

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

SEPTEMBER 18, 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 2002-834
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) ANNEXATION NO. 21 – KNOLLWOOD (MARTIN)
Resolution approving Annex. No. 21, 160 acres/55 lot development across from Blacklake Golf Course
- D-2) REQUEST FOR ANNEXATION - ROBERTSON
Request to annex approx. 60 acres/8 parcels on Lyn Rd. at Pomeroy Rd.
- D-3) WOODLAND DEVELOPMENT (PH PROPERTIES)
Review County Planning Department agenda item set for public hearing Sept. 26, 2002
- D-4) REQUEST FOR SERVICE – CO 02-0215 (HILL)
Request for water and sewer service for a 4-lot development on W. Tefft Street
- D-5) REQUEST FOR SERVICE – CO 02-0246 (BRANCH)
Request for water and sewer service for a lot split on W. Tefft Street
- D-6) FUTURE SERVICES IN OLDE TOWNE NIPOMO
Review installation of services before Olde Towne improvements

E. OTHER BUSINESS

- E-1) NIPOMO CREEK CLEAN UP DAY FUNDING
Request to fund a trash bin for clean up of the local creeks – Clean Up Day Oct. 5, 2002
- E-2) TEFFT STREET LIFT STATION IMPROVEMENTS
Review and award bid to upgrade the Tefft Street sewer lift station
- E-3) CONFLICT OF INTEREST CODE
Biennial review of the District Conflict of Interest Code
- E-4) DIRECTORS BY-LAWS REVIEW
Considering amending by-laws, re: Directors' letters

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 September 4, 2002, Regular Board meeting

G. MANAGER'S REPORT

H. COMMITTEE REPORTS

I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
B. SAVE THE MESA VS. NCSD CV 020181
C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES,
COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC§54956.9

ADJOURN

The next regular Board Meeting will be held on October 2, 2002, at 9:00 a.m.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
D-1
SEPTEMBER 18, 2002**

ANNEXATION NO. 21
APPROVAL
KNOLLWOOD (MARTIN)

ITEM

Resolution approving Annexation No. 21, a 160 acre/55-lot development across from Blacklake Golf Course

BACKGROUND

The District has received a request to annex approx. 160 acres across from Blacklake Golf Course, known as the Knollwood development, consisting of 55 lots as shown on the attached map. The applicant entered an annexation agreement with the District, which outlines items to be completed prior to service being provided to this development. The applicant has received approval from LAFCO and the County of San Luis Obispo, including but not limited to in compliance with California Environmental Quality Act and the Cortese-Knox Local Government Reorganization Act. The property tax exchange between the District and the County has been completed. The applicant has paid the District's annexation fees.

Since Annexation No. 21 is a single property owner, the District waived the public hearing process allowing LAFCO to be the hearing agent on this annexation.

Staff contacted Mr. Markman, District's Special water counsel, about annexations with respect to the on-going groundwater litigation. Counsel indicated there is no conflict with this annexation.

RECOMMENDATION

Staff recommends that your Honorable Board approved the attached resolution approving Annexation No. 21, Tract 2325 (Knollwood).

RESOLUTION NO. 2002-ANNEX 21

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ANNEXATION NO. 21 (KNOLLWOOD)
[GOVT. CODE SECTION 57075 (b)]**

WHEREAS, on December 1, 2001, the Nipomo Community Services District ("District") and Highland Blacklake Partners, LLC entered into an Annexation Agreement to annex a one hundred sixty (160) acre/fifty-five (55) lot development across from the Blacklake Golf Course ("Tract 2325" or "Annexation No. 21"); and

WHEREAS, based on the Staff Report, Staff presentation, the records on file with the District and public testimony the District Board of Directors finds:

1. That Tract 2325 has received full development entitlements from the County of San Luis Obispo; and
2. That on November 15, 2001 the Local Agency Formation Commission (LAFCO) adopted Resolution 2001-19 ("Resolution") approving District's Sphere of Influence, Service Revisions, and Annexation No. 21 to the District. Pursuant to the California Environmental Quality Act (CEQA) said Resolution further adopted a Negative Declaration for Annexation No. 21 and the related District Sphere of Influence change and Service Revisions. A complete description and depiction of the property approved for Annexation No. 21 by LAFCO is set forth on Exhibit "A" attached hereto and incorporated herein by reference. Said Resolution and related findings are incorporated herein by reference; and

WHEREAS, the District Board of Directors further finds that the off-site improvements to serve Annexation No. 21 consisting of a sub-surface water line is less than a mile in length and therefore, pursuant to Public Resource Code §21080.21 is exempt from the requirements of CEQA; and

WHEREAS, LAFCO has requested District take final action for Annexation No. 21.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

1. The above recitals are true and correct and incorporated herein by reference.
2. Pursuant to California Government Code § 57075 (B) (2) the District Board of Directors hereby approves and orders the Annexation to the District of the territory described in Exhibit "A" attached hereto.

