

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

MAY 1, 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) PUBLIC HEARING - SUMMIT STATION-INCREASING WATER PRESSURE-TWO ALTERNATIVES

1. Possible formation of an Assessment District to pay for increasing water pressures for house pad elevations 425' or higher
2. Rebate program for installation of individual pressure pumps

D-2) ORDINANCE ESTABLISHING SOLID WASTE RATES

Introduction and first reading of an Ordinance establishing Solid Waste collection rates

D-3) WATER LINE EASEMENT - DANA SCHOOL PROPERTY

Acquiring an easement for a water line across Dana School property and High School update

D-4) ACCEPTING MONTECITO VERDE II SEWER LINE EASEMENT

Accepting a sewer line easement across the Cajas property

E. OTHER BUSINESS

E-1) TEFFT STREET WATER LINE PROJECT

Awarding of bid to construct the Tefft Street Water Line Project

E-2) CSDA-SLO LAFCO REPRESENTATIVE

Consideration of appointment of Special District Representative to the LAFCO Commission

E-3) CALIFORNIA PUBLIC RETIREMENT SYSTEM CONTRACT AMENDMENT

Resolution of Intention to amend contract with PERS for 3% at 60 formula

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 April 17, 2002 Regular Board Meeting

Minutes of April 3, 2002 Regular Board meeting

F-3) 3RD QUARTER FINANCIAL REPORT

G. MANAGER'S REPORT

Legislative update

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. SAVE THE MESA VS. NCSD CV 020181

CONFERENCE WITH NEGOTIATOR GC\$54956.8

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

ADJOURN

The next regular Board Meeting will be held on May 15, 2002 at 9:00 a.m.

Copy of document found at www.NoNewWipTax.com

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: MAY 1, 2002

AGENDA ITEM
MAY 01 2002



PUBLIC HEARING
SUMMIT STATION
WATER PRESSURES

ITEM

Implementing the settlement agreement with the Department of Health Services (DHS) by a proposed assessment district funding project to increase water pressures in the Summit Station area above elevation of 425 feet *or* implementing a rebate program for the installation of booster pumps

BACKGROUND

In July of 1999, the Department of Health Services (DHS) issued a citation to the District for violation of Title 22 of the California Code regulation requirements, having low pressure (<20psi) at the higher elevation areas in the Summit Station area. In August of 1999, the District filed a petition of Writ of Administrative Mandates challenging the DHS citation. The District and DHS have reached a settlement in this lawsuit. The terms agreed upon contained two alternatives as follows:

1. Proposed hydropneumatic pressure zone assessment District funding to increase water pressures at house pad elevations of 425 feet and above
2. Implementing a rebate program for the installation of booster pumps for existing homes

The settlement agreement requires a public hearing to present the two alternatives for the Summit Station area.

The following are compliance dates on the settlement agreement.

- May 15, 2002 – On or before hold a public meeting on creating a hydropneumatic pressure zone assessment district or a rebate booster pump program
- June 14, 2002 – Complete a straw poll on the proposed hydropneumatic pressure zone assessment district
- Aug. 1, 2002 – Send notices to homeowner about the booster pump option, if the straw poll or the assessment District is negative.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 1, 2002
PAGE TWO

PUBLIC HEARING
SUMMIT STATION
WATER PRESSURES

Hydropneumatic Pressure Zone

The proposed hydropneumatic pressure zone assessment district would require a mailing straw poll to all property owners with property elevations above 425 feet to see if they would be interested in forming an assessment district to fund a hydropneumatic pressure zone. If the straw vote is positive, then the District would hire an engineer and start the processing of an assessment district, including bond counsel and financial arrangements to pay for the proposed assessment district improvements.

PROPOSED HYDROPNEUMATIC ASSESSMENT DISTRICT COST ESTIMATE

Hydropneumatic Pressure Zone Construction Cost Estimate	\$491,000
Incidentals and Financing Costs (Est. 35% of Total Costs)	<u>\$264,000</u>
	\$755,000

There are 69 properties in the proposed Assessment District

Est. assessment per property = $\$755,000 \div 69 = \$10,942$ Approx. \$11,000/parcel

Booster Pump Program

If the straw poll is negative, then the District would implement a rebate program allowing up to \$2,000 per homeowner for installing individual booster pumps. Notices will be sent to the property owners having existing homes above 425 feet, that they may participate in the rebate program. The homeowner would be required to request a booster pump within 6 months of notification after which the program would no longer be available. If the booster pump rebate program were initiated, then the District would assist and monitor the program for the first 6 months after installation. Thereafter, the homeowner would be responsible for its operations. The homeowner will have the option to opt in or out of the booster pump program.

RECOMMENDATION

Staff recommends that your Honorable Board hold a public hearing and receive input from the owners of property with pad elevations above 425 feet. After the hearing, notices would be sent to property owners about the proposed assessment district.

Janice Grace Babos
2298 Falcon Ridge Lane
Los Osos, Ca. 93402

RECEIVED
APR 24 2002
COMMUNITY SERVICES DISTRICT

April 22, 2002

Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444-0326

Re: 1462 Dale Avenue, Arroyo Grande, CA

Dear Mr. Jones:

This letter is in response to announcement of the Public Hearing on May 1, 2002. I was very dismayed by the news in this letter. Unfortunately, like many property owners, I will be working during that time and will be unable to attend. An evening hearing would enable more people to attend.

My situation is that the property I have was originally the first property in the area and was developed by my family. After much hard work, doing multiple jobs and saving, I was able to purchase the property.

Until last year the ownership was in partnership. During that time, we incurred the assessment for the new water system and paid the future connection fees to the Nipomo Community Services District to "lock in" the fee. We purchased the adaptive plumbing with a group of neighbors so we could get a discounted cost of about \$725.00. It was subsequently stolen from the property.

I still cannot afford to connect to water due to the fees and the ongoing costs. I am assessed the fees, though I do not use the water for this reason. Thank God that we have a good water well and the costs of repairing that system are not as great as the costs of hooking up to water from the Community Services District.

However, paying for a pressure zone when, though I have been taxed and paid, and I cannot even afford to hook up to Community Services Water, is more than I can take. I am writing this letter to express that concern and feel strongly that I will take this Issue to the highest level of protest that I can.


Please convey my comments at the hearing to be included with the Board Packets.

Sincerely,
Janice Grace Babos

Janice Grace Babos
cc: Katcho Achadjian


P.S. Your letter dated 4/18/02 reached me on 4/20/02

PHONE CALL

FOR <u>Doug</u>		DATE <u>4-24-02</u>	TIME _____	A.M. P.M.
M <u>Michael S. Gillespie</u>				
OF <u>259 Summit Sta</u>				PHONED
PHONE <input type="checkbox"/> FAX <input type="checkbox"/> MOBILE				RETURNED YOUR CALL
MESSAGE <u>Regarding letter - He will be</u>				PLEASE CALL
<u>out of town May 1 - But put him</u>				WILL CALL AGAIN
<u>down as in favor of rebate for</u>				CAME TO SEE YOU
<u>Individual Book Pumps</u>				WANTS TO SEE YOU
SIGNED _____		HighMark  FORM C4-400		

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 1, 2002

AGENDA ITEM
MAY 01 2002



**ORDINANCE ESTABLISHING
SOLID WASTE RATES**

ITEM

Introduction and first reading of ordinance establishing solid waste collection rates

BACKGROUND

After the District acquired the franchise for solid waste collection through the Local Agency Formation Commission, your Honorable Board had a number of discussions concerning mandatory or voluntary collection. At the last Board meeting held on April 17, 2002, the Board gave direction to staff to proceed with the 14.1% increase and continue voluntary collection. The proposed ordinance specifies the rates that will be charged within the NCSD service area.

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

The rate increases will take effect July 1, 2002.

RECOMMENDATION

After public comments have been taken, staff recommends that your Honorable Board have the introduction and first reading of the Ordinance to adopt fees and charges for solid waste collection. Attached is proposed Ordinance 2002-93.

Board 2002/solid waste rate increase.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-Solid Waste Fees**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FEES AND CHARGES FOR
SOLID WASTE SERVICE**

WHEREAS, pursuant to San Luis Obispo County Local Agency Formation Commission (LAFCO) Resolution 2000-8 the Nipomo Community Services District (District) is now authorized to provide its residents with the collection and disposal of garbage and refuse matter pursuant to Government Code Section 61000 (c); and

WHEREAS, pursuant to LAFCO Resolution 2000-8 South County Sanitation Service, Inc. (Franchisee) has an exclusive franchise to provide District residents with the collection and disposal of garbage and refuse matter.

WHEREAS, as provided in the District adopted Franchise Agreement, FRANCHISEE is entitled to an annual rate increase predicated on changes in prescribed operations, costs and the costs of disposing of solid waste at Cold Canyon Landfill; and

WHEREAS, Franchisee filed its 2002 rate increase proposal to increase revenues by 14.19 percent on July 1, 2001; and

WHEREAS, staff has reviewed Franchisee's submittal and confirms that the 14.19 percent rate increase is warranted under the provisions set forth in the Franchise Agreement; and

WHEREAS, the District Board of Directors has held two (2) public hearings on this matter as follows:

1. April 11, 2002
2. April 17, 2002; and

WHEREAS, based on the staff report, staff presentation, and public comment the District finds that:

1. The fees and charges that are subject of this Ordinance reasonably relate to the services to which the rates are applied and are consistent with achieving the solid waste reduction goals of Assembly Bill 939; and

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-Solid Waste Fees
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FEES AND CHARGES FOR
SOLID WASTE SERVICE

2. The public meetings adopting this Ordinance have been properly noticed pursuant to Government Code §54954.2 (The Brown Act); and

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 (c) and , §61621.

Section 2. District Rates and Charges.

The Rates and Charges for Solid Waste Collection as identified in Exhibit "A" and attached hereto are hereby adopted and approved and shall be identified as Appendix A to Title 7 of the District Code.

