

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

MAY 15, 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) REQUEST FOR VARIANCE – TRACT 2412 – NIPOMO BUSINESS CENTER
Request for a common sewer lateral and one irrigation service
- D-2) ANNEXATION AND WATER SUPPLY
Review District's annexation policy and water supply
- D-3) ORDINANCE ESTABLISHING SOLID WASTE RATES
Second reading and adoption of Solid Waste collection rates

- E. OTHER BUSINESS

- E-1) DISTRICT PERSONNEL POLICIES & PROCEDURES -- Administrative Draft
Introduction of Administrative Draft and set procedure for adoption

- 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 30, 2002, Study Session
Minutes of May 1, 2002, Regular Board meeting

- G. MANAGER'S REPORT

CSDA – Legislative Update

- H. COMMITTEE REPORTS

- I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC#54956.9


- A. SMVWCD VS NCSA SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. SAVE THE MESA VS. NCSA CV 020181

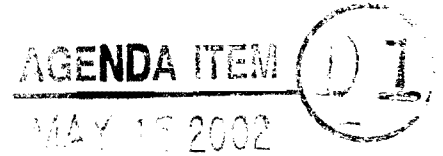
CONFERENCE WITH NEGOTIATOR GC#54956.8

- 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 June 5, 2002, at 9:00 a.m.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 15, 2002



REQUEST FOR VARIANCE
TRACT 2412
NIPOMO BUSINESS CENTER

ITEM

Request for a common sewer lateral and one irrigation service

BACKGROUND

Tract 2412 is a development at the intersection of Story Street and South Frontage Road with a seven-lot commercial center and seven (7) residential lots. The District Code requires separate sewer laterals for each of the seven commercial lots on this proposed project. The developer is requesting a common sewer lateral between the lots servicing the seven commercial businesses, as shown on the attached map. The developer is also requesting a single irrigation meter to provide irrigation to the seven lots. The existing District Code requires each commercial lot to have its own irrigation meter. Staff has no objection to having a common, private sewer lateral to service the seven lots. Each lot should have its own irrigation meter to assure the landscaping needs of each parcel.

The common sewer lateral may be considered if the following items are addressed:

- Recorded document indicating that the District is not responsible for the on-site sewer laterals
- CC&R addresses the common sewer line
- Guarantee procedure to maintain the common sewer lateral
- Contact party for any problems occurring with sewer laterals and to pay costs
- Contact party for assistance in unusual circumstances occurring on property

Since the fee for requesting a variance has not been established, a deposit of \$1000 has been requested of the applicant for processing this variance. Staff is in the process of preparing a resolution establishing a Variance Filing Fee.

RECOMMENDATION

If the above items can be addressed and resolved, staff will have no objection to your Honorable Board granting a variance for a common sewer lateral.

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

RECEIVED

MAY 02 2002

NIPOMO COMMUNITY
SERVICES DISTRICT

May 1, 2002

Mr. Doug Jones, General Manager
Nipomo Community Services District
148 So. Wilson Street
Nipomo, CA 93444

VIA UPS OVERNIGHT MAIL

**RE: Request for Variance - Tract 2412
South Frontage Road, Nipomo**

Dear Mr. Jones:

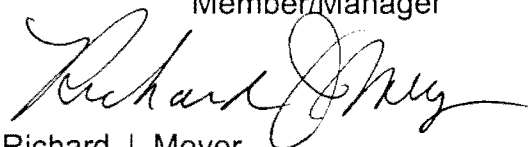
This letter represents our request to be placed on the May 15, 2002 agenda to obtain a variance for sewer and irrigation design. Enclosed please find a plan which depicts the requested design and a transmittal from our civil engineer, Russ Thompson, which sets forth particulars.

As you know, we are now under construction and would like to make certain that we are on the May 15th agenda. If there is any additional information you need relative to the variance request, please call. Mr. Thompson will be attending the meeting.

Once again, thank you for your excellent service.

Sincerely,

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



Richard J. Meyer
President

RJM:mn
Encls.

cc: Mr. Russ Thompson/via fax

Tract 2412 Meyer Asset Management
Variance Request for Sewer Lateral Design and Irrigation Meter Installation


The water and sewer utility plans for this project have been approved by the District for this mixed-use project located at the corner of South Frontage Road and Story Street. The easterly portion of the project consists of seven commercial lots to be developed by the applicant. Each lot will have a single individually owned structure on it with shared parking, utility services and access. There is a maintenance agreement in place for the common upkeep and replacement of the shared facilities, which will be overseen by a management company.

The owner of the project is requesting a variance from two District regulations:

- 1) Each lot have an individual sewer lateral to the public main, and
- 2) Each commercial lot have a domestic *and* irrigation meter

The attached utility drawing depicts the desired configuration of the shared onsite sewer lateral serving the commercial buildings. We are requesting that the District allow a single common sewer lateral between the buildings, underneath the common parking lot area. This lateral will connect to the public, District maintained, sewer main running between Crystal Way and South Frontage Road. From this common private sewer lateral an individual lateral will be extended to the building. The shared sewer lateral is sized to handle the cumulative flow from the individual lots. We feel strongly that this is a superior design, reducing future maintenance problems for the future commercial building owners inherent in the circuitous route required for seven small individual laterals as currently approved. This will also greatly simplify construction and slightly reduce the initial construction cost. The proposed configuration will also reduce the number of lateral connections and potential points of infiltration to the District main within a short length of main.

The second portion of the request is for the District to allow a single irrigation meter for the commercial lots. As shown on the attached site plan the landscape area on this project is very limited and a single meter can easily handle the flows anticipated for site irrigation. The overall appearance of the project will be based in part in the long-term maintenance of the site landscaping, therefore the maintenance will be controlled by a management company, and paid for via the project's maintenance agreement by the individual owners. Currently the District standards require an individual meter for irrigation on each lot. This would promote varied irrigation and landscape maintenance by individual owners, and potentially having a negative impact on the project appearance. The owner is requesting that all irrigation be through a single meter assigned to Lot 1 allowing a single irrigation system for the project. If approved the District would then refund to the owner the connection fees paid for the other six irrigation meters.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 15, 2002

AGENDA ITEM
MAY 15 2002



ANNEXATIONS AND WATER SUPPLY

ITEM

Review District's annexation policy and area water supply

BACKGROUND

At the regular meeting held on May 1, 2002, Director Trotter directed staff to put the subject of annexations and future water supply on the agenda for general discussion.

The land use on the Nipomo Mesa is directed by the San Luis Obispo County Board of Supervisors through the Planning Department, which sets the density requirements, zoning and percentage of building permits issued. In adopting the South County Area Plan Update, the County reviewed the land use elements. They found that there was sufficient water in the area to meet their planning decisions and densities. The County Planning Land Use Element as adopted by the Board of Supervisors identifies the District's responsibility of providing services, within its service area. Based on the County's projections, the estimate of the District's water demands is shown on Exhibit A. The production capacity is shown on Exhibit B. Graphs showing the District's production and consumption from 1980 to present for the Town Division, the Black Lake Division and combination of the two are enclosed for the purpose of discussion.