RESOLUTION NO. 2002-ANNEX 21

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ANNEXATION NO. 21 (KNOLLWOOD)
[GOVT. CODE SECTION 57075 (b)]
PAGE TWO

3. Certified copies of this Resolution shall be delivered to the Local Agency Formation Commission and the Property Owner.
4. The General Manager is authorized to file a Notice of Exemption with the San Luis Obispo County Clerk.

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 _____ 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

EXHIBIT A

**LEGAL DESCRIPTION
ANNEXATION NO. 21 TO
NIPOMO COMMUNITY SERVICES DISTRICT**

Being Lots 54, 55, 66, and 67 along with the adjacent easterly, southerly, and westerly roads of Pomeroy's Resubdivision of the Los Berros Tract in the County of San Luis Obispo as shown on the map filed in Book A of Maps at Page 109 in the Office of the County Recorder of the County of San Luis Obispo, State of California more particularly described as follows:

Beginning at the intersection of the southerly right-of-way of Willow Road (72.00 feet wide) with the westerly right-of-way of Sun Dale Way (60.00 feet wide) being a point on the existing Nipomo Community Services District Annexation Number 7 boundary and thence leaving said boundary and running along said westerly right-of-way of Sun Dale Way;

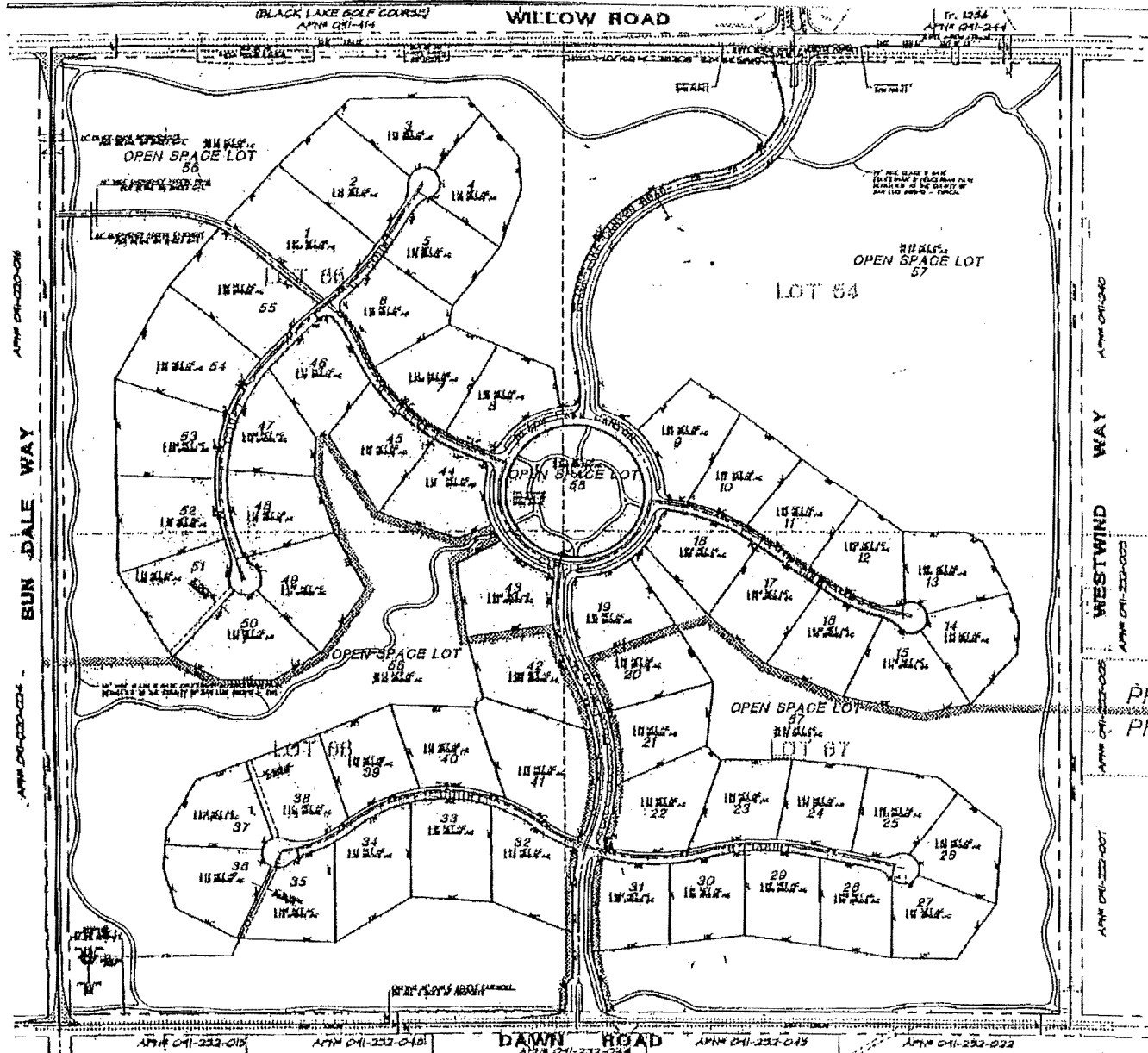
1. South 0°01'39" West, 2639.87 feet to the intersection of said westerly right-of-way of Sun Dale Way with the southerly right-of-way of Dawn Road (60.00 feet wide); thence along said southerly right-of-way of Dawn Road
2. South 90°00'00" East, 2699.89 feet to the intersection of said southerly right-of-way of Dawn Road with the easterly right-of-way of Westwind Way (60.00 feet wide); thence along said easterly right-of-way of Westwind Way
3. North 0°00'23" East, 2637.30 feet to the southerly right-of-way of Willow Road and the existing Nipomo Community Services District Annexation Number 7 boundary; thence along said boundary
4. North 89°56'41" West, 2698.91 feet to the **Point of Beginning**.