Section 3. Notice

Pursuant to Section 22(d) of the Franchise Agreement, thirty (30) days prior to the effective date of the rate change, Franchisee shall provide District customers with notice by letter that will include information about rates and services available to District customers. Said Notice shall be approved by the General Manager prior to mailing.

Section 4. 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 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 adopted by the

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-Solid Waste Fees
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FEES AND CHARGES FOR
SOLID WASTE SERVICE

District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, 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:

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

14.19% ACROSS THE BOARD INCREASE

NIPOMO COMMUNITY SERVICE DISTRICT

ALL RATES EFFECTIVE 7-1-2002

COMMERCIAL GARBAGE CANS (PER MONTH)						
number of cans	COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1	\$13.99	\$23.41	\$28.15	\$34.31	\$40.31	\$48.07
2	\$27.98	\$46.82	\$56.30	\$68.63	\$80.62	\$96.15

Maximum volume and weight per garbage can: 33 gallons and 80 pounds

Extra bags or cans above service level	\$3.43	Each
Commercial waste wheeler rent	\$1.00	per month


COMMERCIAL DUMPSTER CONTAINERS (PER MONTH)							
Size of container (cubic yards)	COLLECTIONS PER WEEK						
	1	2	3	4	5	6	7
1	\$48.53	\$69.83	\$92.27	\$113.56	\$137.20	\$159.69	\$212.91
1.5	\$57.95	\$88.67	\$119.50	\$166.77	\$203.43	\$242.48	\$320.59
2	\$62.69	\$102.89	\$146.62	\$214.11	\$262.64	\$313.45	\$429.35
3	\$74.51	\$139.54	\$195.15	\$347.71	\$412.80	\$482.57	\$664.70
4	\$107.62	\$162.09	\$233.00	\$365.52	\$452.99	\$514.54	\$799.56

The rates shown above include the monthly container rental fee and are the same for bins and garwoods, when volume is identical.

UNSCHEDULED EXTRA COLLECTIONS FOR COMMERCIAL CUSTOMERS PER YARD	\$7.27
SUNDAY SERVICE (IN ADDITION TO THE GARBAGE SERVICE LEVEL)	\$43.96

SINGLE FAMILY and MULTI-UNIT RESIDENTIAL (4 units or less)				
VOLUME-BASED RATES				
INCLUDES WASTE WHEELER(S) FOR GARBAGE, ORANGE BIN FOR RECYCLING				
GREENWASTE CUSTOMERS USE THEIR OWN CANS FOR GREENWASTE				
one can	32 gallon	WASTE WHEELERS	\$13.07	PER MONTH
two can	64 gallon	WASTE WHEELERS	\$18.73	PER MONTH
three can	96 gallon	WASTE WHEELERS	\$24.55	PER MONTH
four can	two-64 gallon	WASTE WHEELERS	\$29.23	PER MONTH
five can	one 64 & one 96 gallon	WASTE WHEELERS	\$33.91	PER MONTH
six can	two-96 gallon	WASTE WHEELERS	\$38.60	PER MONTH
DRIVE-IN CHARGE (SEE CRITERIA)			\$8.59	PER MONTH
EACH ADDITIONAL CAN			\$2.36	PER MONTH
GARBAGE EXTRAS PER BAG/CAN			\$3.43	EACH

\$5.00 PER MONTH LATE CHARGE

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 1, 2002

AGENDA ITEM
MAY 01 2002



WATER LINE EASEMENT
DANA SCHOOL PROPERTY
HIGH SCHOOL UPDATE

ITEM

Acquiring an easement for a water line across the Nipomo Park and the Dana School property

BACKGROUND

The District's Water and Sewer Master Plan called for a 12-inch water line connecting Osage and Tefft Street across the southerly edge of the Nipomo Regional Park. The District has been negotiating with the San Luis Obispo County and the School District about acquiring an easement for the proposed 12-inch waterline. The School District has suggested waiving the District's Annexation Fees for the Nipomo High School annexation in exchange for the easement across the Dana School property.

The proposed easement, shown on Exhibit C, across the Dana School property ties into Tefft Street. This area is approx. 30 feet wide from the Dana School fence to the property to the south and is presently being used as a drainage channel for the school.

Staff would concur with the School District's recommendation. If the Board so desires, the Board can direct staff to prepare the necessary documents for acquiring an easement with respect to waiving the annexation fees for the new high school. After the documents have been prepared and executed by the School District, they will be brought back to your honorable Board for approval.

Update on the Nipomo High School based on correspondence dated January 8, 2002

- Sewer Capacity Fees

NCSD has collected the School District's Sewer Capacity Fees. Once the School construction is completed, an audit would be performed to verify the proper fees have been charged.

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: MAY 1, 2002

PAGE TWO

WATER LINE EASEMENT
DANA SCHOOL PROPERTY

- Fire Capacity Fees

The School District did a fire flow test and found that one fire service was adequate for the fire protection. The second fire service will not be required, therefore, it will be disconnected.

- Landscaping

The NCSD has not received correspondence from the landscaping architect. It is anticipated that this will be coming in the future.

- Requirements

It is anticipated that when the School's off-site construction is completed, these documents will be presented to the District.

- Dana School Hydraulic Report

This report has not been received and is delinquent. The School District needs to present this report to NCSD prior to providing service on a regular basis to the high school.

- Maintenance Bond

This bond will be required at the end of the construction period.

- Annexation Fees

This matter may be taken care of with this Board letter.

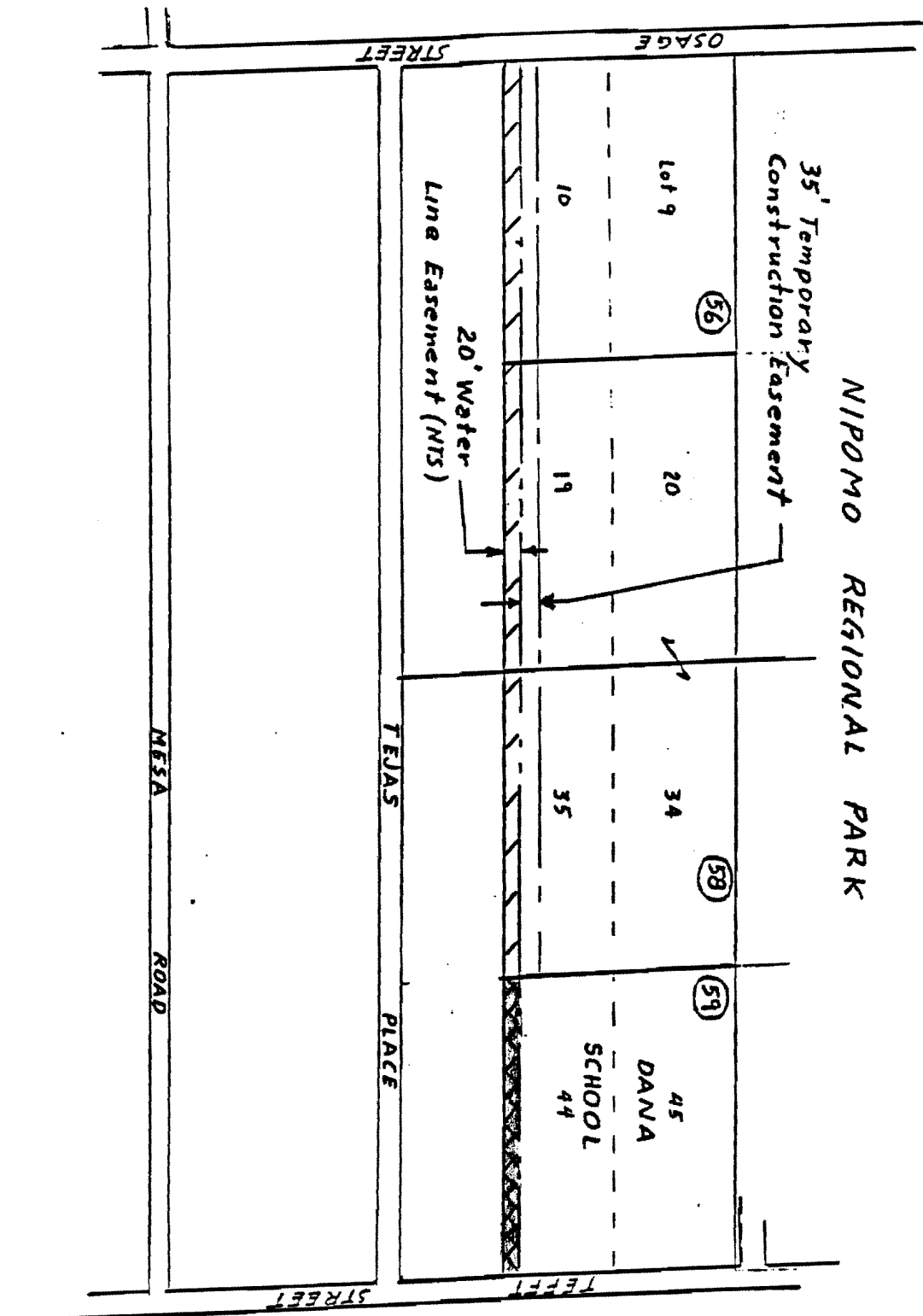
RECOMMENDATION

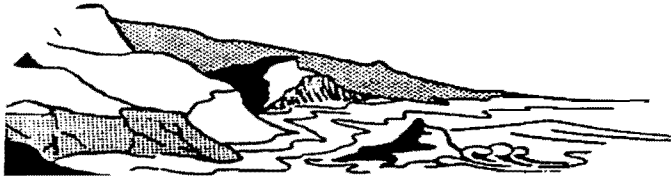
Staff recommends that your Honorable Board direct staff to prepare necessary documents to acquire the easement across the Dana School property in exchange for the annexation fees for the Nipomo High School annexation.

