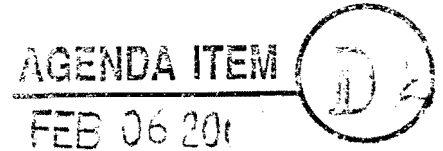
SHERIFF ACTIVITIES IN NIPOMO

**ITEM**

Lt. Davis of the SLO County Sheriff Department here to discuss the Sheriff's activities in the Nipomo area.

Board 2002/Sheriff.DOC

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: FEBRUARY 6, 2002



REQUEST FOR ANNEXATION  
NUÑEZ

**ITEM**

Request from the Nuñez' family for annexation of their property (a 2½ acre parcel on Amado Street) into the District

**BACKGROUND**

Your Honorable Board has reviewed a request from the Nuñez' family for an Outside User Agreement for water and sewer service to 427 Amado Street due to deteriorating condition of the existing well and septic tank on the property. As discussed at previous Board meetings, Mr. Nuñez was directed to apply for straight annexation. The application is enclosed.

The following procedure is recommended for the request for annexation.

- Direct staff to prepare an annexation agreement for the applicant to execute. Included in the annexation agreement would be to retrofit eight (8) houses to create sufficient water for the parcel and a deposit to cover staff time.
- The applicant needs to apply to LAFCO for annexation to the District.
- Pay all water, sewer and annexation fees associated with this request.

When the above items are processed, the water and sewer service may be extended to the property.

**RECOMMENDATION**

Staff recommends that your Honorable Board direct staff to prepare an annexation agreement for the applicant to execute and have the applicant apply to LAFCO for annexation into the District.

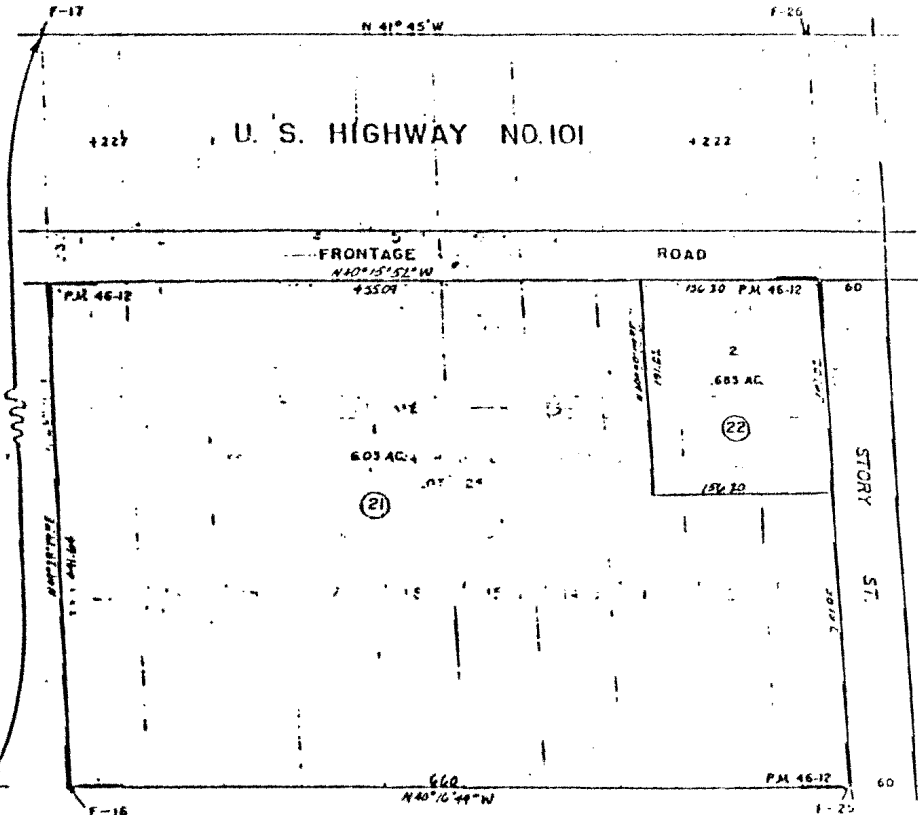
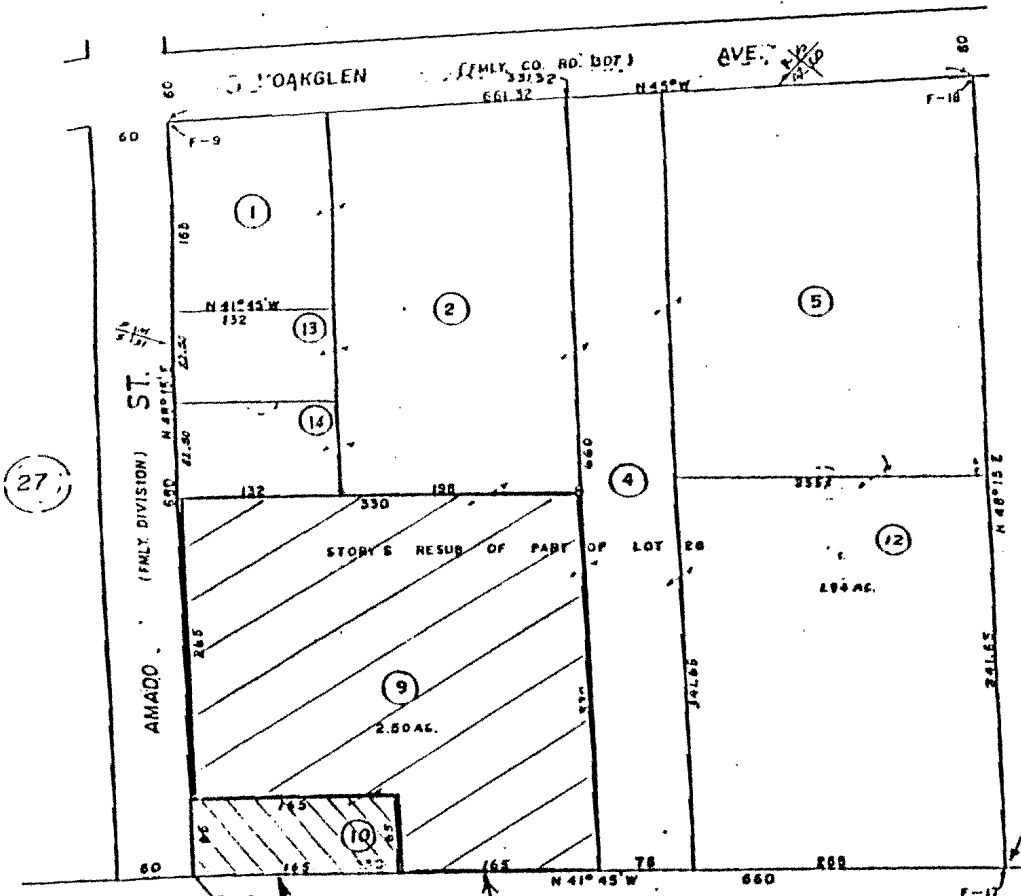
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92-



15

THIS MAP IS PREPARED FOR  
ASSESSMENT PURPOSES ONLY



27

U. S. HIGHWAY NO. 101

15

*Parcel presently  
being served*

*Parcel requesting  
service*

15

RANCHO TOMO  
SAN LUIS OBISPO COUNTY  
CALIFORNIA  
SOUTH AND TRACT

NIPOMO COMMUNITY SERVICES DISTRICT

Request For Annexation

Property/Project Information and Proposal  
(To be completed by Project Proponents/Owners)

1. Property Owner: Maria H. Nunez  
Address: 427 Amado St.
2. Developer: \_\_\_\_\_
3. Engineer: \_\_\_\_\_
4. Assessor's Parcel Number: 092301009
5. Location:  
A. Text/Legal Description: 427 Amado St.  
\_\_\_\_\_  
\_\_\_\_\_
- B. Provide Map (attachments)
6. General Description of Project: To receive  
Water & Sewer Service  
\_\_\_\_\_  
\_\_\_\_\_
7. Services Requested from NCSD: Water & Sewer  
A. Water: (1) dwelling  
B. Sewer: (1) dwelling
8. Current Zoning: R-1
9. Identify any proposed or pending zone changes on the property to be annexed (Ref. District Resolution No. 197):  
A. Maximum number of units based on current zoning: 1  
B. Maximum number of units based on proposed zoning: 1
10. Proposed number of Residential Units:  
(Describe phased construction plan if applicable)  
N/A  
\_\_\_\_\_  
\_\_\_\_\_

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7-8-92	
6-30-92	

11. If non-residential use, provide information as to number of plumbing fixtures, manloading, intended use, etc. (Describe phased construction plan if applicable):

N/C

12. Total acreage of proposed project: 2 1/4 acre

13. Total acreage of proposed annexation: 2 1/4

14. If total acreage to be annexed differs from the acreage to be developed, explain the difference:

15. Status of water resources available on proposed annexation acreage:

A. Quantity (pumping log and date: NONE)

B. Quality (quality tests and date: NONE)

C. Other information: \_\_\_\_\_

D. Water resources to be dedicated to NCSD: NONE

16. Description of existing and proposed wastewater disposal system: EXISTING = SEPTIC TANK

PURPOSE TO CONNECT TO NCSD

17. Reason proponents are requesting annexation: \_\_\_\_\_

Failing SEPTIC TANK & Failing WATER WELL

18. Other comments: \_\_\_\_\_


Note:

In its effort to make a competent and informed annexation decision, NCSD may, at its sole discretion, request additional information from the proponent(s) of the annexation, and/or revise this checklist as NCSD deems necessary.

By signing below, I certify that I am the Owner of said property, or am empowered to act on the Owner's behalf, and that I understand the information provided herein by me or my representatives is true to the best of my knowledge.

Signed: Maria H Nunez  
Full Name: Maria H. Nunez  
Street Address: 427 Amado St  
Mail Address (If different): \_\_\_\_\_  
Home telephone number: 929-3542  
Work telephone number: \_\_\_\_\_

TO: BOARD OF DIRECTORS

FROM: DOUG JONES 

DATE: FEBRUARY 6, 2002

AGENDA ITEM  
FEB 06 2002



## REQUEST OF WAIVER FROM DISTRICT WATER AND SEWER POLICIES

### ITEM

Request to waive irrigation and sewer later requirements

### BACKGROUND

The District received a request from Richard Meyers, the developer of Tract 2412, for a waiver from District water and sewer policies with respect to a number of landscape meter connections and separate sewer lateral connections.

The District Code 3.040.30 requires a separate landscape connection for each parcel other than a single family resident. Since Tract 2412 has seven (7) commercial lots, this requires seven irrigation meters along with seven water service meters. The District Code Section 4.08.090 requires a separate sewer connection to each lot.

The developer is requesting a waiver from the District Codes by requesting a single irrigation meter for the seven commercial lots, which may be owned separately, that would be governed by a CC&R covenant with respect to paying for landscaping. It is the understanding of the District that the drainage basin on the southerly side of the property will not have landscaping.

A similar situation is with separate sewer connections. The District Code requires each separate lot or building to have a sewer lateral. The proposed development, as shown, has a sewer line in Crystal Way picking up the seven residential lots and having an easement from Crystal Way to South Frontage Rd. to carry the wastewater to the existing sewer in South Frontage Rd.

To meet the District Code Section, each of the seven commercial lots would need a separate sewer lateral. The developer is proposing an easement between the commercial Lots 1, 2 & 3 and 4, 5, 6, & 7 to install a sewer line to be maintained by the District. The District, when possible, does not want to maintain sewer lines on easements through private properties that may create future maintenance problems for the District such as the commercial sewer line proposed for Tract 2412.

The proposed seven residential lots are in compliance with District codes.



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: FEBRUARY 6, 2002  
PAGE TWO

REQUEST OF WAIVER FROM DISTRICT WATER AND SEWER POLICIES

**Items for consideration and discussion**

*Irrigation service*

- Have seven irrigation meters established for each of the seven commercial lots
- Have one irrigation service established to irrigate all the landscaping and have a recordable document encumbering one lot to be responsible to pay the water bill

*Sewer laterals*

- Have each individual commercial lot with a separate sewer lateral
- Have a single sewer line connecting the seven lots but maintained by the property owners and incorporating the maintenance of this in the CC&R's or a separate recordable document.

Attached for the Board's review is District Code Section 3.04.030 with respect to landscaping, irrigation connections, and Section 4.08.090 (a) about separated sewer connections to individual properties.

**RECOMMENDATION**

Your Honorable Board may wish to uphold the District Codes. If a variance is considered, instruct staff to prepare the appropriate documents and review the CC&R's to make sure everything is in order with respect to District requirements. The developer should pay for staff and legal time in preparing any variance items.

Board 2002/Tr2412 Waiver.DOC



# Nipomo Community Services District Code

## **3.04.030 Landscape irrigation connections.**

Except for connection to a single-family residence, a separate service connection with backflow prevention device shall be provided to each parcel of property for landscape irrigation. A separate landscape connection fee shall be computed pursuant to Section 3.04.050, and paid. (Ord. 98-87 § 9, 1998)

## **4.08.090 Extension of facilities— District criteria.**

**A. Separate Sewer Connection.** No plumbing system, drainage system, building sewer, sewer connection or parts thereof, shall be located in any lot other than the lot which is the site of the building, structure or premises served by such facilities.

