

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

JUNE 5, 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** NEXT RESOLUTION 2002-817
- B. ROLL CALL** NEXT ORDINANCE 2002-94
- 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) NIPOMO DRAINAGE & FLOOD CONTROL STUDY – Dean Benedix (Co. Pub. Works Dept)
Review scope and Schedule of the Flood Control Study
- D-2) REVIEW COMPLIANCE TO REGIONAL WATER QUALITY CONTROL BOARD SEWER HOOKUPS
Review existing inventory of residential on-site systems not connected to the sewer system
- D-3) PUBLIC HEARING APPROVING THE DISTRICT BUDGET FOR FISCAL YEAR 2002-2003
Resolution adopting the District's FY 2002-03 Budget
Resolution adopting appropriation limitation
- D-4) PUBLIC HEARING - ESTABLISHING BLACK LAKE STREET LIGHTING CHARGES
Set Black Lake Street Lighting charges for FY 2002-03
- E. OTHER BUSINESS**
- E-1) CALIFORNIA PUBLIC RETIREMENT SYSTEM CONTRACT AMENDMENT
Approval of a contract amendment with PERS to provide a 3% @ 60 formula
- E-2) TEFFT STREET WATER LINE PROJECT
Award bid to construct the Tefft St. Water Line – Pomeroy to Thompson Streets
- 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 May 15, 2002, Regular Board meeting
- F-3) VARIANCE APPLICATION FEE [RECOMMEND APPROVAL]
Resolution establishing a variance application fee
- F-4) ELECTIVE OFFICES TO BE FILLED - NOTICE TO COUNTY CLERK
Three seats on NCSD Board of Directors to be filled by election
- G. MANAGER'S REPORT**
G-1 Legislative Updates
- 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
D. PUBLIC EMPLOYEE ANNUAL EVALUATION – GEN. MGR. GC§54957

ADJOURN

The next regular Board Meeting will be held on June 19, 2002, at 9:00 a.m.

Copy of document found at www.NoNewWipTax.com

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: JUNE 5, 2002



NIPOMO DRAINAGE AND FLOOD CONTROL STUDY

ITEM

Review the Scope and Schedule of the Nipomo Drainage and Flood Control Study to be performed by the consulting firm of Raines, Melton & Carella (RNC).

BACKGROUND

Last spring, the old town area of Nipomo experienced some flood damage. The County of San Luis Obispo Flood Control Water Conservation District, in response to County problems, has contracted with RNC to perform six community drainage and flood control studies. These communities include Cambria, Cayucos, Nipomo, Oceano, Santa Margarita, and San Miguel. Mr. Dean Benedix, Project Engineer for the County Public Works Department, will be in attendance to review the project and schedule for your Honorable Board.

Attached is correspondence received from the County, along with a request for proposal for preparation of the six community drainage and flood control studies.

RECOMMENDATION

This is an information item for your Honorable Board. No action is contemplated.



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

May 14, 2002

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

Subject: Engineering Planning Studies for the Preparation of Six Community Drainage and Flood Studies

Dear Mr. Jones:

Thank you for your inquiry regarding the subject studies. The County Board of Supervisors on April 9, 2002 approved a consultant agreement for the preparation of an engineering planning study for your community as one of six separate community areas to be studied under this contract. Attached is a copy of our Department's staff report dated April 9, 2002 to the Board summarizing the project essential elements. The Board approved retaining the professional engineering services firm of Raines, Melton and Carella (RMC) to perform community outreach, engineering and planning services, and preliminary environmental review for this work. The Board of Supervisors also designated the Nipomo Community Advisory Committee as the official lead agency for your community's review, evaluation and recommendation to the Board on issues relative to the final drainage and flood control Engineering Planning Study for your Community.

The scope of the project includes the following steps:

1. Meet with NCAC to introduce the project, the County project staff and consultant (RMC) staff, discuss the project scope and scheduling, and coordinate approach to receive community public input.
2. Hold public community meetings to solicit information on storm water runoff and flooding problems and issues.
3. Evaluate alternatives and environmental issues and prepare conceptual solutions for the identified problems.
4. Prepare conceptual cost estimates for problem mitigation/construction.
5. Prepare a preliminary report summarizing the problems, presenting recommended solutions and associated costs, prioritizing projects and presenting funding alternatives for resolving the identified problems. The preliminary report will be submitted to your agency and made available to the public for review and recommendation prior to finalizing and submitting to the Board of Supervisors for review and acceptance.



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

TO: Board of Supervisors of San Luis Obispo County and the San Luis Obispo County Flood Control and Water Conservation District

FROM: Dean Benedix, Project Civil Engineer

VIA: Glen L. Priddy, Deputy Director of Public Works - Engineering Services

DATE: April 9, 2002

SUBJECT: Approval of an Agreement for Engineering Consulting Services for Preparation of Six Community Drainage and Flood Control Studies, San Luis Obispo County Flood Control and Water Conservation District (SLOCFC&WCD) Budget Unit 0643

Recommendation

It is our recommendation that your Honorable Board:

1. Approve an Agreement for Engineering Consulting Services with Raines, Melton & Carella, Inc. (RMC), of Lafayette, California for the Preparation of Six Community Drainage and Flood Control Studies for the communities of Cambria, Cayucos, Nipomo, Oceano, Santa Margarita and San Miguel.
2. Officially recognize and designate the following community groups as the lead agencies for community review, evaluation and recommendations of their local study:

Cambria North Coast Advisory Council
Cayucos Citizens Advisory Council
Nipomo Advisory Committee
Oceano Community Services District
Santa Margarita County Service Area No. 23 Advisory Group
San Miguel Community Services District

Discussion

The six communities to be addressed in this budgeted flood control and drainage study are Cambria, Cayucos, Nipomo, Oceano, Santa Margarita and San Miguel. These communities have a history of drainage problems which need to be formally identified and evaluated. The product of this work will be six individual community drainage and flood control studies which will identify and prioritize drainage concerns, determine and document alternative solutions and environmental impacts, propose recommended projects with estimated costs to mitigate the problems, and provide alternative implementation and funding scenarios.

County Counsel has reviewed and approved the attached Agreement.

Financial Considerations

The SLOCFC&WCD fiscal year 2001-2002 general budget included approval of \$795,000 for the preparation of drainage and flood control for six county communities.

The following table shows the anticipated estimated use of the \$795,000:

Anticipated Expenditure	Amount	
Consultant project management, research, coordination, funding assistance review	95,260	
Cambria Drainage Study	74,700	
Cayucos Drainage Study	65,940	
Nipomo Drainage Study	90,070	
Oceano Drainage Study	68,700	
Santa Margarita Drainage Study	83,600	
San Miguel Drainage Study	57,520	
Optional Services: Review County Technical Standards, Evaluate Selected development, Web Page, Additional Community Outreach, Technical and Environmental Analysis	91,008	
Additional Special Services	40,000	
Maximum Agreement Total		666,798 ←
County Field Survey	10,000	
Staff Coordination & Administration	80,202	
Contingency	38,000	
Total Staff Administration, Survey & Contingency Total		128,202
Project Total		\$795,000

Consulting Engineers considering this request for proposal must understand that San Luis Obispo County Flood Control & Water Conservation District is seeking six (6) separate reports, all of which can be completed under one or more consulting contracts. In other words, one, stand-alone report is to be prepared for each of the communities listed. One or more reports may be prepared by one consultant, or the County may select several consultants to prepare reports for one or more communities. It is the intent of the District to have each report completed in a format that is identical in structure and presentation. Proposing consultants should be aware that the work effort, and therefore the final report, for each different community may be very dissimilar. The consultant's attention to and understanding of this matter is critical in meeting the District's individual community goals.

The Drainage and Flood Control Studies will address the following issues for each of the six communities:

- Identify those areas experiencing flooding for each community and define existing drainage problems (including, but not limited to, bridge crossings, culverts, collection systems, driveways, or terrain, etc.) causing the problems,
- Review existing hydrology for each community and develop design flow criteria for the creek drainage collection and/or flood conveyance systems,
- Develop alternatives that protect against drainage and flooding problems identified,
- Prepare preliminary environmental analyses of proposed alternatives and identify potential permitting constraints,
- Develop planning level cost estimates of alternatives,
- Prepare implementation plans and schedules for recommended alternatives,
- Develop an outline of financing/funding options for each community required to implement the recommended drainage and/or flood protection alternatives and include typical per parcel cost impacts.

BACKGROUND

The communities of Cambria, Cayucos, Nipomo, Oceano, San Miguel, and Santa Margarita have experienced varying levels of drainage and flood related problems. As a result, the County Board of Supervisors approved funding, for 2001/2002 fiscal year, for the development of drainage and flood control studies that quantify the extent of drainage and flooding problems of each of these communities, and identifies feasibility level solutions and cost estimates to mitigate those problems.

It is anticipated that a majority of the information for the studies will be gathered through discussions with County staff, community representatives, property owners, and review of design documents and records of existing flood control facilities and historic problems.

Generally, the six communities can be characterized as development resulting from antiquated subdivision of property. For the most part, the parcels in these communities were established without the benefit of necessary infrastructure to support their needs. This included water, wastewater, roads, and flood control. The issue to be addressed in this work is the inadequacy of drainage improvements and the potential solutions to correct those problems.

Attached in the Appendix is a location map of the six communities to be studied and a detail map

COUNTY OF SAN LUIS OBISPO RFP PS-738 November 1, 2001, PAGE 7
ENGINEERING PLANNING SERVICES FOR THE PREPARATION OF COMMUNITY
DRAINAGE AND FLOOD CONTROL STUDIES

Santa Margarita

The community of Santa Margarita is located approximately 11 miles north of the City of San Luis Obispo, just east of Highway 101. Yerba Buena creek frequently floods during the rainy season, causing damage to local residents and businesses. The flooding problem in Santa Margarita is caused by an extremely flat gradients and hydraulic constrictions in the creek. In January 2001, approximately 3 inches of rain fell in Santa Margarita, causing significant local flooding.

