

# NIPOMO COMMUNITY SERVICES DISTRICT

## AGENDA

5 copies \$7.70

APRIL 3, 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 FRANCHISE**

Consideration to establish mandatory pickup. Set a date for a Study Session.

**D-2) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE**

Second reading and adoption of a variance procedure policy

**E. OTHER BUSINESS**

**E-1) DISTRICT BOARD ROOM USE POLICY**

Review/approve revision of the Board Room Use Policy

**E-2) GOOD MORNING NIPOMO**

Request to sponsor "Good Morning Nipomo"

**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 20, 2002 Regular Board meeting

**G. MANAGER'S REPORT**

- UPDATE OF LEGISLATION

**H. COMMITTEE REPORTS**

**I. DIRECTORS COMMENTS**

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9

- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSD VS STATE DEPT OF HEALTH SERVICES CV 990716
- C. SAVE THE MESA VS. NCSD 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 17, 2002 at 9:00 a.m.**

TO: BOARD OF DIRECTORS

FROM: DOUG JONES *D*

DATE: APRIL 3, 2002

AGENDA ITEM

APR 03 2002



REVIEW SOLID WASTE FRANCHISE

**ITEM**

Consideration to establish mandatory pick up. Set a date for a Study Session.

**BACKGROUND**

The District, through the process of LAFCO, has exercised its latent power to provide the solid waste service to the residents within the District. In the past, your Honorable Board has discussed this matter at length the question of mandatory garbage pick up or maintaining the existing voluntary service.

The Board has inquired about adjusting the franchise fee, currently 10% to see what impact it would have on the monthly user charge. Staff has prepared the attached Solid Waste Franchise Revenue, comparing franchise percentages versus rates. As indicated, if the Board reduces the franchise rate from 10% to 8%, it would save approx. \$0.35 per account per month on voluntary or mandatory service.

Your Honorable Board discussed having a Study Session with IWMA and the Nipomo Garbage Company to review this matter prior to making a decision of voluntary or mandatory service. If the Board selects a date for a Study Session, staff will contact the representatives to discuss this matter.

**RECOMMENDATION**

If your Honorable Board wishes to proceed with the Study Session, staff will make the arrangements based on the date selected.

SOLID WASTE

Franchise Revenues

The following is based on correspondence received from South County Sanitary Service in June 2001.

Estimated present solid waste voluntary services	3040 accounts
Not receiving service (est)	360
Total available within the District	3400

Based on 4 months Garbage Company gross revenues \$213,800

The average revenue per account is \$17.58

The 10% franchise revenue on an annual basis is \$64,140

The District's average franchise revenue per account is \$1.75

Proposed Rate Increase/month – Voluntary Service			
	Current Rate	Voluntary 14.19%	Increased
1 can	\$11.45	\$13.07	\$1.63
2 cans	16.40	18.73	2.33
3 cans	21.50	24.55	3.05

Proposed Rate Increase/month – Mandatory Service			
	Current Rate	Mandatory 5.15%	Increased
1 can	\$11.45	\$12.04	\$0.60
2 cans	16.40	17.24	0.84
3 cans	21.50	22.61	1.11

Revenue comparison on franchise percentages			
Franchise Paid	Revenue/Account	Reduction	Annual Franchise Revenue
At 10%	= \$1.75		64,140
9%	= 1.57	(.18)	57,542
8%	= 1.40	(.35)	51,312
7%	= 1.22	(.53)	44,714

**Example of franchise % vs. rate increase:**

If the District reduced the franchise percentage to 8% from 10%, then the proposed rate increases, either voluntary or mandatory, could be reduced by \$0.35. There would be a proportionate reduction in franchise revenues.

TO: BOARD OF DIRECTORS

FROM: DOUG JONES *DJ*

DATE: APRIL 3, 2002

AGENDA ITEM



APR 03 2002

ORDINANCE TO ESTABLISH VARIANCE PROCEDURE

**ITEM**

Second reading and adoption of a variance procedure policy

**BACKGROUND**

At the last Board meeting, your Honorable Board had the introduction and first reading of an ordinance establishing a variance procedure policy for the District. The ordinance was modified according to the Board's direction to remove the variance procedure for District fees. This ordinance is now presented for the second reading and adoption.

**RECOMMENDATION**

Staff recommends, after your Honorable Board has heard public comment on the proposed ordinance, that your Honorable Board have the second reading and adopt the ordinance to establish a variance procedure policy.

Board 2002/Variance Ord adopt.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 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 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, 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.
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.
3. A variance shall not be granted to waive a District rate or charge that is directly related to District services.

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

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ORDINANCE 2002-92**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
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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.
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.

NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE 2002-92

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

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."