The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building and every building shall have an independent connection with the public sewer.

**B. Excess Capacity.** The district may require excess capacity, consistent with its adopted plans and policies, in either new collection lines or lift stations required to provide service to new projects and land division.

**C. Direct Force Main Connections.** Direct connection of service laterals to force mains is prohibited.

**D. On-Site Systems.** All existing on-site sewage disposal systems which are replaced by new service laterals shall be properly abandoned in conformance with plumbing code and health department regulations. (Ord. 86-50 Art. 7, 1986)

**Nipomo Business Center, LLC**  
**13575 Larwin Circle**  
**Santa Fe Springs, CA 90670-5032**  
**(562) 926-5004**  
**Fax (562) 926-3074**

January 30, 2002

Mr. Doug Jones, Gen. Manager  
Nipomo Community Services District  
PO Box 326  
Nipomo, CA 93444

VIA FACSIMILE (805) 929-1932 & UPS OVERNIGHT MAIL

**RE: Tract 2412 Meyer Asset Management, So. Frontage Road, Nipomo, CA**  
**Request of Waiver from District Water and Sewer Policies**

Dear Mr. Jones:

Based on your meeting yesterday with our engineer, Russ Thompson, we are submitting the following request for your acceptance of a public utility easement and/or a variance of District policies regarding water and sewer service as they relate to our proposed commercial / industrial project. We request that this issue be presented to your Board of Directors at their February 6<sup>th</sup> meeting so that we may have the opportunity to present, in person, our case to them for consideration.

#### **Irrigation Water Service**

The water service issue relates to the NCS Code Section 3.04.030 which requires a separate landscape irrigation meter for each commercial / industrial lot. As you can see on the attached site plan the landscape areas on this project are minimal and will require minor amounts of irrigation water. Even though these areas are limited in size the landscaping is a critical feature to maintain the appearance of the project and the property values of the landowners.

Due to the importance of landscape maintenance the project CC&R's, which go with the property, have established that both landscape maintenance and irrigation will be provided by a single entity, or management company, that will ensure the landscaping is properly cared for. We are proposing a single landscape meter to facilitate this common maintenance, however District Code would require seven separate irrigation meters where one can adequately serve the site. The additional six meters poses an unreasonable burden on the project from an initial capital expense as well as unnecessary on-going operation of the site maintenance.

We would be agreeable to include additional language in the project CC&R's to add emphasis to common landscape irrigation for the lots, or additional protection to the District as directed by your legal council.

#### **Sewer Laterals**

The sewer lateral issue relates to your Code Section 4.08.020 that requires a separate sewer lateral for each lot to the sewer collection system located in the "public right-of-way". The current sewer collection plan preferred by the District includes a "public" sewer main within an easement dedicated to the District

along the southern side of the site between Crystal Way and South Frontage Road. The commercial / industrial Lots 1 through 7 would then be served by the above mentioned new "public" sewer.

By District code these seven lots are required to have individual laterals from the buildings to the connection with the District sewer line. Our request is to be allowed to construct a single large diameter sewer main from the above described new District sewer, northerly under the parking lot, with individual private laterals from that pipe to the points of connection at the individual buildings (lots). We propose to offer this sewer main to NCS D to maintain, while the smaller individual laterals to the buildings would be privately maintained. The District maintenance would be identical to the sewer pipe along the southerly edge of the site between Crystal Way and South Frontage. We believe the above is consistent with NCS D policy.

The sewer serving Lots 1 through 7 would be constructed in accordance with NCS D standards within a public sewer easement benefiting the NCS D. We believe the location of the common sewer main beneath the parking lot will allow the District adequate access for providing maintenance of the sewer pipe. If the access road and parking lot were a public cul-de-sac or public road the responsibility would clearly be on the District. The access easement will also provide sufficient vehicle access for District maintenance.

The proposed large diameter collection lateral serving Lots 1-7 from a technical standpoint is a superior design compared to seven parallel small diameter (4-inch) sewer laterals within a common trench. The larger flows through a large diameter pipe would be substantially less likely to clog or "go septic" due to the higher flow rate and increased velocity. Also the single pipe would be more stable with respect to line and grade from a constructibility standpoint, again reducing potential long-term problems. The small diameter laterals would also require the installation and maintenance of 15 sewer clean-outs in order to meet current Uniform Plumbing Code requirements.

We feel these requests are reasonable and avoid onerous requirements on the project. Connection to the existing sewer mains in Story Street and South Frontage Road are not viable options given the local soil conditions due to the depth of the sewer and the presence of other NCS D water facilities and underground utility improvements. Construction of numerous deep sewer laterals or main extensions in comparison with the technically viable options we are proposing would present unusually onerous and unreasonable requirements for this project to financially withstand.

We hope you and your Board will agree and allow the project to proceed based on the dedication of a public sewer easement serving Lots 1 through 7, and utilization of a single landscape irrigation meter which is controlled through the CC&R's. We look forward to presenting our case to the Board at the February 6<sup>th</sup> meeting. Should you have any questions or concerns please contact me at (562) 926-5004.

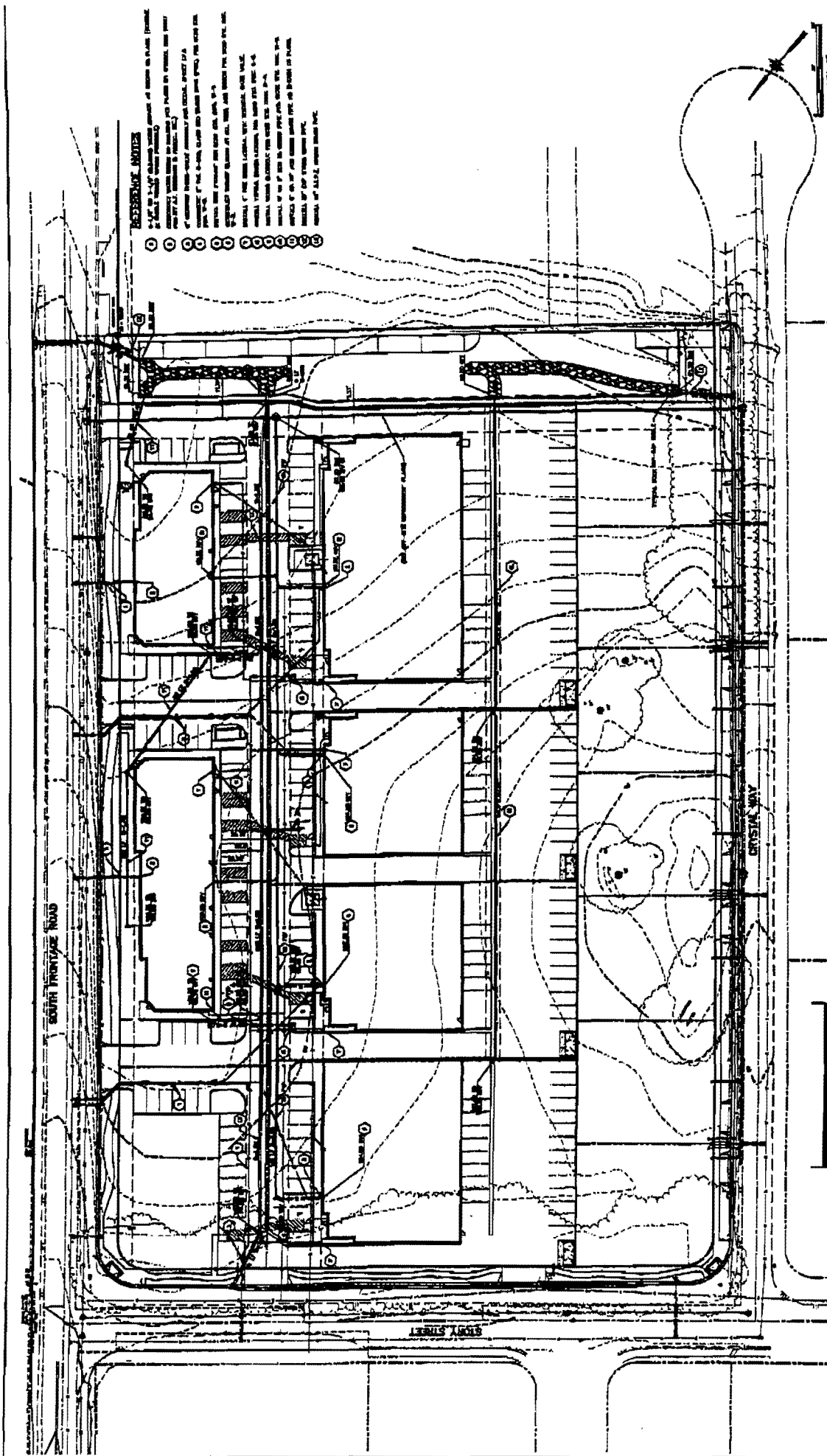
Sincerely,

NIPOMO BUSINESS CENTER, LLC  
By: MEYER ASSET MANAGEMENT, INC.  
Member/Manager



Richard J. Meyer  
President

RJM:mn  
Encls.



**REFERENCE NOTES**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES.
3. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR UTILITIES.
4. ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR UTILITIES.
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**TRACT 2412 - METEOR ASSET MGT.**

**UTILITY PLAN**

DATE: 11/30/2002

PROJECT NO: 04

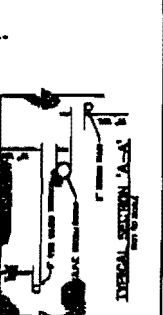
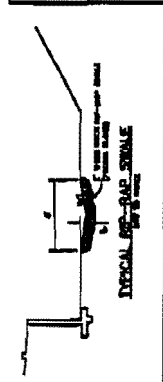
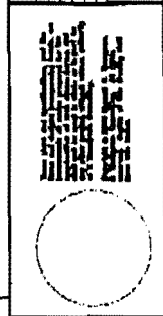
SCALE: AS SHOWN


DESIGNED BY: [Name]

CHECKED BY: [Name]

DATE: 11/30/2002

NO.	DATE	REVISIONS



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: FEBRUARY 6, 2002



ASSIGNMENT OF GARBAGE FRANCHISE SERVICE

**ITEM**

Review existing garbage franchise agreement and the possible sale of the company

**BACKGROUND**

The District, through LAFCO, acquired the solid waste franchise from the County to provide service within the boundaries of the Nipomo Community Services District. The District received correspondence that there is a pending sale of the existing garbage company to another vendor. Legal counsel will review the franchise agreement and the activities of IWMA, which is monitoring the pending sale of the company.

Some items for consideration are as follows:

- The District has not returned the contract agreement with the present garbage company because all the exhibits have not been received.
  - Exhibit A Hazardous Waste Procedures
  - Exhibit B Related Parties
  - Exhibit C Notice of Rate Changes
- Their insurance coverage has not been received.
- To date, the District has not received all the franchise fees.
- The District should require a corporate attorney letter regarding the assignment of liability.

Enclosed is Section 6 "Assignments" from the District's agreement with the Solid Waste Contractor.

**RECOMMENDATION**

After your Honorable Board has reviewed the input from legal counsel on the franchise agreement, you may direct staff how you wish to proceed.

**SOLID WASTE COLLECTION  
FRANCHISE AGREEMENT**

Section 6. Assignments, Subcontracts, and Changes of Ownership.

A) No interest in this Agreement may be assigned sold, subcontracted or transferred either in whole or in part, without the prior written consent of District. Franchisee shall promptly notify the District in writing in advance of any proposed assignment, sale, subcontract or transfer. In the event that the District Board of Directors approves any assignment, sale, subcontract or transfer, said approval shall not relieve Franchisee of any of its obligations or duties under this Agreement unless this Agreement is modified in writing to that effect. Franchisee shall also notify the District of any change in control and/or ownership of Franchisee. For purposes of this Agreement, change of ownership or control is presumed to include, without limitation, the sale or transfer of at least 25 percent of Franchisee's assets or at least 25 percent of Franchisee's voting stock. District will not unreasonably withhold consent to any assignment, sale, subcontract or transfer.

B) Neither party shall assign its rights nor delegate or otherwise transfer its obligations under this Agreement to any other person without the prior written consent of the other party. Any such assignment made without the consent of the other party shall be void and the attempted assignment shall constitute a material breach of this Agreement. The District may, however, assign its rights and delegate its obligations under this Agreement to a joint powers authority without the prior written consent of Franchisee.

- C) For purposes of this section, "assignment" shall include, but not be limited to
- (1) a sale, exchange or other transfer to a third party of at least twenty five percent of Franchisee's assets dedicated to service under this Agreement;
  - (2) a sale, exchange or other transfer to a third party, including other shareholders, of outstanding common stock of Franchisee which may result in a change of control of Franchisee;
  - (3) any dissolution, reorganization, consolidation, merger, recapitalization, stock issuance or re-issuance, voting trust, pooling agreement, escrow arrangement, liquidation or other transaction which Franchisee or any of its shareholders is a party which results in a change of ownership or control of Franchisee; and
  - (4) any assignment by operation of law, including insolvency or bankruptcy, assignment for the benefit of creditors, writ of attachment for an execution being levied against this Agreement, appointment of a receiver taking possession of Franchisee's property, or transfer occurring in the probate proceeding; and
  - (5) any combination of the foregoing (whether or not in related or contemporaneous transactions, which has the effect of any such transfer or change of ownership, or change of control of Franchisee.