The present average water consumption in the District is approx. 0.6 ac/ft/yr per account. The Water and Sewer Master Plan for the District contains an estimation of average consumption for the future to be approx. 0.4 ac/ft/yr per account, primarily due to future increased densities within the District service area. It is anticipated that the District's growth rate will be modest in the future due to the limited in-fill areas within the District's service boundary. It is anticipated that by the year 2020, much of this in-fill will be developed. Future services may be associated with annexations based on the County General Plan and LAFCO's procedures.

Potential annexations to the District would be as follows:

- Craig Annexation (next to Black Lake Golf Course) Approx .40 ac. and 16 lots
- Nester Annexation (Pomeroy Road near Dawn Road) Approx. 16 ac. and 16 lots
- Robertson Annexation (Lyn Road near Summit Station) Approx. 60 ac. and 8-10 lots
- Kaminaka Annexation ((between Pomeroy and Dawn Road) Approx. 50 acres
- Old Chicken Ranch (south of Southland Street) Approx. 90 acres
- Mehlschau Development (between 101 freeway and Hetrick Rd.) Approx. 200 acres
- Old Turkey Ranch (Sun Dale & Dawn Rd) Approx. 20 acres
- Brand Property (Live Oak Ridge & Hetrick) Approx. 51 acres
- Others

RECOMMENDATION

This item has been put on the agenda for general discussion. This discussion should be **LIMITED** due to the District being a party in the Santa Maria Groundwater litigation.

**NIPOMO COMMUNITY SERVICES DISTRICT
 WATER PRODUCTION
 BUILD-OUT PROJECTION**

From San Luis Obispo County Planning Department Report - South County Area Plan
 Revised MAY 27, 1999
 From Table A-2

AREA	BUILD-OUT DWELLING	BUILD-OUT POPULATION	BUILD OUT DATE
Nipomo Urban Area	7678	24,032	2010+

The Nipomo Community Services District boundary does not include the total urban area of the South County Area Plan.

Due to a greater dwelling density of the Land Use Categories within the Nipomo Community Services District service area, it is estimated that the District would serve approximately 65% of the build-out of the urban area.

Estimated NCSD water needs:

Build-Out Dwellings 7678 X 65% \approx 4990 or approx. 5000 dwellings
 Average consumption per water account years 1995-2000 = 0.61 AFY

TOWN DIVISION

Projected urban water needs at build-out \approx 5000 X 0.61 =	3050 AFY
Projected rural area needs \approx 300 units X 0.61	183 AFY
Add approximately 15% for normal District operations	<u>485 AFY</u>
	<u>3718 AFY</u>

BLACK LAKE DIVISION

Projected urban water needs at build-out \approx 600 units X 0.61 AFY/account =	366 AFY
Add \approx 24% for landscape irrigation and District operations	<u>88 AFY</u>
	<u>454 AFY</u>

NCSD WELL PRODUCTION CAPACITY

WELL PRODUCTION CAPACITY vs. BUILD-OUT PROJECTIONS

Town Division

7 wells \approx 3300 gpm = 5320 AFY

Assume 80% normally available $80\% \times 5320 = 4256$ AFY

Town Division build-out projection = 3718 AFY

Therefore present capacity can meet build-out projections.

Present capacity in excess of build-out needs $\approx 500^+$ AFY

Black Lake Division

2 wells \approx 725 gpm = 1169 AFY

Assume 80% normally available $80\% \times 1169 = 935$ AFY

Black Lake build-out projection = 454 AFY

Present capacity in excess of build-out needs ≈ 480 AFY

As the District grows, additional infrastructure will need to be built to meet peaking demands.

DISTRICT SEWER CAPACITY

Wastewater Treatment Facilities

TOWN DIVISION

Present design capacity 0.9 MGD (Million Gallons per day)

Present average monthly flows \approx 0.4 MGD

Present number of sewer services 1770

BLACK LAKE

Present design capacity 0.2 MGD

Present average monthly flows 0.07mgd

Present number of sewer services 536

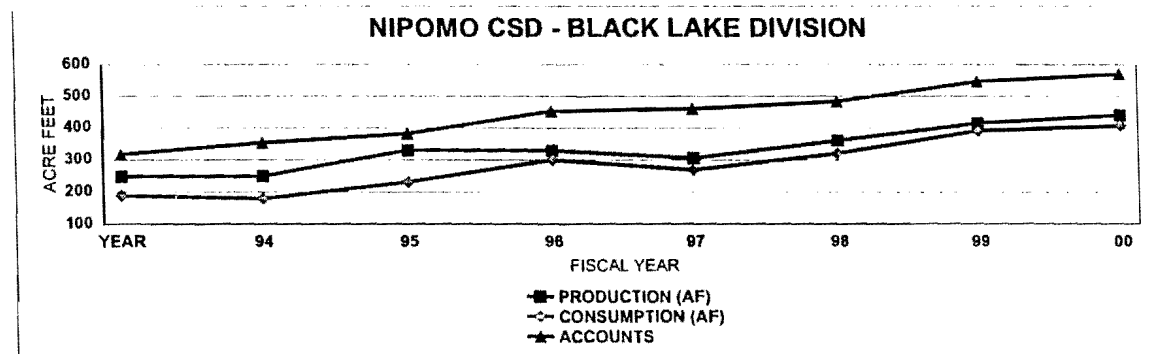
Both the Southland and the Black Lake wastewater facilities have unused capacity to handle future users.

LIFT STATIONS

The District presently operates 12 sewer lift stations. The Lucia Mar Unified School District EIR on the new high school indicated that the beginning of Phase II of the high school development the Tefft St. lift station will need to be expanded. Funds have been budgeted in this year's budget for design expansion of the lift station with construction planned for next year.