**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, 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.

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

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

**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 March 20, 2002, and passed and adopted by the District Board of Directors on the 3rd day of April, 2002, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_  
Richard Mobraaten,  
President of the Board  
Nipomo Community Services District


ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: APRIL 3, 2002

**AGENDA ITEM**  
APR 03 2002

DISTRICT BOARD ROOM USE POLICY

**ITEM**

Review/approve revision of the Board Room Use Policy

**BACKGROUND**

At the last Board meeting held March 20, 2002, the Board reviewed a draft of the revision of the Board Room Use Policy. The policy has been modified based on input from your Honorable Board and is now presented for your review and approval.

**RECOMMENDATION**

Staff recommends that your Honorable Board approve the revised Board Room Use Policy, as presented.

Board 2002/Bd Rm use policy.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 3rd day of April, 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, as follows:~~

\$10.00 per hour, or fraction thereof with a minimum charge of one hour for residents of Nipomo Community Services District,  
\$15.00 per hour, or fraction thereof with a minimum charge of one hour for non-residents, and  
No charge for governmental agencies

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~~ 8:00 a.m. 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~~ Whoever opens and closes the building (District office personnel or Board of Directors) need 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.

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD ROOM USE POLICY

2. A refundable cleaning/security deposit of ~~fifty dollars (\$50.00)~~ one hundred (\$100.00) is required for the use of the facility, with a designated contact person. 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~~ a group to 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" may not be used in the promotion of an event 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.
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 any 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)~~ five (5) 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)~~ five (5) 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. The General Manager may not waive the rental fees for non-residents or groups outside of the Nipomo Community Services District boundary.

**NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD ROOM USE POLICY**

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.
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

NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD ROOM USE POLICY

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 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) (copy attached). 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 and doors 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

**NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD ROOM USE POLICY**

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 and Board of Directors may enter the room during Applicant's event for the purposes of conducting District business.