AVAILABLE BACKGROUND MATERIALS

The following project documents are available for review by proposing consultants at the County offices:

- San Luis Obispo County General Plan, and area Specific Plans
- San Luis Obispo County Flood Protection and Drainage Policies, Programs, Permitting and Funding,
- Map of the various County flood control zones,
- Route 101 Corridor Study (1988),
- "Santa Margarita Ranch, Environmental Constraints Analysis," prepared for County of San Luis Obispo, Department of Planning and Building, Division of Environmental Review, prepared by Envicom Corporation, March 1994,
- "Flood Control and Drainage Investigation," Schaaf and Wheeler, 1987,
- County hydrologic data,
- Draft Environmental Impact Report (EIR) for the Estero Area Plan (includes Los Osos, Cayucos, Morro Bay and Rural Estero Areas) prepared in year 2000.

PROJECT ORGANIZATION

The engineering consultant will be responsible for the complete development of the drainage and flood control studies and preparation of an implementation plan that outlines future phases of the projects, including engineering design, CEQA documentation and resource permit preparation, cost estimating and public information. The consultants will be required to work closely and collaboratively with the individual community representatives, property owners and County staff as a project team in identifying problems and developing potential solutions.

SCOPE OF WORK

In general, the Drainage and Flood Control Studies to be prepared for each of the communities shall include the following:

- Define the existing conditions as they relate to drainage and flood control for each community.
- Gather existing available hydrologic and drainage and flood control facilities information.
- Meet with community representatives, property owners and County personnel to discuss problems and concerns.
- Develop feasibility-level drainage and/or flood control alternatives to mitigate identified and prioritized problems.
- Perform preliminary environmental feasibility analysis of proposed alternatives.
- Prepare feasibility-level cost estimates for each alternative.

Task 4 – Prepare Engineering Alternatives Analysis

Prepare an engineering analysis of proposed drainage and/or flood control mitigation improvements for review by each project community. The engineering alternatives analyses shall include:

- Description of the source, cause, impact, outlet and potential resolutions to existing drainage and flooding problems.
- Development of potential mitigation improvements and facility alternatives including preliminary engineering sketches of proposed alternatives required to mitigate drainage and flooding problems.
- Development of planning level construction cost estimates and implementation schedule for the alternative projects, and development of estimated costs for annual operation and maintenance of alternative projects.
- Discussion of benefits, costs, priorities and implementation issues associated with each alternative, and recommendation of preferred improvements.

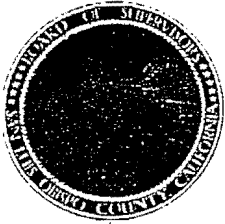
Acquire County approval of the “Task 4” work product prior to proceeding with Task 6.

Task 5 – Conduct Preliminary Environmental Feasibility Analysis

Perform a preliminary environmental feasibility analysis of proposed drainage and/or flood control mitigation improvements for review by each community. The preliminary environmental feasibility analysis shall include the following:

- Based on the alternatives developed in Task 4, prepare an environmental feasibility analysis of the proposed mitigation alternatives to determine the potential environmental impacts or environmental fatal flaws associated with proposed projects and outline probable mitigation measures.
- Identify applicable environmental regulatory requirements of jurisdictional agencies including: San Luis Obispo County Flood Control and Water Conservation District, California Health Department, California Department of Fish and Game, Caltrans, California Coastal Commission, Cal OSHA, U.S. Army Corps of Engineers, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, EPA, USDA, Natural Resources Conservation Service.
- Outline all identified regulatory permitting requirements and the critical path in obtaining final approval and permit issuance.

Acquire County approval of the “Task 5” work product prior to proceeding with Task 6.

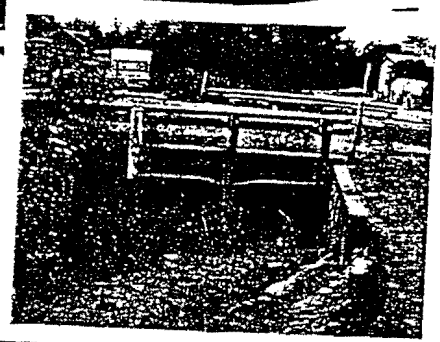
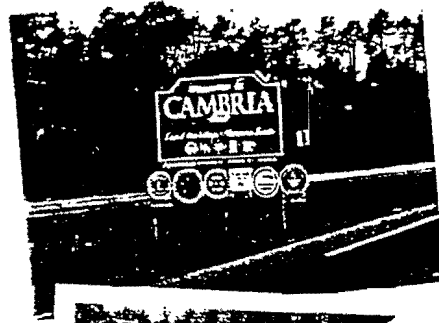


COUNTY OF SAN LUIS OBISPO

Proposal to Provide
Engineering Planning Services
for the
Preparation of
Six Community Drainage
and Flood Control Studies
RFP #PS-738

November 2001

Raines, Melton & Carella, Inc.
in association with
Questa Engineering Corporation and
Essex Environmental



Issues Relevant to Each Respective Community

It is understood that the problems and solutions associated with flooding in each community are unique, and that the level of effort required to address each community's issues will be different. However, the systematic approach to be utilized in addressing each community's problems will be similar. Shown below is a diagram of the overall approach to be taken for completion of the Drainage and Flood Control Studies for each community. The objective of this approach is to answer for each community the following questions:

- How big is the flooding and drainage problem?
- To what level would the community like flood protection?
- What is/are the best alternatives to mitigate the problem? and
- How much will it cost to fix and how will it be paid for?

How big is the flooding and drainage problem?

The RMC Team will work with the communities to gain local knowledge on current flood and drainage problems. We will use workshop settings, one-on-one sessions and regularly scheduled community and/or Advisory Committee meetings to gather information and present findings. This will ensure that the communities are fully engaged, that we are gathering valuable local knowledge and that we are responding directly to their concerns.

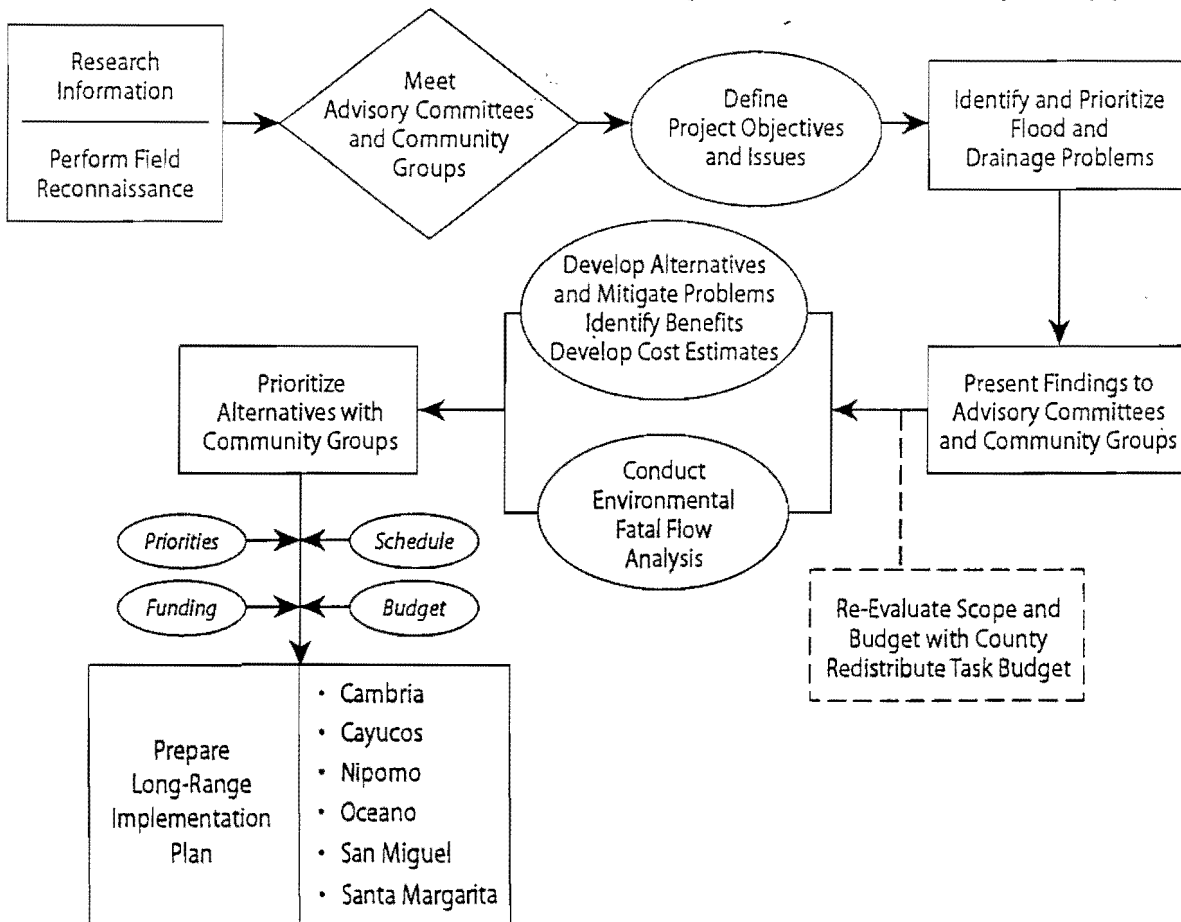
Specifically, we will seek to gain knowledge on the following technical questions: Where are the localized drainage problems? Has rainfall runoff increased with increasing development? Have erosion and sedimentation in the channels affected flooding? Have detention basins reduced or mitigated the degree of flooding? How will future conditions change the degree of flooding?

To what level would the community like flood protection?

Using the public workshop forums, the RMC Team will work with the communities to establish who and how the projects will be controlled. Do the communities want local control of flood projects? Do the communities want to provide 100-year level of flood protection to eliminate the need to pay flood insurance, or would they prefer to implement smaller projects to mitigate against nuisance flooding? Should the long-range plan start with smaller projects and expand as successful projects proceed?