EXHIBIT "C"

NIPOMO REGIONAL PARK

92-122





Lucia Mar Unified School District

602 Orchard Street, Arroyo Grande, CA 93420

(805) 473-4390 x312 Fax: (805) 473-1593

AI ARROYO GRANDE NIPOMO GROVER BEACH OCEANO PISMO BEACH

March 6, 2002

Mr. Richard Mobraaten, President
Nipomo Community Services District
P. O. Box 326
Nipomo, CA 93444-0326

Dear Mr. Mobraaten:

As part of the conditions to finalize Annexation No. 19 (LACFO File No. 5-R-01), our district must satisfy LAFCO that we have met all of the requirements set forth by NCSO. One of the requirements involves the payment to NCSO of an annexation fee for the Nipomo High School site. I am requesting that the NCSO board waive such a fee.

In discussions with your agency over the past eighteen months regarding water service to Nipomo High School, NCSO has indicated a willingness to waive such an annexation fee. Part of the rationale for an annexation fee waiver has been the school district's cooperation with NCSO in their efforts to secure an easement through the county owned property adjacent to Dana Elementary School. Such an easement would benefit NCSO by enabling a water line to run through both the county property and the Dana Elementary property as opposed to running such a line through Tejas Road. We are still willing and eager to assist with this issue in any way possible.

I would welcome the opportunity to meet and answer any questions you might have regarding the waiver of this annexation fee and respectfully ask that your board grant our request. Thank you.

Sincerely,

Mike Sears
Deputy Superintendent, Business

MS:ls

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

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

STAFF

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

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

January 8, 2002

Perry Judd
Lucia Mar Unified School District
602 Orchard Road
Arroyo Grande, CA 93420

SUBJECT: NIPOMO HIGH SCHOOL
WATER AND SEWER SERVICE

This letter is my attempt to review various conditions contained in the Agreement to provide water and sewer service to the new High School that need to be addressed prior to the District providing water to the High School. Once the construction of the school is completed, the as-built plans for improvements will require verification.

§ 3.4.3 District Connection/Capacity Charges

• Sewer Capacity Fees

The District is in receipt of the Sewer Capacity, Water Capacity, Fire Capacity and Plan Check and Inspection Agreement fees. The estimated number of fixture units was used to determine the Sewer Capacity Fees. Depending on the as-built plans, the School District may receive a credit or additional Sewer Capacity fees may be due. If there are any changes in the size of water meters (3" domestic & 4" irrigation), the related fees will require adjustment.

• Fire Capacity Fees

It has been brought to our attention that a second fire service has been installed. A second Fire Capacity Fee will be required. It is our understanding from the contractor that the fire service was looped back into the system, therefore creating a second Fire Capacity Fee for the school.

§ 3.4.5

• Landscape

The District requires verification from your landscape architect that the water use for the landscaping will be within the requirements of the agreement, i.e. domestic and irrigation use less than 80 AFY.

§ 3.4.6

• Requirements

Before delivering water, NCSD will need the following:

- Reproducible as-builts
- Offer of Dedication of connection of facilities
- Engineer's Certification of improvements installed
- Certification of School District Water Treatment Facility operator in conjunction with the County Health Department and the State Department of Health Services
- Cost of the off-site water and sewer improvements, which will be incorporated into the NCSD replacement schedule

§ 3.8, 3.9, & 3.10

• Dana School Well hydraulics report

The District is in receipt of a pump test for the Dana School Well for August 1, 2001. The District will need a report from the hydrologist indicating that the long term stability production of 100 gpm will be maintained by the Dana School Well pumping nine to sixteen hours per day. Section 3.8 sets a target date of November 2001 to have confirming reports submitted to the District. Please provide me with an update as soon as possible.

• Maintenance Bond

A Maintenance Bond equivalent to 10% of the off-site improvement costs made to the NCSD from your contractor for a one-year warranty for these improvements.

• Annexation Fees

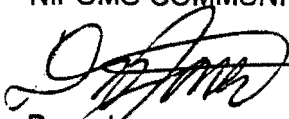
The LAFCO resolution approving the annexation stipulates the payment of the District's annexation fees. This matter has never been officially addressed. The Board of Directors of the Nipomo Community Services District will make the determination on this item.

The District staff and the Board of the Nipomo Community Services District looks forward to working with the School District to resolve the outstanding issues raised in this letter and providing necessary services to the new High School.

In the meantime, if you should have questions, please do not hesitate to contact me.

Very truly yours,


NIPOMO COMMUNITY SERVICES DISTRICT

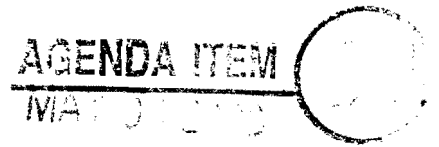


Doug Jones
General Manager

cc: NCSD Board of Directors

High School/agreement understanding

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 1, 2002



MONTECITO VERDE II EASEMENT

ITEM

Accepting sewer line easement for the Montecito Verde II sewer project

BACKGROUND

The Regional Water Quality Control Board requested the District to connect the on-site sewer disposal systems of the Montecito Verde II subdivision to the District area-wide sewer collector system. The District has hired EDA, engineering firm, to draw the plans and specifications, which have been completed. These plans show the proposed connection to Montecito Verde II requires an easement across private property. The District has negotiated with the property owner to acquire this easement. An appraiser was hired to establish the value of the easement, which was \$2,150.00. This amount will be paid to the property owners, Cajas. The property owners have executed the necessary easement documents. This matter is brought to Your Honorable Board for acceptance and approval for compensation.

RECOMMENDATION

Staff recommends that your Honorable Board *approve* the sewer line easement across the Cajas property, *approve* Resolution 2002-Accept, accepting the easement and compensating the property owner \$2,150.00 for said easement, and *direct* the General Manager to execute the agreement.

RESOLUTION NO. 2002-ACCEPT

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING AN EASEMENT FOR SEWER PURPOSES;
CAJAS APN 092-311-001

WHEREAS, the Nipomo Community Services District's (herein "District") is in need of an easement to construct a sewer collector system for the Montecito Verde II sewer project, and

WHEREAS, the Board finds that the said easement dedicated to District is necessary to construct a sewer collector system.

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

1. That the Board of the Nipomo Community Services District approves and accepts the easement across APN 092-311-001 described as Exhibit "A", to construct a sewer collector system for the Montecito Verde II sewer project
2. That the Board authorizes compensation for said easement in the amount of \$2,150.00
3. That the Board authorizes the General Manager to execute the easement agreement and record such document

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 1st day of May, 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

EXHIBIT A

Put on
Agenda
for acceptance
Resolution

EASEMENT 1

AN EASEMENT FOR SEWER PURPOSES OVER AND ACROSS THAT PORTION OF SAID LOT 13, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF SAID LOT 13, WHICH IS SOUTH 48 1/2° WEST 165 FEET FROM THE MOST EASTERLY CORNER OF SAID LOT; THENCE NORTH 41 3/4° WEST AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT, 165 FEET; THENCE NORTH 48 1/4° EAST AND PARALLEL WITH SOUTHEASTERLY LINE OF SAID LOT, 15 FEET; THENCE SOUTH 41 3/4° EAST AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT, 165 FEET, TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTH 48 1/4° WEST ALONG SAID SOUTHEASTERLY LINE 15 FEET TO THE POINT OF BEGINNING.

EASEMENT 2

THAT PORTION OF LOT 13 OF DANA'S RESUBDIVISION OF LOT 26 OF WARD'S SUBDIVISION OF RANCHO NIPOMO, ACCORDING TO MAP FILED IN BOOK A, PAGE 16 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY MOST CORNER OF TRACT 607 AS SHOWN ON MAP FILED IN BOOK 11, PAGE 16 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE SOUTH 49° 27' 55" WEST, ALONG THE SOUTHEAST LINE OF SAID TRACT 607, A DISTANCE OF 112.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE

1. SOUTH 40° 32' 05" EAST, 5.00 FEET; THENCE
2. SOUTH 49° 27' 55" WEST, 11.83 FEET; THENCE
3. SOUTH 9° 14' 03" WEST, 30.97 FEET; THENCE
4. NORTH 40° 17' 49" WEST, 25.00 FEET, MORE OR LESS, TO A POINT ON SAID SOUTHEAST LINE OF TRACT 607; THENCE
5. NORTH 49° 27' 55" EAST, ALONG SAID SOUTHEAST LINE OF TRACT 607, A DISTANCE OF 35.36 FEET TO THE TRUE POINT OF BEGINNING.

RECORDED AT THE REQUEST OF AND
WHEN RECORDED RETURN TO:
The Nipomo Community Services District
P. O. Box 326
Nipomo, CA 93444

AGREEMENT AND DEED RESTRICTION
AFFECTING SEWERLINE EASEMENT
AND FURTHER DEVELOPMENT OF THE SUBJECT PROPERTY

A. Warranty of Title

Grantors warrant and represent that they are the sole fee holders of the property described in Exhibit "A". Grantors further warrant and represent that they acknowledge the deed in favor of the Nipomo Community Services District (hereinafter referred to as "the District") which is attached hereto as Exhibit "B". The subject fee and easement referred to in Exhibits "B" is for the operation of a sewer line for the purpose of serving the District and for operating and maintaining said sewer line.

B. Agreement Affecting Future Subdivision
and Development of the Property

1. Grantors intend to develop and subdivide the Property into two or more parcels.
2. Grantors agree that upon the signing of this agreement and deed restriction affecting a sewer line easement (hereinafter referred to as "the Agreement") that this Agreement will be recorded with the San Luis Obispo County Recorder and is intended to place restrictions regarding the future development of the Property and subdivided parcels within.
3. To protect the ability of the District to maintain said sewer line, the parties recognize and agree that a 10-foot line bordering the existing easement area and immediately adjacent thereto shall be subject and restricted at all times to uses specifically compatible with the ability of the District to maintain the sewer line. More specifically, and without limitations, wells, waterlines, and any use deemed incompatible by the San Luis Obispo County Health Department or similar agency with similar jurisdiction over said area shall be prohibited in the said restricted use area.

4. Grantors agree not to construct any improvements such as buildings, retaining walls, driveways, patios, and sidewalks which could obstruct District access to the District facilities contained within the existing easement, or cause damage to District facilities contained within the existing easement, without first obtaining a recordable encroachment permit from the District.