The above-described property contains 163.5 acres more or less

9/6/2001

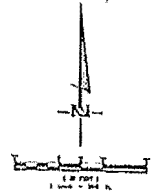
N:\2000\1800064 Tract 2325 - Knoll Wood at Blacklake\Engineering\Product\Survey\Annexation Legal Description.doc

LAFCO – LOCAL AGENCY FORMATION COMMISSION
 Serving the Area of San Luis Obispo County – Exhibit A-4 SITE MAP



NOTES:
 1. ALL LOTS HAVE ROYALTY RIGHTS RESERVED.
 2. PHASE 1 LOTS APPLY TO PHASE 1 ONLY. PHASE 2 LOTS APPLY TO PHASE 2 ONLY. PHASE 1 AND PHASE 2 LOTS ARE NOT TO BE CONSIDERED AS ONE UNIT.
 3. PHASE 1 - 36 LOTS
 PHASE 2 - 30 LOTS

PHASE 1
 PHASE 2



LAND DESIGN GROUP
 1000 N. GARDEN ST. SUITE 100
 SAN LUIS OBISPO, CA 93401
 TEL: (805) 435-1111
 FAX: (805) 435-1112

TRACT 2325
 TENTATIVE TRACT MAP
 0-2 - SHEET 2 OF 3

Annexation 11-R-01- Knollwood – Site Map

Exhibit A-4

A-2-19

IN THE LOCAL AGENCY FORMATION COMMISSION

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, November 15, 2001

PRESENT: Commissioners Ray Johnson, Carolyn Moffatt, Barbara Mann, Richard Roberts, Duane Picanco, and Chairman Mike Ryan

ABSENT: Commissioner Peg Pinard

RESOLUTION NO. 2001-19

**RESOLUTION DETERMINING THAT THE
NEGATIVE DECLARATION PREPARED BY THE LOCAL AGENCY FORMATION
COMMISSION AS LEAD AGENCY IS ADEQUATE AND COMPLETE,
APPROVING THE SPHERE OF INFLUENCE AND SERVICE REVISION, AND
CONDITIONALLY APPROVING ANNEXATION NO. 21 TO THE
NIPOMO COMMUNITY SERVICES DISTRICT (KNOLLWOOD)**

The following resolution is now offered and read:

WHEREAS, pursuant to Government Code Section 56425 et. seq. and the Commission's duly adopted "General Policies and Criteria" for spheres of influence and service, the Commission has previously adopted a sphere of influence and service for the Nipomo Community Services District; and

WHEREAS, on November 8, 2001, a request was filed with this Commission to consider a proposal for Annexation No. 21 to the Nipomo Community Services District (Knollwood); and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set for public hearing at 9:00 a.m. on November 15, 2001, and the public hearing was duly conducted and determined and decision made on November 15, 2001; and

WHEREAS, at said hearing, this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said proposal and report; and

WHEREAS, a Negative Declaration prepared by the Local Agency Formation Commission has been duly prepared, noticed, and submitted for this Sphere of Influence and Service Revision and Annexation and this Commission finds, based upon the information submitted and received at the public hearing, that this project will not have a significant effect on the environment and that the Negative Declaration is adequate for the Commission's determinations; and

WHEREAS, the Commission has considered all factors required to be considered by Government Code Sections 56668 and pursuant to Government Code Section 56425 (e) and adopts as its written statements of determinations therein, the determinations to amend a sphere of influence as set forth on page A-2-14 of the Executive Officer's report dated November 15, 2001, said determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the proposal and finds that the territory proposed to be annexed to the Nipomo Community Services District, should be located within the sphere of influence and service of the Nipomo Community Services District; and that the proposed annexation should be conditionally approved.