What is/are the best alternatives to mitigate the problem?

The RMC Team is familiar with the engineering (hydrology), environmental and regulatory procedures required to plan, formulate, design and permit a flood protection project. Engineering and environmental/regulatory issues must be addressed in parallel to ensure that the proposed project alternatives minimize environmental impacts and are implementable. We will identify the key planning



capital project. In addition, centralizing information about other projects may provide an opportunity for combining projects to provide multiple benefits at a lesser cost.

Coordination of Funding and Budgets

The County is restricted in the way it can fund needed projects or increase revenues for existing operations. The County uses its general funding to help local areas

Issues Relevant to the County for Implementation of Projects

Finally, there are a number of issues that are relevant to the County Public Works Department for its implementation of multi-jurisdictional projects. These issues include:

- Coordination with other County projects,
- Coordination of funding and budgets, and
- Project management

Coordination with other County projects

Drainage and Flood Control Studies are only one of many simultaneous public works issues being dealt with between the County and the various communities. Other County activities taking place include:

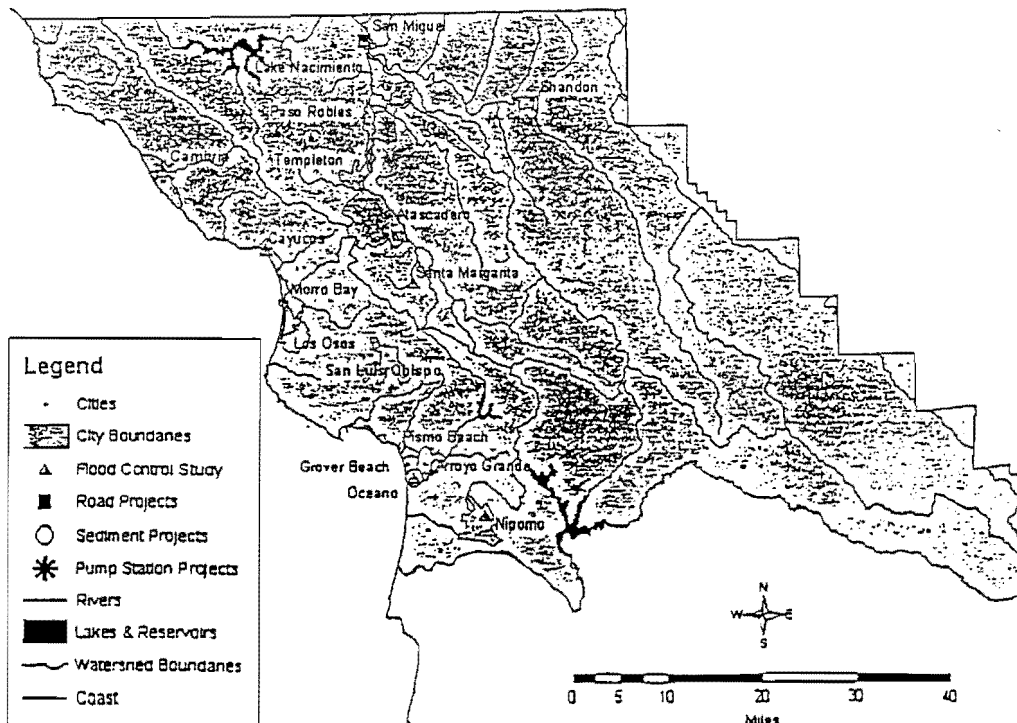
- Road and drainage projects
- Channel maintenance projects
- NPDES Phase II permitting
- Watershed mapping

As a result, we would propose that as an optional task, the County consider managing all of the information associated with these intermingled topics into a GIS data base that shows the overlap of information. It may be helpful to consider when making decisions about the timing and elements of a

implement recommended solutions, however, the specific property owners that benefit from these solutions must agree to pay for the construction and future maintenance of them.

In order to collect money from the benefiting property owners, the County as the Flood Control District has the authority to form Zones of Benefit to implement and operate flood and drainage facilities. Each Zone must have its own funding source, which include a County-managed budgeting process and potentially outside funding sources. Potential outside funding sources were identified previously under Issues Common to all Communities.

Current and Proposed Projects in San Luis Obispo County



TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 DATE: JUNE 5, 2002

AGENDA ITEM (02)
 JUN 5 2002

REVIEW COMPLIANCE TO
 REGIONAL WATER QUALITY CONTROL BOARD SEWER HOOKUPS

ITEM

Review existing inventory of on-site septic systems not connected to the area-wide sewer system within the Prohibition Zone.

BACKGROUND

In the mid 1980's, the District initiated an area-wide sewer collector system, financed through federal and state funding, to resolve a health problem caused by failing septic tank systems in the community. The Regional Water Quality Control Board established a Prohibition Zone in the urbanized area of the community for sewer service. The Nipomo Sewer Project was a volunteer program where property owners wishing to connect to the proposed sewer paid for the initial study and design within the Prohibition Zone as follows:

Sept. 1982	Step 1 - Planning	Volunteer fee - \$32/DUE	Pay by Nov. 1982
Sept. 1983	Step 2- Final Design	Volunteer fee - \$75/DUE	Pay by Oct. 1983
Sept. 1983	Reopened to Step 1 with 2 for additional volunteers	Volunteer fee - \$175/DUE	Pay by Oct. 1983

Original cost for volunteers for sewer service \$107/DUE (sewer laterals installed)
 Cost for secondary volunteers for sewer service \$175/DUE (sewer laterals installed)
 Cost for non-volunteers to connect to the sewer project \$3,500/DUE (customer to install sewer lateral)
 (Has been reduced to \$2,500)

An initial inventory was taken (early 1980's) to determine the number of on-site septic systems that were in use. The original grant provisions required all septic systems (within the Prohibition Zone) to be connected to the new sewer system at the end of the ten-year period to comply with the sewer grant program. There was some confusion of the actual numbers; therefore, a figure of 1000 hook-ups was accepted. At the end of the tenth year, the District performed an inventory, as required by the grant program. During the survey, some failing septic systems were found. SLO County enforced the hook-up of residences with failing systems. Once the connection count reached 1000, the District complied with the Grant Program and the audit of the sewer project was complete.

Last year the District received a letter from the Regional Water Quality Control Board requesting that all existing septic tank systems (within the Prohibition Zone with sewer available) be connected to the area-wide sewer collector system. A recent inventory of septic tank systems within Galaxy Park area and the District was completed with the help of County staff. See Table below.

PRE-1985 SEPTIC SYSTEMS, not connected to sewer system			
Original	Volunteers	Non-Volunteers	Total
NIPOMO	36	42	78
GALAXY	16	51	67

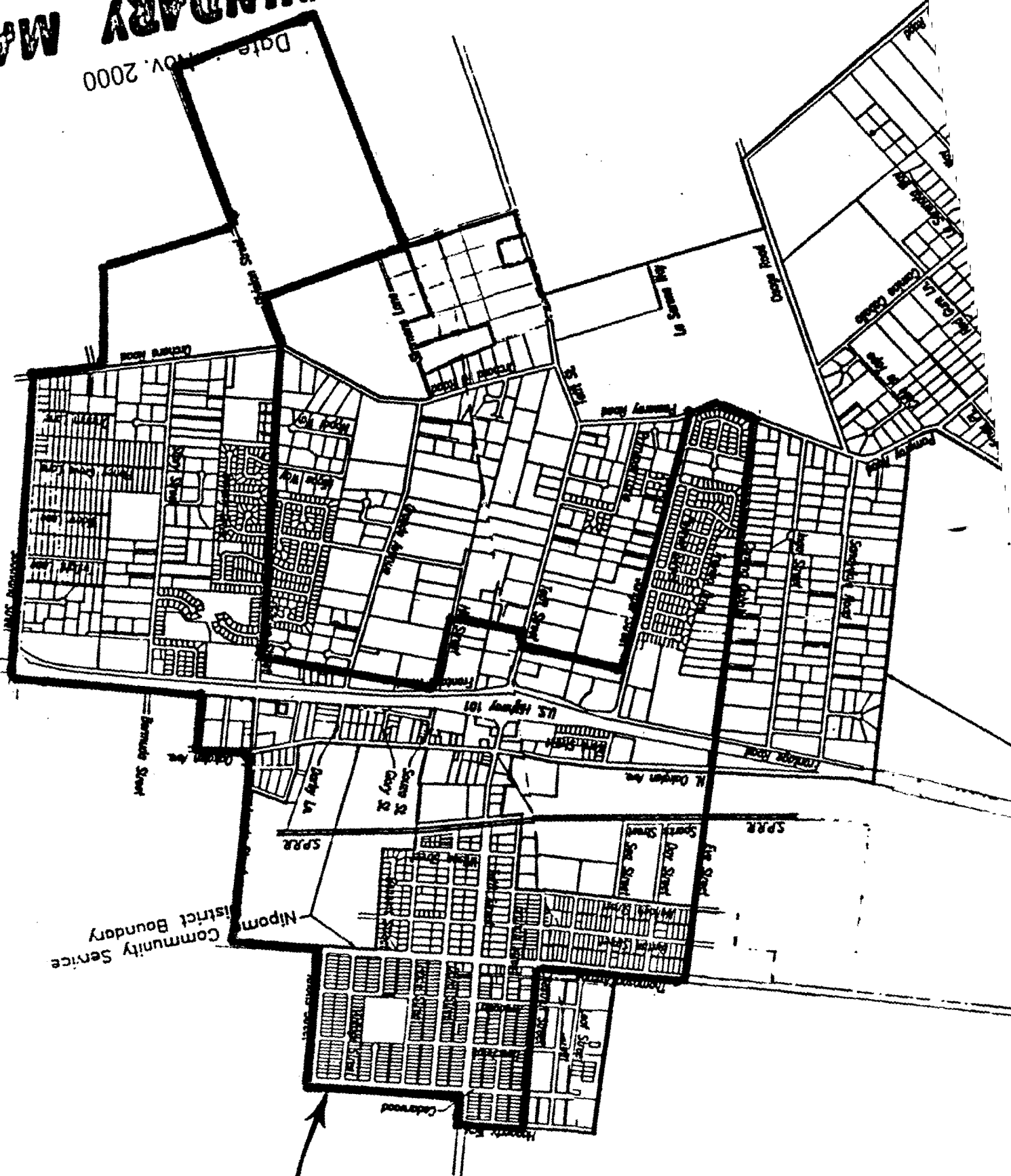
Since the District does not have police powers to enforce connection to the District's sewer system, the Regional Water Quality Control Board was contacted because they and the SLO County Health Department are the apparent enforcement agencies for this area. We are awaiting a response from the Regional Water Quality Control Board concerning their wish to proceed in connecting individual residences on septic systems to the District's collector system.