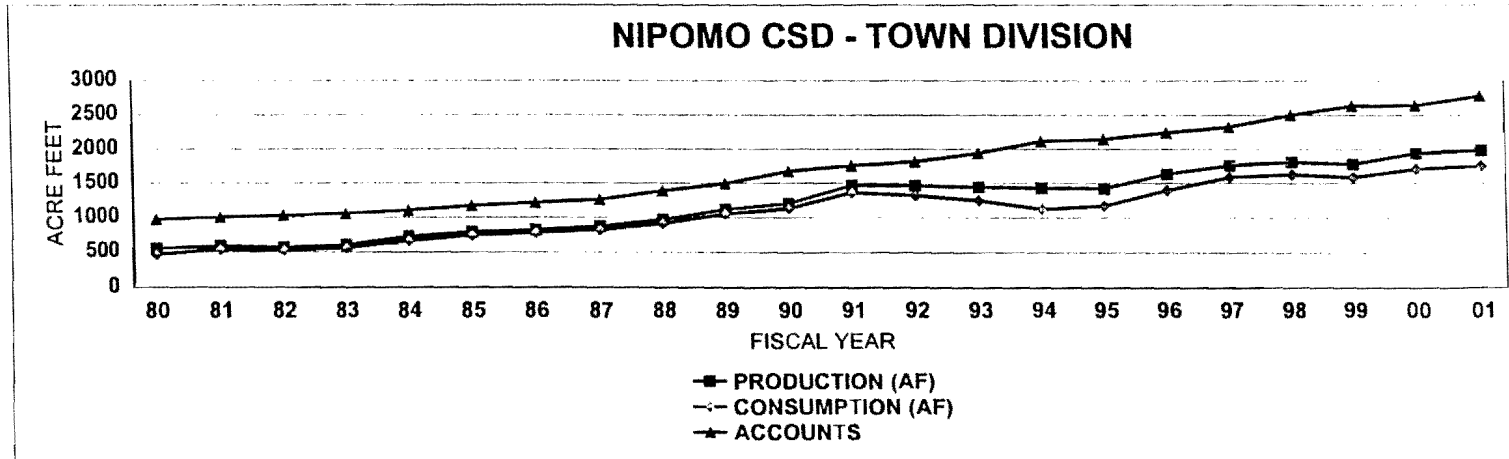
**NIPOMO COMMUNITY SERVICES DISTRICT
BLACK LAKE DIVISION WATER PRODUCTION AND CONSUMPTION**

FISCAL YEAR	PRODUCTION (AF)	CONSUMPTION (AF)	% UNACCOUNTABLE WATER	WATER ACCOUNTS	AF/PRODUCTION/ACCOUNT	AF/CONSUMPTION/ACCOUNT
80	0	0	ERR	0	ERR	ERR
81	0	0	ERR	0	ERR	ERR
82	0	0	ERR	0	ERR	ERR
83	0	0	ERR	0	ERR	ERR
84	0	0	ERR	0	ERR	ERR
85	0	0	ERR	0	ERR	ERR
86	0	0	ERR	0	ERR	ERR
87	0	0	ERR	0	ERR	ERR
88	0	0	ERR	0	ERR	ERR
89	0	0	ERR	0	ERR	ERR
90	0	0	ERR	0	ERR	ERR
91	0	0	ERR	0	ERR	ERR
92	0	0	ERR	0	ERR	ERR
93	0	0	ERR	0	ERR	ERR
94	249	190	0.24	318	0.78	0.60
95	250	180	0.28	354	0.71	0.51
96	330	232	0.30	383	0.86	0.61
97	330	300	0.09	453	0.73	0.66
98	306	270	0.12	461	0.66	0.59
99	362	321	0.11	484	0.75	0.66
00	416	393	0.06	547	0.76	0.72
01	442	409	0.07	571	0.77	0.72



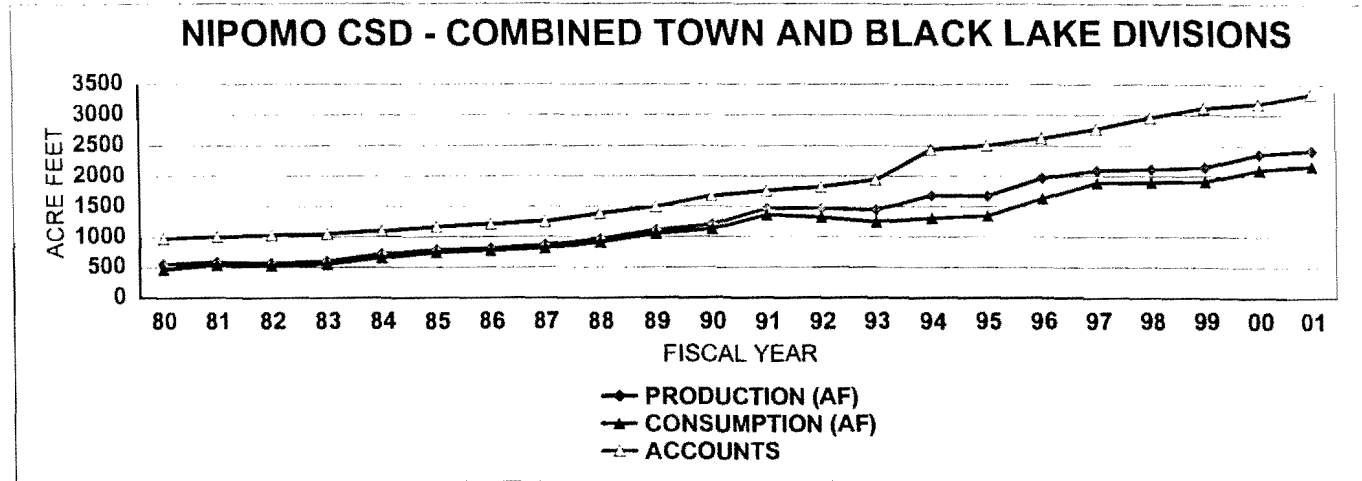
**NIPOMO COMMUNITY SERVICES DISTRICT
TOWN DIVISION WATER PRODUCTION AND CONSUMPTION**

FISCAL YEAR	PRODUCTION (AF)	CONSUMPTION (AF)	% UNACCOUNTABLE WATER	WATER ACCOUNTS	AF/PRODUCTION/ACCOUNT	AF/CONSUMPTION/ACCOUNT
80	555	472	0.15	975	0.57	0.48
81	592	544	0.08	1006	0.59	0.54
82	576	532	0.08	1034	0.56	0.51
83	604	559	0.07	1053	0.57	0.53
84	725	664	0.08	1106	0.66	0.60
85	787	743	0.06	1170	0.67	0.64
86	819	780	0.05	1216	0.67	0.64
87	870	819	0.06	1260	0.69	0.65
88	972	913	0.06	1388	0.70	0.66
89	1118	1052	0.06	1497	0.75	0.70
90	1207	1134	0.06	1676	0.72	0.68
91	1470	1366	0.07	1760	0.84	0.78
92	1465	1322	0.10	1820	0.80	0.73
93	1447	1246	0.14	1941	0.75	0.64
94	1434	1124	0.22	2115	0.68	0.53
95	1424	1170	0.18	2149	0.66	0.54
96	1640	1399	0.15	2242	0.73	0.62
97	1764	1591	0.10	2325	0.76	0.68
98	1812	1632	0.10	2499	0.73	0.65
99	1786	1589	0.11	2635	0.68	0.60
00	1948	1713	0.12	2643	0.74	0.65
01	1985	1758	0.11	2778	0.71	0.63