Board Room Configuration

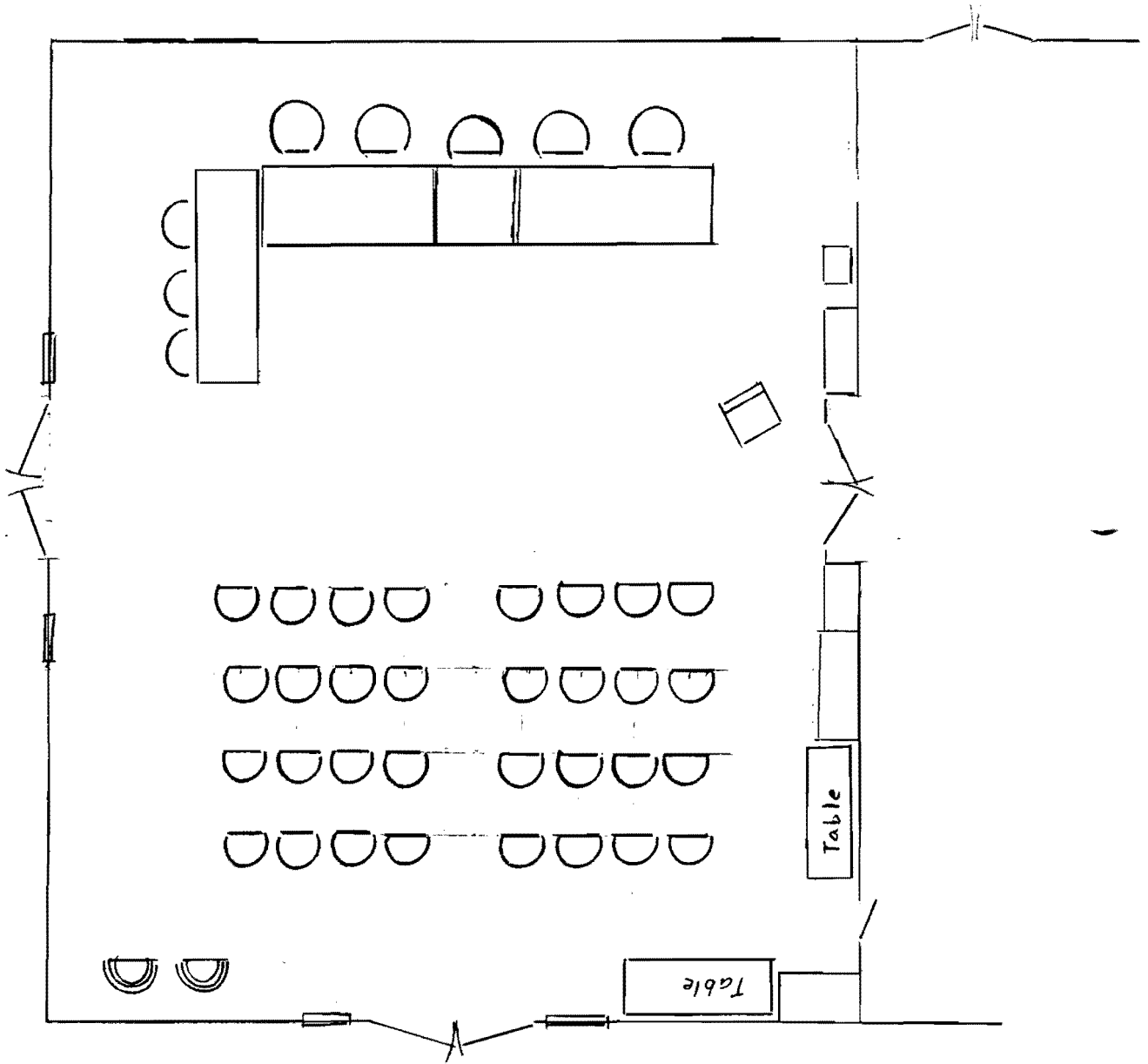



EXHIBIT A



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: APRIL 3, 2002

AGENDA ITEM  
APR 03 2002



GOOD MORNIG NIPOMO

**ITEM**

Request to sponsor "Good Morning Nipomo" a monthly information meeting on activities in the community

**BACKGROUND**

"Good Morning Nipomo" has been operating for a few months. Director Winn has requested that the District sponsor the event. Director Winn will expound on the emphasis of "Good Morning Nipomo."

**RECOMMENDATION**

If your Honorable Board wishes to sponsor the "Good Morning Nipomo" program, staff may be directed accordingly.

Board 2002/Good Morning.DOC

25 MAR 02

Day Jones, General Manager  
NCSD

Day, would you add an item to our next agenda? I ask that the Board approve our Sponsoring (or co-sponsoring with Local 174 United School District) of "Good Morning, Nipomo", a monthly information exchange.

To my knowledge this would have no fiscal impact or add any liability to the District.

Thank you.

Michael Wain

AGENDA ITEM 5  
APR 03 2002

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: APRIL 3, 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 20, 2002 Regular Board meeting

**WARRANTS APRIL 3, 2002**

**AGENDA ITEM**   
**APR 05 2002**

**HAND WRITTEN CHECKS**

18519	VOID		
18520	3/20/02	LABOR UNION-DEPOSIT REFUND	\$50.00
18521	3/25/02	R. MOBRAATEN	\$50.00
18522	3/25/02	M. WINN	\$50.00
18523	3/28/02	R. MOBRAATEN	\$50.00
18524	3/28/02	C. TROTTER	\$50.00

**COMPUTER GENERATED CHECKS**

6772	03/29/02	EMP01	EMPLOYMENT DEVELOP DEPT	A20325	03/25/02	STATE INCOME TAX	03-02	352.92
6773	03/29/02	MID01	MIDSTATE BANK-PR TAX DEP	A20325	03/25/02	COMBINED CHECK	03-02	1844.49
6774	03/29/02	MID02	MIDSTATE BANK - DIRECT DP	A20325	03/25/02	NET PAY DEDUCTION	03-02	11643.02
6775	03/29/02	PER01	PERS RETIREMENT	A20325	03/25/02	PERS PAYROLL REMITTANCE	03-02	950.89
6776	03/29/02	STA01	STATE STREET GLOBAL	A20325	03/25/02	DEFERRED COMP	03-02	935.00
006777	04/03/02	ADV01	ADVANTAGE ANSWERING PLUS		77.95	.00	77.95	48334 ANSWERING SERVICE
006778	04/03/02	BAS01	BASIC CHEMICAL SOLUTIONS		982.29	.00	982.29	48678 SODIUM HYPOCHLORITE
					323.02	.00	323.02	48681 SODIUM SHYPOCHLORITE
			Check Total.....		1205.31	.00	1205.31	
006779	04/03/02	BLA01	ROBERT L BLAIR		100.00	.00	100.00	A20327 BOARD MEETING 4/3/02
006780	04/03/02	CHA02	CHARTER COMMUNICATIONS		56.55	.00	56.55	A20327 DSL SERVICE
006781	04/03/02	COA01	COASTLINE EQUIPMENT		953.06	.00	953.06	4905307 STABILIZER REPAIR-DUMP TP
					461.60	.00	461.60	4905308 REPAIR DUMP HOIST
			Check Total.....		1414.66	.00	1414.66	
006782	04/03/02	COM01	COMPUTER NETWORK SERVICES		276.00	.00	276.00	A20327 TECHNICAL SUPPORT
006783	04/03/02	COR01	CORBIN WILLITS SYSTEMS		520.00	.00	520.00	A203151 MONTHLY TECHNICAL SUPPORT
006784	04/03/02	CRE01	CREEK ENVIRONMENTAL LABS		30.00	.00	30.00	J0858 LAB TEST
					30.00	.00	30.00	J0896 LAB TEST
					30.00	.00	30.00	J0975 LAB TEST
					30.00	.00	30.00	J1008 LAB TEST
			Check Total.....		120.00	.00	120.00	
006785	04/03/02	DAT01	DATAMATIC INC		72.00	.00	72.00	39697 BATTERY PACK REPLACEMENT
006786	04/03/02	EMP01	EMPLOYMENT DEVELOP DEPT		952.00	.00	952.00	033102 SUI/ETT-1ST QTR 3/31/02
006787	04/03/02	FED01	FED EX		28.37	.00	28.37	413736391 FEDEX DELIVERY
006788	04/03/02	FGL01	FGL ENVIRONMENTAL		61.00	.00	61.00	201967A LAB TEST
					44.80	.00	44.80	201968A LAB TEST
			Check Total.....		105.80	.00	105.80	
006789	04/03/02	FIR01	FIRST AMERICAN REAL EST		101.14	.00	101.14	A20327 DATA DISK UPDATES
006790	04/03/02	GAS01	GAS HEATING & COOLING INC		203.96	.00	203.96	36943 THERMOSTAT REPAIR
006791	04/03/02	GWA01	GWA INC		25.00	.00	25.00	A20327 ALARM SERVICE
006792	04/03/02	IKO01	IKON OFFICE SOLUTIONS		47.20	.00	47.20	16548247 COPIER MAINT CONTRACT
006793	04/03/02	MAI01	MAINLINE		525.00	.00	525.00	2563 HYDROJET-BL SEWER LINE
006794	04/03/02	MID03	MIDSTATE BANK MASTERCARD		62.14	.00	62.14	032702 OFFICE SUPPLIES
					125.00	.00	125.00	A20327 LEGISLATIVE DAY
			Check Total.....		187.14	.00	187.14	