D) Franchisee acknowledges that this Agreement involves rendering a vital service to District residents and businesses, and that District has selected Franchisee to perform the services



**SOLID WASTE COLLECTION  
FRANCHISE AGREEMENT**

specified herein based on the existing Franchise Agreement with the County and LAFCO Resolution 2001. The County in turn selected Franchisee based on:

- (1) Franchisee's experience, skill and reputation for conducting its solid waste management operations in a safe, effective and responsible fashion, at all times in keeping with applicable local, state and federal environmental laws, regulations and best waste management practices, and
- (2) Franchisee's financial resources to maintain the required equipment and to support its indemnity obligations to District under this Agreement.

E) If Franchisee requests District's consideration of and consent to an assignment, District may deny or approve such request in its discretion. The District will not unreasonably withhold its consent. The District is concerned about the possibility that assignment could result in significant rate increases, as well as a change in the quality of service. Accordingly, the following standards have been set to ensure that assignment will result in continued quality service. In addition, the District reserves the right to solicit competitive bids for these services if the assignment results in a request by the assignee for rate increases that are higher than the inflationary index and do not reflect value changes in service standards. At a minimum, no request by Franchisee for consent to an assignment need be considered by District unless and until Franchisee has met the following requirements:

- 1) Franchisee shall undertake to pay District its reasonable expenses for attorney's fees and investigate the suitability of any proposed assignee, and to review and finalize any documentation required as a condition for approving any such assignment;
- 2) Franchisee shall furnish District with audited financial statements of the proposed assignee's operations for the immediately preceding three (3) operating years;
- 3) Franchisee shall furnish District with satisfactory proof:
  - a) that the proposed assignee has at least ten (10) years of solid waste management experience on a scale equal to or exceeding the scale of operations conducted by Franchisee under this Agreement;
  - b) that in the last five (5) years, the proposed assignee or affiliates has not suffered any significant citations or other censure from any federal, state or local agency having jurisdictions over its waste management operations due to any significant failure to comply with state, federal or local environmental laws and that the assignee has provided District with a complete list of such citations and censures;
  - c) that the proposed assignee has at all times conducted its operations in an environmentally safe and conscientious fashion;

**SOLID WASTE COLLECTION  
FRANCHISE AGREEMENT**

- d) that the proposed assignee conducts its solid waste management practices in accordance with sound waste management practices in full compliance with all federal, state and local laws regulating the collection and disposal of solid waste, including hazardous wastes; and,
- e) of any other information required by District to ensure the proposed assignee can fulfill the terms of this Agreement in a timely, safe and effective manner.

Under no circumstances shall the District be obliged to consider any proposed assignment by Franchisee, if Franchisee is in default at any time during the period of consideration.

**Section 7. Assignment of Agreement; Requests for Rate Adjustments.**

In the case of any assignment, sale, lease, subcontract or transfer of all or any part of Franchisee's assets or stock, the acquiring party shall not be entitled to request any adjustment in rates based on the purchase price or any other consideration associated with said assignment, purchase, lease, subcontract or transfer. In addition, any such acquiring party shall not be entitled to request any adjustment in rates under this Agreement for any costs which said acquiring party might incur prior to the assignment, sale, lease, subcontract or transfer of Franchisee's assets or stock.

**Section 8. Responsibility for Solid Waste.**

All solid waste removed by Franchisee from the premises where produced, generated, and/or accumulated pursuant to this Agreement shall become the responsibility of Franchisee. Any hazardous waste or medical waste which Franchisee collects shall be the responsibility of the Franchisee provided, however, the Franchisee shall be entitled to return any such hazardous waste to the customer who generated the hazardous waste, if the customer can be identified.. The parties expressly agree that in no event shall the ownership of any solid waste, hazardous waste, medical waste or any other waste be construed to be the property of District, either explicitly or implicitly.

**Section 9. Insurance.**

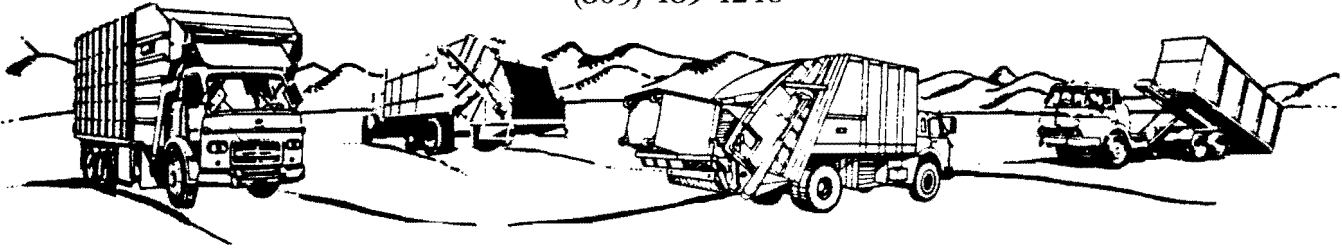
- A) **Liability Insurance.** Franchisee shall maintain in full force and effect, for the period covered by this Agreement, comprehensive liability insurance. The comprehensive general and automobile liability insurance shall include, but not be limited to, protection against claims arising from any act or occurrence arising out of Franchisee's operations in the performance of this Agreement, including without limitation, acts involving vehicles. The amounts of insurance shall be not less than the following: single limit coverage applying to bodily and personal injury, including death resulting therefrom, and property damage, in the total amount of \$1,000,000.

The following endorsements must be attached to the policy:

- (1) If the insurance policy covers an "accident" basis, it must be changed to "occurrence".
- (2) The policy must cover personal injury as well as bodily injury.
- (3) Blanket contractual liability must be afforded and the policy must contain a cross liability or severability or interest endorsement.

**South County Sanitary Service Inc.**

(805) 489-4246



**Tri-City Disposal Service**  
(805) 489-3534

874 Grand Avenue  
Grover Beach, California 93433

**Nipomo Garbage Company**  
(805) 489-3534

Nipomo CSD  
Doug Jones  
148 South Wilson  
Nipomo, CA 93444

01/16/2002

RE: Contract assignment

We have signed a letter of intent with Waste Connections, Inc. Within the next 45 days we will have reached agreement for the sale of 100% of the stock of South County Sanitary Service, inc. contingent upon the Nipomo CSD's approval for assignment of the garbage, recycling, and greenwaste collection contracts.

I'm requesting that you begin the due diligence process as required in the contracts. I will make myself available if you have any questions. The contact person at Waste Connections has indicated he can be in town to answers questions most any time given 24 hours notice.

Tom Martin, Controller  
South County Sanitary Service, Inc.

RECEIVED

JAN 16 2002

SOUTH COUNTY  
SERVICES DISTRICT

# San Luis Obispo County Integrated Waste Management Authority

IWMA BOARD MEMBERS

January 28, 2002

Shirley Bianchi - President,  
San Luis Obispo County

Tony Ferrara, Vice President,  
City of Arroyo Grande

George Luna,  
City of Atascadero

Richard Neufeld,  
City of Grover Beach

Dave Elliott,  
City of Morro Bay

Joe Crescione,  
City of Pismo Beach

John Ewan,  
City of San Luis Obispo

Hatcho Achadjian,  
San Luis Obispo County

Harry Qvitt,  
San Luis Obispo County

Mike Ryan,  
San Luis Obispo County

Peg Pinard,  
San Luis Obispo County

Dave Brooks,  
Authorized Districts

Bill Worrell, Manager  
Carolyn Goodrich, Secretary  
Peter Cron, Staff Analyst  
Raymond A. Biering, Counsel

870 Osos Street  
San Luis Obispo, CA 95401

805/782-8530  
FAX 805/782-8529  
E-mail: iwma@iwma.com

Recycling, Compost & Haz.  
Waste Info. 800/400-0811  
School Programs Information  
805/782-8424

To: Solid Waste Coordinators



From: Bill Worrell

Subject: Assignment of San Luis Garbage

At the meeting last week, I indicated that we would be requesting additional information from Waste Connections. Enclosed is a draft information request prepared by our consultant. If there is any additional information you would like, please let me know as soon as possible.

**DRAFT**

**Request for Additional Data**

1. Audited financial statements (i.e. balance sheet, income statement, cash flows, etc.) for San Luis Garbage (SLG) for the past 3 years.
2. Approved San Luis Garbage rates for the past 3 years.
3. San Luis Garbage and affiliated company collection fleet listing including type, size and age.
4. List the expiration date of equipment or real property leases of SLG and its affiliated companies.
5. A copy of the Waste Connections employee training and safety manual.
6. Organization charts showing:
  - a. Waste Connections corporate office
  - b. Waste Connections Western Regional office in Madera
  - c. San Luis Garbage and affiliates after the acquisition
  - d. the staff and operating responsibilities of an acquired company after the acquisition for a transaction similar in scale to San Luis Garbage Company.
7. A copy of Waste Connects written standards for collection trucks and landfill operating equipment.
8. A listing of corporate support to be provided to local manager and staff. From what corporate office and by whom?
9. For Waste Connections please identify any/all joint ventures, special purpose entities, structured finance vehicles, securitization trusts, and all other off-balance sheet financings or partnerships.
10. List all Waste Connections civil legal actions seeking damages in excess of \$10,000 and all criminal legal actions for the past five years or currently pending against Waste Connections and/or its current corporate officers or persons who served as an officer within the last two years, which arise from the officer's activities on behalf of the corporation. Include the following information:
  - The name of the action;
  - The court in which it was heard or is pending;
  - The amount at issue; and
  - A brief statement of the current status

**DRAFT**

# San Luis Obispo County Integrated Waste Management Authority

January 17, 2002

## IWMA BOARD MEMBERS

Shirley Bianchi - President,  
San Luis Obispo County

Tony Ferrara, Vice President,  
City of Arroyo Grande

George Luna,  
City of Atascadero

Richard Neufeld,  
City of Grover Beach

Dave Elliott,  
City of Morro Bay

Joe Crescione,  
City of Pismo Beach

John Ewan,  
City of San Luis Obispo

Karcho Achadjian,  
San Luis Obispo County

Harry Ovitt,  
San Luis Obispo County

Mike Ryan,  
San Luis Obispo County

Peg Pinard,  
San Luis Obispo County

Dave Brooks,  
Authorized Districts

Bill Worrell, Manager  
Carolyn Goodrich, Secretary  
Peter Cron, Staff Analyst  
Raymond A. Biering, Counsel

870 Osos Street  
San Luis Obispo, CA 95401

805/782-8550  
FAX 805/782-8529  
E-mail: iwma@iwma.com

Recycling, Compost & Haz.  
Waste Info. 800/400-0811  
School Programs Information  
805/782-8424

To: Solid Waste Staff

From: Peter Cron



Subject: Summary of January 16 meeting

On January 16, 2002 a meeting was held to discuss the assignment of the Garbage franchise from San Luis Garbage and related companies to Waste Connections Inc. Present at the meeting were:

Ron Munds	City of San Luis Obispo
Cynthia Dummit	County of San Luis Obispo
Janeen Burlingame	City of Morro Bay
Ellen Sturtz	County of San Luis Obispo
Kelly Heffernon	City of Arroyo Grande
Dick Morbraaten	Nipomo CSD
Sam Boykin	Los Osos CSD
Jon Sietz	Attorney
Sharon Thomas	Cambria CSD
Bob Hendrix	City of Morro Bay
Bill Worrell	SLO County IWMA
Peter Cron	SLO County IWMA

The purpose of the meeting was to announce that the SLO County IWMA will be working for the City of San Luis Obispo to evaluate Waste Connections to determine whether Waste Connections Inc. meets the criteria set forth in the Assignment clause of the Solid Waste Franchise agreement. Being that the majority of the franchise agreements have very similar wording in the assignment clause of the solid waste, recycling and green waste contracts, the information gathered would be beneficial to all of the jurisdictions affected.

The City of San Luis Obispo will share the evaluation report with other jurisdictions. Each jurisdiction can make a recommendation to either accept or decline for cause, the assignment of the garbage franchise to Waste Connections Inc.

Hilary Theisen will perform the evaluation of Waste Connections. The evaluation process of Waste Connections by the contractor is expected to take four weeks to complete. The consultant will be directed by the IWMA and City of San Luis Obispo. Financial information will be reviewed by the City of San Luis Obispo and the County. We will keep all jurisdictions informed of our progress. Next week we will send out a summary of material received and our request for additional information.

At the completion of the review process a meeting will be held to discuss and go over the evaluation of Waste Connections. From this meeting the staff of the jurisdictions may reach a common strategy in dealing with Waste Connections.

Through this process we hope to answer any questions and provide a complete evaluation of Waste Connections so that each jurisdiction can make its recommendation regarding the assignment of the garbage franchise to Waste Connections.

If you have any questions or need any additional information please do not hesitate to contact me at 782-8530.