NIPOMO COMMUNITY SERV DISTRICT
TOWN DIVISION AND BLACK LAKE DIVISION COMBINED WATER PRODUCTION AND CONSUMPTION

FISCAL YEAR	PRODUCTION (AF)	CONSUMPTION (AF)	% UNACCOUNTABLE	WATER	AF/PRODUCTION/	AF/CONSUMPTION/
			WATER	ACCOUNTS	ACCOUNT	ACCOUNT
80	555	472	0.15	975	0.57	0.48
81	592	544	0.08	1006	0.59	0.54
82	576	532	0.08	1034	0.56	0.51
83	604	559	0.07	1053	0.57	0.53
84	725	664	0.08	1106	0.66	0.60
85	787	743	0.06	1170	0.67	0.64
86	819	780	0.05	1216	0.67	0.64
87	870	819	0.06	1260	0.69	0.65
88	972	913	0.06	1388	0.70	0.66
89	1118	1052	0.06	1497	0.75	0.70
90	1207	1134	0.06	1676	0.72	0.68
91	1470	1366	0.07	1760	0.84	0.78
92	1465	1322	0.10	1820	0.80	0.73
93	1447	1246	0.14	1941	0.75	0.64
94	1683	1314	0.22	2433	0.69	0.54
95	1674	1350	0.19	2503	0.67	0.54
96	1970	1631	0.17	2625	0.75	0.62
97	2094	1891	0.10	2778	0.75	0.68
98	2118	1902	0.10	2960	0.72	0.64
99	2148	1910	0.11	3119	0.69	0.61
00	2364	2106	0.11	3190	0.74	0.66
01	2427	2167	0.11	3349	0.72	0.65





SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: engr@co.slo.ca.us

April 22, 2002

RECEIVED

APR 24 2002

Attn: Mr. Doug Jones, General Manager
Nipomo Community Services District
PO Box 326
Nipomo, CA 93444

NIPOMO COMMUNITY
SERVICES DISTRICT

Subject: **Supplemental Water for the Nipomo Mesa Area**

Dear Mr. Jones:

In your letter dated March 4, 2002, you asked about the theoretical availability of State Water for the purpose of reducing ground water extractions on the Nipomo Mesa. I have discussed this, and other potentially viable, supplemental water alternatives with my staff and offer you the following response.

The San Luis Obispo County Flood Control & Water Conservation District holds a 25,000 AFY entitlement in the State Water Project. Of that amount, 7,470 AFY is committed to communities throughout the County. This consists of 4,830 AFY of contracted deliveries plus an additional 2,640 AFY in current "drought buffer" commitments.¹ This currently leaves 17,530 AFY of un-committed State Water entitlement in San Luis Obispo County.² In the mid-1990s, the County Board of Supervisors directed staff to sell/lease the excess State Water entitlement. To date, staff has been unsuccessful in negotiating a sale or lease under the terms stipulated by the Board. We have received a recent inquiry for a 5-10 year lease that appears to comply with the Board's terms. Staff plans to discuss this potential lease with our State Water subcontractors and with appropriate advisory committees before taking the issue to the Board of Supervisors. This meeting is scheduled for May 1, 2002, and we encourage your attendance. Please contact Nola Snowbarger at 781-2100 for the time and location of this meeting.

Nipomo CSD may also make an offer to buy or lease State Water. Issues to consider in establishing the feasibility of such an arrangement include: 1) constraints on delivery considering the lack of unused capacity in the Coastal Branch; 2) the geohydrology of the receiving ground water basin and its ability to "bank" water; 3) environmental and growth-

¹ "Drought Buffer" water is entitlement committed to State Water sub-contractors to increase the reliability of supplies. Capacity in the Coastal Branch does not accompany drought buffer commitments. Additional drought buffer commitments are currently pending.

² It is important to note that there is no available capacity in the Coastal Branch of the State Water Project downstream of the Polonio Treatment Plant. The excess entitlement cannot physically be delivered during years when downstream State Water contractors are accepting full deliveries.

inducing impacts associated with supplementing water supplies on the Nipomo Mesa; 4) likely success in warding off seawater intrusion; and 5) how the cost and reliability of such an arrangement compares to other alternatives. Each of these issues is complex. As a State Water Contractor, the County can assist you in better understanding the constraints on delivery of State Water to the Nipomo Mesa. Feel free to contact Deputy Director Paavo Ogren at 781-5291 for more background pertaining to State Water.

We noted that your list of options omits water conservation measures to reduce demand. Please understand that the preparation of an Urban Water Management Plan would be required if NCSD participated in the State Water Project, and the plan would need to address the conservation aspect of your water management program.

The County also holds 17,500 AFY entitlement in Lake Nacimiento. An environmental impact report for the treatment and delivery system is currently being prepared. Of the total, 2,625 AFY of the Nacimiento entitlement is uncommitted at this point.³ I encourage Nipomo CSD to consider participating in this project. There is an opportunity to provide pipeline capacity for your needs in the design of the system which would result in the delivery of "highly reliable water" to the Nipomo Mesa. Please contact project manager Christine Ferrara at 781-5272 for more specifics regarding the Nacimiento water project.

In closing, we look forward to better understanding Nipomo CSD's policies regarding water conservation, and encourage you to contact my staff for more background on participation in the State Water or Nacimiento water projects.

Sincerely,



NOEL KING

Director of Public Works

c: Katcho Achadjian, Supervisor District 4
Paavo Ogren, Deputy Director of Public Works – Administration
Christine Ferrara, Utilities Division Manager

File: CF 950.80.01 W/SWP/Unallocated or Sale of Unused Water

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³ Financial commitments for participation are not final. Staff expects to seek such commitments in early 2003, and the actual uncommitted water that could be available to NCSD may increase.

**San Luis Obispo County
Flood Control and Water Conservation District
Water Resources Advisory Committee**

**May 1, 2002
Potential Lease of County's Excess Entitlement**

The District has a total State Water Project entitlement of 25,000 acre-feet (AF). However, only 7,470 AF has been allocated to subcontractors. Of the 7,470 AF, 4,830 AF is actual supply entitlement and 2,640 AF is reserved drought buffer for various subcontractors.

Contractor	Supply Entitlement	Drought Buffer	Total Allocation
City of Morro Bay	1,313	1,313*	2,626
CA Mens Colony	400	400	800
Co Operations Center	425	425	850
Cuesta College	200	200	400
City of Pismo Beach	1,240	0	1,240
Oceano CSD	750	0	750
San Miguelito MWC	275	275	550
Avila Beach CSD	100	0	100
Avila Valley MWC	20	20	40
San Luis Coastal	7	7	14
Shandon	100	0	100
Total	4,830	2,640	7,470

For the last ten years, the Public Works Department has been seeking agencies that may be interested in leasing the District's excess entitlement. The excess entitlement that is currently available for lease is 17,530 acre-feet.

Recent discussions have led to the potential lease of the District's excess entitlement. If the District's excess entitlement is leased, the drought buffer that an agency can rely on will be solely based on their specific drought buffer agreement. In the event the excess is sold or leased, the Drought Buffer Program will become increasingly valuable.