RECOMMENDATION

This is an information item for discussion.

BOUNDARY MAP NCSO

Date: NOV. 2000



PROHIBITION ZONE BOUNDARY



California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
81 Higuera Street, Suite 200, San Luis Obispo, California 93401-5411
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

May 23, 2001

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


Dear Mr. Jones:

HOOKUP TO NIPOMO COMMUNITY SERVICE DISTRICT WASTEWATER TREATMENT PLANT, SAN LUIS OBISPO COUNTY

As stated in your February 8, 2000 letter regarding Montecito Verde II, full hookup to the NCS D wastewater treatment plant was to be completed by December of 2000. Over the years, Regional Board staff has noted significant system deterioration and sent multiple notices to the district to make appropriate upgrades. In addition to Montecito Verde, there are also a significant number of properties east of Highway 101 in the downtown area that have still not connected to the wastewater treatment plant. It is our understanding that these are some of the same properties which incited health threats in the early 1970's, leading to the enactment of the current prohibition zone. It was this condition that provided funding for the treatment plant in the first place. Regardless of the condition of the onsite systems, the ten-year grace period for full hookup to NCS D has expired. It has now been fifteen years since the completion of the community wastewater treatment plant and to date, no confirmation of full hookup has been received for either of these areas by the Regional Board. Considering the District's strong opposition to new individual septic systems on small lots in the Nipomo area, it is surprising that a more proactive approach has not been taken in sewerage all properties within its immediate jurisdiction. Please submit to this office confirmation of complete system hookup (or a date specific schedule for its completion including maps of all remaining unsewered properties) by **July 30, 2001**.

This report is to be submitted pursuant to section 13267 of the California Water Code. Failure to submit the report could result in enforcement actions such as the administrative imposition of civil liabilities for up to one thousand dollars for each day beyond that which we do not receive the report.

Sincerely,

for: 
Roger W. Briggs
Executive Officer

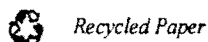
RECEIVED

MAY 25 2001


NIPOMO COMMUNITY
SERVICES DISTRICT

Sap: NCS D hookup request
Task: 121-01
File: NCS D

California Environmental Protection Agency



TO: BOARD OF DIRECTORS

FROM: DOUG JONES 

DATE: JUNE 5, 2002

2002-2003 FISCAL YEAR BUDGET

ITEM

Public Hearing and adoption of 2002-2003 Fiscal Year Budget

BACKGROUND

The Finance Committee reviewed the budget on March 28 and the Board of Directors held a Study Session on April 30, 2002. The recommendations from both meetings have been incorporated into the budget.

Below is a summary of the budget:

ITEM	TOTAL-COMBINED ALL FUNDS
Budgeted Revenues	\$3,672,389
Budgeted Expenditures	(3,061,810)
Net Surplus or (Deficit)	\$ 610,579
Account Balance 7/1/02 (Est)	\$3,824,000
Account Balance 6/30/03 (Est)	\$4,434,759

The budget reflects an 11.7% increase in budgeted revenues and a 10.9% increase in budgeted expenditures. The budget for interest income earnings has been projected to decrease 26.2% due to the lower interest earnings in L.A.I.F. (Local Agency Investment Fund).

Major increases in all operation budgets has been power costs as well as litigation costs in the water funds. Next year's budget includes a review of the District's capacity fees and the monthly operation water and sewer charges.

RECOMMENDATION

It is recommended that your Honorable Board adopt the attached Resolutions approving the 2002-2003 Fiscal Year Budget and Appropriations Limitation.

RESOLUTION 2002-BUDGET

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 2002-03 FISCAL YEAR BUDGET**

WHEREAS, pursuant to Government Code Section 53901, the District is required to file with the County Auditor a copy of its annual budget or a listing of its anticipated revenues, together with its expenditures and expenses for the fiscal year, and

WHEREAS, the District desires to make known its planned activities and associated costs for the 2002-03 Fiscal Year.

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. The proposed budget entitled, "2002-03 Budget, Nipomo Community Services District," be adopted.
2. That the final budget be administered as established by past policies and practices.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing Resolution is hereby adopted this ___ day of _____ 2002.

Richard Mobraaten, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

RESOLUTION NO. 2002-APPROP LIMITATION

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING THE APPROPRIATION LIMITATION
FOR THE 2002-03 FISCAL YEAR**

WHEREAS, Article XIII B of the California Constitution specifies that appropriations made by governmental entities may increase annually by the change in population and the California per-capita income, and

WHEREAS, it has been determined by the State Department of finance that the California per-capita income increase shall be used; and

WHEREAS, the percent change in the California per-capita income is -1.27% and the percent change in the population of the unincorporated area of San Luis Obispo County is 2.33%.

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

1. That the ratio of change is and is determined as follows:
2. That the 2002-03 appropriation limit is and is determined as follows:

2001-02 Limitation	\$1,389,778
2002-03 Ratio of Change	x <u>1.01%</u>
2002-03 Appropriation Limitation	\$1,403,676
2002-03 Appropriation Subject to Limitation	(<u>246,980</u>)
2002-02 Appropriations Under Limit	<u>\$1,156,696</u>

**RESOLUTION 02-APPROP LIMITATION
PAGE TWO**

3. No further adjustment to the 2002-03 appropriation limitation has been made for mandated costs. However, any new mandated costs or increases in costs would increase the limitation amount by "Proceeds of Taxes" used to finance mandates in Fiscal Year 2002-03.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 5TH day of June 2002.

Richard Mobraaten, President
Nipomo Community Services District

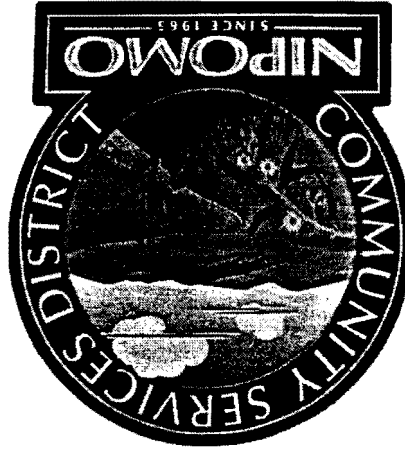
ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

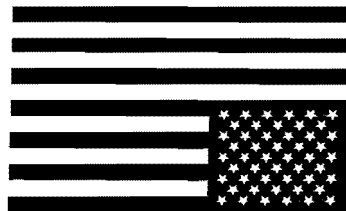
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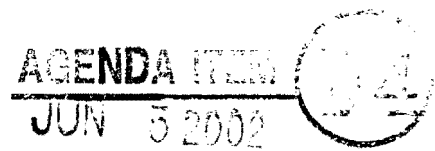


**FISCAL YEAR
2002-2003**

**OPERATING
AND
NON-OPERATING
BUDGETS**

**NIPOMO
COMMUNITY
SERVICES
DISTRICT**





TO: BOARD OF DIRECTORS
 FROM: DOUG JONES *D*
 DATE: JUNE 5, 2001

BLACKLAKE STREET LIGHTING CHARGES

ITEM

Hold a public hearing for the establishment of charges to maintain Blacklake Street Lighting

BACKGROUND

NCS D provides street lighting to Blacklake Village. In order to maintain the street lighting, an annual charge is assessed on each parcel for the service rendered. The existing Blacklake street lighting assessment is exempt from the compliance requirements of Prop. 218. Any future increases in the assessment would need voter approval of the property owners. The proposed annual charge of \$34.00 will remain the same as last year. It should be noted that the County of SLO adds \$2.00 per parcel handling fee, making the total annual fee billed to each parcel \$36.00. Below is a history of the charge per parcel:

Year	Charge	County Fee	Total
1992-93	\$48.00	\$2.00	\$50.00
1993-94	\$50.00	\$2.00	\$52.00
1994-95	\$48.00	\$2.00	\$50.00
1995-96	\$40.00	\$2.00	\$42.00
1996-97	\$34.00	\$2.00	\$36.00
1997-98	\$34.00	\$2.00	\$36.00
1998-99	\$34.00	\$2.00	\$36.00
1999-00	\$34.00	\$2.00	\$36.00
2000-01	\$34.00	\$2.00	\$36.00
2001-02	\$34.00	\$2.00	\$36.00

The budget the Street Lighting Fund for 2002-03 is as follows:

<u>Revenues</u>		
Street lighting charges		\$18,258
<u>EXENDITURES</u>		
Insurance	\$ 500	
Public & Legal Notice	50	
Electricity	<u>25,000</u>	
Total expenditures		<u>(25,550)</u>
Difference		<u>(7,292)</u>
Interest earnings		<u>2,100</u>
Net deficit from operations		<u>(5,192)</u>
Estimated cash balance 7/1/02		\$53,000
Net deficit from operations		<u>(5,192)</u>
Estimated cash balance 6/30/03		<u>\$47,808</u>

Attached is a listing of Assessor Parcel Numbers with the proposed 2002-03 street lighting charges.

Now is the time and place for the public hearing for the Board to confirm the report for collection of the charges on the 2002-03 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report. The attached Resolution is presented for the Board's review, approval and adoption.