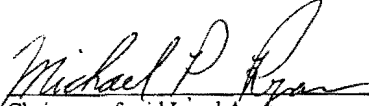
NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Negative Declaration prepared by the Local Agency Formation Commission for this proposal is complete and adequate, having been prepared in accordance with the provisions of the California Environmental Quality Act and is hereby determined to be sufficient for the Commission's actions.
3. That the existing sphere of influence and service is revised to include the area as specifically described in LAFCO File Number 11-R-01 as set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
4. That Annexation No. 21 to the Nipomo Community Services District, being further identified in the files of this Commission as File No. 11-R-01, is hereby conditionally approved, subject to the following conditions:
 1. The NCSD's approval, by resolution, of compliance with Nipomo Community Services District conditions, including but not limited to the payment of all District fees and costs, provision of water to the site by the applicant, independent of the Nipomo Community Services District's water production facilities, the provision of sewer services to the property, and supplying infrastructure to and within the proposed area of annexation.
 2. Prior to the San Luis Obispo Local Agency Formation completing the annexation process, the Nipomo Community Services District shall (A) have completed the final project approval that also includes, but is not limited to, Environmental Review pursuant to the California Environmental Quality Act and (B) provide the San Luis Obispo Local Agency Formation Commission with written confirmation that all parts of Condition Number 1 listed above have been complied with.
5. That the legal description approved by this Commission is attached hereto, marked Exhibit B and incorporated by reference herein as though set forth in full.
6. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.

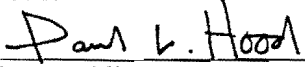
Upon a motion of Commissioner Mann, seconded by Commissioner Moffatt, and on the following roll call vote:


AYES:	Commissioners Mann, Moffatt, Johnson, Roberts, Picanco, and Chairman Ryan
NOES:	None
ABSENT:	Commissioner Pinard
ABSTAINING:	None

The foregoing resolution is hereby adopted.


 Chairman of said Local Agency
 Formation Commission

ATTEST:


 Executive Officer

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
D-2
SEPTEMBER 18, 2002**

REQUEST FOR ANNEXATION
ROBERTSON

ITEM

Request to annex approx. 60 acres, 8 users (9 parcels) at Pomeroy and Lyn Roads

BACKGROUND

The District received a request from Gary Robertson for annexation of approx. 60 acres at Pomeroy and Lyn Roads. There are 8 proposed services for 9 parcels of which 2 parcels on Pomeroy Rd. are in common ownership. San Luis Obispo County has recently changed the land use requirements of the proposed Robertson annexation to include the same restrictions as in the Summit Station area, i.e. no further subdivisions or secondary dwelling units. The County is presently reviewing the possibility of lifting those restrictions in the Summit Station area. It is assumed that if those restrictions are lifted, the same will apply to the proposed Robertson annexation.

Water supply for the proposed annexation is through the District volunteer retrofit program to satisfy the District's water supply requirements for annexations. This would take the equivalent of 64 retrofits. The estimated number of retrofits available is approx. 1000. Enclosed is a map showing the proposed Robertson annexation boundary.

RETROFITS

The volunteer retrofit program was started in 2001 to allow annexations to come into the District with the aspect of creating a water supply for the proposed annexation. Based on District calculations, it would take four existing homes to be retrofitted to create sufficient water supply for one new single-family resident. At that time, the Board took a conservative approach and indicated it would be a 2:1 factor, whereas, eight (8) homes would need to be retrofitted for each new home constructed. Since the retrofit program was established, 743 of retrofits have been allocated to Annexation No. 15, 17 & 18. It was estimated that there were approx. 1800 retrofits available when the program began, therefore, there would be about 1000 remaining.

If your Honorable Board wishes to proceed in the request for annexation, you may wish to consider other properties that may front on the proposed Lyn Road waterline for annexation.

The following would need to occur:

1. Applicant to apply to LAFCO for annexation, if NCSO wishes to consider this annexation.
2. LAFCO would do the required CEQA for the proposed annexation.
3. Applicant would enter into an annexation agreement with the District which in part would include the following:
 - Retrofitting the appropriate number of units for a water supply
 - Extend the water line in Lyn Road at applicant's cost
 - Pay all appropriate District water and annexation fees
 - Engineering evaluation of the Pomeroy water lines with respect to capacity to provide service to the proposed annexation area.
 - Confirmation of meeting the District's water supply requirements for the proposed annexation

RECOMMENDATION

If your Honorable Board wishes to proceed in this manner, staff will prepare an annexation agreement.

August 30, 2002

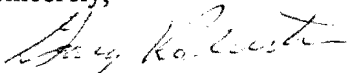
After a lengthy application process, which so far has taken more than three years, we have received approval from the county to amend the South County Area Plan by adding our lots to the existing community water service district. We now request that Nipomo Community Water District join the county board to approve our annexation.