## WARRANTS APRIL 3, 2002

### COMPUTER GENERATED CHECKS

006795	04/03/02	MID06	MIDSTATE BANK	50.00	.00	50.00	96099	SAFE DEPOSIT BOX RENTAL
006796	04/03/02	MOB01	RICHARD MOBRAATEN	100.00	.00	100.00	A20327	BOARD MEETING 4/3/02
006797	04/03/02	NEX01	NEXTEL COMMUNICATIONS	110.28	.00	110.28	A20327	CELL PHONE BILLINGS
006798	04/03/02	NIF06	NIPOMO AUTO PARTS	10.24	.00	10.24	A20327	MISC PARTS
006799	04/03/02	PAC01	SBC PACIFIC BELL	38.44	.00	38.44	032702	TELEPHONE
	04/03/02	PAC01	SBC PACIFIC BELL	27.50	.00	27.50	A20327	TELEPHONE
				53.20	.00	53.20	B0302702	TELEPHONE
			Check Total.....:	119.14	.00	119.14		
006800	04/03/02	PER02	PERS HEALTH BENEFITS	3835.95	.00	3835.95	A20327	HEALTH INSURANCE-APRIL
006801	04/03/02	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	131	JANITORIAL-MARCH
006802	04/03/02	QUI01	QUILL CORPORATION	112.37	.00	112.37	2245954	OFFICE SUPPLIES
006803	04/03/02	RIC01	RICHARDS, WATSON, GERSHON	8136.75	.00	8136.75	119999	GROUNDWATER LITIGATION
006804	04/03/02	RUS01	RUSSCO	380.74	.00	380.74	5954	OFFICE SUPPLIES
006805	04/03/02	SAI01	SAIC	1550.50	.00	1550.50	399436	GROUNDWATER LITIGATION
006806	04/03/02	STA02	STATE WORKERS' COMP FUND	3784.90	.00	3784.90	040102	W/C INSURANCE 1/1/02-4/1
006807	04/03/02	THE01	THE GAS COMPANY	69.88	.00	69.88	A20327	GAS-OFFICE BLDG
006808	04/03/02	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	A20327	BOARD MEETING 4/3/02
006809	04/03/02	UNI01	UNION ASPHALT, INC.	278.44	.00	278.44	70941	CLASS II BASE
006810	04/03/02	WIN01	MICHAEL WINN	100.00	.00	100.00	A20327	BOARD MEETING 4/3/02
006811	04/03/02	WIN02	MICHAEL WINN	246.83	.00	246.83	A20327	TRAVEL/PER DIEM-LEGISLATE
006812	04/03/02	WIR02	WIRSING, JUDY	100.00	.00	100.00	A20327	BOARD MEETING 4/3/02
313	04/03/02	XER01	XEROX CORPORATION	80.17	.00	80.17	87746874	COPIER SUPPLIES/MAINT

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

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

President Mobraaten called the meeting to order at 9:06 p.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Board members were present.

#### C. PUBLIC COMMENTS PERIOD

##### PUBLIC COMMENTS

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

President Mobraaten asked for comments from the public for any matter not on the agenda.

Donna Mills, 655 Sweet Donna Place, Nipomo – Thanked Directors Blair, Winn and Mobraaten for supporting the Craig project at the Board of Supervisors meeting on Tuesday.