RECOMMENDATION

Approval of Resolution No. 2002- BL establishing Blacklake Street Lighting Charges

RESOLUTION NO. 2002-BL street light

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
BLACKLAKE VILLAGE**

WHEREAS, on October 15, 1992 LAFCO approved Resolution No. 92-19 "A RESOLUTION MAKING DETERMINATION APPROVING THE REORGANIZATION INVOLVING DETACHMENT OF TERRITORY FROM COUNTY SERVICE AREA NO. 1-G AND ANNEXATION NO. 7 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (BLACKLAKE GOLF AND COUNTRY CLUB), and

WHEREAS, Condition 3A provides that the NCSD will provide all three services currently provided by CSA No. 1-G; water, sewer, and street lighting, and

WHEREAS, Condition 3F provides that NCSD succeed to all rights, duties and obligations of CSA No. 1-G with respect to the enforcement of performance or payment of any outstanding contracts and obligations of CSA No. 1-G; and

WHEREAS, Condition 3H authorizes the NCSD to continue to levy, fix and collect any special, extraordinary or additional taxes, assessments, service charges and rates which were levied, fixed and/or collected by CSA No. 1-G, and

WHEREAS, public notice has been given in accordance with Section 6066 of the Government Code as specified under CSA No. 1-G Assessment procedures of this public hearing concerning collection of service charges on the 2002-03 property tax bills; and

WHEREAS, written reports specifying each parcel (attached as Exhibit "A") receiving extended service and the amount of the charge for that service have been prepared and filed with the staff report; and

WHEREAS, based on the Staff Report and public testimony, the Board finds:

- A. That the proposed charges do not exceed the reasonable costs of providing the services.
- B. That the assessment district was formed pursuant to a petition signed by the owners of the Blacklake Specific Plan.
- C. The written report does not recommend an increase in the current assessment.

WHEREAS, based on the above findings, the assessments for fiscal year 2002-03 are unaffected by Proposition 218; and

WHEREAS, this is the time and place for the public hearing for the Board to confirm the reports for collection of service charges on the 2002-03 tax bills as specified in the staff reports and to give opportunity for filing objections and for presentation of testimony or other evidence concerning said report; and

WHEREAS, it is in the public interest that the owners of property in said Blacklake Development pay the cost of said service therein.

RESOLUTION 2002-b1

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
BLACKLAKE VILLAGE

PAGE TWO

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

- Section 1. That the recitals set forth are true, correct and valid.
- Section 2. The Board of Directors of NCSO fixes the street lighting charge at \$34.00 and a SLO County Administrative charge of \$2.00 for a total charge of \$36.00 per year.
- Section 3. That said service charges are directly proportionate to the benefit to each parcel from the services rendered.
- Section 4. That the charges as confirmed shall appear as separate items on the tax bill of each parcel of real property listed in said staff report, and such charges shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and are subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes.
- Section 5. The Tax Collector of the San Luis Obispo County is hereby authorized to collect the street lighting charges on the property tax bill.
- Section 6. This resolution is adopted by a majority of all members of the Board of Directors of the District.

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

AYES: Directors
 NOES: None
 ABSENT: None
 ABSTAIN: None

the foregoing resolution is hereby adopted this 5th day of June, 2002.

 Richard Mobraaten, President
 Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

 Donna K. Johnson
 Secretary of the Board

 Jon S. Seitz
 General Counsel

WACK LAKE STREETLIGHTING CHARGES TAX YEAR 2002-03
EXHIBIT "A"

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091243001	\$34.00	091244005	\$34.00	091410021	\$34.00	091412009	\$34.00
091243002	\$34.00	091244006	\$34.00	091410022	\$34.00	091412010	\$34.00
091243003	\$34.00	091244007	\$34.00	091410023	\$34.00	091412011	\$34.00
091243004	\$34.00	091244008	\$34.00	091410024	\$34.00	091412012	\$34.00
091243005	\$34.00	091244009	\$34.00	091410025	\$34.00	091412013	\$34.00
091243006	\$34.00	091244010	\$34.00	091410026	\$34.00	091412014	\$34.00
091243007	\$34.00	091244011	\$34.00	091410027	\$34.00	091412015	\$34.00
091243008	\$34.00	091244012	\$34.00	091410028	\$34.00	091412016	\$34.00
091243009	\$34.00	091244013	\$34.00	091410029	\$34.00	091412017	\$34.00
091243010	\$34.00	091244014	\$34.00	091410030	\$34.00	091412018	\$34.00
091243013	\$34.00	091244015	\$34.00	091410031	\$34.00	091412019	\$34.00
091243014	\$34.00	091244016	\$34.00	091410032	\$34.00	091412020	\$34.00
091243015	\$34.00	091244017	\$34.00	091410033	\$34.00	091412021	\$34.00
091243016	\$34.00	091244018	\$34.00	091410034	\$34.00	091413001	\$34.00
091243017	\$34.00	091244019	\$34.00	091410035	\$34.00	091413002	\$34.00
091243018	\$34.00	091244022	\$34.00	091410036	\$34.00	091413003	\$34.00
091243019	\$34.00	091244023	\$34.00	091410037	\$34.00	091413004	\$34.00
091243020	\$34.00	091244024	\$34.00	091410038	\$34.00	091413005	\$34.00
091243021	\$34.00	091244025	\$34.00	091410039	\$34.00	091413006	\$34.00
091243022	\$34.00	091244026	\$34.00	091410040	\$34.00	091413007	\$34.00
091243023	\$34.00	091244027	\$34.00	091410041	\$34.00	091413008	\$34.00
091243024	\$34.00	091244028	\$34.00	091410042	\$34.00	091413009	\$34.00
091243025	\$34.00	091244029	\$34.00	091410043	\$34.00	091413010	\$34.00
091243026	\$34.00	091244030	\$34.00	091410044	\$34.00	091413011	\$34.00
091243027	\$34.00	091244031	\$34.00	091410045	\$34.00	091413012	\$34.00
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091243038	\$34.00	091410011	\$34.00	091410058	\$34.00	091413023	\$34.00
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091243042	\$34.00	091410015	\$34.00	091412003	\$34.00	091413027	\$34.00
091243043	\$34.00	091410016	\$34.00	091412004	\$34.00	091413028	\$34.00
091244001	\$34.00	091410017	\$34.00	091412005	\$34.00	091413029	\$34.00
091244002	\$34.00	091410018	\$34.00	091412006	\$34.00	091413030	\$34.00
091244003	\$34.00	091410019	\$34.00	091412007	\$34.00	091413031	\$34.00
091244004	\$34.00	091410020	\$34.00	091412008	\$34.00	091413032	\$34.00

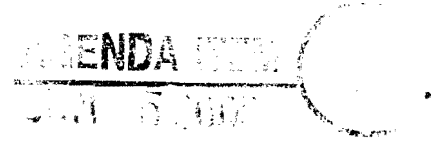
WALACK LAKE STREETLIGHTING CHARGES TAX YEAR 2002-03
EXHIBIT "A"

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091413033	\$34.00	091415003	\$34.00	091416015	\$34.00	091419028	\$34.00
091413034	\$34.00	091415004	\$34.00	091416016	\$34.00	091419029	\$34.00
091413035	\$34.00	091415005	\$34.00	091416017	\$34.00	091419030	\$34.00
091413036	\$34.00	091415006	\$34.00	091416018	\$34.00	091419031	\$34.00
091413037	\$34.00	091415007	\$34.00	091416019	\$34.00	091419032	\$34.00
091413038	\$34.00	091415008	\$34.00	091416020	\$34.00	091419033	\$34.00
091413039	\$34.00	091415009	\$34.00	091416021	\$34.00	091419034	\$34.00
091413040	\$34.00	091415010	\$34.00	091416022	\$34.00	091419035	\$34.00
091413041	\$34.00	091415011	\$34.00	091416023	\$34.00	091419036	\$34.00
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091413043	\$34.00	091415013	\$34.00	091416025	\$34.00	091419038	\$34.00
091413044	\$34.00	091415014	\$34.00	091416026	\$34.00	091419039	\$34.00
091413045	\$34.00	091415015	\$34.00	091416027	\$34.00	091419040	\$34.00
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091414001	\$34.00	091415017	\$34.00	091416029	\$34.00	091419042	\$34.00
091414002	\$34.00	091415018	\$34.00	091416030	\$34.00	091419043	\$34.00
091414003	\$34.00	091415019	\$34.00	091416031	\$34.00	091419055	\$34.00
091414004	\$34.00	091415020	\$34.00	091416032	\$34.00	091419056	\$34.00
091414005	\$34.00	091415021	\$34.00	091416033	\$34.00	091419057	\$34.00
091414006	\$34.00	091415022	\$34.00	091416034	\$34.00	091419058	\$34.00
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091414015	\$34.00	091415031	\$34.00	091419007	\$34.00	091440009	\$34.00
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091414017	\$34.00	091415033	\$34.00	091419009	\$34.00	091440011	\$34.00
091414018	\$34.00	091416001	\$34.00	091419010	\$34.00	091440012	\$34.00
091414019	\$34.00	091416002	\$34.00	091419011	\$34.00	091440013	\$34.00
091414020	\$34.00	091416003	\$34.00	091419012	\$34.00	091440014	\$34.00
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091414024	\$34.00	091416007	\$34.00	091419016	\$34.00	091441004	\$34.00
091414025	\$34.00	091416008	\$34.00	091419017	\$34.00	091441005	\$34.00
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091414030	\$34.00	091416013	\$34.00	091419022	\$34.00	091441010	\$34.00
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WACK LAKE STREETLIGHTING CHARGES TAX YEAR 2002-03
EXHIBIT "A"