Most of the annexation applicants have resided on or owned our properties for many years, many of us for twenty five years or more. During our Nipomo Community residency, we have experienced many changes to our Mesa as development expands. As a result, our individual water well resources have been rapidly declining, and some are completely depleted.

On approval of our application, we will abide by and accept all conditions for water service required by the Nipomo Community Services District including the requirement of either a water in-lieu fee, or a retrofit program at the district's discretion.

We understand that NCSD may decide to annex both sides of Lyn Road while processing our annexation request. If NCSD so chooses to pursue a wider annexation, we request that a fair share reimbursement agreement be created by NCSD. The reimbursement would be paid by future applicants who choose to hook up to the Lyn Rd. water pipeline. Those who originally paid for the engineering and water pipeline expenses should be fairly reimbursed. We request the reimbursement costs include engineering expenses, plus the actual cost to build the Lyn Road water pipeline.

Sincerely,



Gary Robertson
1732 Lyn Road
Arroyo Grande, CA 93420
489-9155

RECEIVED

AUG 30 2002

NIPOMO COMMUNITY
SERVICES DISTRICT



GEOCONSULTANTS, INC.

*Hydrogeology • Ground-Water Exploration & Development •
Ground-Water Resources Management •*

1450 Koll Circle, Suite 114, San Jose, California 95112-4612

Phone: (408) 453-2541 Fax: (408) 453-2543

www.geo-consultants.com

APPENDIX F⁷-56

September 28, 1998

Mr. Gary Robertson
1732 Lyn Road
Arroyo Grande, CA 93420

Dear Gary:

I have finally reviewed the well log that you provided me, and made an attempt to correlate this with the underlying site geology and the regional geology as mapped by Hall in 1973. I have also reviewed reports from the Department of Water Resources (DWR) for the Arroyo Grande Basin and San Luis Obispo County, and conducted a telephone interview with the owner of Water Well Supply in Arroyo Grande, California.

It appears that your property lies within a structurally complex area of the Nipomo Mesa. The cross-sectional views of the subsurface contained in the DWR reports do not correlate well with the drillers log from your well. Theoretically, there should be a much thicker section of water-bearing sands and gravels beneath your property, in what we call the Paso Robles formation. This formation appears to be lacking or removed completely in your area. The owner of Water Well Supply indicated that in your area he generally encounters hard shales that he describes as being from the Franciscan Assemblage once he drills through the older dune sands that exist on the surface. We would normally expect to encounter these rocks at much greater depths, possibly 500 feet or greater in your area. This suggests that your property rests on some type of uplifted block of these Franciscan Assemblage rocks, and the normally water-bearing sands and gravels of the Paso Robles formation have been eroded away so that only the essentially non water-bearing dune sands rest above the Franciscan Assemblage rocks. The shales and minor sandstones of the Franciscan can be classified as essentially non water-bearing also, with limited permeability. These rocks are fairly well compacted and dense, and ground water will only exist and be transmitted within fractures in the rock. The area around Lyn Road has undoubtedly been affected by folding and faulting in the subsurface, and the strata have become partially or wholly dewatered.

In conclusion, it seems that the possibility of developing a ground-water source on your property that will be of the desired quantity and quality is minimal. Water Well Supply informed me of several wells that they have drilled along and in

RECEIVED

AUG 30 2002

7-55

John McKenzie, Environmental Specialists
January 23, 2001
Page 3

2. *Groundwater Impacts*

Most of the proposed amendments will result in increased residential development. Generally we are concerned with the long term impact of increased residential development on the availability of ground water resources necessary for agricultural production. Agricultural uses, in both the Agriculture and Residential Rural land use categories, are dependent on sufficient quantity of ground water for irrigated agricultural production. Additionally, the high quality of the ground water (e.g., low salt) found on many portions of the Nipomo Mesa is an essential resource for the expanding nursery industry on the mesa. The increase demand for ground water from increased residential development could impact the long term availability of ground water for agricultural operations. Agriculture and Open Space Element Policy AGP11 indicates that water resources should be maintained for production agriculture and discourages the approval of general plan amendments which would adversely affect water supplies and quality.

For further assistance please call.