#### 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

The Board reviewed possible mandatory garbage service.

The following members of the public spoke:

Vince McCarthy, in District – Asked that the Board look at the kind of service that causes a mess on a windy day.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to hold a Study Session and to invite Tom Martin, South County Sanitation and IWMA representative to discuss service levels, franchise fees, and mandatory vs. voluntary service. Vote 5-0

##### D-2) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE

Introduction and first reading of a variance procedure ordinance

The Board reviewed the Ordinance to adopt variance procedure.

The following member of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo – felt that all businesses should pay the same way.

Director Winn made a motion to accept the first reading with the exception of Section I a & c. Motion failed for lack of a second. Upon motion of Director Wirsing and seconded by Director Trotter, the Board agreed to accept the introduction of and first reading of Ordinance 2002-92 as modified (eliminating Section I in full) and to bring the ordinance to the next meeting for second reading and possible adoption. Vote 3-2 with Directors Winn and Blair voting no.

NIPOMO COMMUNITY SERVICES DISTRICT  
ORDINANCE 2002-92

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

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

**MINUTES SUBJECT TO BOARD APPROVAL**

D-3) FIRE CAPACITY FEE

Review the establishment of the District's Fire Capacity Fee

The Board reviewed the establishment of the Fire Capacity Fee.

The following members of the public spoke:

Steve Cool, Nipomo Partners, LLC. – Asked the Board to study the figures for the fire fee and asked if their fee could be considered retroactively if fees are lowered.

Richard Meyer, Meyer Asset Mgmt – supported Mr. Cool's comments and asked that the payment he would be making on his project (Tr 2412) be considered retroactive also.

Director Blair excused himself from this matter for a possible conflict of interest.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board agreed to have fire capacity fees remain as established but would like a study to review the fee. If the fee is lowered, it will be made retroactive to this date. Vote 4-0

D-4) REQUEST FOR SERVICE – TRACT 2282 (COOL)

Re-subdivision of Lot 4 of Tract 2282 – one lot

The Board reviewed a request for water and sewer service to divide Lot 4 of Tract 2282 into two lots. There was no public comment. Upon motion of Director Winn and seconded by Director Blair, the Board approved the Intent-to-Serve letter for water and sewer service to one lot created by splitting Lot 4. Vote 5-0 with Director Wirsing abstaining due to our groundwater source and not having supplemental water in place.

D-5) WATER AND SEWER SYSTEM MASTER PLAN 2001 UPDATE

Receive and file the Water and Sewer Master Plan 2001 Update by Boyle Engineering

There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to receive and file the Water and Sewer Master Plan 2001 Update by Boyle Engineering. Vote 5-0

E. OTHER BUSINESS

E-1) DISTRICT BOARD ROOM USE POLICY

Review/approve revision of the Board Room Use Policy

President Mobraaten proceeded to Item E-2 to accommodate participant in audience. The Board reviewed the revised Board Room Use Policy.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo – Wanted to make sure no parties, loud music nor messy activities would be allowed.

Donna Mills, NCSD resident – gave some insight into rules from other communities, such as resident/non-resident fees, responsibility, etc.

The Board tabled this item until the next meeting after some revisions are made.

E-2) TELEVISION BOARD OF DIRECTORS' MEETINGS

Review a proposal from AGP to televise Board meetings  
President Mobraaten took this item before E-1.

The Board reviewed a proposal from AGP Video to televise regular District Board meetings. Steve Mathieu from AGP explained more about the proposal.

The following members of the public spoke:

Vince McCarthy, 194 E. Dana, Nipomo – suggested that the Board try the taping for about 6 months.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to try the taping of the meetings if the District could get help to pay for the service from the County "pass through fees". Vote 4-1 with Director Wirsing voting no.

The Board went to Item E-1.

At the end of the meeting, Mr. Mathieu came back into the meeting and explained that there were 3500 cable customers in Nipomo with a potential of 5200. It is unknown how many **District** customers are included in that number. He will return with more information at a future meeting.

E-3) MISSION STATEMENT

Review potential District mission statements

The Board reviewed the proposed mission statement for the District.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board agreed upon the following mission statement.

*The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.*

Vote 5-0

E-4) TEFFT STREET LIFT STATION DESIGN

Proposal to design improvements for the Tefft Street Lift Station

The Board reviewed the proposal from Garing, Taylor & Associates to design improvement to the Tefft Street Lift Station. There was no public comment.

Upon motion of Director Winn and seconded by Director Trotter, the 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. A picture of a wooden water tank will be provided to GTA to possibly use in the design of an enclosure.

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

There was no public comment.

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



**G. MANAGER'S REPORT**

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

- CSDA – Legislative Update

**H. COMMITTEE REPORTS**

NONE

**I. DIRECTORS COMMENTS**

Hazardous Waste program to start in 2 weeks. Will be Saturdays from 10:00 a.m. to 3:00 p.m. Director Winn noted that at the Board of Supervisors meeting held on Tuesday, the vote for the Craig annexation was 3-1. He also reported on the Government Affairs Day trip attended by Director Blair and himself.