5. Grantors will remove improvements constructed in violation of paragraph 4 above, immediately at Grantors' expense. If Grantors do not remove the improvements District is authorized to enter the existing easement and remove them. District shall charge all costs, including administrative costs, for the removal of said improvements to Grantors.

6 Grantors agree to hold District, its agents and employees, harmless and to indemnify the District for any damages occurring to Grantors' property due to District exercise of its rights to remove improvements pursuant to paragraph 5 above.

7. District has the right to enforce all reimbursement remedies described in paragraph 6 by all means available to the District, including those remedies and enforcement procedures stated in Government Code section 61621 et. seq.

8. Except as provided in paragraphs 6 and 7, above, District agrees to hold Grantors harmless and to indemnify Grantors for any damages arising out of the District's installation, use, maintenance, repair and replacement of the water well and water main, that are the subject of this Agreement, excepting those damages arising out of the negligence of Grantors.

9. These covenants and restrictions shall run with the land and will be binding on the successors and assigns of the Grantors and shall insure to the benefit of District and its successors and assigns.

10. If any action of law or in equity, including an action for declaratory relief, is brought to enforce or interpret the provisions of this agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which that party may be entitled.

11. Grantors will provide District, its employees and agents, with reasonable access to the easement for the purposes of inspection and maintenance.

12. This agreement shall be recorded in the Official Records of the County Recorder's Office, San Luis Obispo County, and reference to this agreement shall be included in the first deed from Grantors to any subsequent purchaser of the Property or any portion thereof affected by this Agreement. It is intended by the parties hereto that this be a permanent restriction upon the use of the Property and shall be part of the public record and active against all future Property owners who own the fee or any portion thereof.

13. It is mutually understood and agreed that no alterations or variations of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

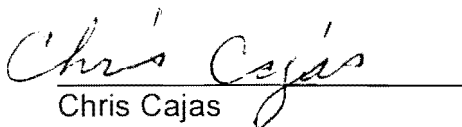
14. Each party acknowledges that it has reviewed this Agreement with its own attorney and had the provisions hereof satisfactorily explained to said party. No provision of this Agreement shall be interpreted for or against either party because any particular provision was written by that party or its attorney.

15. This Agreement is in addition to, and does not supersede, any other agreement or agreements entered into by and between the parties hereto.

16. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.


Dennis R. Cajas

Doug Jones, General Manager
Nipomo Community Services
District


Chris Cajas


Marcia Janice Featherston

[Space for Notary.]

RECORDING REQUESTED BY

NIPOMO COMMUNITY SERVICES DISTRICT

AND WHEN RECORDED MAIL THIS DEED AND, UNLESS OTHERWISE SHOWN BELOW, MAIL TAX STATEMENTS TO:

NAME Nipomo Community Services District
STREET ADDRESS P.O. Box 326
CITY STATE ZIP Nipomo, CA 93444

Title Order No. Escrow No.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

DOCUMENTARY TRANSFER TAX \$ N/A
computed on full value of property conveyed, or
computed on full value less liens and encumbrances remaining at time of sale.

SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, I (We), DENNIS R. CAJAS, CHRIS CAJAS, and MARCIA JANICE FEATHERSTON

grant to NIPOMO COMMUNITY SERVICES DISTRICT

all that real property situated in the City of NIPOMO (or in an unincorporated area of) SAN LUIS OBISPO County, State of CA, described as follows (insert legal description):

THE EASEMENTS DESCRIBED IN THE ATTACHED EXHIBIT "A" INCORPORATED INTO THIS GRANT DEED.

Assessor's parcel No.

Executed on , at (CITY AND STATE)

STATE OF California

COUNTY OF San Luis Obispo

On before me, (NAME/TITLE, I.E. "JANE DOE, NOTARY PUBLIC")

personally appeared

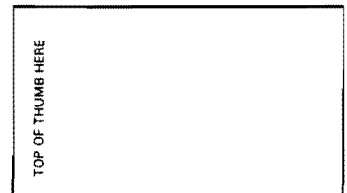
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SIGNATURE) (SEAL)

MAIL TAX STATEMENT TO:

RIGHT THUMBPRINT (Optional)



CAPACITY CLAIMED BY SIGNER(S)
INDIVIDUAL(S)
CORPORATE

OFFICERS (TITLES)
PARTNER(S) LIMITED GENERAL
ATTORNEY IN FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER

SIGNER IS REPRESENTING: (NAME OF PERSON(S) OR ENTITY(IES)):





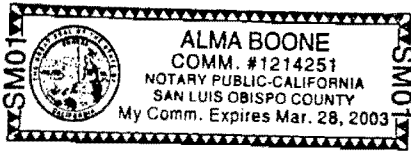
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

On April 13, 2002 before me, Alma Boone, Notary Public, personally appeared Dennis R. Cajas and Chris Cajas and Marcia Janice Featherston,

personally known to me - OR - proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature of Notary

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- Individual
Corporate Officer

Title

- Partner(s)
Attorney-in-Fact
Trustee(s)
Guardian/Conservator
Other:
Limited
General

DESCRIPTION OF ATTACHED DOCUMENT

Agreement and Deed Restriction Affecting Sewerline Easement And Further Development Of The Subject Property

Title or Type of Document

Four Pages

Number of Pages

April 13, 2002

Date of Document

Absent Signer (Principal) is Representing:

Signer(s) Other Than Name(s) Above

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

March 18, 2002

Dennis R. Cajas
Chris Cajas
Marcia Janice Featherston
833 Jennifer Court
Santa Maria, CA 93454

SUBJECT: MONTECITO VERDE II SEWER LINE EASEMENT

Re: Nipomo Community Services District
Offer to Purchase Easement (Gov't Code §§7267.1, 6267.2)
Offered Amount: \$2,150.00
Location of Property: Story Street, Nipomo, California
Purpose: Underground Utility Easement
APN 092-311-001

— This letter is regard to prior correspondence from the District concerning a sewer line easement across your property. Jon Seitz, District Legal Counsel, has put together exhibits of the easements across the property and a Grant Deed.

In Exhibit A of the Agreement, Parcel A, describes your property and Parcel B is your neighbor's 15-foot strip of land off Story Street. Exhibit B describes the sewer easements. The first easement, No. 1 of Exhibit B, is the same area as the existing 30-foot road easement across your property. The second easement is the small triangular piece of property on the northerly end of your property at the end of Meredith Street. Enclosed is a map showing the parcels and easements.

The Grant Deed has its own Exhibit A (describing the easements) and will need to be signed in front of a notary by those mentioned on the Deed. The District has a Notary Public on staff. If you wish to execute the grant deed documents in the District office, please call ahead.


If you have any questions in this matter, please contact me.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Doug Jones
General Manager

MVII/Cajas easement

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 1, 2002

AGENDA ITEM
MAY 01 2002



TEFFT STREET WATER LINE PROJECT

ITEM

Awarding bid for the Tefft Street Water Line Project

BACKGROUND

Your Honorable Board authorized Garing, Taylor & Associates to design a new water line in Tefft Street from the Nipomo Regional Park area to Thompson Avenue to increase east-west water supply of the District. The design has been completed and the project has been put out to bid. The bid opening was April 11, 2002 at 2:00 p.m. The following bids were received.

1.	WHITAKER CONTRACTORS INC	\$613,830.50
2.	R BAKER	\$668,262.75
3.	ENGINEERED PLUMBING	\$768,299.00
4.	CEDRO	\$775,426.61
5.	JOHN MADONNA	\$799,430.75
6.	SOUZA	\$799,935.00
7.	BURKE	\$812,138.05
8.	MADONNA CONST	\$814,934.00
9.	R SIMONS	\$829,054.00
10.	TIERRA CONTRACTING	\$866,760.00
11.	SPECIALTY CONSTRUCTION	\$874,336.75
12.	TLC	\$878,371.50
13.	MGE UNDERGROUND	\$951,280.75
14.	MJ ROSS	\$974,735.00

The engineer's estimate was \$829,653.00. After bid opening, the apparent lowest responsible bidder is WHITAKER CONTRACTORS INC. This project is budgeted for \$1,114,000. This includes engineering, survey, construction and inspection.

The District is presently waiting for the Cal Trans encroachment permit before starting construction.

RECOMMENDATION

It is recommended that your Honorable Board *award* the Tefft Street Water Line Project to WHITAKER CONTRACTORS INC in the amount of \$613,830.50, pending receipt of Cal Trans permit. After the contract documents are executed and proof of insurance is submitted to the District, a Notice to Proceed will be sent to the contractor.

RESOLUTION 2002-Tefft

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING A CONTRACT TO WHITAKER CONTRACTORS, INC.
FOR CONSTRUCTION OF A WATER LINE IN TEFFT STREET
FROM DANA SCHOOL TO THOMPSON AVENUE

WHEREAS, Boyle Engineering, in the Water and Sewer Master Plan for the District, recommended facilities needed for the District's infrastructure, and

WHEREAS, one project recommended in the Master Plan is the construction of a water line in Tefft Street from Dana School to Thompson Avenue, and

WHEREAS, the District requested bids from contractors to perform the construction of the water line, and

WHEREAS, the District received fourteen bids and Whitaker Contractors, Inc. was the lowest responsible bidder, and

WHEREAS, the District has in the FY 2001-2002 budget funds to perform the water line construction.

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

1. That the above recitals are true and correct,
2. That the District award the contract to construct the Tefft Street water line to the lowest responsible bidder to Whitaker Contractors, Inc. in the amount of \$613,830.50

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

AYES: Directors
NOES:
ABSENT:
ABSTAIN:

the foregoing Resolution is hereby adopted this 17TH day of April, 2002.