H:\RLHLUP\GPA\South County GPA.wpd

NIPOMO COMMUNITY SERVICES DISTRICT

Request For Annexation

Property/Project Information and Proposal
(To be completed by Project Proponents/Owners)

1. Property Owner: GARY ROBERTSON 409-9155
Address: 1732 LYN ROAD, ARROYO GRANDE
2. Developer: _____
3. Engineer: _____
4. Assessor's Parcel Number: 091 663 037 64
5. Location:
A. Text/Legal Description: SEE APPENDIX A

B. Provide Map (attachments)
6. General Description of Project: _____
ANNEXATION REQUEST FOR 58 PLUS ACRES TO BE
INCLUDED IN NCSD WATER DISTRICT

7. Services Requested from NCSD: WATER
A. Water: _____
B. Sewer: _____
8. Current Zoning: RURAL RESIDENTIAL
9. Identify any proposed or pending zone changes on the property to be annexed (Ref. District Resolution No. 197): PROPERTY HAS BEEN ANNEXED BY THE COUNTY & HAS THE SAME RESTRICTIONS AS THE SUMMIT STATION AREA
A. Maximum number of units based on current zoning: _____
B. Maximum number of units based on proposed zoning: _____
10. Proposed number of Residential Units: _____
(Describe phased construction plan if applicable)
NONE

Mr. Gary Robertson
September 28, 1998
Page 3

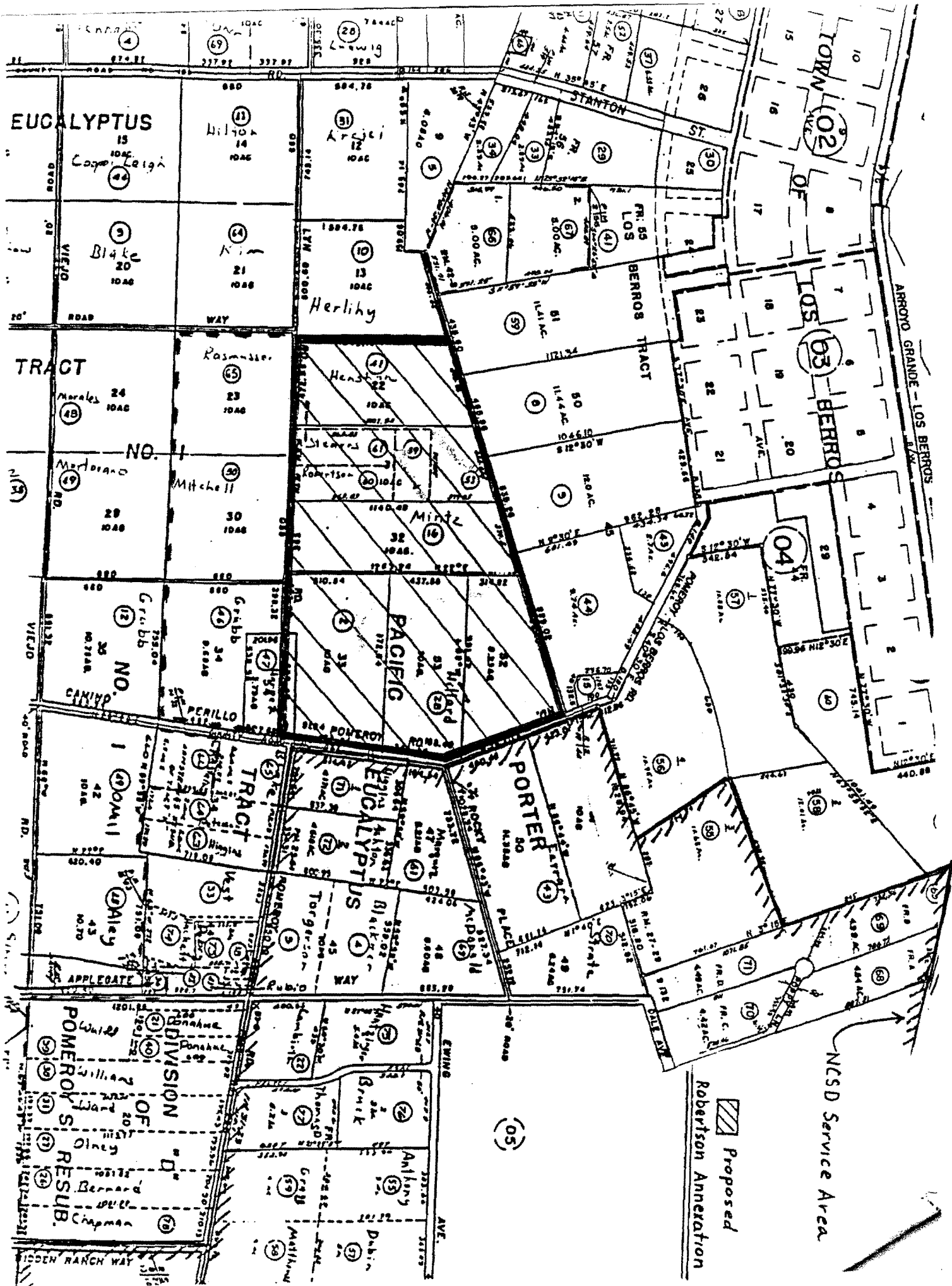
7-58

SELECTED REFERENCES

**Department of Water Resources, 1958, San Luis Obispo County Investigation:
CDWR Bulletin No. 18, Volumes 1 & 2.**

**Department of Water Resources, 1971, Water Well Standards, Arroyo Grande
Basin, San Luis Obispo County: CDWR Bulletin No. 74-7.**