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
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1441015	\$34.00	091443008	\$34.00	091444039	\$34.00	091445018	\$34.00
091441016	\$34.00	091443009	\$34.00	091444040	\$34.00	091445019	\$34.00
091441017	\$34.00	091443010	\$34.00	091444041	\$34.00	091445020	\$34.00
091441018	\$34.00	091443011	\$34.00	091444042	\$34.00	091445021	\$34.00
091441019	\$34.00	091443012	\$34.00	091444043	\$34.00	091445022	\$34.00
091441020	\$34.00	091443013	\$34.00	091444044	\$34.00	091445023	\$34.00
091441022	\$34.00	091443014	\$34.00	091444045	\$34.00	091445024	\$34.00
091441023	\$34.00	091443015	\$34.00	091444046	\$34.00	091445025	\$34.00
091441024	\$34.00	091443016	\$34.00	091444047	\$34.00	091445026	\$34.00
091441028	\$34.00	091444001	\$34.00	091444048	\$34.00	091445027	\$34.00
091441029	\$34.00	091444002	\$34.00	091444049	\$34.00	091445028	\$34.00
091442001	\$34.00	091444003	\$34.00	091444050	\$34.00	091445029	\$34.00
091442002	\$34.00	091444004	\$34.00	091444051	\$34.00	091445030	\$34.00
091442003	\$34.00	091444005	\$34.00	091444052	\$34.00	091445031	\$34.00
091442004	\$34.00	091444006	\$34.00	091444053	\$34.00	091446001	\$34.00
091442005	\$34.00	091444007	\$34.00	091444054	\$34.00	091446002	\$34.00
091442006	\$34.00	091444008	\$34.00	091444055	\$34.00	091446003	\$34.00
091442007	\$34.00	091444009	\$34.00	091444056	\$34.00	091446004	\$34.00
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091442009	\$34.00	091444012	\$34.00	091444058	\$34.00	091446006	\$34.00
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091442014	\$34.00	091444017	\$34.00	091444063	\$34.00	091446011	\$34.00
091442015	\$34.00	091444018	\$34.00	091444064	\$34.00	091446012	\$34.00
091442016	\$34.00	091444019	\$34.00	091444067	\$34.00	091446013	\$34.00
091442017	\$34.00	091444020	\$34.00	091444068	\$34.00	091446014	\$34.00
091442018	\$34.00	091444021	\$34.00	091445001	\$34.00	091446015	\$34.00
091442019	\$34.00	091444022	\$34.00	091445002	\$34.00	091446016	\$34.00
091442020	\$34.00	091444023	\$34.00	091445003	\$34.00	091446017	\$34.00
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091442026	\$34.00	091444029	\$34.00	091445009	\$34.00	091446023	\$34.00
091442027	\$34.00	091444030	\$34.00	091445010	\$34.00	091446024	\$34.00
091443001	\$34.00	091444031	\$34.00	091445011	\$34.00	091446025	\$34.00
091443002	\$34.00	091444033	\$34.00	091445012	\$34.00	091446026	\$34.00
091443003	\$34.00	091444034	\$34.00	091445013	\$34.00	092441027	\$34.00
091443004	\$34.00	091444035	\$34.00	091445014	\$34.00	537	\$18,258.00
091443005	\$34.00	091444036	\$34.00	091445015	\$34.00		
091443006	\$34.00	091444037	\$34.00	091445016	\$34.00		

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: JUNE 5, 2002



PUBLIC EMPLOYEE'S RETIREMENT SYSTEM
(PERS)
CONTRACT AMENDMENT

ITEM

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

BACKGROUND

At the regular Board meeting held May 1, 2002, your Honorable Board adopted a Resolution of Intention to approve an amendment to the contract between PERS and the District, which would be the 3% @ 60 formula. The resolution was sent to PERS. Ballots were issued for the employees to vote on the amendment. The vote of the District employees was 100% in favor of the approval of the amendment.

A resolution authorizing the amendment of the contract and the amendment, as an exhibit, is enclosed for review. The effective date of the amendment will be June 29, 2002.

RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached resolution amending the PERS contract.

Board 2002/PERS Contract Amendment.DOC

NIPOMO COMMUNITY SERVICES DISTRICT

**RESOLUTION
AUTHORIZING AN AMENDMENT TO THE CONTRACT**

No. _____

WHEREAS, the Board of Administration of the California Public Employees' Retirement System and the Board of Directors of the Nipomo Community Services District entered into a contract effective on October 1, 1975 providing for the participation of said public agency in the California Public Employees' Retirement System; and

WHEREAS, it is now desirable to take advantage of certain benefits provided under said Retirement System and not included in said contract;

NOW, THEREFORE, BE IT RESOLVED, that said governing body authorized, and it does hereby authorize, an amendment to said contract, a copy of said amendment attached hereto and by such reference made a part hereof as though herein set out in full; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the presiding officer of said governing body is hereby authorized, empowered and directed to execute said amendment for and on behalf of said public agency.

Adopted this _____ day of _____, _____.

Presiding Officer

Attest:

Clerk/Secretary



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.

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).

- 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 29 day of June, 2002.

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

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JUNE 5, 2002

AGENDA ITEM 5.2
JUN 5 2002

TEFFT STREET WATER LINE PROJECT

ITEM

Award 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. 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 5TH day of June, 2002.

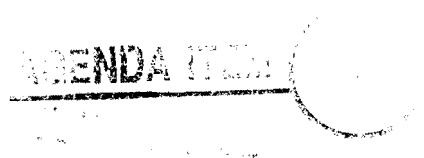
Richard Mobraaten, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel



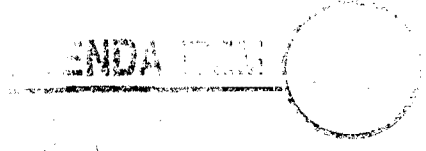
TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JUNE 5, 2002

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
- F-3) VARIANCE APPLICATION FEE [RECOMMEND APPROVAL]
Resolution establishing a variance application fee
- F-4) ELECTIVE OFFICES TO BE FILLED - NOTICE TO COUNTY CLERK
Three seats on NCSD Board of Directors to be filled by election

WARRANTS JUNE 5, 2002



HAND WRITTEN CHECKS

18530	05/10/02	POSTMASTER	673.52
18531	05/15/02	STATE DEPT HEALTH	135.00
18532	05/15/02	POSTMASTER	248.40

COMPUTER GENERATED CHECKS

6944	5/20/02	Employment Development Dept	\$ 342.92	State Income Tax
6945	5/20/02	Midstate Bank-PR Tax	1821.53	Federal and Medicare
6946	5/20/02	Midstate Bank Direct DP	11471.33	Net Pay Deduction
6947	5/20/02	PERS Retirement	950.89	PERS
6948	5/20/02	Simmons, Debra	150.00	Wage Garnishment
6949	5/20/02	State Street Global	935.00	Deferred Comp
6950	6/5/02	Advantage Answering Plus	79.95	Paging Service
6951	6/5/02	Robert Blair	100.00	Board Meeting
6952	6/5/02	Boyle Engineering	4410.44	Summit Station
6953	6/5/02	Highway Patrol	6.00	Collision Report
6954	6/5/02	Charter Communications	54.90	Internet Service
6955	6/5/02	Corbin Willits Systems	545.48	Monthly Support Service
6956	6/5/02	Creek Environmental	230.00	Lab Tests
6957	6/5/02	Culligan	26.30	Delivery
6958	6/5/02	AJ Diani	2902.53	Raise valve boxes
6959	6/5/02	Fed Express	67.06	Overnight delivery
6960	6/5/02	FGL	695.20	Lab Tests
6961	6/5/02	First American Real Estate	101.14	SLO Maps
6962	6/5/02	GMAC	11400.00	Eureka Water Bond
6963	6/5/02	Grandflow	3606.86	Utility Billing mailers
6964	6/5/02	Groeniger	565.20	Supplies
6965	6/5/02	GWA	25.00	Alarm Service
6966	6/5/02	Hayes & Sons	675.00	Pave Sea Street
6967	6/5/02	Ikon	47.20	Copier maintenance
6968	6/5/02	MCI	4.14	Long distance
6969	6/5/02	Midstate Bank Mastercard	74.81	Miscellaneous supplies
6970	6/5/02	Richard Mobraaten	100.00	Board meeting
6971	6/5/02	Nextel	113.76	Cell phones
6972	6/5/02	Nipomo Shell	1005.53	fuel
6973	6/5/02	Pacbell	6.35	phone
6974	6/5/02	PERS	200.00	Actuarial Service
6975	6/5/02	PERS Health	3835.95	June Insurance
6976	6/5/02	Perrys Electric	18994.57	Variable Speed Drive for well
6977	6/5/02	PGE	35409.38	Electricity
6978	6/5/02	Postalia	8.31	Machine reset
6979	6/5/02	Precision Janitorial	275.00	May service
6980	6/5/02	Pulitzer Central Coast	174.00	Publish ordinance
6981	6/5/02	Richards, Watson & Gershon	19587.16	Groundwater Litigation & Save the Mesa
6982	6/5/02	SAIC	943.38	Groundwater Litigation
6983	6/5/02	Santa Maria Diesel	4196.86	Catalytic converter

WARRANTS JUNE 5, 2002

COMPUTER GENERATED CHECKS

6984	6/5/02	San Joaquin Supply	159.91	Cleaning supplies
6985	6/5/02	Environmental Health	1314.62	Lab Tests/cross connection
6986	6/5/02	State Dept of Health	55.00	Certificate renewal
6987	6/5/02	The Gas Company	45.27	Heating
6988	6/5/02	Clifford Trotter	100.00	Board Meeting
6989	6/5/02	Underground Service Alert	60.00	Underground notification
6990	6/5/02	US Postal Service	469.70	Stamped envelopes
6991	6/5/02	Verizon	57.63	BL phones
6992	6/5/02	Michael Winn	100.00	Board Meeting
6993	6/5/02	Judith Wirsing	100.00	Board Meeting
6994	6/5/02	Dickinson	55.02	Customer Refund
6995	6/5/02	Highland Blacklake	422.88	Hydrant Deposit Refund
6996	6/5/02	Nipomo Partners LLC	491.55	Hydrant Deposit Refund
6997	6/5/02	Performance Excavators	127.27	Hydrant Deposit Refund
6998	6/5/02	Dodd Yahnian Construction	453.97	Hydrant Deposit Refund

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

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

President Mobraaten called the meeting to order at 9:04 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.

