

NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

MARCH 20, 2002

REGULAR MEETING 9:00 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) REVIEW SOLID WASTE MANDATORY OPERATIONS
Consider mandatory garbage service for District residents
- D-2) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE
Introduction and first reading of a variance procedure ordinance
- D-3) FIRE CAPACITY FEE
Review the establishment of the District's Fire Capacity Fee
- D-4) REQUEST FOR SERVICE – TRACT 2282 (COOL)
Re-subdivision of Lot 4 of Tract 2282 – one lot
- D-5) WATER AND SEWER SYSTEM MASTER PLAN 2001 UPDATE
Receive and file the Water and Sewer Master Plan 2001 Update by Boyle Engineering

E. OTHER BUSINESS

- E-1) DISTRICT BOARD ROOM USE POLICY
Review/approve revision of the Board Room Use Policy
- E-2) TELEVISION BOARD OF DIRECTORS' MEETINGS
Review a proposal from AGP to televise Board meetings
- E-3) MISSION STATEMENT
Review potential District mission statements
- E-4) TEFFT STREET LIFT STATION DESIGN
Proposal to design improvements for the Tefft Street Lift Station

- 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 March 6, 2002 Regular Board meeting
Minutes of March 14, 2002 Special Board meeting

G. MANAGER'S REPORT

- CSDA – Legislative Update

H. COMMITTEE REPORTS

I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSA VS STATE DEPT OF HEALTH SERVICES CV 990716
- C. SAVE THE MESA VS. NCSA CV 020181

CONFERENCE WITH NEGOTIATOR GC§54956.8

- D. 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 April 3, 2002 at 9:00 a.m.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: MARCH 20, 2002

AGENDA ITEM
MAR 20 2002



REVIEW SOLID WASTE MANDATORY OPERATIONS

ITEM

Consider mandatory garbage service

BACKGROUND

The District, through the process of LAFCO, has exercised its latent power to provide solid waste service to the community residents. The waste haulers in San Luis Obispo County recently had an adjustment in their garbage fees and all have been completed except for Nipomo Garbage in which the District now operates its franchise. The proposed rate increase for volunteer service would be approx. 14%, whereas, mandatory service would be approx. 5% within the District. Your Honorable Board discussed this at the last meeting about possibly adjusting the franchise fees to minimize the rate adjustment to the customers.

It was suggested that a committee be set up to review the numbers and bring it back to the full Board for consideration. The Board would like to make that decision as a whole. Staff would recommend a Study Session to review all the options.

Attached is a memo from District Legal Counsel on the procedure for establishing mandatory solid waste service.

RECOMMENDATION

Staff recommends that your Honorable Board set up a Study Session to review the numbers. Mr. Tom Martin could be invited to discuss franchise fees, service levels, and mandatory vs. voluntary service.

Board 2002/Solid waste MANDATORY.DOC

JON S. SEITZ
MICHAEL W. SEITZ

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

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

TO: DOUG JONES, GENERAL MANAGER
NIPOMO COMMUNITY SERVICES DISTRICT

RE: PROCEDURES FOR ESTABLISHING MANDATORY SOLID WASTE
COLLECTION

FROM: JON S. SEITZ, DISTRICT LEGAL COUNSEL
NIPOMO COMMUNITY SERVICES DISTRICT

ATTACHMENTS: §6 OF ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION
(PROPOSITION 218).

DATE: March 11, 2002

MEMORANDUM

You have requested an opinion on the procedural requirements for implementing mandatory solid waste collection. Therefore, this Memorandum assumes that the Board of Directors has determined to make solid waste collection (garbage, greenwaste and recycling) mandatory within the District.

STEP ONE

- Prepare Ordinance Amendment requiring mandatory garbage collection for improved parcels within the District.
- Calculate the charges to be imposed on each parcel of property (rates for solid waste service).

STEP TWO

Procedural Requirements:

Proposition 218 (Article XIII D § 6 of the California Constitution (attached as a

reference)) establishes three (3) procedural issues implementing property related charges such as charges for mandatory solid waste collection as follows:

- Notice requirements
- Hearing requirements
- Voter approval requirements

This section will discuss each of these issues.

Notice Requirements:

1. The District must identify the parcels for which the solid waste charges are proposed for imposition.
2. The District must provide written notice, by mail, of the proposed charges to the record owner of each identified parcel upon which the solid waste charges are proposed for imposition. That notice must include the following:
 - The amount of the fees or charges to be imposed upon each parcel;
 - The basis upon which the amount fees or charges was calculated;
 - The reason for the fees or charges; and
 - The date, time and location of the public hearing on the proposed charges.

Hearing Requirements:

The District must conduct a public hearing on the proposed solid waste charges at least forty-five (45) days after mailing the notice described above. The hearing must be conducted in the following manner:

- At the public hearing the District must consider all protests against the proposed solid waste charges; and

Memorandum to Doug Jones
Solid Waste Collection
March 11, 2002
Page 3 of 3

- If the written protest against the proposed solid waste charges are presented by a majority of owners of the identified parcels, the District may not impose the fees or charges.

Voter Approval Requirements:

Generally, Section 6C of Article XIII D requires voter approval (majority vote of property owners or two-thirds (2/3) of the electorate residing within the affected area). However, Section 6C exempts refuse collection from the voter approval requirements.

If you should have questions, please call.

END OF MEMORANDUM

or immediately available to, the owner of the property in question. Fees or charges based on potential or future use of a service are not permitted. Standby charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4.

(5) No fee or charge may be imposed for general governmental services including, but not limited to, police, fire, ambulance or library services, where the service is available to the public at large in substantially the same manner as it is to property owners. Reliance by an agency on any parcel map, including, but not limited to, an assessor's parcel map, may be considered a significant factor in determining whether a fee or charge is imposed as an incident of property ownership for purposes of this article. In any legal action contesting the validity of a fee or charge, the burden shall be on the agency to demonstrate compliance with this article.

(c) Voter Approval for New or Increased Fees and Charges. Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge or, at the option of the agency, by a two-thirds vote of the electorate residing in the affected area. The election shall be conducted not less than 45 days after the public hearing. An agency may adopt procedures similar to those for increases in assessments in the conduct of elections under this subdivision.

(d) Beginning July 1, 1997, all fees or charges shall comply with this section.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: MARCH 20, 2002

AGENDA ITEM
MAR 20 2002

ESTABLISH A VARIANCE PROCEDURE

ITEM

Introduction and first reading of ordinance establishing a variance procedure that may be incorporated into the District Codes

BACKGROUND

At the regular Board meeting held on March 6, 2002, the Board reviewed a draft ordinance to establish a variance procedure for the District. Based on Board comments, the ordinance is not being presented to your Honorable Board for introduction and first reading to be incorporated into District Code.

Staff does not recommend that a variance be considered with respect to paying capacity charges as indicated in Section 2, B[1(b)] and I. It is possible that the District would receive numerous requests in this matter.

RECOMMENDATION

After public comments have been heard on the proposed variance policy ordinance, your Honorable Board may introduce and have the first reading of Ordinance 2002-92.

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING VARIANCE PROCEDURES**

This ordinance will be brought back to the next regular board meeting for a second reading and adoption. The ordinance will be in effect 30 days later.

Board 2002/Variance Ordinance.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-92**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING VARIANCE PROCEDURES**

WHEREAS, the Nipomo Community Services District ("District") Board of Directors held a public hearing on February 20, 2002 to consider establishing a limited variance policy; and

WHEREAS, as a result of the February 20, 2002 hearing the District Board of Directors directed staff to return an ordinance that would establish a limited variance procedures that would apply to District infrastructure requirements for water and sewer service.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Nipomo Community Services District as follows:

Section 1. Authority.

This Ordinance is enacted pursuant to Government Code §§ 61600 (a) and (b) and §61621.5.