## Scope of Work

Consultant will review and evaluate information provided by Waste Connections, Inc. and others. Based on this review and evaluation the Consultant will prepare a report which summarizes the findings and provides a professional opinion addressing the following six areas:

1. Financial Stability. Review the audited financial statements of Waste Connections, Inc. operations for the immediately preceding three operating years, and provide an opinion regarding Waste Connections, Inc. financial stability.
2. Management Experience. Based on a review of Waste Connections, Inc. solid waste management experience and the solid waste experience of the key personnel, provide an opinion regarding Waste Connections, Inc. having 10 years of experience on a scale equal to or exceeding the scale of operations conducted by the existing franchise.
3. Significant citations or other censure. Provide an opinion regarding Waste Connections, Inc. having suffered in the last 5 (five) years any significant citations or other censure for any federal, state or local agency having jurisdiction over its waste management operation due to any significant failure to comply with state, federal or local environmental laws, and that Waste Connections, Inc. has provided a complete list of such citations and censures.
4. Operations. Provide an opinion regarding Waste Connections, Inc. ability to at all times conduct its operations in an environmentally safe and conscientious fashion.
5. Solid waste management practices. Provide an opinion regarding Waste Connections, Inc. ability to conduct its solid waste management practices in accordance with sound waste management practices in full compliance with all federal, state and local laws regulating the collection and disposal of solid waste, including hazardous waste.
6. Agreement. Provide an opinion regarding Waste Connections, Inc. ability to fulfill the terms of the franchise agreement in a timely, safe and effective manner.



**SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY MEETING  
MINUTES OF NOVEMBER 14, 2001**

**1. Call to Order/Roll Call**

**Board Members Present:**

- |                                       |                                    |
|---------------------------------------|------------------------------------|
| Achadjian, Katcho, County Supervisor  | Shirley Bianchi, County Supervisor |
| Dave Brooks, Authorized Districts     | Dave Elliott, City of Morro Bay    |
| Tony Ferrara, City of Arroyo Grande   | George Luna, City of Atascadero    |
| Richard Neufeld, City of Grover Beach | Harry Ovitt, County Supervisor     |
| Peg Pinard, County Supervisor         | Mike Ryan, County Supervisor       |

**Board Members Absent:**

- |                                    |                                    |
|------------------------------------|------------------------------------|
| Joe Crescione, City of Pismo Beach | John Ewan, City of San Luis Obispo |
|------------------------------------|------------------------------------|

**Staff Members Present:**

- |                             |                                   |
|-----------------------------|-----------------------------------|
| William A. Worrell, Manager | Carolyn Goodrich, Board Secretary |
| Ray Biering, IWMA Counsel   |                                   |

**2. Presentation to Farm Supply.** President Bianchi recognized Bill Coy and Farm Supply of San Luis Obispo for their participation in the promotion and sale of compost and worm bins.

**3. Public Comments.** None.


**4. Manager's Report.** Bill Worrell reported the IWMA is targeting Pepsi with the *Send It Back* campaign for plastic soda bottles and will kick off the campaign on America Recycles Day (November 15). Bill also reported on the problem associated with recycling amber plastic barrier bottles and construction material accounting. Bill noted that the HHW facilities received an award from the state and presented a newly published solid waste textbook he coauthored.

**CONSENT CALENDAR**

Motion was made, seconded and passed 10-0-2 absent (Crescione and Ewan) to approve the Consent Calendar.

Those items approved are as follows:

- Item 5. Minutes of the September 12, 2001 IWMA Board Meeting (approved).
- Item 6. Draft Minutes of the October 25, 2001 Executive Committee Meeting (receive and file).

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: FEBRUARY 6, 2002



TEFFT STREET WATER LINE PROJECT

**ITEM**

Request bids to construct a new water line in Tefft Street from Tejas to Thompson St.

**BACKGROUND**

Part of the upgrades in the District Water and Sewer Master Plan is a new water line in Tefft Street to convey water between the east side to the west side of the District and to have sufficient capacity to provide water service to the new high school. Garing, Taylor and Associates have been preparing the plans and specifications. They are now completed and ready to go to bid.

It is anticipated that this project will be completed prior to the County's street construction of the Olde Towne improvements anticipated to start later this year. The District has budgeted \$1.35 million for this project.

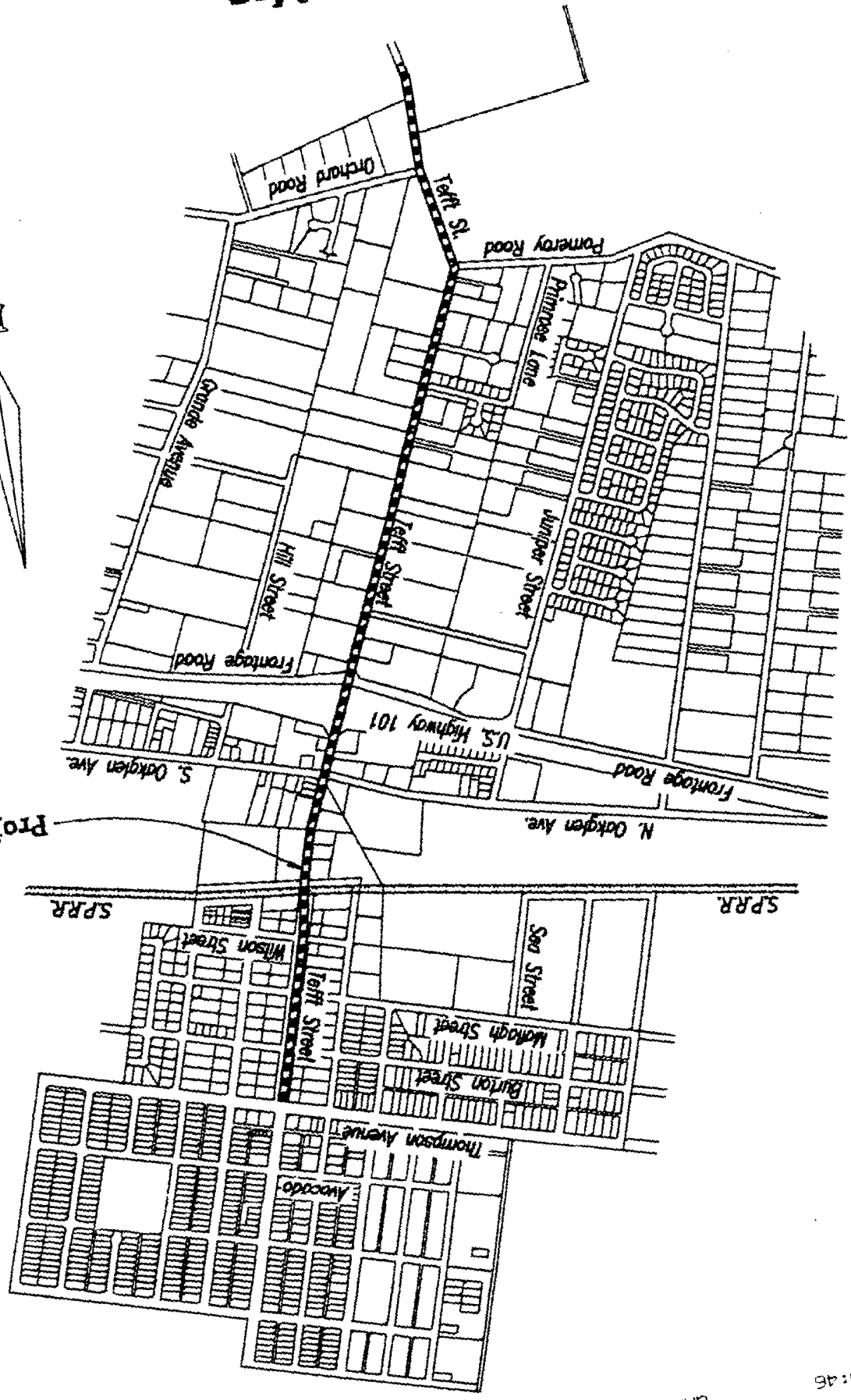
**RECOMMENDATION**

Staff recommends that your Honorable Board authorize staff to request bids for the Tefft Street Water Line Project.

# Location Map



Project Location



08-2002 09:45

GARING TAYLOR ASSOC

Nipomo Community Services District  
State Of California  
-----

## **NOTICE TO CONTRACTORS**

Sealed proposals will be received at the office of the Nipomo Community Services District, 148 South Wilson Street, P.O. Box 326, Nipomo, CA 93444, (805) 929-1133, until 2:00 p.m., March 12, 2002, at which time they will be publicly opened and read for performing work in accordance with the specifications therefore, to which special reference is made as follows:

### **CONSTRUCTION OF TEFFT STREET WATER TRANSMISSION MAIN FROM DANA SCHOOL TO THOMPSON AVENUE**

Bids are required for the entire work described herein. All bids are to be compared on the basis of the estimated quantities of work to be done contained in the proposal.

Bids will be accepted only from contractors who have been licensed in accordance with the provisions of STATE law to perform the work described in the Special Provisions and shown on the plans. All bids must be made on the attached proposal form attached to these Special Provisions.

One (1) set of plans, specifications and proposal forms for bidding this project may be seen and obtained without charge at the office of GARING, TAYLOR & ASSOCIATES, INC., 141 South Elm Street, Arroyo Grande, CA 93420, (805) 489-1321. Additional sets are available for twenty-five dollars (\$25.00) each.

The successful bidder shall furnish a payment bond, a performance bond and a Certificate of Liability Insurance as required by these Special Provisions.

Pursuant to Section 1773 of the California Labor Code, the general prevailing rates of wages in the Nipomo Community Services District have been obtained from the Director of Industrial Relations of the STATE OF CALIFORNIA. Pursuant to Section 1773.2 of said Code said rates of wages are on file at the office of the Nipomo Community Services District and are available to any interested party on request.

The District reserves the right to reject any and all bids.

A full ten percent (10%) retention will be deducted from all progress payments. The final retention will be authorized for final payment thirty-five (35) days after the date of recordation of the Notice of Completion.

The Contractor may receive interest on the retention for the time of construction, or receive the retention itself, if surety of equal value is substituted with an escrow holder.

At the request and expense of the Contractor, surety equivalent to the retention may be deposited with the State Treasurer or a State or Federally chartered bank as the escrow agent, who shall pay such surety to the Contractor upon satisfactory completion of the contract.

Surety eligible for investment shall include that listed in Section 16430 of the STATE GOVERNMENT CODE or bank or savings and loan certificates of deposit.


Any escrow agreement entered into shall contain the following provisions:

- (a) The amount of surety to be deposited;*
- (b) The terms and conditions of conversion to cash in case of default of the Contractor; and*
- (c) The termination of the escrow upon completion of the contract.*

Nipomo Community Services District  
STATE OF CALIFORNIA

Date: \_\_\_\_\_

\_\_\_\_\_  
R. James Garing, P.E.  
DISTRICT ENGINEER

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: FEBRUARY 6, 2002

LANDSCAPE MAINTENANCE FOR  
OFFICE BUILDING AND BLACK LAKE WATER TREATMENT PLANT

ITEM

Review proposal received for landscape maintenance for office building and Black Lake Water Treatment Plant.

BACKGROUND

The District currently contracts with Gillespie Landscape and Maintenance to perform weekly landscape maintenance for the office building for \$260.00/mo. and monthly landscape maintenance for the Black Lake Water Treatment Plant for \$90.00/mo.

NCSD received several inquiries from other landscape companies about performing the work. Staff sent out Request for Proposals to perform landscape maintenance to three companies. A public notice was also published in the Times Press Recorder. The Request for Proposals included that the District reserves the right to reject any or all proposals.

One proposal was received from Landmark Landscape Company. Landmark Landscape Company proposed to provide weekly landscape maintenance for the office building for \$250.00/mo. and monthly landscape maintenance for the Black Lake Water Treatment Plant for \$225.00/mo. Landmark Landscape Company's proposal is \$125.00 more per month than what the District is currently paying.

RECOMMENDATION

It is Staff's recommendation, since only one proposal was received at a higher cost, that the one proposal be rejected and NCSD continue contracting with Gillespie Landscape and Maintenance.

board2002\landscapemaint.doc

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: FEBRUARY 6, 2002

AGENDA ITEM 1

REVIEW BOARD OF DIRECTORS BY LAWS

**ITEM**

Annual review of the Board of Directors By-Laws

**BACKGROUND**

The Board of Directors By-Laws were established to give the Board some direction in conducting a meeting and being a member of the Board. Incorporated into the by-laws is an annual review in February in case the Board wishes to make any changes.

The Board By-Laws are presented to your Honorable Board for review.

**RECOMMENDATION**

Staff recommends that the Board direct staff accordingly.