Richard Mobraaten, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

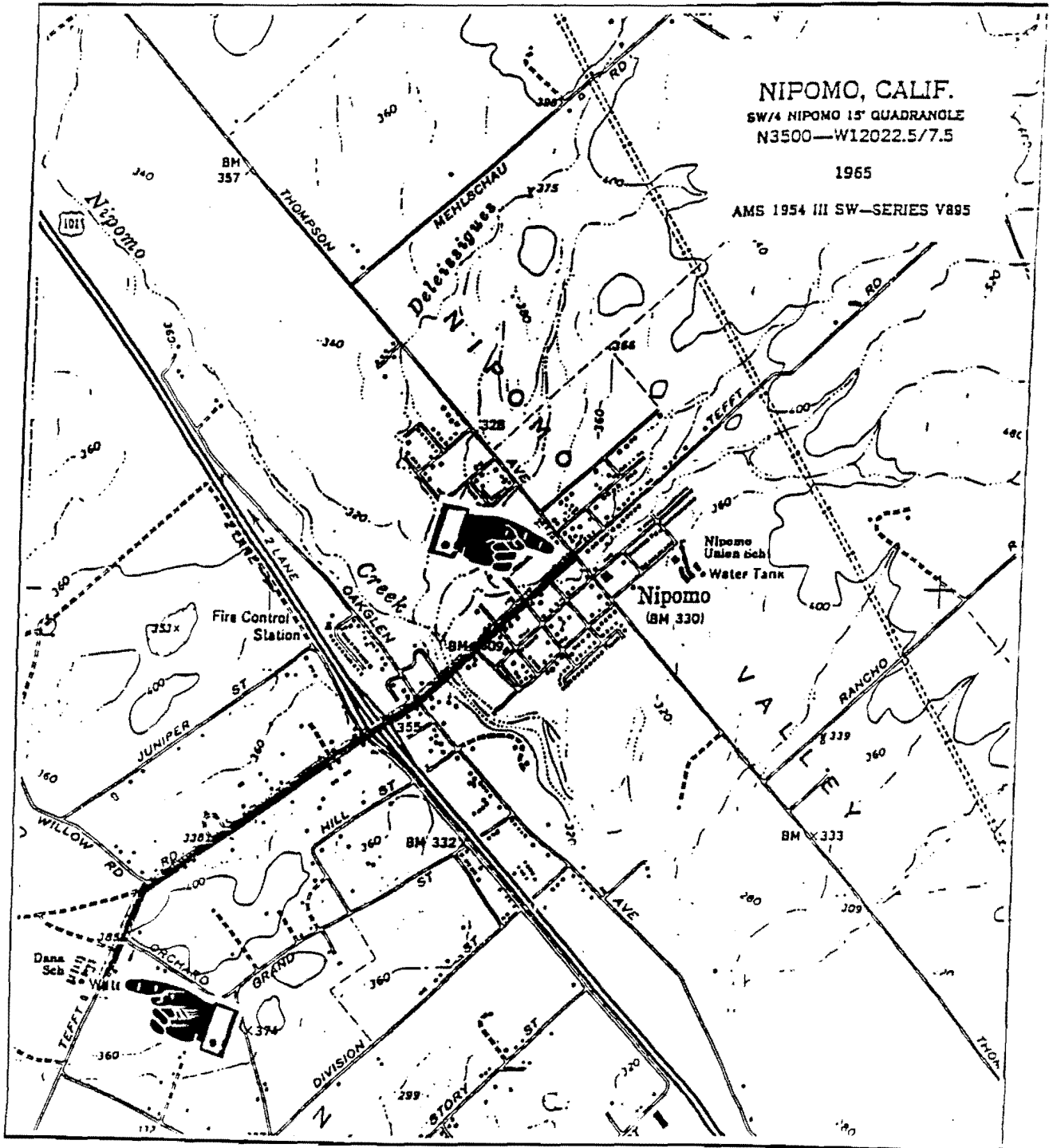
Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

TEFFT STREET WATER TRANSMISSION LINE

Dana School to Thompson Road

Nipomo, San Luis Obispo County, California



TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: MAY 1, 2002

AGENDA ITEM
MAY 01 2002

SPECIAL DISTRICTS LAFCO REPRESENTATIVES

ITEM

Recommendations of appointment of special districts representatives to LAFCO

BACKGROUND

The San Luis Obispo Chapter of Special Districts has two representatives and an alternate to the Local Agency Formation Commission who oversee the spheres of influence, annexations, etc. The term of office of the special districts' representatives are four-year overlapping terms with an alternate. Carolyn Moffat is presently in a 4-year term, which has two years remaining. Barbara Mann, representative from Oceano, was appointed to replace Bill Engels' position after he resigned. That four-year term expires this year. An open seat was created when the alternate resigned due to a commitment with the National Guard.

The Board President, as representative from this District, casts the District's vote to select a representative to the Local Agency Formation Commission. Your Honorable Board may advise the president how you wish him to cast his vote.

Barbara Mann, incumbent, is interested in maintaining her seat. Nominations for the 4-year term and the alternate seat will be made at the Special District Meeting to be held May 31, 2002.

RECOMMENDATION

After your Honorable Board has deliberated this matter, a recommendation may be given to President Mobraaten for voting at the Special District Meeting.

CAMBRIA COMMUNITY SERVICES DISTRICT

DIRECTORS:

PETER CHALDECOTT, President
GREG FITZGERALD, Vice President
ILAN FUNKE-BILU
HELEN MAY
DONALD VILLENEUVE



OFFICERS:

VERN HAMILTON, Interim General Manager
KATHY CHOATE, District Clerk
ARTHER MONTANDON, District Counsel

1316 Tamson Drive, Suite 201 • P.O. Box 65 • Cambria CA 93428
Telephone (805) 927-6223 • Facsimile (805) 927-5584

FOR YOUR INFORMATION
F. Y. I.

MEMORANDUM

April 2, 2002

To: San Luis Obispo County Special Districts
From: Cambria Community Services District
Subject: Appointment of Helen May to LAFCO Alternate Position

The Board of Directors of the Cambria Community Services District urges your support for the appointment of CCSD Director Helen May to the vacant alternate position on the Local Agency Formation Commission.

Helen has been an active member of the San Luis Obispo County local government community for many years, serving on a variety of committees and commissions, recently retiring as President of the Cambria Community Services District Board of Directors. She has been a tireless advocate of Special District interests and possesses a keen understanding of our unique issues.


We hope that you will attend the May LAFCO meeting and support Helen for appointment as an alternate LAFCO Commissioner.

A handwritten signature in black ink, appearing to read "Peter Chaldecott".

Peter Chaldecott
President, CCSD

RECEIVED

APR 3 2002

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 1, 2002



CALIFORNIA PUBLIC RETIREMENT SYSTEM
(PERS) CONTRACT AMENDMENT

ITEM

Review contract amendment with PERS to provide a 3% @ 60 formula

BACKGROUND

Recently the State Legislation has modified the Public Employees Retirement System to allow agencies to modify their employer/employee agreement with PERS. The Legislation added Section 21354.3 of the Government Code, which is a 3% @ 60 formula, for local miscellaneous members. The District, in order to be competitive in the employment market, should amend its California Public Employees Retirement System contract to provide a 3% at 60 retirement formula for District employees.

The District has requested PERS to perform an actuarial evaluation for the 3% at 60 formula which they determined that the change in the normal contribution rate would increase 0.480%. This would bring the employer contribution rate to 7.480%. The District pays the employees' share of the PERS contribution, which will change from 7 to 8 percent. The District previously had sufficient reserves with PERS where as the employers contribution was zero. Primary due to the stock market downturn the reserves have substantially been reduced. PERS actuarial valuation for adopting this amendment at the 3% @ 60 formula is as follows:

Change in the Present Value of Benefits	\$287,602
Increase in Actuarial Value of Assets	\$ 75,111
Change in the Total Employer Rate	7.48%

The procedure for amending the District's contract with PERS would be as follows:

- Adopt a Resolution of Intention to approve an amendment to the contract between PERS and the District. See Attached.
- Certification of the Board's action would be forwarded to the PERS office
- The PERS office will send the final Resolution to be adopted by your Honorable Board at a future meeting.
-

RECOMMENDATION

Staff recommends that your Honorable Board adopt the Resolution of Intention to approve an amendment to the PERS contract with NCSD.

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
BOARD OF DIRECTORS
NIPOMO COMMUNITY SERVICES DISTRICT**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21354.3 (3% @ 60 Full formula) for
local miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved

(Amendment)
CON-302 (Rev. 4/96)



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Board of Directors
Nipomo Community Services District

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1975, and witnessed August 13, 1975, and as amended effective April 22, 1999, May 1, 2000 and April 5, 2001 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective April 5, 2001, and hereby replaced by the following paragraphs numbered 1 through 11 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1975 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Employees other than local safety members (herein referred to as local miscellaneous members).
4. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **SAFETY EMPLOYEES.**
5. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21354.3 of said Retirement Law (3% at age 60 Full).