The importance of the Drought Buffer Program is that it provides insurance for the long-term. Drought buffer increases subcontractor's total allocation so that when allocation percent is cut, the percentage available for delivery is calculated on a larger number. For instance, if a subcontractor has 100% Drought Buffer, when allocation drops down to 50% the subcontractor will still receive full deliveries. See example below:

County Operations Center

IF allocation is 50%

Supply Entitlement 425 AF
Drought Buffer 425 AF
Total Allocation 850 AF

Allocation available for delivery = 50% X 850 = 425 AF

Any subcontractor interested in joining the Drought Buffer Program or increasing the amount of drought buffer in any existing contract has been advised to contact county staff as soon as possible. Currently, drought buffer costs approximately \$55 per acre-foot each year.

Details on the timing of the potential lease and entrances into the drought buffer program will be discussed at the meeting.

* Staff is currently processing an increase of drought buffer to 2,166 acre-feet for Morro Bay. Once final, the excess entitlement available for lease will be 16,677 acre-feet.

**THE ANNEXATION POLICY OF THE
NIPOMO COMMUNITY SERVICES DISTRICT**

JULY 2001

Sections:

- I. Purpose.**
- II. Intent.**
- III. General policies.**
- IV. General standards.**
- V. Annexation agreement.**
- VI. Submittal of annexation report.**
- VII. Annexation—Assessment of fee.**

I. Purpose.

In order to promote efficient processing of all requests for annexation to the Nipomo Community Services District, this policy documents the present basis upon which this board of directors will evaluate such requests and provides notice thereof to the owners of the property which is the subject of such requests. (Res. 01-782 (part), 2001)

II. Intent.

The board of directors intends to review all annexation requests with the aim of supporting the viability of the Nipomo Community Services District in providing essential services. The Nipomo Community Services District must be operated so as to best provide:

Low cost water, sewerage and other authorized services for the residents of the Nipomo Community Services District.

Efficient governmental services for orderly land use development within the district. conservation of natural and environmental resources, including local water resources; its availability and quality, growth consistent with the General Plan of San Luis Obispo county and the established policies of the Local Agency Formation Commission, including specifically the commission's adopted spheres of service and influence for Nipomo Community Services District. (Res. 01-782 (part), 2001)

III. General policies.

A. In order to provide for the orderly development of public service facilities, only those properties will be considered for annexation for which the owners are willing to accept all conditions for service required by the Nipomo Community Services District. More specifically, but without limitation, requests for annexation solely for sewerage services to the exclusion of water service will be considered on an individual basis but generally will be discouraged by the board of directors.

Further, the district generally will not attempt to require the annexation of territory over the objections of the owners of the property to be annexed.

B. In order to evaluate the impacts of a potential annexation upon the Nipomo Community Services District, the board of directors will consider only annexation

ANNEXATION POLICY

requests which include the submittal of a comprehensive use or development plan for the subject property in sufficient detail to provide a complete picture of the full impact of the annexation in the foreseeable future upon the district's long term water resources, water distribution facilities, sewerage services, financial program and other services required

If any such use or development plan requires future county approvals (for example, zoning or subdivision), the district's approval of the annexation shall be conditioned upon the owners obtaining such county approvals before the annexation becomes effective.

C. After review of the use or development plan, the board of directors will consider annexation requests where it can be demonstrated that:

1. There is a bona fide need for Nipomo Community Services District Services at the site of the proposed annexation in the immediate future or in conformance with a phased plan of development approved by San Luis Obispo County.

2. The proposed annexation will provide identified benefits to: (a) the future residents and property owners within the annexed area; and (b) the residents and property owners of the remainder of the Nipomo Community Services District.

D. The proposed annexation area boundary should include all properties that may receive the proposed services to be provided (i.e., use rear property lines rather than streets as boundary lines).

E. The district is opposed to the formation of homeowner associations for the operation of water and/or sewer systems in the

Nipomo Mesa area. Typically, associations lose efficiency over time and it becomes necessary for a public entity to take over their operations. A public entity operating from the beginning would eliminate the later acquisition and rejuvenation of the system at a potential additional cost to the property owners. (Res. 01-782 (part), 2001)

IV. General standards.

A. The board of directors will consider the present capacity of its public facilities and the adequacy of those facilities to provide services to its current residents receiving service, those properties within the district that have paid capacity charges (issued will-serve letters) but not currently being served, and other undeveloped property within the district boundaries.

B. The board of directors will only consider annexations where it can be demonstrated that:

1. There is excess service capacity to provide services to the area of proposed annexation; or

2. The applicant demonstrates to the satisfaction of the board of directors that applicant, at its sole cost, has developed and dedicated to the district appropriate and/or sufficient resource capacity to supply the area of the annexation with district services prior to commencing construction of residential and/or commercial units.

C. The district will consider a supplemental water in-lieu fee, which may be established from time to time, to acquire a supplemental water supply, provided that the board of directors first determines that there is adequate excess capacity to supply the area of annexation during the period of

ANNEXATION POLICY

time reasonably determined to acquire said supplemental water.

D. The board will only consider "island" annexations when it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of the district and the applicant is willing to extend adequate facilities at no cost to the Nipomo Community Services District.

E. The board of directors will consider the policies of the Local Agency Formation Commission that apply to annexations and spheres of influence. (Res. 01-782 (part), 2001)

V. Annexation agreement.

The applicant for annexation shall be required to enter into an annexation agreement. Said annexation agreement shall provide:

A. That all infrastructure and service line extensions shall be designed and constructed at no cost to district in accordance with district's standards;

B. Reimbursement to the district for its costs in processing the annexation, including administrative costs, legal costs and engineering costs; and

C. Payment of applicable district capacity, meter and connection charges. (Res. 01-782 (part), 2001)

VI. Submittal of annexation report.


Prior to consideration by this board of directors, the proponents of any annexation request must prepare a comprehensive written report for submission to the district to demonstrate that the annexation would conform to this annexation policy. (Res. 01-782 (part), 2001)

VII. Annexation—assessment of fee.

A. All property hereafter annexed to the district shall be assessed a fee, as established by resolution of the board of directors to be paid by the developer to the district at the time of application for annexation.

B. If the board fails to adopt an annexation resolution within a reasonable time after payment of the fees, the fee shall be returned to the person or persons paying the same, less an amount necessary in preparing the necessary forms of the district, not to exceed fifty dollars.

C. All other provisions of this chapter shall be in full force and affect from the time of acceptance of the annexation by the board. (Res. 01-782 (part), 2001)

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: MAY 15, 2002

AGENDA ITEM
MAY 15 2002



ORDINANCE ESTABLISHING
SOLID WASTE RATES

ITEM

Second reading and adoption of an 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 May 1, 2002, Board meeting, the Board introduced and had the first reading of the ordinance establishing solid waste collection and to continue the voluntary collection program. The proposed rates are attached as exhibit A.

The rate increases will take effect July 1, 2002.

RECOMMENDATION

After public comments have been taken, staff recommends that your Honorable Board have the second reading and adoption of the Ordinance establishing fees and charges for solid waste collection. Attached is Ordinance 2002-93.