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

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. NCSD VS STATE DEPT OF HEALTH SERVICES CV 990716
- C. SAVE THE MESA VS. NCSD 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 announced that the legal counsel presented an update of Item C above.

**ADJOURN**

President Mobraaten adjourned the meeting at 12:12 p.m.

***The next regular Board Meeting will be held on April 3, 2002 at 9:00 a.m.***

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: APRIL 3, 2002

AGENDA ITEM ③  
APR 03 2002

MANAGER'S REPORT

LEGISLATIVE UPDATE

Information on District's Landscaping Power Legislation

Board 2002\mgr 032002.DOC

**Detwiler, Peter, 02:49 PM 3/25/02 , RE: Nipomo CSD**

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Date: Mon, 25 Mar 2002 14:49:57 -0800  
From: "Detwiler, Peter" <Peter.Detwiler@sen.ca.gov>  
Subject: RE: Nipomo CSD  
To: "'Administration, Nipomo CSD'" <administrator@nipomocsd.com>  
X-Mailer: Internet Mail Service (5.5.2653.19)

Doug:

Thanks for your note. If everything goes the way that it should, we will amend that language into SB 1326 in a week or so. As soon as the bill is amended, we would appreciate having a letter from the District supporting the bill. You'll probably hear from Ralph Heim on that. The Senate Local Government Committee will hear the bill on April 24.

Thanks again. - Peter

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

From: Administration, Nipomo CSD [mailto:administrator@nipomocsd.com]  
Sent: Monday, March 25, 2002 2:23 PM  
To: peter.detwiler@sen.ca.gov  
Subject: Nipomo CSD

Peter,

The language looks fine. Thank you for your hard work. Please keep us posted as to the progress. If there is anything we can or should be doing to keep the process going, please let us know.

Sincerely,  
Doug Jones  
General Manager of Nipomo CSD

*See Item #9 attached*

March 18, 2001

TO: Local Government Omnibus Bill Reviewers (list attached)  
FROM: Peter Detwiler & Candace Carpenter  
SUBJECT: Omnibus Bill --- First Set of Amendments

We need your comments on 11 more items that sponsors want the Committee to add to SB 1326.

**We need to hear from you by Thursday, March 28.**

Please call us at 916/445-9748 or send email messages to [peter.detwiler@sen.ca.gov](mailto:peter.detwiler@sen.ca.gov) or [candace.carpenter@sen.ca.gov](mailto:candace.carpenter@sen.ca.gov)

If you object to an item, we'll ask the sponsor to work out your problem. If the sponsor can't resolve your problem, then the item won't go into the Committee's omnibus bill. Later, if someone opposes an item that's already in the bill, the Committee will remove that item. The Committee members insist that their omnibus bill must be a consensus measure.

If you want a copy of the actual text of the proposed amendments (28 pages), just let us know and we'll e-mail them to you or send them via the U.S. mail.

We'll ask the Committee to amend these changes into the bill in time for the Committee's April 17 hearing. There may be more amendments once SB 1326 reaches the Assembly.

Thank you for your continued cooperation.

Enclosure

**Proposed Amendments to Senate Bill 1326**  
**Local Government Omnibus Act of 2002**

Each year the members of the Senate Local Government Committee jointly author an omnibus bill that makes relatively minor, noncontroversial changes to the state laws affecting local agencies' powers and duties. As introduced, Senate Bill 1326 contains nine changes. Public officials and legislative staff have suggested 11 additional changes.

**1. CDIAC name change.** The California Debt and Investment Advisory Commission (CDIAC) monitors and advises public agencies that create indebtedness and issue bonds (Government Code §8855, et seq.). The Legislature originally created the panel in 1981 as the "California Debt Advisory Commission," but expanded its duties and changed its name to the "California Debt and Investment Advisory Commission" in 1996 (AB 1192, Costa, 1981 and AB 1197, Takasugi, 1996). The State Treasurer's Office notes that legislators failed to change the statutory references to CDIAC's earlier name and citation in Government Code §6588, §6598.5, §6599.1, and §53356.05. The State Treasurer wants the Legislature to correct these references (Duncan McFetridge, State Treasurer's Office, 916/653-4046). The **proposed amendments** correct statutory references to the California Debt and Investment Commission. [See SEC. 2, SEC. 3, and SEC. 4 in Amendment #2, and SEC. 21 and SEC. 22 in Amendment #14.]

**2. CDIAC's operations.** The California Debt and Investment Advisory Commission (CDIAC) monitors and advises public agencies that create indebtedness and issue bonds (Government Code §8855, et seq.). The State Treasurer wants the Legislature to change CDIAC's statute to match current practices (Duncan McFetridge, State Treasurer's Office, 916/653-4046).