[Note that future legislative proposals are being considered. One proposal could amend the 3% at 60 benefit formula under Government Code Section 21354.3 to coincide with the 2.7% at 55 benefit formula under Section 21354.5 between the ages of 50 and 55. Another proposal being considered could amend Government Code Section 21354.3 to make the 3% @ 60 formula applicable to both active and inactive members who have not yet retired. If enacted, this amendment could have an effect on your agency's actuarial valuation and employer contribution rates in future years.]
6. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- c. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - d. Section 20042 (One-Year Final Compensation).
7. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.
 8. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
 9. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
 10. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

11. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BOARD OF DIRECTORS
NIPOMO COMMUNITY SERVICES
DISTRICT

BY _____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

AGENDA ITEM
MAY 01 2002



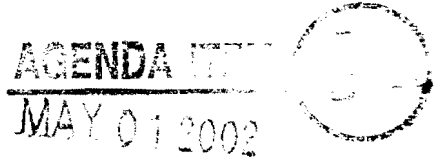
TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 1, 2002

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 April 3, 2002 Regular Board meeting
Minutes of April 17, 2002 Regular Board meeting
- F-3) THIRD QUARTER FINANCIAL REPORT

WARRANTS MAY 1, 2002



HAND WRITTEN CHECKS

None

COMPUTER GENERATED CHECKS

Number	Date	Vendor/Organization	Invoice Id	Date	Description/Reference	Period	Amount	Amount Paid
6855	04/22/02	EMP01 EMPLOYMENT DEVELOP DEPT	A20422	04/22/02	STATE INCOME TAX	04-02	325.98	325.98
6859	04/22/02	MID01 MIDSTATE BANK-PR TAX DEP	A20422	04/22/02	COMBINED CHECK	04-02	1744.13	1744.13
6860	04/22/02	MID02 MIDSTATE BANK - DIRECT DP	A20422	04/22/02	NET PAY DEDUCTION	04-02	11276.69	11276.69
6861	04/22/02	PER01 PERS RETIREMENT	A20422	04/22/02	PERS PAYROLL REMITTANCE	04-02	950.89	950.89
6862	04/22/02	SIM01 DEBRA SIMMONS	A20422	04/22/02	WAGE ASSIGNMENT	04-02	150.00	150.00
6863	04/22/02	STA01 STATE STREET GLOBAL	A20422	04/22/02	DEFERRED COMP	04-02	935.00	935.00

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Description
6864	05/01/02	BOS01	BASIC CHEMICAL SOLUTIONS	1080.36	.00	1080.36	49123	SODIUM HYPOCHLORITE
6865	05/01/02	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	050102	REG MEETING
6866	05/01/02	BOY01	BOYLE ENGINEERING CORP	9096.00	.00	9096.00	1-030502	WATER AND SEWER MASTER PL
				841.40	.00	841.40	7-030502	WATER AND SEWER MASTER PL
			Check Total.....	9937.40	.00	9937.40		
6867	05/01/02	COR01	CORBIN WILLITS SYSTEMS	520.00	.00	520.00	A204151	ENHANCEMENT & SERVICE FEE
6868	05/01/02	COS01	COSTCO	220.00	.00	220.00	0602	MEMBERSHIP DUES
6869	05/01/02	CRE01	CREEK ENVIRONMENTAL LABS	30.00	.00	30.00	J1253	BL WWTP LAB
				30.00	.00	30.00	J1286	BL WWTP LAB
				30.00	.00	30.00	J1373	BL WWTP LAB
				30.00	.00	30.00	J1401	BL WWTP LAB
				30.00	.00	30.00	J1472	LAB TEST
				30.00	.00	30.00	J1500	LAB TEST
			Check Total.....	180.00	.00	180.00		
6870	05/01/02	CSD01	CALIF SPECIAL DIST ASSOC	10.00	.00	10.00	ETHICS	LOCAL OFFICIAL'S GUIDE TO
6871	05/01/02	FGL01	FGL ENVIRONMENTAL	381.60	.00	381.60	200770	NIPOMO WWTP LAB
				44.80	.00	44.80	202898	NIPMOO WWTP LAB
				44.80	.00	44.80	202899	BL WWTP LAB
				44.80	.00	44.80	203110	NIPOMO WWTP LAB
				44.80	.00	44.80	203114	BL WWTP LAB
			Check Total.....	560.80	.00	560.80		
6872	05/01/02	FIR01	FIRST AMERICAN REAL EST	101.14	.00	101.14	10577607	APN UPDATE
6873	05/01/02	FIR02	FIRST AMERICAN TITLE	360.00	.00	360.00	126927-2	APN 092-112-058 PRELIM FE
6874	05/01/02	GAR01	GARING TAYLOR & ASSOC	196.00	.00	196.00	2594	DISTRICT WIDE ENGINEERING
				299.25	.00	299.25	2596	TEFFT ST LIFT STATION UFG
				2130.25	.00	2130.25	2609	CAL TRANS PERMIT PROCESSI
			Check Total.....	2625.50	.00	2625.50		
6875	05/01/02	GOV01	GOVERNMENT FINANCE OFFICE	130.00	.00	130.00	25001-02	DUES
6876	05/01/02	GWA01	GWA INC	25.00	.00	25.00	050102	FIRE ALARM
6877	05/01/02	IKO01	IKON OFFICE SOLUTIONS	47.20	.00	47.20	16596617	MAINT - COPIER
6878	05/01/02	JOH01	JOHNSON, DONNA	26.92	.00	26.92	A20425	OFFICE SUPPLIES
6879	05/01/02	MCI01	MCI WORLD COM	27.34	.00	27.34	673224	LONG DISTANCE
				-82	.00	-82	00784486C	LONG DISTANCE CREDIT
				5.22	.00	5.22	00813258	LONG DISTANCE
			Check Total.....	31.74	.00	31.74		
6880	05/01/02	MID03	MIDSTATE BANK MASTERCARD	64.14	.00	64.14	A20425	NEXTEL PHONE CASES
6881	05/01/02	MID05	MID STATE BANK PETTY CASH	7.43	.00	7.43	042402	POSTAGE, CERT MAIL ETC
				107.65	.00	107.65	042502	MISC SUPPLIES
			Check Total.....	115.08	.00	115.08		
6882	05/01/02	MOB01	MOBRAATEN, RICHARD	50.00	.00	50.00	042402	AD HOC-PERSONNEL 4/24/02
				100.00	.00	100.00	050102	REG MEETING

WARRANTS MAY 1, 2002

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MAY 07 2002

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
			Check Total.....:	150.00	.00	150.00		
6883	05/01/02	NEX01	NEXTEL COMMUNICATIONS	118.02	.00	118.02	041902	831234-0 CELL PHONE
6884	05/01/02	NIP03	NIPOMO SHELL	939.40	.00	939.40	158044	FUEL FOR TRUCKS
6885	05/01/02	OFF01	OFFICE DEPOT	54.16	.00	54.16	519001	MISC SUPPLIES
6886	05/01/02	PER02	PERS HEALTH BENEFITS	3835.95	.00	3835.95	A20425	HEALTH INSURANCE-MAY
6887	05/01/02	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	132	JANITORIAL-APRIL SERVICE
6888	05/01/02	RIC01	RICHARDS, WATSON, GERSHON	23717.07	.00	23717.07	120493	WATER RIGHTS ADJUDICATION
6889	05/01/02	SJS01	SJS ENGINEERING	1772.70	.00	1772.70	02-501-01	ON-SITE PROGRAMMING SCADA
6890	05/01/02	SLO02	DIV OF ENVIRON HEALTH	665.00 551.00	.00 .00	665.00 551.00	18554 IN0019238	LAB TESTS LAB TESTS
			Check Total.....:	1216.00	.00	1216.00		
6891	05/01/02	STA04	STATE DEPT OF HEALTH SERV	60.00 55.00	.00 .00	60.00 55.00	15604 D-2/9411	CERT RENEWAL FEE-SIMMONS CERT RENEWAL - MOTLEY
			Check Total.....:	115.00	.00	115.00		
6892	05/01/02	THE01	THE GAS COMPANY	50.53	.00	50.53	A20425	OFFICE HEATING
6893	05/01/02	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	050102	REG MEETING
6894	05/01/02	USA01	USA BLUEBOOK	495.52	.00	495.52	535066	PAPER FILTER ELEMENT/SUPP
6895	05/01/02	WIN01	WINN, MICHAEL	50.00 100.00	.00 .00	50.00 100.00	042402 050102	AD HOC-PERSONNEL 4/24/02 REG MEETING
			Check Total.....:	150.00	.00	150.00		
6896	05/01/02	WIR02	WIRSING, JUDY	100.00	.00	100.00	050102	REG MEETING
6897	05/01/02	XER01	XEROX CORPORATION	80.17	.00	80.17	88348495	COPIER MAINTENANCE

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MAY 01 2002

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES

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

President Mobraaten called the meeting to order at 9:00 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

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

President Mobraaten asked for 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) REVIEW SOLID WASTE FRANCHISE

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

There was no public comment. Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to have staff set up a Study Session. The tentative date for the meeting is April 11, 2002 at 9:00 a.m.

D-2) ORDINANCE TO ESTABLISH A VARIANCE PROCEDURE

Second reading and adoption of a variance procedure policy

The Board had the second reading of an ordinance establishing a variance policy. There was no public comment. There was much discussion among the Board members. Upon motion of President Mobraaten and seconded by Director Wirsing, the Board adopted Ordinance 2002-92. Vote 4-1 with Director Winn voting no and Director Blair abstaining.

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

E. OTHER BUSINESS

E-1) DISTRICT BOARD ROOM USE POLICY

Review/approve revision of the Board Room Use Policy

The Board reviewed the revised Board Room Use Policy. There was no public comment. Upon motion of Director Trotter and seconded by Director Winn, the Board unanimously approved Resolution 2002-812 modifying the previous Board Room Use Policy. Vote 5-0.

**RESOLUTION 2002-812
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A BOARD ROOM POLICY**

- E-2) GOOD MORNING NIPOMO
Request to sponsor "Good Morning Nipomo"

Director Winn asked that the Board consider sponsoring a monthly information meeting "Good Morning Nipomo." After much discussion, the Board took no action on this item.

- 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

There was no public comment. Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously approved the items on the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

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

- UPDATE OF LEGISLATION
Update on the District's proposed landscape legislation

H. COMMITTEE REPORTS

The Finance Committee met concerning the budget.
Possible annexations to be brought to the next meeting.

I. DIRECTORS COMMENTS

There was some discussion about an article in the paper about Block Grant Funds for the Nipomo Recreation Center.

There was discussion about the next "Save the Mesa" meeting with John Snyder as guest speaker, a non-biased neutral water expert.

President Mobraaten attended the Oceano CSD meeting.

Director Winn announced a WRAC meeting this afternoon. Christine Ferrara will head WRAC.

There was no public comment concerning the items on the Closed Session.

Mike Seitz, District Deputy 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

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

CONFERENCE WITH NEGOTIATOR GC§54956.8

- 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 10:35 a.m.

The next regular Board Meeting will be held on April 17, 2002 at 9:00 a.m.

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

APRIL 17, 2002

MAY 01 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 9:03 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

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

President Mobraaten asked for Public Comment.