Section 2.

Section 1.04.030 is added to Chapter 1.04 of the District Code as follows:

1.04.030 Appeals

A. Applicability.

A property owner affected by a District requirement or regulation to construct water and/or sewer infrastructure improvements as a condition to receiving District service may appeal to the District Board of Directors for a variance from the District requirement or regulation as provided herein.

B. When Permitted.

1. Variances may be granted only when, (a) because of special circumstances applicable to the property including its size, shape, topography, location or surroundings, the strict application of the provisions referenced in Section A, above would create practical difficulties or unnecessary hardship or (b) financial hardship to pay capacity charges as provided in Section I below.

2. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not expressly authorized or "permissible" by the provisions of the San Luis Obispo County Code or the District Code.

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-92
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING VARIANCE PROCEDURES**

3. A variance shall not be granted to waive a District rate or charge that is directly related to District services except as provided in Section I below.

C. Application.

1. Application for a variance shall be filed in writing with the District General Manager by the owner, or his authorized agent such as the owner's engineer or architect. Applications shall set forth and state fully the name and address of the person to receive notice of the hearing referenced in Section E, below, acknowledge receipt of these procedures, the reasons and grounds for the variance and shall contain such information as the General Manager or his/her designee shall prescribe.

2. Every application for a variance shall be accompanied by a drawing or a plot plan, in duplicate, drawn to scale and showing the lot, the proposed location of building or buildings, the location of District water mains and sewer mains, proposed water and sewer laterals to provide District services to the building or buildings, and such other information as may be necessary to provide for the intelligent consideration of the variance request.

D. Filing Fee.

Before accepting an application for a variance the General Manager shall charge and collect a filing fee. Such fee shall be as established by resolution of the District Board of Directors.

E. Hearing.

1. Upon receipt of the application in proper form, the General Manager shall place the item on the Board of Directors Agenda for public hearing within a reasonable period of time.

2. Notice of such hearing shall be given through the U.S. Mail with postage prepaid using the address identified in the application.

3. The Board of Directors shall, on the date set, hold a public hearing upon the application for the variance.

F. Finding Required for Approval.

The Board of Directors may grant a variance based on information shown in the application and verified by staff report or upon further information brought forth during the course of the hearing, the Board of Directors must find that because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the provisions referenced in Section A above:

1. Could create practical difficulties or unnecessary hardship.

**NIPOMO COMMUNITY SERVICES DISTRICT
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AN ORDINANCE OF THE BOARD OF DIRECTORS
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ADOPTING VARIANCE PROCEDURES**

2. That granting of said variance would not tend to defeat the purpose of the particular rule or regulation.

G. Grant or Denial.

1. From the facts presented with the application at the public hearing the Board of Directors may grant the requested variance in whole or in part and with or without conditions. If the findings referenced in Section F above cannot be made such application shall be denied.

2. Every action or decision of the Board of Directors authorizing a variance shall be by resolution adopted by a majority of the Directors setting forth the written findings of fact required by Section F above.

3. The General Manager shall within ten (10) days of the Board of Directors' decision, mail a notice of the District's decision to the person designated in the application and any other person who has requested notice.

H. Conditions.

1. The Board of Directors in approving a variance, may set forth in its decision conditions which it deems necessary. The Board of Directors may also require such security and guarantees as the Board may deem necessary to insure that such terms and conditions are being or will be complied with.

2. Every variance granted by the Board of Directors shall contain as a condition thereof the following:

"The variance allowed is hereby conditioned upon the privileges granted herein being utilized within one hundred eighty (180) days after the effective date hereof, and should the privilege authorized hereby fail to be executed or utilized or where some form of construction work is involved, such construction has not actually commences within such one hundred eighty (180) days, and is not diligently prosecuted to completion, the authority shall become null and void and any privilege or variance granted hereby shall lapse.

The Board of Directors may in its discretion and upon the written request of the applicant, for good cause, grant a reasonable extension of time in addition to the one hundred eighty (180) days herein provided. Such requests for extension shall be made to the General Manager and within twenty (20) days prior to the expiration of the one hundred eighty (180) day period."

I. Capacity Charges.

The Board of Directors may consider requests for relief from payment of water and sewer capacity charges.

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AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING VARIANCE PROCEDURES**

1. Applicant shall present written evidence that establishes the following as a part of the application.

a. That they are a charitable non-profit organization and have received 501(c)3 status from the Internal Revenue Service.

b. That the Applicant's project relates to the Arts or recreation and has a broad District wide base of support and anticipated participation.

c. That the Applicant does not have the present financial resources to pay, in whole or in part the related capacity charge.

2. If the Applicant establishes the above criteria to the Board of Directors; satisfaction, the Board of Directors shall have the following options:

a. If the Applicant's financial inability to pay the fee is anticipated to be resolved within one year, the Board of Directors may approve an agreement with Applicant to hold the fee in abeyance for a one year term from the date of application on such terms and conditions as the Board of Directors deems appropriate.

b. If the Applicant's financial inability to pay the fee is not anticipated to be resolved within one year but is anticipated to be resolved within five years, the Board of Directors may authorize payment by way of promissory note, or other agreement, for a term of up to five years from the date of application on such terms as the Board of Directors deems appropriate.

c. Subject the paragraph below, if the Applicant's financial inability to pay the fee is determined to be longer than five years, the Board of Directors may consider additional options including a waiver of the fee. The Board of Directors may waive the sewer and or water capacity charges based upon the findings required by these provisions relating to appeals and based upon a finding that the impact of Applicant's connection will have a de minimis impact upon the District's capacity to provide services and connections for other Applicants.

An agreement to waive or otherwise reduce any fee shall be in writing and require the Applicant to indemnify and hold the District harmless for attorney's fees and costs associated with the defense of any action challenging the waiver or reduction of the sewer connection fee.

d. Deny the Application in whole or in part.

Section 3. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-92
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING VARIANCE PROCEDURES

clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 4. Effect of headings

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 5. Inconsistency

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations or any County Ordinance(s), Motions, Resolutions, Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, including §408.190 of the District Code, Motions, Resolutions, Rules, and Regulations are hereby repealed.

Section 6. Effective Date

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the ordinance and shall remain posted thereafter for at least one (1) week. The ordinance shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in a newspaper of general circulation within the District.

Introduced at a regular meeting of the District Board of Directors held on _____, 2002, and passed and adopted by the District Board of Directors on the ____ day of _____, 2002, by the following roll call vote, to wit:

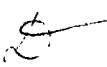
AYES:
NOES:
ABSENT:
CONFLICTS:


ATTEST:

Richard Mobraaten, President
Board of Directors, Nipomo
Community Services District
APPROVED AS TO FORM:

Dorina K. Johnson,
Secretary to the Board

Jon S. Seitz,
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MARCH 20, 2002

AGENDA ITEM
MAR 20 2002 

FIRE CAPACITY FEE

ITEM

Review the establishment of the District's Fire Capacity Fee

BACKGROUND

In 1996, the District hired the consultation of Perry Louck, CPA to establish a water and sewer comprehensive financial plan for the District. Mr. Louck reviewed the infrastructure needs for the District, depreciation and O & M and prepared a financial plan for the District. On page 12 of this financial plan, Mr. Louck outlines the recovery of private fire protection system cost. The recommendation, at that time, was 50% of the potential fire flow demands. In establishing the fee for a private fire protection system, the Board opted to divide the consultant's recommendation in half and use 25% of the capacity fees. Since fire service is one of the most demanding aspects of a water system (i.e. the storage, line size and capacity needed), the method in establishing these fees was validated.