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2001-760

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 Winn, seconded by Director Wirsing on the following roll call vote, to wit:

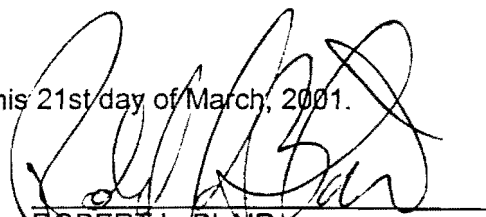
AYES: Directors Winn, Wirsing, Simon, Mobraaten and Blair

NOES: None


ABSENT: None

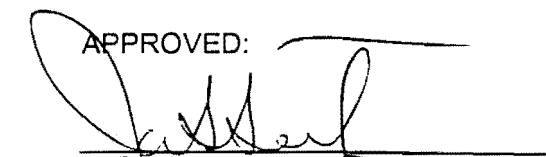
CONFLICTS: None

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

  
ROBERT L. BLAIR  
President of the Board

ATTEST:

  
DONNA K. JOHNSON  
Secretary to the Board

APPROVED:  
  
JON S. SEITZ  
District Legal Counsel



**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTOR**  
**2001 UPDATE**  
**BYLAWS**  
**(ATTACHMENT "A" TO RESOLUTION 2001- 760)**

**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.

9:30  
10:30

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 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.

NIPOMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BYLAWS  
2001 UPDATE  
PAGE 3

- (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 4.3 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 takes

NIPOMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BYLAWS  
2001 UPDATE  
PAGE 4

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.

NIPOMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BYLAWS  
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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.

NIPOMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BYLAWS  
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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**

1200 ASIC → FPPC

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 BYLAW REVIEW POLICY**

Subject to 3.1 the Board Bylaw 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 2001-760-A, BY LAWS

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: FEBRUARY 6, 2002

REVIEW GUIDELINES FOR USING NCSD MEETING ROOM

ITEM

Review guidelines for using NCSD meeting room.

BACKGROUND

The guidelines for using the NCSD meeting room was last reviewed by the Board of Directors on July 19, 2000. Requests for using the meeting room have increased substantially over the past couple of years.

Director Winn has requested that the guidelines be placed on the Agenda for review.

Staff would also like to review use of the meeting room on weekends.

RECOMMENDATION

Staff recommends that your Honorable Board appoint a Sub-Committee to meet with Staff and bring their recommendations to the Board at a future meeting.



GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

The District Meeting Room (sometimes referred to as the "facility") is available to the community in accordance with the following rules;

1. The District Meeting Room is available Monday through Saturday. The Meeting Room is not available on Sundays and District holidays.
2. The Meeting Room is available to non-profit groups on an equitable basis regardless of their belief or affiliations. Permission by the District for a group to use the room is not an endorsement by the District of the group's policies or beliefs. Seating Capacity 64.

***Non-Profit Groups - Any organization that possesses tax exempt status from the Internal Revenue Service or whose primary purpose for existing is community oriented (e.g., adult service organizations and recreational clubs) and not for the purpose of generating profits for itself.***

3. A refundable security/cleaning deposit of \$ 50.00 is required for use of the facility. Deposits are refunded upon satisfactory acceptance of the facility's condition at the end of the event. Refunds are issued through the District approximately two weeks after the date of use.

A fee of \$ 65.00 will be charged for use of the Meeting Room to cover the cost for District personnel to open and close the building. There will be no fee for use of the Meeting Room during District's normal business hours.

4. Promotion of an event using the name of "Nipomo Community Services District" as a sponsor may not be used without specific written permission from the District Board of Directors. Any promotion initiated by an applicant prior to receiving written permission for use may result in cancellation of the reservation.
5. The District's Meeting Room is not intended for long term use by one group. Request for use must be made a minimum of ten (10) days prior to use and not more than three months in advance to allow availability of the Room to all interested groups.
6. Reservations for use of the Meeting Room must be made by an adult (over 18 years old) on the District's standard reservation form that is available at the District's office located at 148 South Wilson, Nipomo. Reservations will not be confirmed until a deposit is paid.

GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

7. Any changes to confirm reservations must be made no later than ten (10) working days prior to the event, or they will not be honored. All changes must be made during regular business hours through the District at (805) 929-1133. Users should carefully plan their event dates, times, and setup to avoid changes to the original reservation.
8. If a need arises to cancel a reservation for the use of the District Meeting Room, the District will refund fees in full if we are given at least ten (10) working days in advance notice; otherwise the room fees will not be refunded.
9. The General Manager or his/her designee is responsible for approving requests for use and may, at his/her discretion, cancel meeting room privileges for failure to observe regulations or grant exceptions to the guidelines as deemed appropriate. A written warning may be issued to any group failing to observe these regulations during their event. Groups receiving more than one warning in a one-year period will not be permitted to use the rooms for six (6) months. The District reserves the right to cancel a group's reservation if use of the room is essential for official District business.
10. The District General Manager reserves the right to refuse use of the Meeting Room to any groups for previous misuse. All uses are subject to approval based upon availability, maintenance schedules, and nature of use.
11. Requests for fee waiver shall be made in writing to the District General Manager no later than thirty (30) working days prior to the scheduled event.
12. Users are encouraged to inspect the Meeting Room and restrooms upon arrival and note any problems at that time to a staff member on duty.
13. Groups shall not charge an admission fee or have merchandise sales.
14. Users are required to present evidence of suitable liability insurance in which the District is named primary additional insured. Special Events Insurance may be obtained through the District.
15. Smoking and alcoholic beverages are not allowed on the premises.
16. Food and drink are not permitted in the District Meeting Room, except Directors and staff during Board meetings. Kitchen facilities are not available.
17. Permission to use the room is not transferable to other groups. All reservations must be approved through the District.
18. Activities which will cause excessive wear and tear will not be allowed, such as handicrafts, activities involving pets, etc.

GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

19. Provisions for adequate protection of exhibits are the responsibility of the sponsor. The District assumes no responsibility for exhibits or materials brought into the District Meeting Room and does not provide supervision, security or staffing for gatherings.
20. Noise and activity levels should be controlled by the sponsoring group so as not to interfere with the neighborhood or normal District operations.
21. Exhibits or decorating shall not be nailed, stapled, taped, or glued to the ceilings, soundproofing panels, painted surfaces or floors. The sponsor is responsible for all costs associated with any damages incurred during its usage, including District staff time needed to correct the situation. Charges will be deducted from the cleaning/security deposit and additional billing may be necessary.
22. Security of the group's personal property as well as the District's property from theft and vandalism is the sole responsibility of the group representative whose name appears on the reservation form or their delegate. Therefore, the room should not remain unattended due to breaks, intermissions, etc., during the reserved time. In the event that the group recesses during their reserved time slot, a responsible adult should remain on site.
23. Any group who does not have the reserved room completely vacated of all their attendees at the confirmed ending time of their room reservation, will be considered late. A written warning may be issued to the group and future use of the room may be jeopardized.
24. Groups using the room are responsible for setting up and putting away all furniture needed for their event (please make sure that reservation includes sufficient time to accomplish this). NCSD is not responsible for providing additional tables and chairs. When a group takes possession of the room, the furniture will be set up in a standard configuration. Any deviation from this standard configuration (e.g., more tables, fewer chair, changes to the layout of tables and chairs) will be the responsibility of the user group and requires staff approval to ensure that fire code regulations have been met. At the conclusion of the event, tables and chairs must be returned to standard configuration (a diagram is posted in the Meeting Room for reference). If the room is not returned to the proper setup, a written warning may be issued to the group and future use of the facilities may be jeopardized.
25. Users are expected to abide by all laws and ordinances set forth by all local, state and federal agencies. Users are also expected to comply with rules and regulations for facility use and obey all District staff members in attendance at facility. Non-compliance will result in cancellation of reservation and loss of fees paid.

GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

26. To assure the safety of the users, all occupancy requirements must be followed and fire exiting pathways must be kept clear for the duration of all reserved events.
27. Personal items may be used in the rooms only during the reserved time slot and may not be stored overnight. In addition, they may not create a potential hazard to others or to the room. Large items, such as full size pianos, must be professionally installed, and should be coordinated with District staff to ensure that there will not be any access or clearance problems.
28. All reservation concerns should be reported to the District Manager or his/her designee, during normal working hours.
29. The District may cancel or reschedule use of the District's Meeting Room for any reason deemed necessary. Users will be given as much notice as possible. All fees will be refunded within two weeks of notification.
30. The District is not responsible for accidents, injury or loss of individual property during the facility's use.

REGULAR BUSINESS (Monday - Friday, 8:00 am - 4:30 pm)  
Nipomo Community Services District (805) 929-1133

Agreements/meetingrm except

AGENDA ITEM  
FEE 06 2002



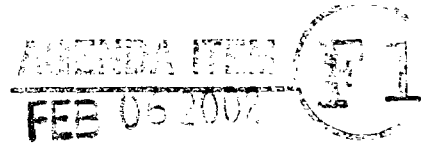
TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *DJ*  
DATE: FEBRUARY 6, 2002

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 January 23, 2002 Regular Board meeting
- F-3) ACCEPTANCE OF IMPROVEMENTS - Parcel Map CO 99-076 (LONGS) [RECOMMEND APPROVAL]

**WARRANTS FEBRUARY 6, 2002**



**HAND WRITTEN CHECKS**

18505	01/24/02	SLO COUNTY RECORDER	25.00
18506	01/28/02	U S POSTAL SERVICE	500.00
18507	01/28/02	J WIRSING	50.00
18508	01/28/02	M WINN	50.00
18509	02/01/02	R MOBRAATEN	150.00
18510	02/01/02	M WINN	100.00
18511	02/01/02	J WIRSING	100.00
18512	02/01/02	R BLAIR	150.00

**COMPUTER GENERATED CHECKS**

Number	Date	Vendor/Organization	Invoice Id	Date	Description/Reference	Period	Amount	Amount Paid
6607	02/01/02	EMP01 EMPLOYMENT DEVELOP DEPT	A20129	01/29/02	STATE INCOME TAX	01-02	335.49	335.49
6608	02/01/02	MID01 MIDSTATE BANK-PR TAX DEP	A20129	01/29/02	COMBINED CHECK	01-02	1792.96	1792.96
6609	02/01/02	MID02 MIDSTATE BANK - DIRECT DP	A20129	01/29/02	NET PAY DEDUCTION	01-02	11557.41	11557.41
6610	02/01/02	PER01 PERS RETIREMENT	A20129	01/29/02	PERS PAYROLL REMITTANCE	01-02	950.89	950.89
6611	02/01/02	SIM01 DEBRA SIMMONS	A20129	01/29/02	WAGE ASSIGNMENT	01-02	150.00	150.00
6612	02/01/02	STA01 STATE STREET GLOBAL	A20129	01/29/02	DEFERRED COMP	01-02	935.00	935.00
Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount	Amount	Invoice #	Description
006613	02/06/02	ADV01	ADVANTAGE ANSWERING PLUS	77.95	.00	77.95	41814	PAGING SERVICE
006614	02/06/02	AVI01	AVILA SIGN & DESIGN	429.00	.00	429.00	3258	CAMERA READY LOGO
006615	02/06/02	AWW02	AMERICAN WATER WORKS ASSO	117.00	.00	117.00	163167	JONES, DOUG MEMBERSHIP DU
006616	02/06/02	BCS01	BASIC CHEMICAL SOLUTIONS	765.25	.00	765.25	47813	SODIUM HYP
006617	02/06/02	BLA01	ROBERT L BLAIR	100.00	.00	100.00	020602	REG BD MEETING
006618	02/06/02	BOO01	BOOK PUBLISHING CO	1328.49	.00	1328.49	29505	CODE UPDATE
006619	02/06/02	CHA02	CHARTER COMMUNICATIONS	51.45	.00	51.45	982597-01	INTERNET SERVICE
006620	02/06/02	CLA02	CLAY'S SEPTIC & JETTING	500.00	.00	500.00	26491	JETTED MANHOLE AT BLACK L
006621	02/06/02	COM02	COMMUNICATION SOLUTIONS	863.79	.00	863.79	2971	BL WATER SUPPLIES
006622	02/06/02	COR01	CORBIN WILLITS SYSTEMS	520.00	.00	520.00	A20115	ENHANCEMENT & SERVICE FEE
006623	02/06/02	CRE01	CREEK ENVIRONMENTAL LABS	30.00	.00	30.00	J0239	BL WWTP LAB
				30.00	.00	30.00	J0260	BL WWTP LAB
				30.00	.00	30.00	J0310	BL WWTP LAB
				30.00	.00	30.00	J0338	BL WWTP LAB
			Check Total.....:	120.00	.00	120.00		
006624	02/06/02	CUL02	CULLIGAN WATER CONDITION	34.15	.00	34.15	16680	DELIVERY
006625	02/06/02	DEC01	DeCHANCE CONSTRUCTION CO	4378.48	.00	4378.48	8702-04	REPLACE 6" VALVE-MONARCH
006626	02/06/02	DOU01	GERALD LEE DOUGLAS	46.35	.00	46.35	012202	MILEAGE
006627	02/06/02	ELE01	ELECTRONIC PARTS SUPERMAT	57.41	.00	57.41	012202	POWER SUPPLY FOR LISA'S C
006628	02/06/02	FGL01	FGL ENVIRONMENTAL	238.00	.00	238.00	111992	BL & NIPOMO WATER LAB
				44.80	.00	44.80	200229	NIPOMO WWTP
				44.80	.00	44.80	200230	BL WWTP LAB
				138.40	.00	138.40	200419	NIPOMO WWTP LAB
				210.40	.00	210.40	200420	BL WWTP LAB
			Check Total.....:	676.40	.00	676.40		
006629	02/06/02	FIR02	FIRST AMERICAN TITLE	101.14	.00	101.14	10537533	APN MAPS
006630	02/06/02	GWA01	GWA INC	25.00	.00	25.00	814-01	FIRE ALARM
006631	02/06/02	JOH01	DONNA JOHNSON	21.90	.00	21.90	012402	TRAVEL TO SLO SEMINAR
				11.78	.00	11.78	013002	SUPPLIES
			Check Total.....:	33.68	.00	33.68		
006632	02/06/02	MID03	MIDSTATE BANK MASTERCARD	32.70	.00	32.70	0607-01	NEXTEL ACCESSORY
006633	02/06/02	MOB01	RICHARD MOBRAATEN	100.00	.00	100.00	020602	REG BD MEETING
006634	02/06/02	MOR01	MORRO GROUP INC	1883.94	.00	1883.94	2856	OAKGLEN WATER MAIN PROJEC
006635	02/06/02	MOT01	RICK MOTLEY	16.26	.00	16.26	012902	MEALS FOR SEMINAR
006636	02/06/02	NEX01	NEXTEL COMMUNICATIONS	114.27	.00	114.27	831234-01	CELL PHONES
006637	02/06/02	NIP06	NIPOMO AUTO PARTS	22.67	.00	22.67	202400	ANTIFREEZE & OIL