There was no public comment.

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

- D-1) ASSIGNMENT OF SOLID WASTE FRANCHISE TO WASTE CONNECTION, INC
Approve assignment of the solid waste services franchise to Waste Connections Inc.

The Board reviewed the assignment of the Solid Waste franchise to Waste Connections, Inc. Terry Schubert, Legal Counsel for WCI answered questions from the Board.

There was no public comment.

Upon motion of Director Trotter and seconded by Director Blair, the Board unanimously approved Resolution 2002-813 approving the assignment of the Solid Waste franchise services to Waste Connections, Inc. Vote 5-0

RESOLUTION NO. 2002-813

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING AND APPROVING THE ASSIGNMENT OF THE SOLID WASTE FRANCHISE AGREEMENT TO WASTE CONNECTION, INC.

- D-2) REQUESTS FOR ANNEXATIONS – Information Item

- A. Craig/School – 16 lots & school site - 40 ac. at Willow Rd. & Via Concha
B. Nester -16 lots – Approx. 16 ac. at Pomeroy Rd. near Waypoint
C. Robertson - 8-10 parcels - Approx. 60 ac. at Linn Rd. & Pomeroy Rd.

The Board reviewed a proposal to combine three annexations to have all of the proposed annexations share the water produced at the Craig property.

The following members of the public spoke:

John Snyder, 662 Eucalyptus, Nipomo – outside Dist. Boundary If an overdraft is appropriated, the last person to annex will have to find water.

Jim McGillis, rep. for the Craig annexation. Asked the Board for a clear answer. Does the Board want the Craig annexation or not?

Director Trotter suggested that there is an inconsistency in the letter written to Noel King and the requests for annexations. He also asked that a letter be sent to the Board of Supervisors to release the Department of Water Resources (DWR) report. Director Blair suggested fair treatment to all customers in the District.

Upon motion of Director Winn and seconded by Director Blair, the Board agreed to have each proposed annexation brought back to the Board as separate items.

- D-3) SPHERE OF INFLUENCE/DISTRICT SERVICE REVIEW – LAFCO
LAFCO request for information to update the District Sphere of Influence

This item was brought to the Board as an information item only. The Board discussed the District's Sphere of Influence.

The following members of the public spoke:

Guy Murray, inside District – encouraged the Board to expand its boundaries.

Jessie Hill, outside District – handed Board an information packet and discussed its' contents.

Richard Palmquist, outside District – preferred private enterprise over government, but has a bad feeling about Cal Cities, therefore drilled his own well. Felt NCSO needs to neutralize the conflict with County and District. Felt that the Board should send an emissary to the city formation meetings to bring information back to the Board.

There was no Board action.

- D-4) MONTECITO VERDE II SEWER PROJECT AGREEMENT TO OBTAIN FUNDING
Agreement with SLO Co. to obtain Community Development Block Grant Funds for the MVII project.

This item was moved to be heard after E-1

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board approved the agreement to obtain the Community Development Block Grant funding for the Montecito Verde II Sewer Project and authorized the President of the Board and the General Manager to execute the agreement with correction on Paragraph 6 as noted. Vote 5-0

E. OTHER BUSINESS

- E-1) SOLID WASTE RATES
Review proposed solid waste rate increases

The Board discussed the proposed increases of the rates for solid waste collection.

Tom Martin of the Nipomo Garbage Company answered questions from the Board

There was no public comment.

Upon motion of Director Winn and seconded by Director Mobraaten, the Board agreed to increase the fees as presented in the voluntary service program. Vote 5-0 with Director Wirsing but wanting to implement to pass on savings to the customer.

- E-2) TEFFT STREET WATER LINE PROJECT
Awarding of bid to construct the Tefft Street Water Line Project

Upon motion of Director Blair and seconded by Director Winn, the Board agreed to continue this item until the next meeting. Vote 5-0.

- E-3) DRAFT 2002-03 FISCAL YEAR BUDGET
Set Study Session to review the District's 2002-03 FY Budget

There was no public present at this time.

President Mobraaten set a Study Session for Tuesday April 30, 2002 at 9:00 a.m. to study the 2002-03 Fiscal Year Budget.

MINUTES
APRIL 17, 2002
PAGE THREE

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 April 3, 2002 Regular Board meeting
Minutes of April 11, 2002 Special Board meeting
- F-3) INVESTMENT POLICY – QUARTERLY REPORT

Director Wirsing asked that F-2 (Minutes of April 11, 2002 meeting) be pulled for further comments to be added. It will be brought back to the next meeting.

Upon motion of Director Winn and seconded by Director Wirsing, the Board agreed to accept Items F-1 and F-3 on the Consent Agenda. Vote 5-0

G. MANAGER'S REPORT

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

- CSDA ANNUAL CONFERENCE
- CA-NV AWWA CONFERENCE
- CAL WASTEWATER CHARGE SURVEY

H. COMMITTEE REPORTS

There were no Committee Reports

I. DIRECTORS COMMENTS

Director Winn – Water Forum meeting Mon Night with Christine Ferrara. DWR report is out. Ferrara will head WRAC

Director Blair - wrote letter to editor about Class II Severity water shortage.

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

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:


The Board approved the agreement with Trincon with Trincon approval. Vote 4-1 with Director Wirsing voting no.

ADJOURN

President Mobraaten adjourned the meeting at 12:08 p.m.

The next regular Board Meeting will be held on May 1, 2002 at 9:00 a.m.

AGENDA ITEM
MAY 01 2002



TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: MAY 1, 2002

THIRD QUARTER FINANCIAL STATEMENTS

Attached is the summary of revenues and expenses and cash balances for each fund as of March 31, 2002 and March 31, 2001 (Page 1). The prior year is presented for comparison purposes. Also, attached is the Consolidated Balance Sheet as of March 31, 2002 (Page 2) and the Consolidated Income Statement for the nine months ended March 31, 2002 (Page 3 - 4).

Detailed information by Fund (balance sheet and income statement with budgeted amounts) is available in the office.

If you have any questions, please don't hesitate to ask.

RECOMMENDATION

It is staff's recommendation to accept and file the third quarter financial statements.

SUMMARY OF REVENUES AND EXPENSES BY FUND
NINE MONTHS ENDED MARCH 31, 2002

FUND	FUND #	YTD REVENUES	YTD EXPENSES	(1) FUNDED REPLACEMENT	03/31/02 YTD SURPLUS/ (DEFICIT)	(2) TRANSFERS TO/FROM	AFTER		3/31/01 YTD SURPLUS (DEFICIT)
							TRANSFERS	YTD SURPLUS/ (DEFICIT)	
Administration	110	99,740	(99,740)	0	0	0	0	0	0
Town Water	120	1,090,304	(765,415)	(262,500)	62,389	0	62,389	(146,384)	
Town Sewer	130	418,360	(202,526)	(187,500)	28,334	0	28,334	180,876	
Blacklake Water	140	150,067	(146,728)	(15,000)	(11,661)	0	(11,661)	1,051	
Blacklake Sewer	150	98,059	(81,293)	(25,500)	(8,734)	0	(8,734)	14,238	
Montecito Verde II	160	5,636	(5,587)	0	49	0	49	(5,863)	
Blacklake Streetlighting	200	14,405	(15,202)	0	(797)	0	(797)	1,822	
Solid Waste	300	38,907	(7,618)	0	31,289	0	31,289	0	
Drainage Maintenance	400	7,391	0	0	7,391	(7,424)	(33)	6,727	
Property Taxes	600	193,771	0	0	193,771	7,424	201,195	162,577	
Town Water Capacity Fees	700	48,955	(1,884)	0	47,071	0	47,071	29,199	
Town Sewer Capacity Fees	710	94,321	0	0	94,321	0	94,321	118,155	
Funded Replacement-Town Water	800	20,491	0	262,500	282,991	0	282,991	143,586	
Funded Replacement-Town Sewer	810	34,405	0	187,500	221,905	0	221,905	115,989	
Funded Replacement-BL Water	820	13,724	0	15,000	28,724	0	28,724	32,861	
Funded Replacement-BL Sewer	830	1,580	0	25,500	27,080	0	27,080	8,668	
TOTAL		2,330,116	(1,325,993)	0	1,004,123	0	1,004,123	663,502	

CASH BALANCE OF EACH FUND
AS OF MARCH 31, 2002

FUND	FUND #	COMPARISON	
		CASH BALANCE 03/31/02	CASH BALANCE 03/31/01
Administration	110	(30,175)	(54,756)
Town Water	120	11,358	43,941
Town Sewer	130	616,899	571,573
Blacklake Water	140	208,255	230,007
Blacklake Sewer	150	59,318	57,893
Montecito Verde II	160	42,911	45,683
Blacklake Streetlighting	200	53,979	54,258
Solid Waste	3000	29,670	0
Drainage Maintenance	400	5,000	5,848
Property Tax	600	972,398	674,305
Town Water Capacity Fees	700	2,327,259	774,793
Town Sewer Capacity Fees	710	3,874,232	2,634,984
Funded Replacement-Town Water	800	855,675	649,626
Funded Replacement-Town Sewer	810	1,385,413	1,125,133
Funded Replacement-BL Water	820	510,914	484,331
Funded Replacement-BL Sewer	830	70,901	44,960
TOTAL		10,994,007	7,342,579

NIPOMO COMMUNITY SERVICES DISTRICT
BALANCE SHEET - CONSOLIDATED
AS OF MARCH 31, 2002

ASSETS

Cash and Cash Equivalents	10,994,007.01
Accounts Receivable - Utility Billing	89,616.90
Unbilled Accounts Receivable	316,000.00
Property, Plant & Equipment	27,571,194.52
Accumulated Depreciation	(7,093,323.72)
Prepaid Insurance	3,462.37
Accrued Interest Receivable	78,881.94
Notes Receivable - MV I	43,323.48
Deposit - W/C Insurance	4,330.00
Loan Fees - SRF Loan	256,834.00
Accumulated Amortization - SRF Loan Fees	(33,389.14)