With the 2001 update of the Boyle Engineering Water and Sewer Master Plan, the District will be budgeting to have a consultant re-evaluate the capacity fees based on the needed capitalization for infrastructure as outlined in the Boyle 2001 report. In reviewing the District's water and sewer capacity fees, the consultant will be asked to revisit the private fire system fees, as outlined in the 1996 report.

Since the private fire capacity fee was established the following projects have paid the fee. Von's, SavOn, Longs, La Placita, and Lucia Mar Unified School District.

RECOMMENDATION

Staff recommends that the capacity fee for private fire protection systems remains as established based on the financial consultant's report of 1996. Your Honorable Board may wish to revisit this item in the proposed capacity fee update in fiscal year 2002-2003.

meter installation may be installed by the customer in accordance with plans previously approved by the district or may be constructed by the district at the customer's expense.

2. Monthly standby charges for private fire service shall be as follows:

| Meter Size | Monthly Charge |
|------------|----------------|
| 3" | \$ 5.00 |
| 4" | 6.00 |
| 6" | 9.00 |
| 8" | 12.50 |
| 10" | 15.00 |

Water used for fire suppression shall be furnished without charge.

3. The capacity charge for private fire service shall be twenty-five percent of the water capacity charge established by Appendix A to this chapter. (Ord. 97-86 § 4, 1997; Ord. 95-79 § 1 (part), 1995; Ord. 81-41 § 2, 1981; Ord. 79-35 § 4, 1979; Ord. 78-27 § 7, 1978)

3.04.260 Distribution facilities.

The minimum water main size in the district shall be eight inches in diameter and if applicable shall be financed and installed by the applicant in accordance with Title V of the district code. (Ord. 98-87 § 16, 1998)

3.04.270 Water supply and interruption of service.

A. The district will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water at the meter. The district, however, shall not be liable for interruption of service or shortage or insufficiency of supply or for any

loss or damage occasioned thereby. For the purpose of making repairs or installing improvements to the system, the district shall have the right to temporarily suspend the delivery of water. The customer shall be notified in advance of such action, except in cases of emergency. Repairs or improvements will be performed as rapidly as may be practicable and so far as possible at times which will cause the least inconvenience to the customers concerned. The district shall not be liable for any loss or damage occasioned by such suspension of service.

B. During times of threatened or actual water shortage, the district will apportion its available supply among its customers in the manner that appears most equitable under the circumstances then prevailing with regard to public health and safety. (Ord. 78-27 § 14, 1978)

3.04.280 District equipment on customer's premises.

A. All water service pipes and equipment required to serve a customer up to and including the meter shall be owned by the district whether installed:

1. On a public or private property; or
2. At applicant's or district's expense.

B. District equipment required for service which is installed on a customer's premises may be repaired, replaced or removed by the district. Authorized representatives of the district shall have the right of access to such equipment for any purpose reasonably connected with furnishing service. The district shall make no payment for placing or maintaining equipment which is required solely for providing service to the customer's premises.

NIPOMO
COMMUNITY
SERVICES DISTRICT

WATER & SEWER
COMPREHENSIVE
FINANCIAL PLAN

APRIL 30, 1996

PREPARED BY – PERRY R. LOUCK, CPA
TEMECULA, CA . (909) 695-6927

A summary of the rate requirements is as follows:

SUMMARY OF RATES UNDER ANALYSIS #1

| COMMODITY RATES | 1996 (OLD) | 1996 (NEW) | 1997 | 1998 | 1999 | 2000 | 2001 |
|-----------------|------------|------------|------|------|------|------|-------|
| 0 - 20 hcf | .75 | 1.25 | 1.30 | 1.34 | 1.42 | 1.54 | 1.71 |
| % Increase | | 66.7% | 4.0% | 3.0% | 6.0% | 8.5% | 11.0% |
| 20+ hcf | 1.15 | 1.25 | 1.30 | 1.34 | 1.42 | 1.54 | 1.71 |
| % Increase | | 8.7% | 4.0% | 3.0% | 6.0% | 8.5% | 11.0% |

| MONTHLY CAPACITY CHARGE BY METER SIZE | | | | | | |
|---------------------------------------|-------|-------|-------|-------|-------|-------|
| Meter Size | 95/96 | 96/97 | 97/98 | 98/99 | 99/00 | 00/01 |
| 5/8 & 3/4" * | 6.50 | 6.91 | 6.61 | 6.49 | 6.35 | 6.20 |
| 1 Inch * | 6.50 | 6.91 | 6.61 | 6.49 | 6.35 | 6.20 |
| 1-1/2 Inch | 15.00 | 22.81 | 21.82 | 21.42 | 20.97 | 20.47 |
| 2 INCH | 21.00 | 36.64 | 35.04 | 34.40 | 33.68 | 32.88 |
| 3 INCH * | 30.00 | 69.14 | 66.11 | 64.91 | 63.54 | 62.04 |

* Although the analysis demonstrates justification for raising the 1 inch monthly fee to \$6.91 per month, it is recommended that the fee be held at \$6.50 until the 98/99 fiscal year. It is also recommended that the required increases for the 1 1/2, 2, and 3 inch meters be phased in over the next five years until the 2001 rate goal is achieved.

RECOVERY OF PRIVATE SYSTEM FIRE PROTECTION COSTS

A significant factor effecting the capital and operating cost of the District is the oversizing of facilities required for increased fire flow protection for commercial and industrial private fire protection systems. In order to equitably recover these additional costs, customers which require a private fire protection system, should be charged both a capital participation fee and monthly capacity fee equivalent to 50% of their fire flow demands. This is accomplished by equating their fire flow demands to an equivalent meter size and then charging the appropriate capital or monthly fee based upon system fire flow oversizing requirements which are estimated at 50%.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: MARCH 20, 2002

AGENDA
MAR 20 2002



REQUEST FOR SERVICE
TRACT 2282
COOL

ITEM

Request for water and sewer service for the division of Lot 4 of Tract 2282 to create one additional lot

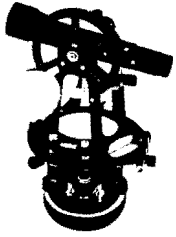
BACKGROUND

The District has received a request from Tim Crawford of Central Coast Engineering for water and sewer service for one additional lot by dividing Lot 4 of Tract 2282. An Intent-to-Serve letter may be issued for the lot-split with the following conditions:

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

RECOMMENDATION

Staff recommends that your Honorable Board approve the Intent-to-Serve letter for the split of Lot 4 of Tract 2282 with the above mentioned conditions.



CENTRAL COAST
ENGINEERING

396 Buckley Road, Suite 1
San Luis Obispo
California 93401
(805) 544-3278
FAX (805) 541-3137

March 6, 2002
E2544

Nipomo Community Services District
148 S. Wilson Avenue
Nipomo, CA 93444
Attn: Doug Jones

Subject: Tentative Tract 2470

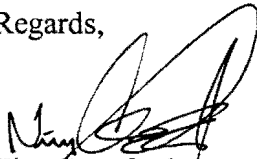
Dear Doug,

I am writing on behalf of Monte Cool to request an Intent To Serve letter for the above mentioned Tract Map. This project is a re-subdivision of Lot 4 of Tract 2282, which you currently serve, and we are requesting one additional service with this project.

If you have any questions or require additional information please call me.

Thank you for your help in this matter.