Board 2002/solid waste rate increase 0517.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE 2002-93**

**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 May 1, 2002, and passed and adopted by the District Board of Directors on the 15th day of May, 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

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



MAY 15 2002

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *[Signature]*
DATE: MAY 15, 2002

DISTRICT PERSONNEL POLICIES & PROCEDURES – ADMINISTRATIVE DRAFT

ITEM

Introduction of Administrative Draft of District Personnel Policies and Procedures and set procedures for adoption

BACKGROUND

The District adopted its first Personnel Rules and Regulations in January 1991. It has been modified once by Resolution 95-546 to add a Sexual Harassment Policy. The Personnel Rules and Regulations are adequate in most cases, however, times have changed and so have laws. For example, laws have changed relating to sexual harassment and substance abuse.

As Staff looked at updating the existing document, it was decided that completely revamping the document would be beneficial to all users. Also, the job descriptions have been updated to fit the jobs that the employees are currently performing and to meet ADA (Americans with Disabilities Act) requirements.

The Ad Hoc Personnel Committee, Director Mobraaten and Director Winn, have been working hard on this voluminous task. They have had numerous meetings with Staff, Legal Counsel and District personnel.

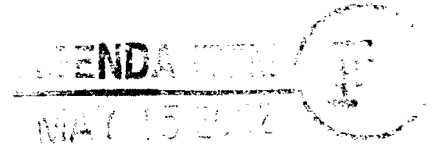
The Administrative Draft is now complete and ready for presentation to the Board. The procedures for adoption of the Personnel Policies and Procedures is as follows:

1. The Administrative Draft is introduced (not adopted) by the Board of Directors at the May 15 meeting and the following procedures are recommended:
 - Board of Directors set a closing date for written comments to be received by the Directors, Employees and Public-Date will be _____.
 - Administrative Draft delivered to each employee on May 16.
 - Ad Hoc Committee will review all written comments and make recommendations-Date will be _____.
 - Red lined version with Ad Hoc Committee's recommended changes will be delivered to the Board of Directors and Employees-Date will be _____.
2. Adoption of the Final Draft of the Personnel Policies and Procedures by the Board of Directors-Date will be _____. All District employees are invited to attend the Board Meeting and make public comment.

RECOMMENDATION

Staff recommends the Board of Directors accept the introduction of the Administrative Draft of the Personnel Policies and Procedures and recommend the procedures for adoption as outlined above. (The Board to fill in the dates).

bd2002\admindarft.doc



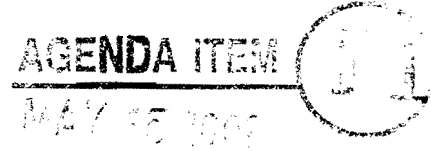
TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 15, 2002

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 17, 2002, Regular Board meeting
 - Minutes of April 30, 2002, Study Session
 - Minutes of May 1, 2002, Regular Board meeting

WARRANTS MAY 15, 2002



HAND WRITTEN CHECKS

18527	04/29/02	POSTMASTER	702.73
18528	05/02/02	CAJAS & FEATHERSTON	2150.00
18529	05/06/02	POSTMASTER	68.14

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
6898	05/01/02	BIA01	BLAIR, ROBERT L	100.00	.00	100.00	A20430	STUDY SESSION 4/30/02
6899	05/01/02	MOB01	MOBRAATEN, RICHARD	100.00	.00	100.00	A20430	STUDY SESSION 4/30/02
6900	05/01/02	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	A20430	STUDY SESSION 4/30/02
6901	05/01/02	WIN01	WINN, MICHAEL	100.00	.00	100.00	A20430	STUDY SESSION 4/30/02
6902	05/01/02	WIR02	WIRSING, JUDY	100.00	.00	100.00	A20430	STUDY SESSION 4/30/02
6903	05/10/02	EMP01	EMPLOYMENT DEVELOP DEPT	344.22	.00	344.22	A20506	STATE INCOME TAX
6904	05/10/02	MID01	MIDSTATE BANK-PR TAX DEP	1464.39	.00	1464.39	A20506	FEDERAL INCOME TAX
				387.14	.00	387.14	1A20506	MEDICARE (FICA)
			Check Total.....:	1851.53	.00	1851.53		
6905	05/10/02	MID02	MIDSTATE BANK - DIRECT DP	11668.01	.00	11668.01	A20506	NET PAY DEDUCTION
6906	05/10/02	PER01	PERS RETIREMENT	950.89	.00	950.89	A20506	PERS PAYROLL REMITTANCE
6907	05/10/02	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A20506	WAGE ASSIGNMENT
6908	05/10/02	STA01	STATE STREET GLOBAL	935.00	.00	935.00	A20506	DEFERRED COMP
6909	05/15/02	ADV01	ADVANTAGE ANSWERING PLUS	79.95	.00	79.95	43930	ANSWERING SERVICE
6910	05/15/02	BCS01	BASIC CHEMICAL SOLUTIONS	846.28	.00	846.28	49550	SODIUM HYPO
				363.40	.00	363.40	49555	SOD HYPOCHLORITE
			Check Total.....:	1209.68	.00	1209.68		
6911	05/15/02	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	051502	REG MEETING 051502
6912	05/15/02	CHA02	CHARTER COMMUNICATIONS	54.90	.00	54.90	042302	INTERNET
6913	05/15/02	COU01	COURIER SYSTEMS	70.00	.00	70.00	043002	LAB
6914	05/15/02	CRE01	CREEK ENVIRONMENTAL LABS	30.00	.00	30.00	J1563	BL WWTP LAB
				50.00	.00	50.00	J1564	WELL BAC T SAMPLES
				30.00	.00	30.00	J1592	BL WWTP LAB
				25.00	.00	25.00	J1655	EWING WATER LAB
			Check Total.....:	135.00	.00	135.00		
6915	05/15/02	CUL02	CULLIGAN WATER CONDITION	10.60	.00	10.60	35780	DELIVERY
6916	05/15/02	DEW01	J B DEWAR INC	344.26	.00	344.26	726587	OIL FOR SUNDALE WELL
6917	05/15/02	DWI01	DWIGHT'S AUTOMOTIVE	107.80	.00	107.80	12367	BRAKES FOR 94 FORD
				10.00	.00	10.00	12536	CHANGE TIRE 94 FORD
			Check Total.....:	117.80	.00	117.80		
6918	05/15/02	ELE01	ELECTRONIC PARTS SUPERMAT	81.78	.00	81.78	17094	POWER SUPPLY FOR COMPUTER
6919	05/15/02	FGL01	FGL ENVIRONMENTAL	44.80	.00	44.80	203382	NIPOMO WWTP LAB
				254.40	.00	254.40	203383	BL WWTP LAB
				25.00	.00	25.00	203384	VIA CONCHA WELL LAB
				25.00	.00	25.00	203385	OMIYA WELL LAB
				5.72	.00	5.72	APR0074	LAB
			Check Total.....:	354.92	.00	354.92		