## WARRANTS FEBRUARY 6, 2002

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
006638	02/06/02	NOB01	NOBEL SYSTEMS	7500.00	.00	7500.00	7743	EASEMENTS ADDED TO GIS
006639	02/06/02	PER02	PERS HEALTH BENEFITS	3835.95	.00	3835.95	1067-02	HEALTH INSURANCE
006640	02/06/02	PGE01	P G & E	27948.15	.00	27948.15	13919-01	ELECTRICITY
006641	02/06/02	POS01	POSTMASTER	125.00	.00	125.00	012402	PRESORT MAILING FEE
006642	02/06/02	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	129	JANUARY JANITORIAL SERVICE
006643	02/06/02	REL01	RELIABLE	5.99	.00	5.99	XGX72301	STAPLES
006644	02/06/02	RIC01	RICHARDS, WATSON, GERSHON	8698.26	.00	8698.26	118939	WATER RIGHTS ADJUDICATION
006645	02/06/02	SAI01	SAIC	9700.00	.00	9700.00	399434	LITIGATION ON SMVG BASIN
006646	02/06/02	SHI01	SHIPSEY & SEITZ, INC	7602.40	.00	7602.40	113M-12	LEGAL FEES
006647	02/06/02	SIM03	SIMMONS, TOLBERT	15.00	.00	15.00	012902	TRAVEL TO SEMINAR
006648	02/06/02	SLO02	DIV OF ENVIRON HEALTH	920.50	.00	920.50	17857	BL WWTP PERMITS FEES
006649	02/06/02	THE01	THE GAS COMPANY	75.00	.00	75.00	60949-JAN	OFFICE HEAT
006650	02/06/02	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	020602	REG BD MEETING
006651	02/06/02	UNI01	UNION ASPHALT, INC.	294.05	.00	294.05	66097	PAVING BASE MATERIAL
006652	02/06/02	VER01	VERIZON	28.65 29.21	.00 .00	28.65 29.21	60610102 2397-0102	BL PHONE BL PHONE
			Check Total.....:	57.86	.00	57.86		
006653	02/06/02	WES01	WEST GROUP	353.10	.00	353.10	801020931	CALIFORNIA CODE UPDATES
006654	02/06/02	WIN01	MICHAEL WINN	100.00	.00	100.00	020602	REG BD MEETING
006655	02/06/02	WIR02	WIRSING, JUDY	100.00	.00	100.00	020602	REG BD MEETING
006656	02/06/02	WOO01	DOUGLAS WOOD & ASSOCIATES	1810.00	.00	1810.00	#3	MIT NEG DEC

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

JANUARY 23, 2002

REGULAR MEETING 9:30 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

### **BOARD MEMBERS**

RICHARD MOBRAATEN, PRESIDENT  
MICHAEL WINN, VICE PRESIDENT  
ROBERT BLAIR, 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 Mobraaten 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.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo - suggested that the Board appeal the decision of the Board of Supervisors concerning the Woodlands project.

President Mobraaten took Item D-2 next because D-1 needed to be postponed.

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

##### **D-1) PUBLIC HEARING**

REVIEW AND ADOPT NEGATIVE DECLARATION WITH MITIGATION MEASURE REGARDING CONSTRUCTION OF FACILITIES INCLUDING WATER PIPELINE AND WELLS TO SERVE TRACTS 1802 & 1856 (MARIA VISTA DEVELOPMENT)

Continuance of Dec. 12, 2001 meeting review Draft Initial Study/Mitigated Negative Declaration of infrastructure to Tracts 1802 & 1856

See D-2. This item was postponed until the presenter arrived.

Mr. Doug Wood from Douglas Wood and Associates presented information on the Draft Initial Study/Mitigated Negative Declaration and addressed the letter from the County Planning Department.

President Mobraaten opened the meeting to a Public Hearing to review the Draft Initial Study/Mitigated Negative Declaration of the infrastructure for Tract 1802 and 1856.

The following members of the public spoke:

Nora Jenaé, 692 Beverly Drive, Nipomo - Urged Board to publish Negative Declarations on major projects. Stated that changing well sites changes the impact. Water wells are going dry. District should not be taking on new development.

Bill Robinson, 2092 Curtis Place, Arroyo Grande - Read from a letter included in the Board packet and attached to the Minutes as Ex A. He urged the Board to do a full EIR.

John Snyder, 662 Eucalyptus Rd., Nipomo - read from a letter he handed to the Board and is attached to the Minutes as Ex B.

Jesse Hill, 1910 Grant Ave, Arroyo Grande - handed a packet of letters to the Board including letter to John McKenzie from SLO-COG, letter to Richard Marshall, Development Services Department from SLO County Engineering Department, and one from Doug Jones to John McKenzie, attached as Ex C.



DRAFT

Item D-1) continued

Herb Kandel, 776 Inga Rd., Nipomo - Stated that NCSD Board is making a significant planning decision. Board has not provided evidence that changing well sites would change the rate of flow to wells in the area. Impacts of off-site water sources have not been adequately evaluated. County staff and supervisors have not reviewed sufficiently. The project was approved with on-site water only. Concerned about the lack of supportive data for Negative Dec. Feels that CEQA would require environmental review of issues early in the process. Concerned with growth-inducing impact and NCSD needs to consider GPA amendments. Urged the Board to not accept the Negative Declaration and to do a complete EIR.

Eric Benham, Trincon Inc, 124 W. Main St. #C, Santa Maria - Recapped the story of how the County directed him to go to the NCSD for service.

Vince McCarthy, 194 E. Dana, Nipomo - Thanked Mr. Seitz for taking control of meeting. The Public Comment Period was closed.

Legal Counsel, Jon Seitz, reviewed the history of project and commented that the project was fully entitled before it came before the District for possible annexation. The Board discussed the project at length. Mr. Wood answered questions from the Board.

Director Winn's comments: It is ironic that no-one has mentioned that, with the deletion of Parcel 1808, this development will have 38 fewer homes with less water required than when it was originally approved.

Non-issues that have been raised

- Nipomo wells going dry. Nipomo wells in bad water areas have always gone dry at times.
- Overdraft is not an issue in this project but of course is a matter for concern. Does not affect this decision.
- The *depression* is not the ground sinking. We would not be pumping if it were.
- *Appropriators are in litigation*. Everyone is in litigation. No one is excluded. The water master will decide.
- *Growth-inducing effects* not significant in this project because it is an entitled project. Growth is already built in and approved. *Pipeline down Orchard* - District already has 9 miles of water pipes through areas that have no growth and have not had any significant growth next to them. This area goes through rural lands. It is zoned 20 acre minimums. It may induce some very optimistic people who try to get General Plan amendments to increase density. Then the community can stand up to say no. We ran a water line through an entitled area toward the high school and there has been no growth. The Planning Department induces growth. Question is not whether or not to have a pipeline but if this pipeline will require an EIR and go ahead and be built afterwards. Or do we find there is no significant reason for denying it at this time? Either way the pipeline will be built.

Director Blair feels this will be good for the District and Nipomo. *Roads?* - We have no control over roads.

Director Wirsing is concerned about the cumulative effect of several projects pumping water. Would like to understand why an EIR not necessary.

Director Trotter suggested staff follow up on the letter which was sent to State encouraging the completion of the DWR study. Director Blair said the DWR does not include the entire mesa.

Upon motion of Director Blair, seconded by Director Winn, the Board approved Resolution 2002-806 adopting a mitigated Negative Declaration for the project to serve Tracts 1802 & 1856. Vote 4-1 with Director Wirsing voting no.

DELETED

**RESOLUTION NO. 2002-806  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND AUTHORIZING THE GENERAL MANAGER TO  
FILE A NOTICE OF DETERMINATION FOR THE MARIA VISTA DEVELOPMENT, TRACTS 1802 AND 1856**

**D-2) REQUEST FOR SERVICE (NUÑEZ)**

A request for water and sewer service at 427 Amado St. - Outside District Boundary

This item was handled first because the presenter for Item D-1 was stuck in traffic and would be late. See D-1

The following members of the public spoke:

Ruben Nuñez, son of applicant, requested water and sewer service from the Board. He answered questions from the Board. Upon motion of Director Blair, seconded by Director Winn, the Board unanimously agreed to direct staff to show Mr. Nuñez the process to annex into the District for water and sewer service. Vote 5-0

President Mobraaten directed the meeting to Item D-1.

**D-3) REQUEST FOR SERVICE, PROJECT NO. B 011368-1 (CORTEZ)**

Request for water & sewer service for a proposed apartment at 149 N. Avocado

There are now 5 people left in the audience.

Elpidio Cortez, Jr. requested water and sewer service to a proposed apartment at 149 N. Avocado Street in Nipomo. Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved to issue an Intent-to-Serve letter for Project No. B011368-1 with the conditions as outlined in the Board letter.

**D-4) SPECIAL DISTRICT LATENT POWERS**

Resolution supporting the return of Latent Powers from LAFCO

President Mobraaten moved to Item E-2.

The Board considered a resolution, if approved, to be presented to the San Luis Obispo Chapter of the Special Districts Association as a proposed model to initiate a majority of special districts approval in the County to acquire their dormant latent powers. There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Resolution 2002-807 supporting the return of latent powers from LAFCO. Vote 5-0.

**RESOLUTION NO. 2002-807  
A RESOLUTION OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REQUESTING THE APPEAL OF  
REGULATION LIMITING OF SPECIAL DISTRICT LATENT POWERS**

**E. OTHER BUSINESS**

**E-1) YEAR 2002 DISTRICT INVESTMENT POLICY**

Annual adoption of the District Investment Policy

The California Government Code Section 53646 (2) requires local government entities to adopt an annual investment policy. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously approved Resolution 2002-808 adopting the 2002 District Investment Policy. Vote 5-0

**RESOLUTION NO. 2002-808  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE YEAR 2002 DISTRICT INVESTMENT POLICY**

DRAFT

E-2) URBAN STREAM RESTORATION PROGRAM  
Possible participation in the stream restoration program

Herb Kandel, Nipomo Creek Committee presented information to the Board concerning the Urban Stream Restoration Program  
Scott Blume, Connie O'Henley and Sandra McBride also presented information and answered questions from the Board. The Board agreed to have the Flood Committee (Directors Trotter and Winn) meet with Mr. Kandel and others to gather more information to present to the Board.

Back to Item D-4

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 January 9, 2002 Regular Board meeting
- F-3) 4<sup>th</sup> Quarter Investment Policy Report [RECEIVE AND FILE]
- F-4) 2<sup>nd</sup> Quarter Financial Report [RECEIVE AND FILE]

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved the Consent agenda with a spelling correction.

G. **MANAGER'S REPORT**

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

STATUS OF PROJECTS

- LIGHTING DISTRICT
- MONTECITO VERDE II SEWER
- TEFPT STREET WATER
- PARK WATER LINE EASEMENT
- BLACK LAKE WATER SUPPLY

H. **COMMITTEE REPORTS**

NCAC - Director Winn  
WRAC - Director Winn NVMWC is due to receive 10 a/f water from Shandon  
Chamber of Commerce - Director Wirsing - meeting next week

I. **DIRECTORS COMMENTS**

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

- A. SMWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSD VS STATE DEPT OF HEALTH SERVICES CV 990716

CONFERENCE WITH NEGOTIATOR

- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR- DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE

The Board came back into Open Session and announce the decision to direct staff to prepare agreement to hire the services of Bruce Beaudoin to determine the fair market value of the Nipomo Park property.

**ADJOURN**

President Mobraaten adjourned the meeting 1:14 p.m.