Regards,



Tim Crawford
Project Engineer

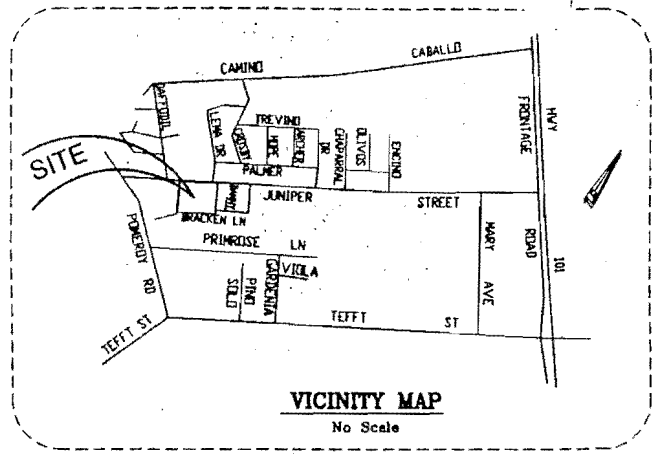
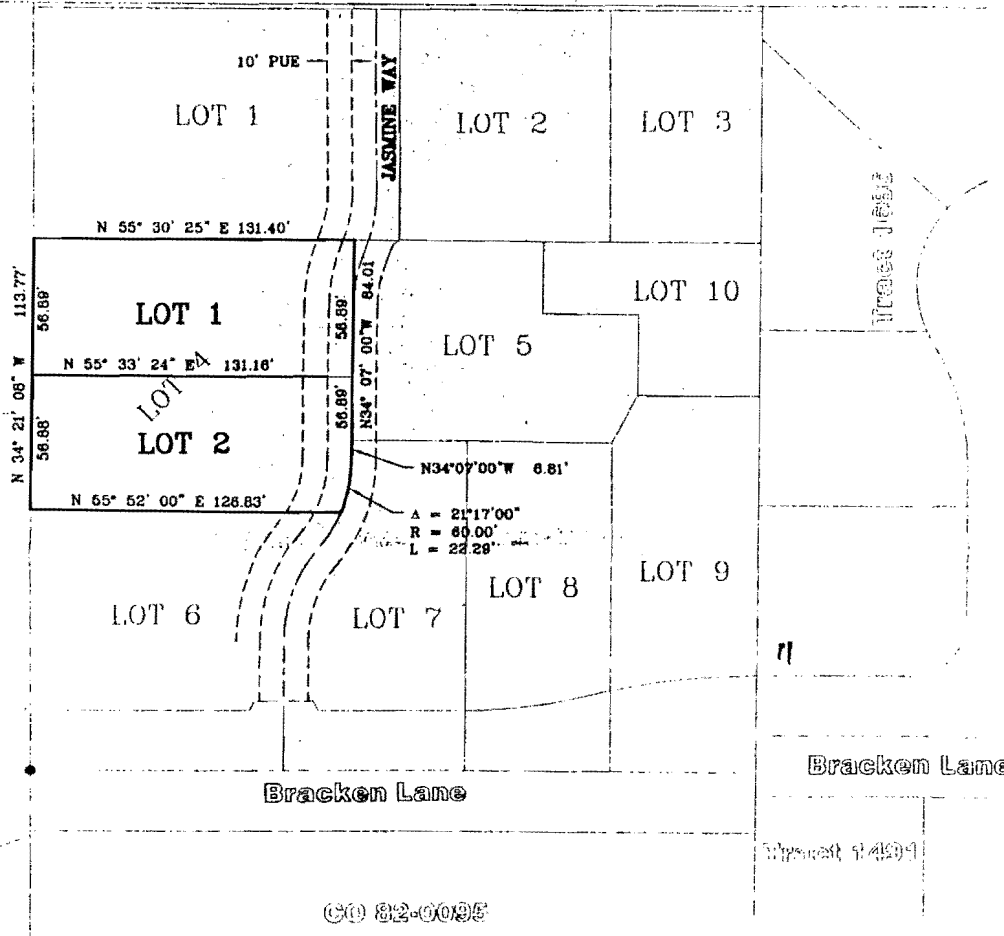
RECEIVED

MAR 08 2002

COMMUNITY
SERVICES DISTRICT

request service from NCSD

Juniper Street



OWNER:
MONTE J. COOL
1577 EL CAMINO REAL
ARROYO GRANDE, CA 93420

APN.:
092-136-049

UTILITIES:
POWER - PG&E
TELEPHONE - PACIFIC BELL
GAS - SO. CAL. GAS CO.
WATER - NCSD
SEWER - NCSD


ZONING:
RESIDENTIAL SINGLE FAMILY

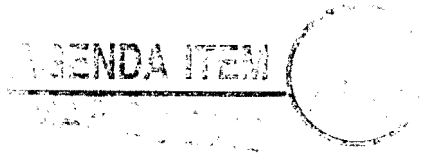
**VESTING TENTATIVE
TRACT 2470**

BEING A SUBDIVISION OF LOT 4
OF TRACT 2282, AS RECORDED IN
MAP BOOK 19 AT PAGE 34
IN THE
COUNTY OF SAN LUIS OBISPO,
STATE OF CALIFORNIA

MARCH, 2002

Central Coast Engineering
396 Buckley Road
San Luis Obispo, CA 93401

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MARCH 20, 2002



WATER AND SEWER MASTER PLAN
2001 UPDATE

ITEM

Receive and file the update of the Water and Sewer Master Plan by Boyle Engineering

BACKGROUND

The District had contracted with Boyle Engineering to update the 1995 Water and Sewer Master Plan for the District. Their report has been completed and delivered to your Honorable Board.

This report will be used as a guideline for needed infrastructure and analyzing the financial needs of the District.

RECOMMENDATION

Staff recommends that the Board receive and file the Water and Sewer System Master Plan 2001 Update prepared by Boyle Engineering.

Board 2002/Master Plan.DOC

Nipomo Community Services District

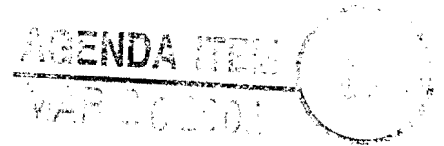
**Water and Sewer System
Master Plan 2001 Update**

VT-N04-101-06

March 2002

BOYLE
ENGINEERING CORPORATION

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 20, 2002



DISTRICT BOARD ROOM USE

ITEM

Review Board Room Use Policy

BACKGROUND

Approximately 4-5 years ago, when the District completed the office building at 148 S. Wilson, the Honorable Board established a guideline for use of the Board meeting room by groups for other than District purposes. Since that time, the meeting room has become quite popular to use. Staff feels that the guideline for use needs to be updated.

Enclosed is a draft revision of the Board Room Use Policy and Resolution No. 2002-Board Room Use for your Honorable Board's consideration and approval.

RECOMMENDATION

Staff recommends that the Board approve the Board Room Use Policy and Resolution No. 2002-Board Room Use.

RESOLUTION NO. 2002- Board room use

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

Board 2002/Board Room use.DOC

RESOLUTION NO. 2002- Board room use

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

WHEREAS, the Nipomo Community Services District's (herein "District") wishes to adopt a Board Room Use Policy, and

WHEREAS, based on the staff report, staff presentation and public comment, the District finds that the policy established by this Resolution are fair and reasonable.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. The policy establishing the Nipomo Community Services District Board Room Use Policy, attached hereto as Exhibit "A", is hereby approved and adopted.

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

AYES: Directors
NOES:
ABSENT:
CONFLICTS:

The foregoing hereby adopted this 20th day of March, 2002.

Richard Mobraaten, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

Resolution/2002-Bd Room Use

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD ROOM USE POLICY

The District Board Room (sometimes referred to as the "facility") is available to the community of Nipomo in accordance with the following Guidelines;

A. Regular Use:

1. Subject to District use, the District Board Room is available Monday through Friday from 8:30 a.m. to 4:00 p.m.
2. The Board Room is not available on Sundays and District holidays.
3. The rental charge is twelve dollars (\$12.00) per hour, or a fraction thereof with a minimum charge of one hour.