- State law spells out CDIAC's powers and duties (Government Code §8855 [b]-[n]). CDIAC wants to reorganize this list of duties without substantive change. The **proposed amendments** reorganize CDIAC's statutory list of duties.
- The State Treasurer chairs CDIAC and the statute allows the commission to pick its own vice chairperson and secretary (Government Code §8855 [c]). CDIAC has never named a vice chairperson or secretary. The **proposed amendments** delete these positions.
- State law tells CDIAC to run educational programs for local officials who invest local funds (Government Code §8855 [e][7]). CDIAC also runs programs for local officials who issue debt. The **proposed amendments** add debt issuance to the authorized education programs.
- Local officials must submit copies of their quarterly investment reports and investment policies to CDIAC (Government Code §8855 [f], added by AB 943, Dutra, 2000). CDIAC wants to clarify the timing of these filings, and link the language to local officials' other reporting requirements (Government Code §53646). The **proposed amendments** clarify the local officials' reporting requirements.

[See SEC. 5 in Amendment #2, and SEC. 26 in Amendment #14.]

**3. CDIAC's annual debt report.** The California Debt and Investment Advisory Commission (CDIAC) monitors and advises public agencies that create indebtedness and issue bonds (Government Code §8855, et seq.). CDIAC must prepare an annual report compiling and detailing the total amount of outstanding state and local debt (Government Code §8858, added by AB 2052, Firestone, 1998). CDIAC has been unable to produce an accurate report because of separate reporting standards, gaps in data collected, reporting errors, misclassification errors, incom-

patibility of data, and outdated information. The State Controller wants the Legislature to repeal the requirement for this annual report (Duncan McPetridge, State Treasurer's Office, 916/653-4046). The **proposed amendments** repeal the statutory requirement for CDIAC to prepare an annual report on outstanding state and local debt. [See SEC. 6 in Amendment #2.]

**4. Limits on smaller counties' purchasing agents.** Counties use purchasing agents to buy supplies, rent equipment, contract for services, and contract for public works projects without bids. (Government Code §25501 and §25502). In a county with more than 200,000 residents, the county board of supervisors can authorize its purchasing agent to contract for up to \$100,000 in services and materials without bids (Government Code §25502.5). For counties with less than 200,000 residents, the limit is \$10,000 (Government Code §25502.3). The Legislature has not raised the smaller counties' limit in over 15 years (AB 4340, Cortese, 1986). Nevada County wants the Legislature to boost the smaller counties' limit to match the larger counties' limit (Laurie Johnson, lobbyist for Nevada County, Wagerman Associates, 916/441-1850). The **proposed amendments** increase the limit on contracts without bids by purchasing agents in counties with less than 200,000 residents from \$10,000 to \$25,000. [See SEC. 10 in Amendment #5.]

**5. Limits on larger counties' purchasing agents.** Counties use purchasing agents to buy supplies, rent equipment, contract for services, and contract for public works projects without bids. (Government Code §25501 and §25502). In a county with more than 200,000 residents, the county board of supervisors can authorize its purchasing agent to contract for up to \$100,000 in services and materials without bids (Government Code §25502.5). The Legislature has not raised the larger counties' limit in over a decade (SB 767, Bergeson, 1991). San Joaquin County wants the Legislature to increase larger counties' limit by the increase in consumer prices (Tom Renfree, San Joaquin County lobbyist, Wagerman Associates, 916/441-1850). The **proposed amendments** allow county supervisors in counties with more than 200,000 residents to increase the limit on contracts without bids by purchasing agents by the increase in the Consumer Price Index. [See SEC. 11 in Amendment #5.]

**6. County auditor-controller reviews.** County auditor-controllers are the counties' chief accounting officers (Revenue and Taxation Code §22), chief disbursement officers (Government Code §29741), and chief accounting officers (Government Code §26881). A county board of supervisors can require the auditor-controller to audit the accounts and records of county departments and any districts that keep money in the county treasury (Government Code §26883). The State Association of County Auditors notes that state law does not explicitly give auditor-controllers the power to review the county departments' internal financial controls or perform internal audits unless the county supervisors request those reviews. The Association wants the statutory authority to review counties' internal financial controls (Bill Siverling, lobbyist for the State Association of County Auditors, 916/444-7592, and Richard Arrow, Marin County Auditor-Controller, 415/499-6154). The **proposed amendments** allow county auditor-controllers to review departmental and countywide internal financial controls as part of their general supervision of county finances. [See SEC. 12 in Amendment #5.]