**The next regular Board Meeting will be held on February 6, 2002 at 9:30 a.m.**

Exhibit "A"

Save the Mesa, Inc.  
2092 Curtis Place  
Arroyo Grande, CA 93420  
(805) 489-6872

January 3, 2002

Nipomo Community Services District  
148 Wilson Street  
Nipomo, CA 93444

RE: Annexation of Tracts 1802 & 1856: Requesting and EIR

Dear Mr. Jones and Board of Directors:

CEQA requires a fair argument that significant and unavoidable impacts may occur from a project that is adopted by the lead agency. This results from a project which has been held to be "the whole of an action undertaken, supported, or authorized by a public agency that may cause either a direct or reasonably foreseeable indirect physical change in the environment." Pub Res Code 21065.

As the lead agency doing the environmental review of the Bluffs project, there are at least three environmental issues that require that an EIR be conducted. First, there is the growth inducing effects of the pipeline. These under the law must be reviewed at the beginning of the project. There is the changing of the well site. Under the law, this is a substantial change and an EIR is required. *City of San Jose v. Great Oaks Water Co.* 192 CA3d 1005 (1987). There is the water quality issue in that the HSO of the Bluff's water will be driven towards the Mesa's water supply and this requires an EIR. All of these things will cause a reasonable foreseeable direct or indirect physical change in the environment.

A project will normally have a significant effect on the environment if it will (h) Substantially degrade or deplete ground water resources; or (k) Induce substantial growth or concentration of population.

1. The DWR has determined that there is a depression or region of a lack of water on the Mesa.
2. The Nipomo Community Services District has stated that the basin is in overdraft.

3. The NCS D has commented in the Woodland's FSEIR that there are foreseeable water problems on the Mesa in the immediate future.
4. The County has stated in its letter of December 5, 2001 from the lead planner on the Bluff's project that "We find the negative declaration to be inadequate..."
5. There is no showing of the grading permits on the tract improvement and "Connection of these tracts to an offsite water supply would be inconsistent with the approved negative declaration.
6. It is inadequate to state that "there is a low probability of any sensitive plant species being found in the project area" when that is listed as a significant impact.
7. It makes no sense to set out that "The proposed well activation is intended to augment existing water supplies of the NCS D in order to offset the water use associated with Tracts 1802, 1808 and 1856." The NCS D is a water appropriator and has no water supplies that are not in litigation. A CEQA reviewer cannot act as judge and water master in a basin in litigation to determine water rights and pretend that is mitigation.

The expert opinions of the County and your general manager create a fair argument that an EIR is required. John Snyder and Jesse Hill have introduced other arguments in writing in this matter. Those documents are incorporated by reference as if set out in full. The mitigations in the negative declaration do not by any stretch of the imagination fully discuss or mitigate the environmental impacts of this project.

Yours truly,

---

Bill Robinson President- Save the Mesa

Exhibit "B"



Koch California Ltd.

662 Eucalyptus Road, P.O. Box 1127  
Nipomo, CA 93444

Phone: (805) 929-4153  
Fax: (805) 929-5598  
Email: kochcal@earthlink.net

January 23, 2002

Bob Blair, Richard Mobratten, Michael Winn, Judith Wirsing, Clifford Trotter  
Nipomo Community Services District  
148 Wilson Street  
P.O. Box 326  
Nipomo, CA 93444

(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear District Board:

Re: Mitigated Negative Declaration of service to Maria Vista, Tracts 1802, 1808, 1856

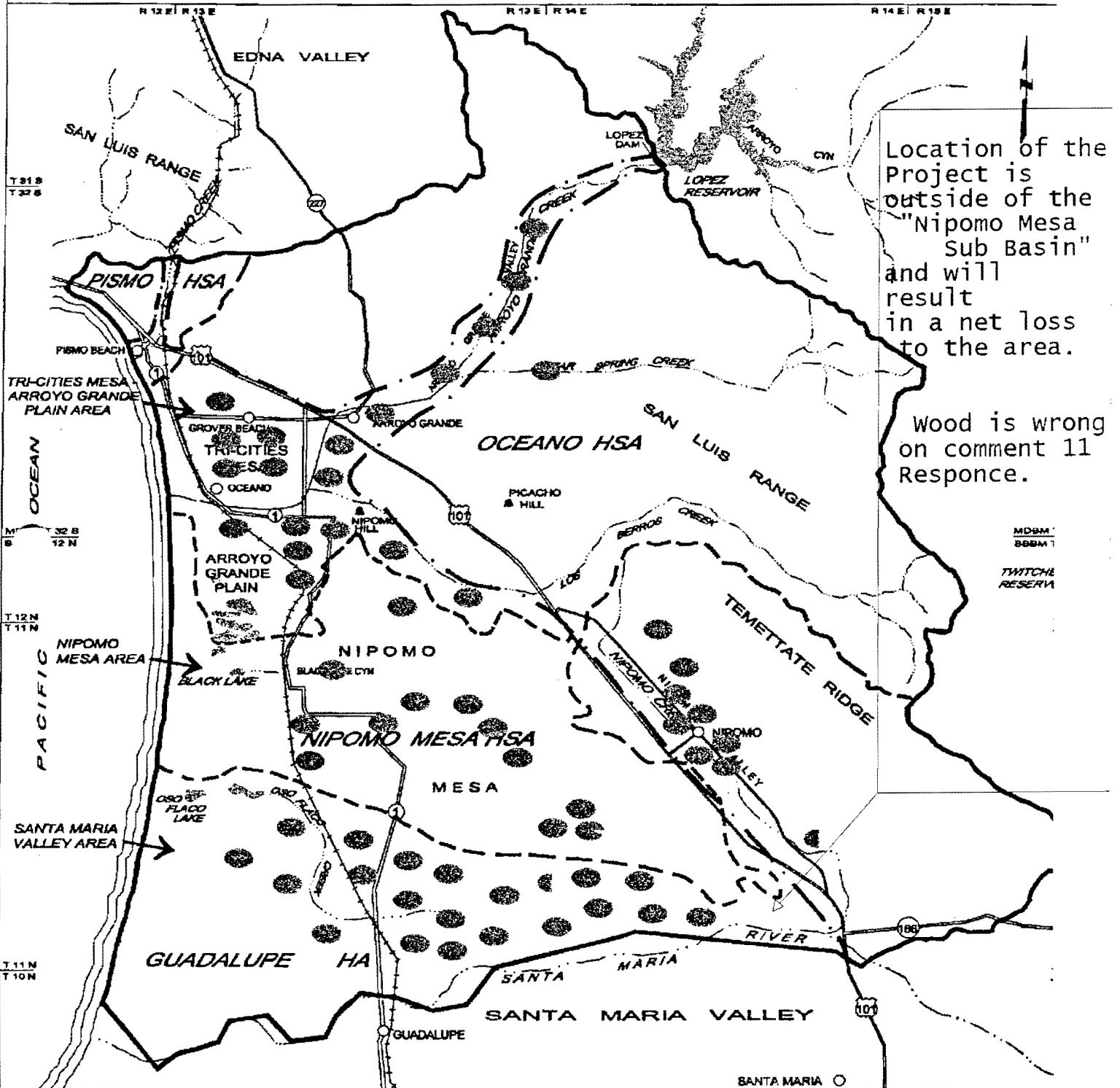
1. Please be sure you have reviewed the complete record on file for this Mitigated Negative Declaration
2. Please be sure you understand the difference between a Mitigated Negative Declaration and an Environmental Impact Report that find a significant impact but then makes overriding findings because of the need for the project.
3. If you actually have any real knowledge of and overdraft you can still complete this project by doing an Environmental Impact Report and then making overriding findings.
4. Check to be sure Mr. Markman has reviewed the complete record before accepting any reports from him on how this will effect the Santa Maria Lawsuit.
5. The Honorable Jack Kromer will be the final Judge on the issue.

Thank You

John Snyder  
Vice President

P.S. I entered Michel Winn's Certificate of Election and Oath of Office in to the record

FIGURE 7 - GROUNDWATER EXTRACTIIONS IN WATER YEAR 1995, QUANTITIES AND GENERAL LOCATION.



Location of the Project is outside of the "Nipomo Mesa Sub Basin" and will result in a net loss to the area.

Wood is wrong on comment 11 Responce.

MDSM  
SDBM  
TWITCH  
RESERVA

# San Luis Obispo Council of Government



Ronald L. DeCarli - Executive Director

Regional Transportation Planning Agency  
Metropolitan Planning Organization  
Census Data Affiliate

Service Authority for Freeways and Expressways

Arroyo Grande  
Atascadero  
Grover Beach  
Morro Bay  
Paso Robles  
Pismo Beach  
San Luis Obispo  
San Luis Obispo County

January 30, 2001

Mr. John McKenzie  
Environmental Specialist  
San Luis Obispo County Department of Planning and Building  
Environmental Division  
Interoffice  
990 Palm  
San Luis Obispo, CA 93401

FEB - 5 2001

Re: Amendments to General Plan and Growth Management Ordinance

Mr. McKenzie,

Thank you for the opportunity to add our comments to this initial input period on these amendments to the South County General Plan and Growth Management Ordinance. I apologize for the delay in addressing this assignment. Please include our comments in your consideration during the planning process.

Comments on Cumulative Effects of amendments

We realize that it has been decided that Nipomo (both rural and urban reserve areas) shall be the targeted area for current SLO County growth, and wisely the County has created a capital improvement plan and funding mechanism that will systematically upgrade the roadway network on the Nipomo Mesa. These amendments standing alone are generally not going to significantly damage the transportation network, but taken together they add further strain to the capacity of the major arterials and specifically, US 101. The costs associated with the capacity widening of 101 through the South County are extremely high, and a mechanism to begin setting aside monies from these new developments is needed. The widening of 101 from 4 to 6 through travel lanes becomes more necessary as each of these developments comes online. In accordance with sustainable growth principles, development must pay its fair share on the major spine (US 101) of the transportation system.

Amendment

Cypress Ridge

1. This change of land uses from Residential Suburban to a more traffic intensive mix of restaurant and hotel use will increase Average Daily Trips (ADT) on El Campo, Fowler, Halcyon and Highway 1. This could be addressed to some extent by increasing priority of the improvements scheduled for both Halcyon



& Highway 1 between the two Halcyon connections with Highway 1; or improvement of El Campo w/realignment & widening of El Campo between Los Berros & 101 to better serve the interchange being considered at US 101. A PSR (Project Study Report) is required before a state highway project becomes eligible for funding through SLOCOG. Of these projects, only the realignment/widening of El Campo Road is lacking a PSR at this time. These costly measures could help mitigate the additional trips to be generated by the Amendment allowing for the hotel operations.

County of SLO (Summit Station Area)

1. The increased traffic will have close access to US 101, thus allowing what will inevitably be high-end suburban residential uses easy access to the main transportation network for their commute purposes. Improvements may be needed on Los Berros Road between Pomeroy and US 101 in a shorter time frame than what would otherwise have been required. The construction of a sizable Park N Ride Transit Stop at the Los Berros/Thompson Rd./US 101 Interchange will likely be needed after this project develops.

Robertson, et al

1. This addition of 8 rural/suburban residences should not have a significant impact by itself on traffic on either Pomeroy or Los Berros Roads.

Green Canyon LLC/Christopher and Lynn Helenius

1. This addition of up to 16 large lot residential units into previously zoned agricultural lands may will likely stress the local road system in rural west Nipomo, not by volume of additional traffic, but because of the lane miles that these trips will likely traverse over Woodhaven, Eucalyptus, and West Tefft residential areas to access commercial centers in Urban Nipomo and US 101. While the South County model seems to show most traffic accessing Urban Nipomo via Osage, this seems questionable considering the good condition of West Tefft, which is a more direct route.

Nipomo Oaks Partnership/Mehlshau

1. This addition of up to 300 senior housing units & possibly 60 regular large lot residential units in combination with 1.5 Million s.f. of commercial development will have a significant impact upon circulation in the Nipomo area. The implementation time frame is unclear but if under 10 years this project must allow for and interface with the Willow Road interchange project. With the high degree of transit dependency inherent with senior citizens, combined with the close proximity to US 101, this project is ripe for transit orientation by directing the senior housing toward the interchange and inclusion of land and facilities for a transit stop on or near the SB Willow Rd off-ramp? Current plans show senior multi-family in a very difficult spot to be served by transit, thus limiting their regional mobility. In the near term, this project will increase traffic on Willow, Hetrick, Pomeroy, and Tefft. The highly congested Tefft Street interchange at US 101 would also experience

more ADT due to this project. The development should provide improvements to Willow Road as much as possible to save costs on the upcoming Willow Road Extension project.

Patterson Academy

1. This project will certainly add traffic but to an area that has been targeted for road investment and thus should have no significant negative effects.

Brand

1. This project may add some short term congestion on Orchard, between Tefft and Division, which is not scheduled for widening to two travel lanes and a center turn lane until 2020 according to South County Circulation Study CIP tables. Other than that, and the close proximity of Rural Suburban Residential development across Southland Street, this site seems conducive to this amendment.

Craig/Lucia Mar School District


1. This project may add additional traffic to Highway 1 and Willow Road, but these roadways have been improved and should have the capacity to accept the additional trips. The school land dedication is a benefit to this developing rural suburban area.

Growth Management Ordinance Amendments

1. Would like to see some wording to direct these "extra" allocations into either multi-family (or at least into urban reserve areas) only, thus directing the extra growth into areas that can physically and aesthetically accommodate growth.
2. 20% for multi-family is not enough, consider allocating up to 30%. This county has an acute shortage of multi-family zoning already.
3. agree.
4. agree.
5. agree.