B. Evenings and Saturdays:

1. Subject to staff availability, the District Board Room is available on weekday evenings until 10:30 p.m. and on Saturdays from 8:30 to 4:00 p.m.
2. In addition to the charge referenced in Paragraph A3 above, fifty dollars (\$50.00) will be charged for District office personnel for opening and closing the building.
3. The fifty dollars (\$50.00) referenced in Paragraph B2 above may be waived if a District Director volunteers to open and close the Board Room.
4. District office personnel may not remain at the District office during the reserved time.

C. The following rules apply to the proposed use/occupancy of the Board Room:

1. The use of the Board Room is limited for the purposes of conducting meetings and programs that benefit the community of Nipomo such as youth groups, community groups and other governmental agencies.
2. A refundable cleaning/security deposit of fifty dollars (\$50.00) is required for the 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 (2) weeks after the date of use.
3. Permission by the District for the use of the Board Room is not an endorsement by the District of that particular group's policies. Promotion of an event using the name of "Nipomo Community Services District" as a sponsor may not be used without specific written

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD ROOM USE POLICY

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.

4. The seating capacity is limited to sixty four (64) persons.
5. The District's Board Room is not intended for long term use by one group. Therefore a particular group's use of the Board Room is limited to four times per month and cannot be reserved for more than two (2) consecutive days for a single event.
6. Reservations for use of the Board 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.
7. Any changes to confirmed 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 District Board Room, the District will refund fees in full if District is given at least ten (10) working days advance notice; otherwise the 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, grant exceptions to these guidelines as deemed appropriate.
10. The District General Manager reserves the right to refuse use of the Board Room to any group or Applicant for previous misuse.
11. All uses are subject to approval based upon availability, maintenance schedules, and nature of use. The District reserves the right to cancel a group's reservation if the use of the room is essential for official District business.
12. 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.
13. Users are encouraged to inspect the Board Room and restrooms upon arrival and note any problems at that time to a staff member on duty.
14. Groups shall not charge an admission fee or have merchandise sales.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD ROOM USE POLICY

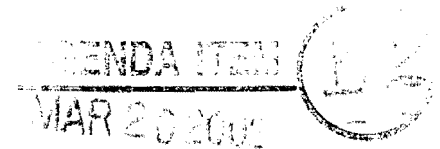
15. Users are required to present evidence of suitable liability insurance in which the District is named primary additional insured. Special Events Insurance may be obtained through the District.
16. Smoking in the premises or within twenty-five (25) feet of a doorway is prohibited.
17. Food and drink are not permitted in the District Board Room except for water. Kitchen facilities are not available.
18. Permission to use the room is not transferable to other groups. All reservations must be approved through the District.
19. Activities which will cause excessive wear and tear will not be allowed, such as handicrafts, activities involving pets, etc.
20. Provisions for adequate protection of exhibits are the responsibility of the Applicant. The District assumes no responsibility for exhibits or materials brought into the District Board Room and does not provide supervision, security or staffing for gatherings.
21. Noise and activity levels should be controlled by the sponsoring group so as not to interfere with the neighborhood or normal District operations.
22. Exhibits or decorating shall not be nailed, stapled, taped, or glued to the ceilings, soundproofing panels, painted surfaces or floors. The Applicant 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.
23. Security of 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.
24. 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.
25. 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

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD ROOM USE POLICY

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 Board 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.

26. 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.
27. 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.
28. 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.
29. All reservation concerns should be reported to the District Manager or his/her designee, during normal working hours.
30. The District may cancel or reschedule use of the District's Board Room for any reason deemed necessary. Users will be given as much notice as possible. Fees will be refunded, through the District, approximately two (2) weeks after the date of notification.
31. The District is not responsible for accidents, injury or loss of individual property during the facility's use.
32. District staff may enter the room during Applicant's event for the purposes of conducting District business.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 20, 2002



TELEVISION BOARD OF DIRECTOR'S MEETINGS

ITEM

Review a proposal from AGP to televise Board meetings

BACKGROUND

At the regular Board meeting held on March 6, 2002, Director Wirsing asked for the subject to televise the Board meetings to be revisited at the next meeting. Staff asked AGP to update their proposal for televising the Board meetings. Enclosed (if received in time) is their proposal.

Since this item was brought up previously, it was suggested that the County, through the TV franchise fee, appropriate certain funds to allow special District Board meetings to be televised for future showings. If your Honorable Board chooses to use District funds, then a portion of each of the operation funds would be allocated to pay for the program.

RECOMMENDATION

Your Honorable Board may direct staff how to proceed.

Board 2002/TV Bd meetings.DOC

D-3) REQUEST FOR SERVICE - 427 Amado St. (NUNEZ)

Request for water & sewer service to one residence outside of the District boundary

A request was received from the Nunez family for water and sewer service to 427 Amado Street, outside District boundary. There was no public comment.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board unanimously agreed to send a letter to the Nunez requesting documentation of hardship. Vote 4-0

D-4) REQUEST FOR SERVICE - CO 01-0351 (CORELLA)

Request for an Intent-to-Serve letter for a 3 lot development between Tefft & Hill St.

The Board reviewed a request from EDA, representing Corella, for a 3-lot development between Tefft and Hill Streets.

The following members of the public spoke:

Vince McCarthy, 191 E. Dana, Nipomo - commented about Title 22 of the California Code.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved the Intent-to-Serve letter for Parcel Map CO 01-0351 with the conditions as outlined in the Board letter. Vote 4-0

E. OTHER BUSINESS

E-1) VIDEO PROPOSAL TO TELEVISION BOARD MEETING

Review AGP video proposal to televise Board meeting

The Board reviewed a proposal from AGP Video to televise regular District Board meetings. Steve Mathieu and Nancy Castle from AGP explained how the program works. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously agreed to study the funding to televise District Board meetings. Vice President Mobraaten appointed Director Trotter and Director Wirsing to be on a sub-committee to study televising Board meetings and funding for it.

E-2) REQUEST FOR LANDSCAPING SERVICE (EDWARDS)

Request NCSD to perform landscaping service within streets rights-of-way

A request was received from Ron Edwards to provide landscaping services for his development on Tefft St. across from the Dana Elem. School.

The following members of the public spoke:

Ron Edwards, developer of Tract 2409 - would like the Board to consider assuming the power of landscaping for his project.

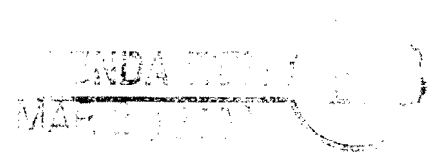
The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo - spoke in favor of the District taking on landscaping.

John Eppard, 1505 Champions Lane, Nipomo - Would like the Board to consider the water use.

Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously agreed to direct staff to prepare the necessary resolution and to contact our representatives to process legislation giving the NCSD the additional powers to provide landscaping services and to report the costs for the process. Vote 4-0

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 20, 2002



DISTRICT MISSION STATEMENT

ITEM

Review District potential mission statements

BACKGROUND

The District Board has inquired about establishing a District Mission Statement similar to other agencies performing similar services. Enclosed are a couple of draft mission statements along with mission statements from other agencies.

RECOMMENDATION

Staff will proceed as directed by your Honorable Board.

Board 2002/Mission statements.DOC

**MISSION STATEMENTS
OF COMMUNITY SERVICES DISTRICTS
IN OUR AREA**

LOS OSOS CSD

The Los Osos Community Services District shall provide the best possible water, wastewater, drainage, parks, recreation, street lighting and fire and rescue services to the community of Los Osos, California. The Board of Directors and staff shall respond with excellence to meet the community's needs and desires. The Board of Directors shall act as a conduit to express the political will of our community to other agencies and levels of government.

TEMPLETON CSD

The Templeton Community Services District's mission is to provide the residents of the community with water, sewer, fire, parks and recreation, lighting and drainage services.