**Hall, C.A., 1973, Geology of the Arroyo Grande quadrangle, California: California
Division of Mines and Geology Map Sheet 24.**



NIPOMO COMMUNITY SERVICES DISTRICT

Request For Annexation

Property/Project Information and Proposal
(To be completed by Project Proponents/Owners)

1. Property Owner: GARY ROBERTSON 409-9155
Address: 1732 LYN ROAD, ARROYO GRANDE
2. Developer: _____
3. Engineer: _____
4. Assessor's Parcel Number: 091 663 037 64
5. Location:
A. Text/Legal Description: SEE APPENDIX A

B. Provide Map (attachments)
6. General Description of Project: _____
ANNEXATION REQUEST FOR 55 PLUS ACRES TO BE
INCLUDED IN NCS D WATER DISTRICT

7. Services Requested from NCS D: WATER
A. Water: _____
B. Sewer: _____
8. Current Zoning: RURAL RESIDENTIAL
9. Identify any proposed or pending zone changes on the property to be annexed (Ref. District Resolution No. 197): PROPERTY HAS BEEN ANNEXED BY THE COUNTY & HAS THE SAME RESTRICTIONS AS THE SUMMIT STATION AREA
A. Maximum number of units based on current zoning: _____
B. Maximum number of units based on proposed zoning: _____
10. Proposed number of Residential Units: _____
(Describe phased construction plan if applicable)
NONE

- 11. If non-residential use, provide information as to number of plumbing fixtures, manloading, intended use, etc. (Describe phased construction plan if applicable):
NA

- 12. Total acreage of proposed project: 58 ~~AC~~
- 13. Total acreage of proposed annexation: 58 plus
- 14. If total acreage to be annexed differs from the acreage to be developed, explain the difference:
TWO OTHER PROPERTY OWNERS ON LYN ROAD ARE INTERESTED IN THE PROPOSED ANNEXATION

- 15. Status of water resources available on proposed annexation acreage:
 - A. Quantity (pumping log and date: DATE)
 - B. Quality (quality tests and date: OK)
 - C. Other information: FOUR PARCELS HAVE NO WATER

 - D. Water resources to be dedicated to NCSD: SEE APPENDIX B

- 16. Description of existing and proposed wastewater disposal system: _____

- 17. Reason proponents are requesting annexation: NO WATER ON FOUR PARCELS AND WATER TABLE IS DROPPING IN THE IMMEDIATE AREA

- 18. Other comments: _____

Note:

In its effort to make a competent and informed annexation decision, NCSD may, at its sole discretion, request additional information from the proponent(s) of the annexation, and/or revise this checklist as NCSD deems necessary.

By signing below, I certify that I am the Owner of said property, or am empowered to act on the Owner's behalf, and that I understand the information provided herein by me or my representatives is true to the best of my knowledge.

Signed: Gary Leland Robertson
Full Name: GARY LELAND ROBERTSON
Street Address: 1732 LYN ROAD, ANCOYA BEACH 93420
Mail Address (If different): _____
Home telephone number: 409-9155
Work telephone number: NONE

Appendix A

Gary Robertson
1732 Lyn Road
Arroyo Grande, CA 93420 Phone 489-9155

Gene Mintz
1712 Lyn Road
Arroyo Grande, CA 93420 489-5066 (Office) 489-7712 (home)

Roy A. Thomas
3805 Los Padres Road
Santa Maria, CA 93455-2915 937-4465

Jeff Meier
P.O.Box 775
Nipomo, CA 93444-0775 481-5820

Frank Heinsohn
1796 Lyn Road
Arroyo Grande, CA 93420 489-0339 (Office) 781-5976

Don Hilliard
1731 Pomeroy Road
Arroyo Grande, CA 93421-0166 489-7827 FAX 481-4165 Cell 459-1950

Pam & Phil Stearns (408) 629-9770
7162 Via Colina
San Jose, CA 95139

***Jim & Judith Patterson (805) 966-9779 FAX 966-9259
19 Camino Verde
Santa Barbara, CA 93103 (Next to Ena new neighbors)

***Jack Herlihy
1804 Lyn Road
Arroyo Grande, CA 93420 Phone 489-0633

*** The above two Lyn Road property owners were not included in the County annexation, would also like to join us in our request for water at NCSD.

7-57

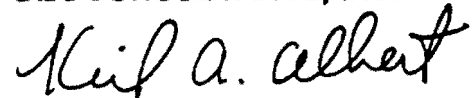
Mr. Gary Robertson
September 28, 1998
Page 2

the vicinity of Lyn Road to depths in excess of 800 feet with less than favorable results. This argues against trying to drill a deeper well on your property. A connection to a city or county water source would be the best alternative. Although initially expensive, the connection would guarantee a sustained source of water into the future, without having to be concerned with low producing wells, and the possibility of spending extra money for well rehabilitation on a yearly basis.