WARRANTS MAY 15, 2002

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
6920	05/15/02	GAR01	GARING TAYLOR & ASSOC	147.00	.00	147.00	2645	GENERAL DISTRICT ENGINEER
				855.99	.00	855.99	2646	TEFFT ST WATER LINE EXTRA
				6630.00	.00	6630.00	2647	TEFFT ST WATER LINE UPGRA
			Check Total.....:	7632.99	.00	7632.99		
6921	05/15/02	GIL01	GLM	90.00	.00	90.00	042902	BL LANDSCAPE
				260.00	.00	260.00	04290202	OFFICE BLDG LANDSCAPE
			Check Total.....:	350.00	.00	350.00		
6922	05/15/02	KIN01	KINKO'S	374.76	.00	374.76	227876	MAILING FLIERS
				102.28	.00	102.28	227927	MAILING FLIERS - BL
				24.88	.00	24.88	228819	COPIES
			Check Total.....:	501.92	.00	501.92		
6923	05/15/02	MIS01	MISSION UNIFORM SERVICE	210.26	.00	210.26	82967-04	UNIFORM SERVICE
6924	05/15/02	MOB01	MOBRAATEN, RICHARD	50.00	.00	50.00	051002	SUB COMM - PERSONNEL
				100.00	.00	100.00	051502	REG MEETING 051502
			Check Total.....:	150.00	.00	150.00		
6925	05/15/02	NIP01	NIPOMO ACE HARDWARE INC	124.29	.00	124.29	298416	MISC SUPPLIES
6926	05/15/02	NIP02	NIPOMO GARBAGE	14.55	.00	14.55	1802-0502	TRASH COLLECTION - OFFICE
6927	05/15/02	NIP06	NIPOMO AUTO PARTS	18.81	.00	18.81	208229	MISC SUPP
6928	05/15/02	PAC01	PACBELL/WORLDCOM	31.24	.00	31.24	T0330845	PHONE 9290161
				56.52	.00	56.52	T0330847	PHONE 9291133
				39.18	.00	39.18	T0330848	PHONE 9291341
			Check Total.....:	126.94	.00	126.94		
6929	05/15/02	PGE01	P G & E	31438.62	.00	31438.62	13919-042	ELECTRICITY
				24.57	.00	24.57	CBX403350	HONEY GROVE ELEC CBX 40
			Check Total.....:	31463.19	.00	31463.19		
6930	05/15/02	REE01	REEDER, GILMAN & ASSOC.	1000.00	.00	1000.00	6341	APPRAISAL WATERLINE-DANA
6931	05/15/02	SAI01	SAIC	6435.41	.00	6435.41	399438	LITIGATION ON SMY GROUNDW
6932	05/15/02	SCH01	SCHENBERGER, TAYLOR,	1000.00	.00	1000.00	A20510	APPRAISAL REVIEW-PARK EAS
6933	05/15/02	SHI01	SHIPSEY & SEITZ, INC	9520.53	.00	9520.53	113M-0402	LEGAL COUNSEL
6934	05/15/02	SLO01	SAN LUIS OBISPO COUNTY	40.00	.00	40.00	050602	PLANNING COMMISSION AGEND
6935	05/15/02	STA04	STATE DEPT OF HEALTH SERV	648.75	.00	648.75	0210536	WATER SYSTEM FEE 401001E
6936	05/15/02	STA05	STATE WATER RESOURCES CB	42180.25	.00	42180.25	8-8195501	SRF LOAN REPAYMENT-PHASE
6937	05/15/02	THE01	THE GAS COMPANY	4090.14	.00	4090.14	5712-0402	SUNDALE GAS
6938	05/15/02	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	051502	REG MEETING
6939	05/15/02	USA01	USA BLUEBOOK	278.06	.00	278.06	538838	VALVES
6940	05/15/02	VER01	VERIZON	29.21	.00	29.21	343239704	BL PHONE
				28.68	.00	28.68	343606104	BL PHONE
			Check Total.....:	57.89	.00	57.89		
6941	05/15/02	WIN01	WINN, MICHAEL	50.00	.00	50.00	051002	SUB COMM - PERSONNEL
				100.00	.00	100.00	051502	REG MEETING 051502
			Check Total.....:	150.00	.00	150.00		
6942	05/15/02	WIR02	WIRSING, JUDY	100.00	.00	100.00	051502	REGMEETING 051502
6943	05/15/02	XER01	XEROX CORPORATION	80.17	.00	80.17	88575206	MAINT AGREEMENT
				82.58	.00	82.58	180044733	STAPLES FOR COPIER

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

APRIL 17, 2002

MAY 16 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, outside District 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 clear direction concerning the Craig proposed annexation.

Legal Counsel Jon Seitz reminded the Board that previously tentatively gave approval for the Craig annexation.

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 applications, even though the water supply may link them to a common well.

- 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 NCSD 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.

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

NIPOMO COMMUNITY SERVICES DISTRICT

52
MAY 15 2002

MINUTES SPECIAL MEETING

APRIL 30, 2002 TUESDAY 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, SECRETARY TO THE BOARD
JON SEITZ, GENERAL COUNSEL

ROLL CALL

President Mobraaten called the meeting to order at 9:05 a.m. and led the flag salute.
At Roll Call, all Board members were present.

Public Comment on Agenda Items

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

There was no public comment.

ADMINISTRATIVE ITEM

REVIEW DRAFT BUDGET FOR FISCAL YEAR 2002-2003

The Board reviewed the proposed budget for Fiscal Year 2002-2003.
No action was taken.

ADJOURN

President Mobraaten adjourned the meeting at 11:34 a.m.

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

MINUTES SUBJECT TO BOARD APPROVAL

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

13

MAY 15 2002

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

President Mobraaten called the meeting to order at 9:03 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.

There was no public comment.

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

President Mobraaten opened the Public Hearing. Director Blair excused himself for this item. He owns property in the subject area.

The Department of Health Services (DHS) and NCS D and have settled the suit regarding the citation issued to the District in July of 1999. They agreed upon the two possible alternatives below.

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

The following members of the public spoke:

Residents from inside the District against the proposed alternative #1

<u>Bob Blair</u>	<u>Dan Simmons</u>	<u>Jeannine Della-Grace</u>
<u>Jack Carson</u>	<u>Beverly Freeman</u>	<u>Lee Garafolio</u>
<u>Mary Hodges</u>	<u>Karen Carson</u>	<u>Ed Levy</u>
<u>Modesto Gonzales</u>	<u>Gene Kaye</u>	<u>Mona Simmons</u>

Glen Hille, Boyle Engineering representative – explained the design of the proposed new booster system.

Jim Garing of Garing, Taylor & Associates – explained that the Hetrick tank site was chosen before the design of the Summit Station area water system. He also explained the original and completed designs of the water system.

No action was taken on this item.

Break at 10:13 a.m.

The meeting reconvened at 10:19 a.m.

Director Blair took his seat on the Board again.