In administering these responsibilities the District strives to provide these services in the most cost effective and efficient manner possible. The District identifies and anticipates concerns, problems, and opportunities, and takes action to address them. The district also provides a catalyst for the involvement of residents, businesses, and organizations through advisory boards in the development and maintenance of a well integrated community.

Essential to accomplishing the objective outlined above is the selection, training, motivation and retention of highly qualified men and women as District employees.

OCEANO CSD

To provide the citizens of the district with quality, innovative, and cost-effective services, including water, sewer, fire protection, street lighting services, parks and recreation, trash collection, and other miscellaneous items, through responsive and responsible local government to meet the changing needs of the community.

HERITAGE RANCH CSD

The purpose and mission of HRCSD is to provide municipal services to the Village of Heritage Ranch in a manner that is efficient, safe and in accordance with applicable law. These services include the supply of drinking water, the disposal of waste water, removal of solid waste, parks and recreation and retail sales of gasoline.

CAMBRIA CSD

(This mission statement is a work in progress, with the initial intention to provide public clarity of services provided by the District.)

Keeping in mind Cambria's unique history and character, the CCSD provides the services of water, wastewater, waste disposal, fire, rescue and emergency medical, street lighting, parks, transit, and Cambria Veteran's Memorial Building administration.

VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT

To efficiently provide dependable drinking water delivery and wastewater collection services to Vandenberg Village residents, with a commitment to customer service.

MISSION HILLS COMMUNITY SERVICES DISTRICT

The Mission Hills Community Services District is committed to provide the residents within the district reliable, high quality water and wastewater services in an efficient, cost effective, and environmentally safe manner.

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

DOUGLAS JONES, GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
LEE DOUGLAS, MAINTENANCE SUPERVISOR


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

NIPOMO COMMUNITY SERVICES DISTRICT PROPOSED MISSION STATEMENT

SAMPLES

- a. The District's mission is to provide District services that are dependable, efficient, oriented to quality, and are economical to its customers and the community.

- b. The District's mission is to provide the community with services which have the quality, efficiency, innovative and economic basis required to meet the desired level of services

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MARCH 20, 2002



TEFFT STREET LIFT STATION
UPGRADE DESIGN

ITEM

Proposal to design improvements to the Tefft Street lift station

BACKGROUND

The upgrading of the Tefft Street Lift Station is recommended in the 2001 Water and Sewer Master Plan update by Boyle Engineering and in the environmental review for the new high school. The upgrade is needed to accommodate the future flows from the high school and the eastern portion of the District.

Staff has requested a proposal from District Engineer, Jim Garing of Garing, Taylor and Associates to design these improvements. Attached is a copy of the proposal for the Board's review.

The District usually sends out an RFP (Request for Proposal) to do the design work for projects. Since this is a minor design project (approx. \$10,000-12,000), it is felt that the cost and time for requesting proposals is not warranted. Since Garing, Taylor & Associates designed the improvements at the Southland Wastewater Facility, which included a lift station work, much of that lift station work could be incorporated into the Tefft Street Lift Station design, therefore saving some time and funds for the District.

The design of Tefft Street Lift Station improvements is incorporated in the 2001-2002 Fiscal Year Budget in the amount of \$5,000. It is anticipated that the balance of will be incorporated into the next fiscal year's budget.

RECOMMENDATION

Staff recommends that your Honorable Board authorize staff to prepare a consultant agreement for Garing, Taylor & Associates to design the improvements to the Tefft Street Lift Station and have the President of the Board execute the agreement.



Civil Engineering
Surveying
Project Development

March 13, 2002

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

SUBJECT: PROPOSAL TO DESIGN IMPROVEMENTS TO TEFFT STREET LIFT STATION

Dear Doug,

In accordance with our recent conversation, Garing, Taylor & Associates Inc. proposes to design an upgrade to the Tefft Street Lift Station, improving pumping capacity to the 600 gallons per minute recommended in the most recent Boyle report.

The design parameters envisioned for the Tefft Street Lift Station Upgrade include design of new submersible pumps with stainless steel slide-rail removal system, new trailer mounted standby power unit, manual bypass pumping port to allow lift station bypass, and pump station site enclosure.

The new pump configuration for this station would be a two pump configuration, so that the existing wet well may be salvaged. The wet well itself, if unlined would be lined with a District approved field applied liner. The standby power system would be equipped with an auto transfer switch and automatic start capability, along with standard alarms and exercise cycle program.


As part of the above design, the hydraulic conditions existent for the station would be checked and the pumps appropriately sized, based upon actual hydraulic loading. It is not currently envisioned that the existing force main would need to be replaced, however, in the event that it is decided to replace the force main, that would not be done under this proposal.

I propose to prepare all of the above described documents, including complete contract package, ready to bid. Our fees would be based upon actual time and materials expended on the project, not to exceed \$12,500.

If you need more information please contact me.

Very truly

GARING, TAYLOR & ASSOCIATES, INC.


Jim Garing P.E.
President

T/Admin/DjonesProposalTefftStLiftStat



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MARCH 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 March 6, 2002 Regular Board meeting
 - Minutes of March 14, 2002 Special Board meeting

WARRANTS MARCH 20, 2002

AGENDA ITEM
MAR 20 2002



HAND WRITTEN CHECKS

| | | | |
|-------|----------|------------|--------|
| 18517 | 03/06/02 | POSTMASTER | 72.00 |
| 18518 | 03/12/02 | POSTMASTER | 668.63 |