**7. Dependents' benefits.** Counties, cities, and special districts can pay for their employees' health and welfare benefits, and for their employees' dependents' benefits (Government Code §53200, et seq.). Local agencies can also pay retired employees' continued benefits (Govern-

ment Code §53201). A 1993 Attorney General's opinion says that local agencies can pay for retired employees' dependents' benefits (76 Ops.Cal.Atty.Gen. 91). But state law is silent on the ability of local agencies to pay for benefits for dependents of deceased employees. Further, state law is silent on the ability of local agencies to pay for their employees' domestic partners' benefits (Family Code §297, added by AB 26, Migden, 1999). The Association of California Water Agencies wants legislators to clearly authorize local agencies to pay these benefits (Whitnie Henderson, lobbyist for the Association of California Water Agencies, 916/441-4545). The **proposed amendments** authorize counties, cities, and special districts to pay for benefits for dependents of deceased workers and benefits for their employees' domestic partners. [See SEC. 20 in Amendment #14.]

**8. Local agencies' investments.** Since 1913, state law has allowed local agencies to invest a portion of their temporarily idle funds in a variety of financial instruments (Government Code §53601 and §53635). Last year the Legislature revised those statutes (AB 609, Kelley, 2001). Since then, the California Association of Treasurers and Tax Collectors discovered four remaining archaic references to "surplus" in §53601, and a missing explanation of which local agencies can use these statutes in §53635 (Laurie Johnson, lobbyist for the California Association of Treasurers and Tax Collectors, 916/441-1850). The **proposed amendments** remove the archaic terms and insert the missing explanation. [See SEC. 24 and SEC. 25 in Amendment #14.]

**9. Nipomo Community Services District's landscaping powers.** State law allows the community services districts (CSDs) to provide 17 different services (Government Code §61600). Most CSDs provide just one or two services from the statutory list of authorized services. Before a CSD can provide one of its "latent powers," the local agency formation commission (LAFCO) must approve (Government Code §56824.10) and the district must obtain majority-voter approval (Government Code §61601). Responding to local requests, the Legislature has allowed specific CSDs to provide unique local services. For example, the Jurupa CSD may install and maintain street landscaping, financed with benefit assessments under the Landscaping and Lighting Act of 1972. State law allows the Jurupa CSD to avoid majority-voter approval to initiate the service but Proposition 218 requires weighted-ballot approval before the District can levy benefit assessments (Government Code §53753 and §61601.21, added by SB 1240, McCorquodale, 1989). In San Luis Obispo County, builders must install landscaping along new streets but the developers want the local CSD to maintain the planted areas. Nipomo CSD (San Luis Obispo County) wants statutory approval to provide landscaping services, financed by benefit assessments (Ralph A. Heim, lobbyist for the California Special Districts Association, 916/442-4584, and Doug Jones, general manager of the Nipomo CSD, 805/929-1133). The **proposed amendments** allow the Nipomo Community Services District to install and maintain street landscaping, paid with benefit assessments levied under the Landscaping and Lighting Act of 1972. The **proposed amendments** allow the Nipomo CSD to start this service without majority-voter approval. [See SEC. 28 in Amendment #15.]

**10. Recreation and park districts' zones.** The Recreation and Park District Law allows district officials to form internal zones where they can provide different levels of services. District officials must halt their proceedings to form a proposed zone if there's a majority protest. The statute defines majority protest as more than 50% of the registered voters in the proposed zone or property owners who own more than 50% of the assessed value of all property in the district

(Public Resources Code §5791.1, added by SB 707, Senate Local Government Committee, 2001). Legislative staff note that the property owners' protests should be measured against the value of the property within the proposed zone not the entire district (Peter Detwiler, Senate Local Government Committee, 916/445-9748). The **proposed amendments** require recreation and park district officials to measure property owners' protests on the formation of a proposed zone against the value of property in that zone and not the entire district. [See SEC. 29 in Amendment #15.]

**11. Mapping under the California Coordinate System.** To ensure the accuracy and reliability of surveyors' maps, state law recognizes particular methods for defining and stating points on the earth's surface in California (Public Resources Code §8801, et seq.). As technology improves the accuracy of surveyors' instruments and methods, the Legislature has revised these statutes (see SB 1680, L. Greene, 1986 and AB 1566, Rainey, 1995). The California Land Surveyors' Association reviewed the current statute, along with the California Spatial Reference Center, the County Surveyors' Association, and former Caltrans surveyors. They want the Legislature to remove redundant statutory language (Ralph Simoni, lobbyist for the California Land Surveyors' Association, 916/441-5050). The **proposed amendments** revise the California Coordinate System statute to remove redundant provisions and to separate the requirements for pre-2000 surveys from post-2000 surveys. [See SEC. 30 through SEC. 44 in Amendment #15.]

**12. Adjustments.** The January 29 version of SB 1329 requires sanitary districts to publish notices before it lays sewer lines outside its district boundaries (SEC. 13 of the bill). Because of objections raised by the California Association of Sanitation Agencies, the **proposed amendments** remove that language from the bill. The **proposed amendments** also avoid chaptering out language in SB 1019, relating to county clerks' reports (page 5, line 26).

Senate Local Government Committee  
March 18, 2002