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewWipTax.com

D-2) ORDINANCE ESTABLISHING SOLID WASTE RATES

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

Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously agreed to have the ordinance read in title only.

There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved the first reading of Ordinance 2002-93, adopting fees for solid waste service. Vote 5-0

ORDINANCE 2002-93
AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FEES AND CHARGES FOR SOLID WASTE SERVICE

It will be brought back to the next meeting for the second reading and possible adoption.

D-3) WATER LINE EASEMENT – DANA SCHOOL PROPERTY

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

The Board discussed the possibility of exchanging the District's annexation fees for the easement across the Dana School property for the Tefft Street Water Line.

There was no public comment.

Mike Sears of the Lucia Mar Unified School District - agrees with the conceptual exchange of easement and annexation fees.

Upon motion of Director Wirsing and seconded by Director Winn, the Board unanimously agreed to 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.

D-4) ACCEPTING MONTECITO VERDE II SEWER LINE EASEMENT

Accepting a sewer line easement across the Cajas property

The plans for the proposed connection of the Montecito Verde II sewer system to the District's area-wide sewer indicated a need for an easement across private property. The value, established as \$2,150, was offered to and agreed upon by the owners.

There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously approved the sewer line easement across the Cajas property, approved Resolution 2002-814 accepting the easement and compensating the property owner \$2,150.00 for said easement, and directed the General Manager to execute the agreement. Vote 5-0

RESOLUTION NO. 2002-814
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING AN EASEMENT FOR SEWER PURPOSES;
CAJAS APN 092-311-001

E. OTHER BUSINESS

E-1) TEFFT STREET WATER LINE PROJECT

Awarding of bid to construct the Tefft Street Water Line Project

This item was tabled until a future meeting.

E-2) CSDA-SLO LAFCO REPRESENTATIVE

Consideration of appointment of Special District Representative to the LAFCO Commission

After some discussion, the consensus of the Board was to support Barbara Mann and Campbell for voting by President Mobraaten.

There was no public comment.

- E-3) CALIFORNIA PUBLIC RETIREMENT SYSTEM CONTRACT AMENDMENT
Resolution of Intention to amend contract with PERS for 3% at 60 formula

The Board discussed the possibility of amending the contract with PERS to provide a 3% @ 60 formula for retirement benefits.

There was no public comment.

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved the Resolution of Intention with PERS. Vote 5-0

**RESOLUTION 2002-815
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**

- 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

Director Trotter left the meeting.

Director Winn asked to pull the Minutes of the April 17, 2002, for the secretary to listen to the tape for further comment about Item D-2

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Items F-1 and F-3 and Minutes of April 3, 2002, on F-2. Vote 4-0

G. **MANAGER'S REPORT**

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

H. **COMMITTEE REPORTS**

Director Winn - Water Forum, May 20, with Christine Ferrara & John Hand
WRAC May 1, at 1³⁰ p.m.

I. **DIRECTORS COMMENTS**

Director Blair – Nipomo Transit, and feels APCD should downsize
Director Wirsing asked if the Summit Station meeting would be held at night. The answer – probably not. But the ballots for the straw vote will be sent and then it will be determined about day or nighttime meeting.

CLOSED SESSION

Mike Seitz, District Legal Counsel announced there was no need to have a Closed Session.

ADJOURN

President Mobraaten adjourned the meeting at 11:09 a.m.

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

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: MAY 15, 2002

INDEXED
MAY 15 2002



MANAGER'S REPORT

- CSDA Legislative update
(Attached)

Board 2002\mgr 051502.DOC

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION LEGISLATIVE UPDATE – May 3, 2002

This update is four pages.

BUDGET GROWS WORSE--SO DO RUMORS

As we approach May 14, the anticipated date the Davis Administration will release the May Revision, rumors abound relative to both the size of the state budget deficit and how the Davis Administration expects to address the crisis. While the last "official" estimate remains at \$17.5 billion, most fiscal experts believe the deficit is at \$20 billion and growing.

Rumors around the Capitol hint that "it will be a blood bath and no program will escape significant cuts." These same rumors indicate that local governments will be "hit hard," but details are hard to come by. Repeal of the multi-county special district exemption from ERAF continues to surface, although none of the budget subcommittees to date have voted on the issue. Additionally, some are suggesting that enterprise special districts with property tax revenues "won't be happy with the May Revision."

Finally, most close to the state budget crisis predict that once the May Revision is released, those programs slated for cuts and/or fund transfers, are, for the most part, "a done deal." If you haven't visited or communicated with your legislators recently relative to the impact the additional loss of property tax revenues would mean to your district, now would be a good time to do so.

TWO STEPS FORWARD--ONE GIANT STEP BACKWARDS

Senate Bill 1586 by Senator Haynes was passed by the Senate Local Government Committee on Wednesday. CSDA opposes SB 1586, relating to current law that allows special districts to stop a proposed annexation by submitting a resolution to LAFCO before the LAFCO decides on the proposed annexation. The current law requires LAFCO to halt the annexation proceeding upon the receipt of a district's resolution and, as introduced, SB 1586 proposed to make this mandatory action permissive.

Senator Haynes and the sponsors of SB 1586, the California Building Industry Association, agreed to amendments that strike the permissive language and return the process to mandatory. So far, so good.

While we are appreciative of the author and sponsor's willingness to accept the above-referenced amendment, the bill still **could** allow a LAFCO, in a city detachment proceeding, to require a special district to provide what are deemed to be necessary services without those special district service providers' ability to comment thereto. This provision remains unacceptable and for that reason CSDA and others continue to oppose SB 1586.

BOND MEASURES FACE UNCERTAIN FUTURE

There are currently scores of general obligation and revenue bond measure pending before the Legislature, ranging from water to public safety. CSDA continues to support all of the relevant bond measures, but we sense that the Davis Administration would prefer only the school construction and housing bonds to appear on the November 2002 ballot. We should know in the next few weeks if any of the bond measures will advance toward the November ballot.

IMPORTANT NOTICE – LOCAL COALITION

Outreach efforts by the Leave Our Community Assets Local (LOCAL) Coalition continue to advance. LOCAL has united around the growing imperative to protect our local services by protecting local government revenues. The LOCAL Coalition will be actively involved in this year's budget process to ensure that funding for essential services is not compromised. With the state budget projections continuing to worsen, it is vital that local government representatives engage in all activities that give us an opportunity to put a "face to local services."

If you have not already registered for the Coalition's upcoming Legislative Action Days being held in Sacramento on May 15-16, 2002 - a registration form is attached. There is NO COST to attend this event. The Coalition is hoping to have over 750 local government representatives and supporters in attendance, and it is essential that independent special districts are there in force. In addition, we have included a Coalition support form for your district to consider.

If you want additional information on the Coalition, visit their website at www.calocal.org.

YOUR INVOLVEMENT IN THESE EFFORTS IS ONE MORE WAY TO SPEAK UP FOR THE CONSTITUENTS YOU SERVE!

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

CSDA...keeping special districts informed!

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