COMPUTER GENERATED CHECKS

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | Invoice # | Payment Information Description |
|--------------|------------|---------------|---------------------------|--------------------|-----------------|--------------------|-------------------|---|
| 6736 | 03/15/02 | EMP01 | EMPLOYMENT DEVELOP DEPT | 308.00 | .00 | 308.00 | A20311 | STATE INCOME TAX |
| 6737 | 03/15/02 | MID01 | MIDSTATE BANK-PR TAX DEP | 1326.68 371.94 | .00 .00 | 1326.68 371.94 | A20311 1A20311 | FEDERAL INCOME TAX MEDICARE (FICA) |
| | | | Check Total.....: | 1698.62 | .00 | 1698.62 | | |
| 6738 | 03/15/02 | MID02 | MIDSTATE BANK - DIRECT DP | 11324.83 | .00 | 11324.83 | A20311 | NET PAY DEDUCTION |
| 6739 | 03/15/02 | PER01 | PERS RETIREMENT | 950.89 | .00 | 950.89 | A20311 | PERS PAYROLL REMITTANCE |
| 6740 | 03/15/02 | SIM01 | DEBRA SIMMONS | 150.00 | .00 | 150.00 | A20311 | WAGE ASSIGNMENT |
| 6741 | 03/15/02 | STA01 | STATE STREET GLOBAL | 935.00 | .00 | 935.00 | A20311 | DEFERRED COMP |
| 6742 | 03/14/02 | BLA01 | ROBERT L BLAIR | 100.00 | .00 | 100.00 | 031402 | SPECIAL MEETING 031402 |
| 6743 | 03/14/02 | BLA02 | BOB BLAIR | 402.78 | .00 | 402.78 | 031002 | GOVT AFFAIRS DAY-SACRAMEN |
| 6744 | 03/14/02 | BOG01 | LISA BOGUDA | 46.30 | .00 | 46.30 | 030102 | TRAVEL TO 2 SEMINARS |
| 6745 | 03/14/02 | CEN02 | CENTRAL COAST FENCE INC | 990.00 | .00 | 990.00 | 2002-93 | 90 FT CHAIN LINK AT NIPOM |
| 6746 | 03/14/02 | COM02 | COMMUNICATION SOLUTIONS | 145.00 | .00 | 145.00 | 2988 | BL WELL #4 REPAIR |
| 6747 | 03/14/02 | COU01 | COURIER SYSTEMS | 80.00 | .00 | 80.00 | 91468 | LAB COURIER |
| 6748 | 03/14/02 | CRE01 | CREEK ENVIRONMENTAL LABS | 30.00 30.00 | .00 .00 | 30.00 30.00 | J0772 J0799 | BL WWTP LAB BL WWTP LAB |
| | | | Check Total.....: | 60.00 | .00 | 60.00 | | |
| 6749 | 03/14/02 | DOU01 | GERALD LEE DOUGLAS | 19.39 | .00 | 19.39 | 030102 | REIMB FOR SUPPLIES & TRAV |
| 6750 | 03/14/02 | FGL01 | FGL ENVIRONMENTAL | 44.80 44.80 | .00 .00 | 44.80 44.80 | 201718 201720 | BL WWTP LAB NIPOMO WWTP LAB |
| | | | Check Total.....: | 89.60 | .00 | 89.60 | | |
| 6751 | 03/14/02 | GAR01 | GARING TAYLOR & ASSOC | 1201.06 9166.28 | .00 .00 | 1201.06 9166.28 | 2531 2532 | GENERAL ENGINEERING TEFFT WTR TRNSM LINE |
| | | | Check Total.....: | 10367.34 | .00 | 10367.34 | | |
| 6752 | 03/14/02 | GAS01 | GAS HEATING & COOLING INC | 163.70 | .00 | 163.70 | 36889 | SERVICE HEATER UNITS |
| 6753 | 03/14/02 | GRA01 | GRAND FORMS | 238.62 | .00 | 238.62 | 62618 | LASER CHECKS |
| 6754 | 03/14/02 | GRO01 | GROENIGER & CO | 723.94 | .00 | 723.94 | 137241B | ANGLE BALL VALVES (15) |
| 6755 | 03/14/02 | JOH01 | DONNA JOHNSON | 50.00 45.87 | .00 .00 | 50.00 45.87 | 030202 030502 | LOCK UP AFTER ELEC REIMB SUPPLIES |
| | | | Check Total.....: | 95.87 | .00 | 95.87 | | |
| 6756 | 03/14/02 | LOS02 | LOS OSOS CSD | 450.00 | .00 | 450.00 | 030702 | LAFCO COST STUDY |
| 6757 | 03/14/02 | MOB01 | RICHARD MOBRAATEN | 100.00 | .00 | 100.00 | 031402 | SPECIAL MEETING 031402 |
| 6758 | 03/14/02 | NIP03 | NIPOMO SHELL | 749.44 | .00 | 749.44 | 158036 | GASOLINE FOR TRUCKS ETC |
| 6759 | 03/14/02 | QUI03 | QUINN RENTAL SERVICES | 47.83 | .00 | 47.83 | 2031771-1 | ADAPTOR |
| 6760 | 03/14/02 | SHI01 | SHIPSEY & SEITZ, INC | 15480.66 | .00 | 15480.66 | 021502 | LEGAL COUNSEL |
| 6761 | 03/14/02 | SLOC2 | DIV OF ENVIRON HEALTH | 996.39 | .00 | 996.39 | 18754 | CROSS CONNECTION WORK |
| 6762 | 03/14/02 | THE01 | THE GAS COMPANY | 61.49 | .00 | 61.49 | 057102 | SUNDALE WELL GAS |
| 6763 | 03/14/02 | TRO01 | TROTTER, CLIFFORD | 100.00 | .00 | 100.00 | 031402 | SPECIAL MEETING 031402 |

WARRANTS MARCH 20, 2002

COMPUTER GENERATED CHECKS

| Check Number | Check Date | Vendor Number | Name | Gross Amount | Discount Amount | Net Amount | -----Payment Information----- Invoice # | Description |
|-----------------|---------------|------------------|-------------------|-----------------|--------------------|---------------|--|------------------------|
| 6764 | 03/14/02 | USA01 | USA BLUEBOOK | 269.93 | .00 | 269.93 | 520495 | STRIPING PAINT |
| 6765 | 03/14/02 | WIN01 | MICHAEL WINN | 100.00 | .00 | 100.00 | 031402 | SPECIAL MEETING 031402 |
| 6766 | 03/14/02 | WIR02 | WIRSING, JUDY | 100.00 | .00 | 100.00 | 031402 | SPECIAL MEETING 031402 |
| 6767 | 03/20/02 | BLA01 | ROBERT L BLAIR | 100.00 | .00 | 100.00 | 032002 | REG MEETING 032002 |
| 6768 | 03/20/02 | MOB01 | RICHARD MOBRAATEN | 100.00 | .00 | 100.00 | 032002 | REG MEETING 032002 |
| 6769 | 03/20/02 | TRO01 | TROTTER, CLIFFORD | 100.00 | .00 | 100.00 | 032002 | REG MEETING032002 |
| 6770 | 03/20/02 | WIN01 | MICHAEL WINN | 100.00 | .00 | 100.00 | 032002 | REG MEETING 032002 |
| 6771 | 03/20/02 | WIR02 | WIRSING, JUDY | 100.00 | .00 | 100.00 | 032002 | REG MEETING 032002 |

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MARCH 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

President Mobraaten called the meeting to order at 9:30 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, the all members of the Board were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

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

President Mobraaten opened the meeting to public comments.

There was no public comment.

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

D-1) STATUS OF DISTRICT SERVICE CAPACITIES

Review Board letter from Oct. 3, 2001 Agenda & Water Code 350 re: District service capacities

Information was presented to the Board reviewing the District's service capacities and the California Water Code.

Director Trotter felt that a safe yield should be considered.

Director Wirsing is concerned about supply.

Director Blair explained that the District is not the only large user. If the District puts a moratorium on the water, the other purveyors continue using. If the District does not serve water, developers will try to get water from another source.

The following members of the public spoke:

John Snyder, 662 Eucalyptus, Nipomo - Warned the Board to be sure to follow the laws.

Jon Seitz, District Legal Counsel, explained his memorandum concerning delivery of water service within the District boundaries.

This was an information item only. There was no action.

- D-2) REQUEST FOR SERVICE - D010239 (KLUVER) (Cont from 2/20/02)
Request for water & sewer service for an office building @ 250 W. Dana St.

This request for water and sewer service for an office building at 250 W. Dana Street was tabled from the last meeting.

The following members of the public spoke:

Lou Kluver, architect 979 Osos Street, Suite A-2, SLO, asked if there was a problem with the design of the office building project.

Upon motion of Director Winn and seconded by Director Trotter, the Board approved an Intent-to-Serve letter for the office building at 250 W. Dana Street, Project # D010239 for the International Laborer's Union Local 402 with the conditions as outlined in the Board letter. Vote 4-1 with Director Wirsing voting no.

- D-3) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE
Proposed ordinance to establish a variance policy

Jon Seitz, District Legal Counsel, explained the proposed variance policy.

The following members of the public spoke:

Steve Cool, partner of the S. Frontage Rd. project – Would like explanation of and consideration of fire service capacity fees imposed on his project.

John Eppard, 1505 Champions Lane, Nipomo – should have fire service in public buildings to protect the public.

Director Winn asked that this subject be put on the next agenda.

Director Blair excused himself from the Board and went to the podium to make a public comment concerning customer aided installation of service.

This item was continued until the next meeting.

- D-4) MANDATORY GARBAGE SERVICE
Consideration of having mandatory garbage service in the District

The Board reviewed the proposed rate changes or mandatory garbage service.

The following members of the public spoke:

Tom Martin, Controller for Nipomo Garbage Co. – explained the proposed rate changes.

Director Winn asked for a sequence of issues needing to be addressed.

This item was continued to a future meeting.