There was no public comment.

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

Developers of Tract 2412 asked for a variance for a common sewer lateral and one irrigation service for seven commercial lots in their project.

The following members of the public spoke:

Richard Meyer, representative for the developer – explained the concept of the design and the CCR's created for the project.

Russ Thompson, R Thompson Consulting – explained that the simplicity in the design lessens the number of potential problems.

Legal Counsel, Jon Seitz, read a portion of a proposed resolution granting variance for the seven lot commercial center. There was much Board discussion.

A Straw Vote communicated that the Board would agree to a single sewer lateral to serve the project. Vote 5-0

A Straw Vote indicated that the Board would allow one irrigation meter for the development. Vote 5-0 with Director Blair abstaining.

Legal Counsel, Jon Seitz, read Resolution 2002-816 granting the variance for their center. There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Res 2002-816. Vote 5-0

RESOLUTION NO. 2002-816

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
GRANTING VARIANCE FOR TRACT 2412 A SEVEN LOT COMMERCIAL CENTER

D-2) ANNEXATION AND WATER SUPPLY

Review District's annexation policy and water supply

The Board discussed annexations and water supply as much as possible within the limits of litigation.

The following members of the public spoke:

Jessie Hill, outside the District – regarding County Planning responsibilities

John Snyder, outside the District – regarding water supply

Director Wirsing (asked that her comments be added to the Minutes) "I appreciate being able to discuss this with the Board, because normally it's against the Brown Act to discuss things with more than one Board member. I've kind of gotten a more positive view of what each Board member stands for. My main thing is that I live in Nipomo and I have my business in Nipomo and until we get supplemental water or find out where we're going, we're all at risk here, until we find out the truth, until the litigation is over to find out what direction we can go in, this District can go in. There was no Board action taken.

D-3) ORDINANCE ESTABLISHING SOLID WASTE RATES
Second reading and adoption of Solid Waste collection rates

This item was taken after D-1.

The Board heard the second reading of an ordinance establishing solid waste collection rates. There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to have the ordinance read in title only. Vote 5-0

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously adopted Ordinance 2002-93. 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

Break 11:00 - 11:07 a.m.

E. OTHER BUSINESS

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

The Board reviewed the process to review and comment on the Personnel Policy. The employees, Board and public will return written comments to the Personnel Committee by June 7. The red-lined version, with the Ad Hoc Committee's recommended changes, will be delivered to the Board of Directors and Employees by July 12th. The modified policy will be brought to the July 17th meeting for adoption. There was no public comment.

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

There was no public comment. Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved the items on the Consent Agenda.

G. MANAGER'S REPORT

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

CSDA – Legislative Update

H. COMMITTEE REPORTS

None

I. DIRECTORS COMMENTS

Director Blair was pleased with the Summit Station decision addressed at the Board of Supervisors meeting on May 14.

Director Winn noted that the Water Forum will be held Monday May 20, 2002, at 6:30 p.m. in NCSD Board Room. Christine Ferrara will be attending.

A meeting with Supervisor Achadjian to form a Nipomo Vision group will be held May 22, 2002. Representatives from the library asked that they be notified of the dates for excavation of the Tefft St. water line to coordinate with their programs.

NCSD is be on distribution list from Flood Committee and should be notified for plans.

Asked staff to review compliance with mandatory sewer hook-up.

Director Wirsing asked about the size of the pipe in Summit Station. Answer – 8" an 10"

President Mobraaten reviewed the vote for Mann & Campbell at the CSDA meeting.

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

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

The Board came out of Closed Session and announced:

Upon a 5-0 vote, the Board of Directors, regarding the easement, gave direction to counsel to make a statutory offer to purchase the easement.

Regarding "Save the Mesa" – Board heard an update from Legal Counsel but had no reportable action.


Regarding SMVWCD vs. NCSD & Santa Clara County – Board a brief discussion of Noel King's letter but had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 12:07 p.m.

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: JUNE 5, 2002

VARIANCE APPLICATION FEE

ITEM

Resolution establishing a variance application fee

BACKGROUND

At the regular Board meeting held on April 3, 2002, your Honorable Board had the second reading and adoption of an ordinance establishing a variance procedure when developers within the District wish to request variances from the District policies, specifications, etc. The ordinance has a provision for establishing a filing fee for developers who request a variance from District procedures.

Staff has prepared a resolution that estimates the number of hours that would be consumed with respect to applications for variances. Based on this estimate, a filing fee of \$900.00 would be appropriate.

The resolution adopting the filing fee for variance application is attached.

RECOMMENDATION

Staff recommends that your Honorable Board approve the attached Resolution establishing the filing fee for variances.

Bd2002\varianceapplication.doc

**NIPOMO COMMUNITY SERVICES District
RESOLUTION NO. 2002-____**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FILING FEES FOR VARIANCE APPLICATIONS**

WHEREAS, on April 3, 2002 the District Board of Directors adopted Ordinance 2002-92 ("Ordinance") that established variance procedures for property owners affected by District requirements or regulations to construct water and/or sewer improvements as a condition of receiving District service; and

WHEREAS, Section 1.04.030 of said Ordinance requires the District to adopt a filing fee to cover the District's costs of processing a variance request; and

WHEREAS, based on the staff report, staff presentation and public comment the District Board of Directors finds:

1. That the District General Manager's time to review the application, coordinate with the Applicant and District Consultants, and prepare related staff reports will require a minimum of five (5) hours of time at the then weighted salary (current weighted salary forty dollars (\$40) per hour).
2. That administrative time in transcribing staff reports and providing financial analysis will require a minimum of two (2) hours of staff time at the then average weighted salary (currently thirty-three dollars (\$33) per hour).
3. That District Consulting Engineer time in application review and plan checking will require a minimum of two (2) hours of engineering time at the Engineer's then billing rate (currently one hundred ten dollars (\$110) per hour).
4. That District Legal Counsel time in; reviewing the application, preparing appropriate Resolutions related to the variance and reviewing documents submitted by Applicant will require a minimum of three (3) hours time at the District Legal Counsel's then hourly billing rate (currently one hundred thirty dollars (\$130) per hour).

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

1. The filing fee for applications for a variance shall be nine hundred dollars (\$900) of which six (6) hours shall be attributed to District staff time.
2. If that portion of the filing fee is in excess of the actual time spent by District Consulting Engineer and District Legal Counsel, then the difference shall be refunded to Applicant. Conversely if the actual time spent by District Consulting Engineer and District Legal Counsel is in excess of the amount attributed to the filing fee, then the difference shall be paid by Applicant upon demand and before issuance of a final Will Serve Letter for the Project.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2002-____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING FILING FEES FOR VARIANCE APPLICATIONS

3. The District General Manager is authorized to adjust the filing fee based on changes to the weighted staff salaries and to District engineering and legal costs.
4. The above Recitals and findings are true and correct and incorporated herein by reference.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this ____ day of June, 2002.


RICHARD MOBRAATEN
President of the Board
Nipomo Community Services District

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JUNE 5, 2002

ELECTIVE OFFICES TO BE FILLED
NOTICE TO COUNTY CLERK

ITEM

Notification to the San Luis Obispo County Clerk Election Office to fill three seats on the District's Board of Directors in the November 5, 2002 general election.

BACKGROUND

The District has received a notice from the San Luis Obispo County Clerk Election Office with respect to the Calendar of Events for the upcoming election and the candidates for the Nipomo Community Services District Board of Directors. The District will have three (3) Board member seats up for election for a four-year term of office. The nomination period to file for the Board of Directors election is between July 15 to August 9, 2002. Attached for your review is the notice from the County Clerk of elective offices to be filled and the Calendar of Events.

RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached resolution requesting the District's Board of Directors election be consolidated with the November 5, 2002, General Election and direct staff to file the Notice of Elective Board Members to be filled, along with the boundary map of the District.

Board 2000/Elective office

RESOLUTION NO. 2002- election

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE
A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 5, 2002,
WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE
SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

WHEREAS, the Board of Directors of the Nipomo Community Services District has called a District Election to be held on November 5, 2002, for the purpose of the election of three members of the Board of Directors for full terms of four years, and

WHEREAS, pursuant to Section 10555 of the Elections Code, said election may be consolidated with other elections to be held on the same day pursuant to Chapter 3, Part 3, Division 10 of the Elections Code (commencing with Section 10400); and

WHEREAS, the Board of Directors of the Nipomo Community Services District desires to request the San Luis Obispo County Board of Supervisors to consolidate the District's General Election with the Statewide General Election to be held on the same date:

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

1. That pursuant to the requirements of Section 10403 of the Election Code, the Board of Supervisors of the County of San Luis Obispo is hereby requested to consent and agree to consolidate the District's General Election with the Statewide General Election to be held on Tuesday, November 5, 2002, for the purpose of the election of three members to the Nipomo Community Services District Board of Directors.
2. This request is made pursuant to Section 10555 and 10400, et seq of the Election Code.
3. That the County Election Department is authorized to canvas the returns of the District election.
4. That the District recognizes that additional costs will be incurred by the County by reasons of this consolidation and agrees to reimburse the County for the additional costs.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 5th day of June 2002.


Richard Mobraaten, President
Nipomo Community Services District

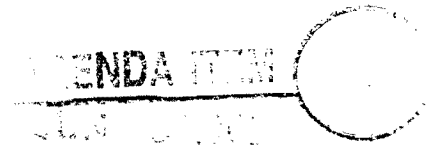
ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JUNE 5, 2002



MANAGER'S REPORT

Legislative update

- CSDA
- Letter of support for SB 1326
 NCSD Landscaping authority

Board 2002\mgr 060502.DOC

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION LEGISLATIVE UPDATE – May 17, 2002

IT'S OFFICIAL--\$23.6 BILLION BUDGET DEFICIT

The much-anticipated May Revision was released on Tuesday and Governor Davis pegged the state budget deficit at \$23.6 billion. As expected, the Governor's May Revision proposes to close the budget gap with a combination of across-the-board program cuts, refinancing state debt, internal borrowing, and state fund transfers.