Total Assets	32,230,937.36
=====	

LIABILITIES

Accounts Payable	24,934.17
Refunds Payable	78.01
Construction Meter Deposits	8,500.00
Compensated Absences Payable	45,478.00
Deposits	199,458.48
Payroll Taxes Payable	(3,619.79)
Deposit - Maintenance Guarantee	11,400.00
Deposit - Pomeroy Rd Water Line	24,170.00
Deferred Revenue	6,300.00
Revenue Bonds - Current Portion	7,000.00
SRF Loan #110 - Current Portion	34,868.35
SRF Loan #120 - Current Portion	42,180.25
Revenue Bonds Payable - Long Term Portion	169,000.00
SRF Loan #110 Payable - Long Term Portion	592,761.95
SRF Loan #120 Payable - Long Term Portion	759,244.50

Total Liabilities	1,921,753.92

FUND EQUITY

Contributed Capital - Assets	7,151,423.72
Contributed Capital - Capacity Fees (CY)	1,386,325.01
Contributed Capital - Capacity Fees (PY)	10,774,549.10
Contributed Capital - Right of Way	31,600.00
Contributed Capital - Assessment Districts	1,529,378.00
Contributed Capital - Grants	3,091,911.00
Retained Earnings-Reserved (Debt Service)	15,600.00
Retained Earnings-Reserved (Emergencies)	50,000.00
Retained Earnings-Reserved (Sewer Grant)	210,000.00
Retained Earnings-Reserved (Funded Replacement)	2,237,511.74
Retained Earnings - Unreserved	2,826,762.79
CURRENT EARNINGS	1,004,122.08

Total Fund Equity	30,309,183.44

Total Liabilities and Fund Equity	32,230,937.36
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UNAUDITED

NIPOMO COMMUNITY SERVICES DISTRICT
INCOME STATEMENT - CONSOLIDATED
FOR THE PERIOD ENDING MARCH 31, 2002

	YTD ACTUAL -----	ANNUAL BUDGET -----	% REMAINING -----
REVENUES			

Water - Fixed Charge	268,209.52	348,660.00	23.07 %
Water - Usage	786,266.03	964,500.00	18.48 %
Construction Water	52,673.46	15,000.00	(251.16) %
Fire System Fee	2,176.88	2,500.00	12.92 %
Sewer Charges	500,821.03	655,700.00	23.62 %
Fees and Penalties	26,505.76	24,700.00	(7.31) %
Meters	72,937.75	63,250.00	(15.32) %
Plan Check & Inspection Fees	11,150.00	8,000.00	(39.38) %
Sewer Lift Station Fees	0	5,000.00	100.00 %
Franchise Fees	38,799.16	50,000.00	22.40 %
Miscellaneous Income	37,753.13	22,200.00	(70.06) %
Street Lighting Charges	12,930.00	18,258.00	29.18 %
Operating Transfers In - Funded Administration	77,342.41	130,420.00	40.70 %
Operating Transfers In - Funded Replacement	490,499.82	654,000.00	25.00 %
	-----	-----	-----
Total Revenues	2,378,064.95	2,962,188.00	19.72 %
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OPERATIONS AND MAINTENANCE			

Wages and Benefits	167,285.77	265,900.00	37.09 %
Electricity	359,933.08	405,000.00	11.13 %
Natural Gas	5,736.45	65,000.00	91.17 %
Chemicals	11,994.28	16,200.00	25.96 %
Lab Tests	12,582.00	34,000.00	62.99 %
Operating Supplies	20,851.85	24,400.00	14.54 %
Outside Services	16,670.34	33,000.00	49.48 %
Permits and Operating Fees	9,550.02	9,800.00	2.55 %
Repairs and Maintenance	35,585.39	98,500.00	63.87 %
Engineering	9,305.54	17,500.00	46.83 %
Fuel	6,729.83	10,400.00	35.29 %
Paging Service	955.83	1,600.00	40.26 %
Meters - New Installation	6,731.18	12,000.00	43.91 %
Automatic Meter Reading Devices - New Installation	0	23,000.00	100.00 %
Meters - Replacement Program	0	14,000.00	100.00 %
Uniforms	1,810.52	3,300.00	45.14 %
Contingency	0	2,000.00	100.00 %
Clean Up	6,000.00	6,000.00	.00 %
Operating Transfers Out - Funded Replacement	490,499.82	654,000.00	25.00 %
	-----	-----	-----
Subtotal - O & M	1,162,221.90	1,695,600.00	31.46 %
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GENERAL AND ADMINISTRATIVE			

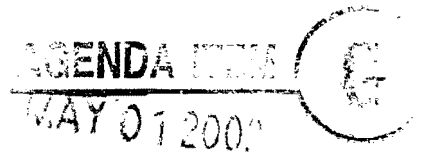
Wages and Benefits	180,521.01	249,750.00	27.72 %
Utilities	3,132.63	7,550.00	58.51 %
Audit	4,175.00	4,200.00	.60 %
Bank Charges and Fees	221.30	660.00	66.47 %
Computer Expense	8,559.70	12,200.00	29.84 %
Consulting	22,240.85	22,961.00	3.14 %

NIPOMO COMMUNITY SERVICES DISTRICT
 INCOME STATEMENT - CONSOLIDATED
 FOR THE PERIOD ENDING MARCH 31, 2002

	YTD ACTUAL	ANNUAL BUDGET	% REMAINING
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Director Fees	10,500.00	17,000.00	38.24 %
Dues and Subscriptions	3,639.77	5,000.00	27.20 %
Education and Training	1,550.00	6,500.00	76.15 %
Elections	0	10,000.00	100.00 %
Insurance - Liability	10,994.45	16,000.00	31.28 %
LAFCO Funding	10,367.00	17,000.00	39.02 %
Landscape and Janitorial	5,046.98	6,500.00	22.35 %
Legal - General Counsel	51,320.18	52,000.00	1.31 %
Legal - Water Counsel	222,543.50	300,000.00	25.82 %
Miscellaneous	787.56	41,000.00	98.08 %
Newsletters & Mailers	310.57	3,000.00	89.65 %
Office Supplies	3,714.64	4,000.00	7.13 %
Operating Supplies	4,677.10	8,500.00	44.98 %
Outside Service	4,425.20	1,500.00	(195.01) %
Postage	8,628.89	11,900.00	27.49 %
Public Notices	91.50	2,000.00	95.43 %
Repairs and Maintenance	3,153.19	4,500.00	29.93 %
Property Taxes	600.98	555.00	(8.28) %
Telephone	2,982.38	4,500.00	33.72 %
Travel and Mileage	3,847.35	9,000.00	57.25 %
Settlement	4,500.00	4,500.00	.00 %
Operating Transfer Out - Funded Administration	77,342.41	130,420.00	40.70 %
Subtotal - G & A	649,874.14	952,696.00	31.79 %
NON OPERATING INCOME			
Interest Income	264,613.91	416,111.00	36.41 %
Property Tax Revenues	177,939.26	215,000.00	17.24 %
Subtotal - Non Operating Income	442,553.17	631,111.00	29.88 %
NON OPERATING EXPENSES			
Interest Expense	4,400.00	9,150.00	51.91 %
Other Expense	0	76,000.00	100.00 %
Subtotal - Non Operating Expenses	4,400.00	85,150.00	94.83 %
Net Surplus/(Deficit)	1,004,122.08	859,853.00	16.78 %

UNAUDITED

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: MAY 1, 2002



MANAGER'S REPORT

- CSDA Legislative update
(Attached)

Board 2002\mgr 050102.DOC

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION LEGISLATIVE UPDATE – April 22, 2002

**CSDA**

LEGISLATORS VISIT WASHINGTON IN SEARCH OF FUNDING

This week 50 state legislators descended on Washington in hopes of securing funding for anti-terrorism, transportation and health care programs. "We're here begging for dough on bended knee," said Assembly Speaker Herb Wesson.

Legislators want about \$5.2 billion in terrorism prevention funds of the \$38 billion the Bush Administration has earmarked nationwide, including \$3.5 billion for new communications systems linking emergency services agencies.

ASSEMBLY BILL 1986 PASSES COMMITTEE

Assembly Bill 1986 by Assembly Member Diaz passed the Assembly Public Employees, Retirement and Social Security Committee on Tuesday. CSDA supports AB 1986 which would permit special districts to reinstate specified retirement benefits for elected/appointed directors.

ASSEMBLY BILL 2351/MINIMUM PENALTY LAW

On Tuesday the Assembly Environmental Safety & Toxic Materials Committee amended and passed AB 2351 by Assembly Member Canciamilla. The bill, sponsored by the League of California Cities and the California Association of Sanitation Agencies, and supported by CSDA, proposed to return discretion to the regional water quality control boards relative to the minimum penalties law. Because the regional boards lack discretion, many local agencies have been assessed significant fines, many for minor violations with no impact to the environment.

Due to opposition from a number of environmental organizations, the bill was amended, passed, and all stakeholders committed to continue working toward a resolution that would address the unfairness of the current law.

COMMITTEES GEAR FOR FISCAL DEADLINE

April 26th is the deadline for policy committees to consider bills with referrals to the fiscal committees. Literally hundreds of bills are scheduled for hearing next week, including scores of interest to CSDA. A full report on actions taken to follow next week.

MEMBERS ONLY!

Remember that your district can track legislation or review pending bills through the "Members Only" section of the CSDA website (www.csda.net). This legislative tracking service is provided as part of your CSDA membership dues at no extra charge. Check it out and keep a close eye on the happenings at the State Capitol.

NEW EMAIL OPTION

CSDA now has the ability to send you legislative updates via email. This will allow you to immediately view the update without its first needing to be routed to your desk, so you stay up-to-the-minute with the happenings at the Capitol. You can also sign up your directors to receive this service at no additional charge! If you or your Board would like to receive this update via email, please email that request to Geoffrey Neill at gneill@csda.net

This update is brought to you exclusively as a CSDA member benefit.

CSDA...keeping special districts informed!

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