E. OTHER BUSINESS

- E-1) UPDATE BOARD OF DIRECTORS BY-LAWS (Cont from 2/20/02)
Resolution to change meeting time to 9:00 a.m., limit length of meeting,
and establish adjustability of meeting dates

The Board was presented with a proposed set of By-Laws. There were discussions on items 2.1, 2.2, 2.10, and 6.3 and agreements were reached.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Resolution 2002-810 establishing Board By-Laws with modifications. Vote 5-0.

**RESOLUTION NO. 2002-810
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ESTABLISHING BOARD BY-LAWS**

- 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
Minutes of February 20, 2002 Regular Board meeting

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved the Consent Agenda. Vote 5-0.

G. MANAGER'S REPORT

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

- MISSION STATEMENT
- AWWA ANNUAL CONFERENCE
- ROBERTSON - GENERAL PLAN AMENDMENT

H. COMMITTEE REPORTS

Director Winn asked about the Personnel Policy. Mr. Seitz informed him that a meeting would be called with the Committee members to discuss before bringing to the Board.
Director Wirsing asked that video taping of the meetings be brought back to the Board for discussion.

I. DIRECTORS COMMENTS

Director Winn reminded everyone of the Town Meeting at Dana School concerning the APCD. He also asked about the Board Room Use Policy. He also asked that all the studies on supplemental water be summarized for possible public viewing.
Director Blair suggested a possible deposit for use of Board room.
Save the Mesa meetings are now open to the public.

MINUTES
MARCH 6, 2002
PAGE FOUR

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss Items C and D.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSA VS STATE DEPT OF HEALTH SERVICES CV 990716
- C. SAVE THE MESA VS. NCSA CV 020181

CONFERENCE WITH NEGOTIATOR GC§54956.8

- D. 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 had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 1:30 p.m.

The next regular Board Meeting will be held on March 20, 2002 at 9:00 a.m.

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SPECIAL MEETING

AGENDA ITEM

MAR 20 2002



MARCH 14, 2002 THURSDAY 1:30 P. 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, SECRETARY TO THE BOARD
JON SEITZ, GENERAL COUNSEL

ROLL CALL

President Mobraaten called the meeting to order at 1:35 p.m.

At Roll Call, the following Board members were present:

Directors Winn, Wirsing, Blair, and Mobraaten Director Trotter arrived later.

Public Comment on Agenda Items

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

President Mobraaten asked for public comments. There was no public comment.

ADMINISTRATIVE ITEM

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the following items.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SANTA MARIA VALLEY WATER CONSERVATION DISTRICT (SMVWCD) vs. NIPOMO COMMUNITY SERVICES DISTRICT (NCSD) Santa Clara County Case No. CV970214 and all consolidated cases
- B. NCSD vs. STATE DEPARTMENT OF HEALTH SERVICES (DHS) CV 020706
- C. SAVE THE MESA vs. NCSD CV020181

MINUTES
MARCH 14, 2002
BOARD MEETING
PAGE TWO

The Board came back into Open Session and announced the following:

- C. The Board opted to defend the Save the Mesa lawsuit. Vote 3-2 with Directors Wirsing and Trotter voting no.
- A. The Board was updated on the groundwater lawsuit.
- B. The Board approved the settlement agreement presented by legal staff. The vote was 3-0. Director Trotter was absent for the vote. Director Blair excused himself from this item due to a conflict of interest.

ADJOURN

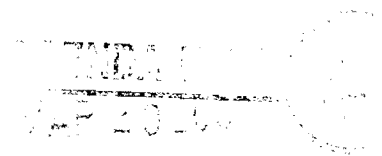
President Mobraaten adjourned the meeting at 5:05 p.m.

The next regular Board meeting will be held March 20, 2002 at 9:00 a.m..

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: MARCH 20, 2002



MANAGER'S REPORT

CSDA - LEGISLATIVE UPDATE

March 8, 2002 notice from California Special District's Association

Board 2002\mgr 032002.DOC

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION Legislative Update – March 8, 2002

Post Primary Election

With Tuesday's Primary Election in the record books, the Legislature will now begin to turn its attention to the scores of bills that were introduced by the February 22, 2002 deadline. With respect to the election, for those districts that will be represented by a new legislator, between now and the November General Election is a great time for you to develop a relationship with them.

If you have not already done so, please make every effort to meet with your legislator-to-be and share with him or her information relative to your district and the valuable services it provides to the community.

Senate Constitutional Amendment #7

SCA #7, introduced by Senate President Pro Tem John Burton and Senator Bruce McPherson states in part: *"Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this State. Public agencies and officers exist to aid in the conduct of the people's business and their actions and deliberations should be open to public scrutiny. Therefore, except as provided pursuant to this Constitution, the people have a right to attend, observe, and be heard in the meetings of elected and appointed public bodies, and to inspect and copy records made or received in connection with the official business of any public body, agency, officer, or employee, or anyone acting on their behalf."*

SCA #7 goes on to state: *"Privacy also being a fundamental right of the citizens of the State, nothing in this section shall be construed to limit the ability of the Legislature to provide by statute for the protection of information about private individuals submitted to or obtained by any public body, agency, officer, or employee, or anyone acting on their behalf, except to the extent that the information relates to the qualifications or fitness of a person for any elective or appointive office in government."*

How could anyone oppose this? Right? Wrong! The final provision of SCA #7 states: *"The Legislature may provide by statute for other limitations on the right of public access to governmental information only as necessary to protect public safety or private property, to ensure the fair and effective administration of justice, or to provide for the preservation of public funds and resources. Any application of such limiting statutes by any public body, agency, officer, or employee, or anyone acting on their behalf, to deny rights specified in paragraph (1), shall be based on **particularized findings demonstrating a substantial probability of serious harm to the public interest that the denial will avert, and that this harm cannot otherwise be averted by reasonable alternatives, and shall be no broader in scope or longer in duration than necessary to avert the identified harm.**" (Emphasis added.)*

The sponsors of SCA #7, the California Newspaper Publishers Association and the California First Amendment Coalition, hope to place the measure on the November

Legislative Update – March 8, 2002
Page 2

2002 General Election ballot. The measure requires a two-thirds vote in each house of the Legislature, but does not require the Governor to sign.

The sponsors have rejected the notion that SCA #7 will lead to increased litigation, a position that defies reality. Consider the fact that if passed by the legislators and voters, these provisions will be placed in the Constitution, requiring every local governmental agency in California to evaluate the conflicts these provisions may create with the Brown Act. Issues relating to public safety in the wake of the September 11th attacks; confidentiality of public employee documents; real property negotiations, just to name a few potential conflicts.

CSDA is working with a coalition of local government associations to develop amendments that would, at the very least, address some of the most troubling aspects of SCA #7. We highly recommend the measure for your reading and please feel free to provide any comments you care to offer.

To access the amendment via the internet, enter the CSDA "Members Only" portion of our website www.csda.net, click on "Bill Positions" then "Search for Legislation", and enter "SCA 7" in the search box.

PERS Volunteers Needed

Nearly 40 bills have been introduced making proposed changes to PERS. To ensure that CSDA has the ability to review all of this important legislation, we are seeking district volunteers (either staff, board or legal counsel) to be placed on an "expert review" list with a charge of reviewing the bills and offering input to the CSDA Legislative Committee. This task would be done through electronic communication but with specific deadlines by which individuals will need to respond. Volunteers are desperately needed for this review as CSDA is facing a huge task during the remainder of this session to be able to respond to all of the bills identified as important for special districts.

If your district can identify an individual for this review, please forward the name, district, and contact information (email access is mandatory). All submittals should be received in the CSDA office by Friday, March 15, 2002. Please email the information to casmith@csda.net.

Thank you for any assistance you can offer CSDA.

CSDA * 1215 K Street, Suite 930 * Sacramento, CA 95814 * (916) 442-7887
(916) 442-7889 * (877) 924-CSDA toll-free * www.csda.net