Please feel free to contact me @ 788-2002 anytime to discuss these issues.

Sincerely

  
Joe Rye  
Associate Transportation Planner (South County)  
SLOCOG

# SAN LUIS OBISPO COUNTY ENGINEERING DEPARTMENT

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



MOTHY P. HANSON  
COUNTY ENGINEER  
LIN L. PRICCO  
DEPUTY COUNTY ENGINEER  
ENGINEERING SERVICES  
CEL XING  
DEPUTY COUNTY ENGINEER  
ADMINISTRATION

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

ROADS  
SOLID WASTE  
FRANCHISE ADMINISTRATION  
WATER RESOURCES  
COUNTY SURVEYOR  
SPECIAL DISTRICTS

December 13, 2000

## MEMORANDUM

TO: Richard Marshall, Development Services Department

FROM: Angelina Tharp, Transportation *AK*

SUBJECT: South County General Plan and Growth Management Ordinance Amendments Comments

I have reviewed the South County General Plan and Growth Management Ordinance Amendments and have the following comments.

1. Individually most of these projects do not pose a significant impact. However, the cumulative impact is significant. The Engineering Department has just completed a new computer model of the traffic impacts in the South County Area. The Planning Department needs to complete a study to determine the cumulative impacts plus project(s) and mitigation.
2. **County of SLO (Summit Station Area) -**
  - Currently, Dale Avenue is the primary access for the Summit Station Area. Dale Avenue has a non standard intersection with Los Berros. With the possibility of additional dwelling units the Dale Avenue/Los Berros intersection needs to be reconstructed to improve sight distance, provide channelization on Los Berros, and complete any other improvements necessary to bring the intersection up to current standards.
  - To improve access to the Summit Station Area, Pomeroy Road needs to be improved to a full collector standard along the frontage of the Summit Station Area. This will involve the dedication of 30 feet to right-of-way for the entire frontage of the Summit Station Area.
  - The Aden/Hetrick connection needs to be constructed to improve access to the Summit Station Area.
  - To allow for future improvements at Pomeroy Road/Lyn Road the Summit Station Area needs to dedicate right-of-way at this intersection per the attached plan.

# NIPOMO COMMUNITY



# SERVICES DISTRICT

L-3

**BOARD MEMBERS**

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

**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) 1129-1133 FAX (805) 929-1932 Email address gm@nipomocsd.com

September 5, 2001

John McKenzie  
County Planning and Building Department  
SLO County Government Center  
San Luis Obispo, CA 93403

SUBJECT: WOODLAND SPECIFIC PLAN  
SUPPLEMENTAL EIR

The following are District comments on the Environmental Science Associates Supplemental Environmental Impact Report. Comments from Jim Garing are attached as a separate letter.

1 • Page 1	<p><u>Nipomo Mesa Sub-unit of the Santa Maria groundwater basin</u></p> <p>The District is unaware of any Nipomo Mesa boundaries being established with respect to the on-going adjudication. It should be pointed out that this is a portion of the larger Santa Maria groundwater basin, presently adjudicated, extending from Pismo Beach to the north to Orcutt to the south. For the purposes reached in the conclusion of the SEIR there is no definition of this sub-unit. The EIR should refer to a portion of the groundwater basin which should be analyzed and managed separately because it is distinct from other areas in the basin in that the water production within the Mesa sub-unit is not impacted by and should not impact water production in other areas.</p>
2 • Page 3	<p>There is the first statement of the conclusion that there is not an overdraft (condition). Throughout the SEIR, it is submitted that the groundwater levels on the Mesa are declining so that water production must be exceeding supply. The reason for the conclusion that there is no overdraft is that there is no consequence undesirable effects which has occurred due to declining water levels and a reduction in water storage.</p> <p>There are undesirable effects which are as follows: Reports indicate there has been a reversal of the groundwater flow from the Mesa to the Santa Maria Valley. Historically, approx. 2000 ac/ft/yr have flowed from the Mesa to the Valley. The reversal has indicated approx. 2800 ac/ft/yr of water now flowing from the Valley to the Mesa. This reversal must be considered as an undesirable effect because those persons who rely on production of water in the Valley portion may claim that the gradient should be corrected so their supply is not intercepted. This matter is already an issue in the adjudication of the groundwater basin. The gradient can be corrected only by reducing present pumping and/or relying on a supplemental water source. This reversal may also affect water purveyors with respect to maintaining Twitchell Reservoir. Since the Twitchell Reservoir recharges the Santa Maria Valley groundwater basin and possibly the Mesa with the flow, those</p>

2  
ont.

<p>Page 3 (cont)</p>	<p>on the Mesa may have to pay the repair costs and the annual maintenance costs of operating the Twitchell Reservoir which is the undesirable effect. In the adjudication, various parties have asserted pumping priorities and the end result would be that some parties will have to rely, at least in part, on a supplemental water source rather than meet all the parties' needs from the groundwaters on the Mesa. This is obviously an undesirable effect in that it will increase the cost of water availability to meet the Mesa demands.</p> <p>The possible southerly reversal of the groundwater flow, is at least some indication of overdraft on the Mesa and by lowering the groundwater table may generate a reverse flow in the western portion of the basin, creating sea water intrusion. There is no data in the SEIF to reach a conclusion that the continual lowering of the groundwater table under the Mesa may not result in undesirable effects, especially related to sea water intrusion.</p> <p>The location of the Woodland Project, in an area of pumping depression, is expected to generate an increased demand of 1200-1300 ac/ft/yr. In extraction from this area. An increase in reduction of groundwater levels at this location would not only deplete some of the storage but may increase the flows from the Valley to the Mesa. It is estimated that there is approx. 49,000 ac/ft of storage. There is an estimated overdraft of 2,000 to 3,000 ac/ft/yr. With this magnitude of overdraft, along with the Woodland project storage would be depleted in 15-20 years, not a long period of time considering the fact that groundwater resources need to be maintained and balanced. Also, there is no significant data indicating how much of the storage can continue to be completed without incurring sea-water intrusion.</p>
<ul style="list-style-type: none"> <li>• Pages 9 &amp; 19</li> </ul>	<p>The Scarnanini model is not a model of the Mesa sub-unit area. The model encompasses part of the Mesa, but mostly the Santa Maria Valley and has no application to determining what the impact the project will have on the Mesa water supply. The model indicates that there is an equilibrium in this study area but also essentially admits that the equilibrium is dependent on the continued operation of the Twitchell Reservoir so that between 15,000 and 20,000 ac/ft/yr of supplemental water to the Santa Maria Valley is maintained. Without substantial repairs and implementing an expensive maintenance program, the supplemental water source from the Twitchell project may not be available.</p>
<ul style="list-style-type: none"> <li>• Page 3</li> </ul>	<p>The SEIF has no new mitigation measures proposed, there is no discussion on adjudication, and there is no recitation to any of the studies which has produced a water budget after defining the sub-area being analyzed. All these items will probably be done in the course of the adjudication.</p>

3

5	<ul style="list-style-type: none"><li>• Page 16</li></ul>	One mitigation proposed a toilet retrofit program. The NCSD has implemented a toilet retrofit program where it takes four (4) existing residences to be retrofitted for the equivalent of water use of one new home. There is no mention how this toilet retrofit program will be implemented to try to offset the 1,200-1,300 ac/ft of new production. It is doubtful that there would be 5,000-6,000 existing residences built before 1990 which would qualify for the toilet retrofit program to offset the production of the Woodland Project.
6	<ul style="list-style-type: none"><li>• General</li></ul>	The SEIR concludes that the subject project will not contribute to the overall groundwater deficit on the Mesa. It should be pointed out that this project will increase the Mesa production by 10% in a sensitive pumping depression area. Their conclusion that there is no overdraft due to the depletion of the basin resources because of the alleged lack of negative impacts, as commented, is completely fallacious. There is no basis for the conclusion that a faster build-out of the Woodland Project would not have a significant adverse environmental impact due to the depletion of the available water resources.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

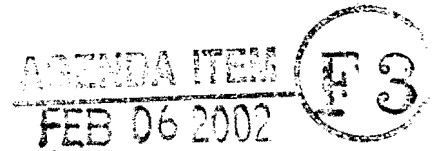
Doug Jones  
General Manager

Enclosure

cc: NCSD Board of Directors

TRACTS/Woodlands/SEIR Report

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: FEBRUARY 6, 2002



ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS  
PROJECT CO 99-076  
LONG'S

**ITEM**

Acceptance of water and sewer improvements for a commercial development on Tefft Street

**BACKGROUND**

Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer (Long's) for CO 99-076, a commercial development on Tefft Street has installed water and sewer improvements, and has met the District's conditions:

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

**RECOMMENDATION**

Staff recommends that your Honorable Board approve the attached Resolution 2002-Long's, accepting the water and sewer improvements for CO 99-076.

Board 2002\Accept 99-076 Longs.DOC

**RESOLUTION NO. 2002-Longs**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR CO 99-076 (LONGS)  
NIPOMO WESTSIDE L.P.**

**WHEREAS**, the District approved the construction plans on March 27, 2001 for the water and sewer improvements to be constructed on Tefft Street; and

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

**WHEREAS**, on April 26, 2001, the Owner offered the water and sewer improvements to the Nipomo Community Services District; and

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

**WHEREAS**, all water and sewer fees for service, required in conformance with District ordinances, have been paid in full for Parcel Map CO 99-076 (Longs/Nipomo Westside L.P.).

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

That the water and sewer improvements for Parcel Map CO 99-076 (Longs) in Nipomo are accepted by this District.

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

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 6<sup>th</sup> day of February 2002.

\_\_\_\_\_  
Richard Mobraaten, 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: FEBRUARY 6, 2002



## MANAGERS REPORT

### STREET LANDSCAPING LEGISLATION

The attached E-Mail correspondence is related to legislation to acquire landscaping powers to provide services to the community.

Board 2002\mgr020602.DOC

Ralph A. Heim, 05:41 PM 1/18/02 , Re: Nipomo CSD

---

Date: Fri, 18 Jan 2002 17:41:34 -0800  
From: "Ralph A. Heim" <heim@hnks.com>  
Subject: Re: Nipomo CSD  
To: "Administration, Nipomo CSD" <administrator@nipomocsd.com>  
X-MIMEOLE: Produced By Microsoft MimeOLE V6.00.2600.0000  
X-Mailer: Microsoft Outlook Express 6.00.2600.0000  
X-MSMail-priority: Normal

I did speak with Julia and she told me that their office would send the proposal to Legislative Counsel for drafting, but that does not mean they will carry the bill. I briefed her relative to my efforts to get the language into the Senate Local Government Committee's omnibus bill and would keep her current on that effort.

Ralph

----- Original Message -----

From: "Administration, Nipomo CSD" <administrator@nipomocsd.com>  
To: <heim@hnks.com>  
Sent: Friday, January 18, 2002 9:53 AM  
Subject: Nipomo CSD

> Ralph,  
>  
> Did you speak with Julia from Assemblyman Maldonado's office this week. I  
> faxed her the District's Resolution on Tuesday.  
>  
> Please let us know the status.  
>  
> Thanks,  
> Doug Jones  
> General Manager of Nipomo CSD  
> (805) 929-1133  
>  
>

heim@hnks.com, 02:21 PM 1/14/02 , Status of Legislation

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To: heim@hnks.com  
From: "Administration, Nipomo CSD" <administrator@nipomocsd.com>  
Subject: Status of Legislation  
Cc:  
Bcc:  
Attached:

Ralph,

What is the status of our request for legislation to establish landscape powers? Is there anything we should be doing?

Thank you for your assistance.

Doug Jones  
General Manager  
Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444  
(805) 929-1133

**Ralph A. Heim, 01:30 PM 11/30/01, Re: Landscape Powers Legislati**

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To: "Ralph A. Heim" <heim@hnks.com>  
From: "Administration, Nipomo CSD" <administrator@nipomocsd.com>  
Subject: Re: Landscape Powers Legislation  
Cc:  
Bcc:  
Attached:

Ralph:

I checked with Mr. Dick Anderson, attorney for Jurupa CSD, who handled this item. He said that there was no controversy and that it was attached to another bill. This legislation is in the Government Code Section 61601.21 adopted in 1989.

Hopefully this information is helpful in processing this item.

Thanks,  
Doug Jones  
General Manager of Nipomo CSD

At 02:47 PM 11/20/01 -0800, you wrote:

>>>>

Doug,

Thanks for providing me a copy of your November 13th letter to Assembly Member Maldonado relative to requesting legislation establishing landscape powers for your District. I noted that you referenced the Jurupa CSD and the fact that they received this authority from the Legislature. I would be very interested in any information you have regarding when Jurupa secured this authority via legislation. That information would be helpful, as if the legislation passed without controversy, it may be possible to include the language for your district in the Senate Local Government Committee's annual omnibus bill. If you could provide me with when Jurupa received their authority from the Legislature, I would be happy to discuss the possibility of including the language in the Committee's bill with the Committee's consultant. If successful, this would eliminate the need to have a separate bill. Lastly, there may be a LAFCO issue or two that would preclude the omnibus bill option, but it's worth a try.

Ralph

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