The Legislative Analyst responded that even with the Governor's proposals, the 2003-04 state budget could still remain \$7 billion in deficit.

While the Governor's plan does not call for additional ERAF shifts from cities, counties and special districts, the May Revision does contain a number of significant impact on independent special districts. For example, the Governor is proposing to repeal the ERAF exemption currently enjoyed by multi-county special districts, which, if enacted, would generate approximately \$45 million for schools. Redevelopment agencies would also lose their ERAF exemption, costing them approximately \$75 million annually. Library special districts would also receive less revenue from the Public Library Foundation, which the Governor proposed to reduce by \$11.8 million.

The Governor also proposes to reduce reimbursable state mandate payments to local governments by \$168.3 million, which will impact every city, county and special district relative to state mandated programs and reimbursement thereto. Finally, the May Revision proposes to eliminate \$38 million to cities and special districts for reimbursement of booking fees paid to counties and other cities.

While most local government officials admit it could be worse, understand that the Legislature is not obligated to "rubber stamp" the Governor's May Revision. Arriving at a legislative compromise that requires a two-thirds vote in each house of the Legislature will not come easy, and for every reduction that is augmented or rejected, the Legislature will look for other revenue sources to back-fill those augmentations. All by way of saying, this budget has a long way to go. The Budget Conference Committee is expected to begin work on the 2002-03 budget plan sometime next week.

LOCAL COALITION

On May 15-16, 2002, hundreds of representatives from cities, counties and independent special districts traveled to Sacramento to send a strong message through the Leave Our Community Assets Local (LOCAL) Coalition to "leave our local government revenues local!" This Coalition was formed to be active in this year's budget process to ensure that funding for essential local services is not compromised. For additional information check out the website at www.calocal.com.

We will be calling upon CSDA member agencies to continue involvement in the Coalition efforts and be the spokespersons for special districts – additional information will be send out to your agency in the future.

Special thanks to individuals who participated in this important event!

If you would like to begin receiving this notice via email, please contact Geoffrey Neill at 877.924.CSDA or gneill@cdda.net.

****This update is brought to you exclusively as a CSDA member benefit.**
CSDA...keeping special districts informed!**

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

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION LEGISLATIVE UPDATE – May 24, 2002

MULTI-COUNTY/ERAF FORMULA TO BE RELEASED

The Davis Administration will release the details of their proposal to shift \$45 million of property tax revenues from multi-county special districts to ERAF early next week. Key elements of the proposal are as follows:

1. All multi-county special districts, except fire protection and hospital, listed in the 1997-98 State Controller's Report will be included.
2. Each multi-county special district will shift 18% of their non-debt property tax revenues to ERAF.
3. In preparing the formula, an error was made wherein a district was included that should not have been, resulting in a reduction from the \$45 million by \$8.3 million. Given that the Administration is locked on obtaining \$45 million, it will be necessary to increase the 18% to 20% or 22% to reach the \$45 million.
4. The Administration has utilized the 1997-98 State Controller's Report to determine each multi-county's non-debt property tax revenue.

The Administration's proposal will be considered by the Budget Conference Committee, which is expected to begin its work in the next week or so. Finally, the Administration is assuming that if any multi-county special districts are exempted during the Budget Conference Committee process, the percentage formula will increase for those remaining districts.

SCA #7 CLEARS COMMITTEE

Senate Constitutional Amendment #7 by Senate President Pro Tem Burton passed the Senate Governmental Organization Committee on Tuesday by an 8 to 0 vote. SCA #7 would amend the California Public Records Act and place similar provisions in the state Constitution. CSDA continues to have concerns with the measure and Senator Burton and the sponsor, the California Newspaper Publishers Association, have continued to meet with opponents and attempt to resolve the outstanding issues.

ANTI-TERRORISM BONDS HELD IN COMMITTEE

Given the state's fiscal situation, both the Senate and Assembly Appropriations Committees held all of the bond measures relating to funding for fire protection agencies and others. It is anticipated that California will receive some federal funds later this year for this purpose and for that reason, coupled with the budget situation, all bills were held on the committees' Suspense Files.

DEADLINE APPROACHES

May 31 is the deadline for bills to pass their house of origin and as such, next week promises to be a very busy week in the Legislature.

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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, OPERATIONS 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

May 30, 2002

Senator Tom Torlakson
State Capitol, Room 2068
Sacramento, CA 95814

SUBJECT: SUPPORT OF SENATE BILL NO. 1326

The Board of Directors of the Nipomo Community Services District requests your support of Senate Bill No. 1326, specifically Section 23.5. This bill would give the Nipomo Community Services District the authority to install and maintain landscaping in public street right-of-ways within our boundary. This legislation will enable the District to assist in the beautification of Nipomo. The Nipomo Community Services District appreciates your support of this bill.

Thank you for all your help in this matter.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

Richard Mobraaten
President of the NCSD Board of Directors

cc: Ron Edwards, Tract 2409

LANDSCAPING/Sen Torlakson

AMENDED IN ASSEMBLY MAY 29, 2002

AMENDED IN SENATE APRIL 4, 2002

SENATE BILL

No. 1326

**Introduced by Committee on Local Government (Senators
Torlakson (Chair), Ackerman, Machado, Margett, Perata, and
Soto)**

January 29, 2002

An act to amend Sections 10509 and 10511 of the Elections Code, and to amend Sections 6588, 6598.5, 6599.1, 8855, 14672.99, 23115, 23119, 25200, 25205, 25526.5, 26881, 26920, 26922, 36936, 37392, 53205.1, 53356.05, 53359.5, 53601, 53635, 53646, and 54960.1 of, to add Section 61601.20 to, and to repeal Sections 26921, 26923, and 29746 of, the Government Code, and to amend Sections 5786.7, 8801, 8815.1, 8815.2, 8815.3, 8817, and 8819 of, to amend and renumber Section 8812 of, to add Section 8812 to, to repeal Sections 8811, 8813.1, and 8813.2 of, and to repeal and add Sections 8813 and 8815.4 of, the Public Resources Code, and to amend Sections 50731.5 and 50731.6 of the Water Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1326, as amended, Committee on Local Government. Local Government Omnibus Act of 2002.

(1) *Existing law requires the secretary of the governing body of a special district to deliver a notice to the county election official that, among other things, specifies the elective offices of the special district to be filled at the next general election.*

This bill would require the secretary to specify which offices are for the balance of an unexpired term.

1 (3) The action taken gave rise to a contractual obligation,
 2 including a contract let by competitive bid other than
 3 compensation for services in the form of salary or fees for
 4 professional services, upon which a party has, in good faith and
 5 without notice of a challenge to the validity of the action,
 6 detrimentally relied.

7 (4) The action taken was in connection with the collection of
 8 any tax.

9 (5) Any person, city, city and county, county, district, or any
 10 agency or subdivision of the state alleging noncompliance with
 11 subdivision (a) of Section 54954.2, Section 54956, or Section
 12 54956.5, because of any defect, error, irregularity, or omission in
 13 the notice given pursuant to those provisions, had actual notice of
 14 the item of business at least 72 hours prior to the meeting at which
 15 the action was taken, if the meeting was noticed pursuant to
 16 Section 54954.2, or 24 hours prior to the meeting at which the
 17 action was taken if the meeting was noticed pursuant to Section
 18 54956, or prior to the meeting at which the action was taken if the
 19 meeting is held pursuant to Section 54956.5.

20 (e) During any action seeking a judicial determination pursuant
 21 to subdivision (a) if the court determines, pursuant to a showing
 22 by the legislative body that an action alleged to have been taken in
 23 violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or
 24 54956.5 has been cured or corrected by a subsequent action of the
 25 legislative body, the action filed pursuant to subdivision (a) shall
 26 be dismissed with prejudice.

27 (f) The fact that a legislative body takes a subsequent action to
 28 cure or correct an action taken pursuant to this section shall not be
 29 construed or admissible as evidence of a violation of this chapter.

30 *SEC. 23.5. Section 61601.20 is added to the Government*
 31 *Code, to read:*

32 *61601.20. Notwithstanding Sections 61600 and 61601,*
 33 *whenever the Board of Directors of the Nipomo Community*
 34 *Services District determines, by resolution, that it is feasible,*
 35 *economically sound, and in the public interest for the district to*
 36 *exercise its powers for the purpose of installing or planting and*
 37 *maintaining landscaping within public street rights-of-way or*
 38 *easements within the district, the board may adopt that additional*
 39 *purpose by resolution, and thereafter the powers of the district may*
 40 *be exercised for that purpose. The district shall, for the purpose of*
 1 *installing or planting and maintaining landscaping, be authorized*
 2 *to provide for and accomplish that purpose through proceedings*
 3 *pursuant to the Landscaping and Lighting Act of 1972 (Part 2*
 4 *commencing with Section 22500) of Division 15 of the Streets and*
 5 *Highways Code). Prior to imposing any assessments authorized by*
 6 *this section, the district shall comply with Article XIII D of the*
 7 *California Constitution.*

8 *SEC. 23.7. Section 5786.7 of the Public Resources Code is*
 9 *amended to read:*

10 5786.7. Notwithstanding any other provision of law:

11 (a) If a majority of the voters voting on the question at a general
 12 district or special district election are in favor, the Parker Dam
 13 Recreation and Park District may do all of the following:

14 (1) Purchase or lease electric power from any public agency or
 15 private entity for use within the district's boundaries.

16 (2) Acquire water and water rights and do any act necessary to
 17 furnish sufficient water for beneficial use within the district's
 18 boundaries.

19 (3) Sell, dispose of, and distribute water and electric power for