I hope this is the information that you require at this time. If you have any questions, please contact me at your convenience.

Sincerely,

GEOCONSULTANTS, INC.



Keil A. Albert
Staff Geologist

SORRY
MISSED THIS PAGE

RECEIVED

AUG

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
D-3
SEPTEMBER 18, 2002**

WOODLAND PROJECT
(PH PROPERTIES DEVELOPMENT)

ITEM

SLO County Planning Dept. Public Hearing will be held September 26, 2002 to review:

Woodland Project

- THE SUBDIVISION
- THE WATER SUPPLY
- PHASE 1-A
- GOLF COURSE

BACKGROUND

The District has received a Notice of a Public Hearing from the County Planning and Building Department that P H Properties Development (Woodland) is before the County Planning Department on September 26, 2002. The Public Hearing will address four items.

1. The Subdivision - 957 acre development, 1220 lots, multi-family residential and business park
2. The Water Supply – Determination of adequate water supply
3. Phase 1-A - Development plans for construction of Phase 1A, which consists of 447 single-family residential units and a business park.
4. Golf Course – 18-hole golf course, clubhouse and maintenance building

The County Planning Department's staff report for the September 26, 2002, meeting will be available Sept. 16, 2002.

RECOMMENDATION

A recommendation will be made after a review of the County Planning Department staff report.

F. Y. I.

FOR YOUR INFORMATION

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

VICTOR HOLANDA, AICP

AUG 30 2002

DIRECTOR



NOTICE OF PUBLIC HEARING

WHO: San Luis Obispo County Planning Commission

NIPOMO COMMUNITY
SERVICES DISTRICT

WHEN: Thursday, September 26, 2002, at 8:45 a.m. (All items are advertised for 8:45 a.m. To find out the agenda placement call the Planning Department at 781-5600)

WHAT: Hearings to consider proposals by **P.H. PROPERTY DEVELOPMENT** for land division and development projects under the provisions of the adopted Woodlands Specific Plan. Four separate hearings will be conducted. 1) A hearing to consider a subdivision of a 957 acre site into 1,220 residential single-family lots ranging in size from 4,200 square feet to 23,000 square feet, 16 business park parcels ranging in size from 1.10 acres to 1.40 acres, a 5.7 acre parcel for multi-family residences, 14 golf course parcels totaling 397 acres, 10 commercial parcels within the village center ranging in size from 0.40 acres to 4.10 acres, two resort parcels of 5.40 acres and 17.40 acres each, an 11.60 acre parcel for the wastewater treatment facility, and 100 various parcels for parks, open space, buffers and habitat preservation. The project is proposed to be recorded in multiple phases and includes off-site road improvements to Mesa Road from the site to Nipomo, and off-site road improvements to both Via Concha and Albert Way from the site to Willow Road. 2) The Planning Commission will make a determination and verification whether an adequate water supply is available for the subdivision pursuant to Government Code section 66473.7. 3) A hearing to consider a Development Plan for the construction of Phase 1A features, including: 447 single-family residential units; infrastructure for a 19 acre business park, a 14 acre village center (including a 1.8 acre park) and a 5.7 acre multi-family parcel; a wastewater treatment plant; a water distribution system; four temporary dwellings for initial construction activities; and the construction of a 2,600 square foot project information center, project entry features, parks and trails. 4) A hearing to consider Development Plan for the development of an 18 hole golf course, 2,880 square foot temporary clubhouse, 4,800 square foot cart barn, 9,600 square foot maintenance building, practice field, and driving range. The project site is within the Recreation, Commercial Service and Commercial Retail Land Use Categories. The property is located in the county on the Nipomo Mesa approximately two miles west of the community of Nipomo, on the east side of Highway One, and approximately 1/2 mile south of Willow Road, APN: 091-211-009 & 010, 091-221-001, 091-261-001, & 091-411-003, in the South County Planning Area. County File Number: **D990194D, D990195D, & S990187U/TRACT 2341**. Date applications accepted: January 12, 2001, Supervisorial District 4.

WHERE: The hearing will be held in the San Luis Obispo County Board of Supervisors Chambers, Room 224, County Government Center, San Luis Obispo, California. At the hearing all interested persons may express their views for or against, or to change the proposal.

FOR FURTHER INFORMATION: You may contact **Jay Johnson**, Project Manager, in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408 (805) 781-5600.

ENVIRONMENTAL INFORMATION: Also to be considered at the hearing will be the addendum to the previously certified Final Environmental Impact Report and Final Supplemental Environmental Impact Report in accordance with the applicable provisions of the California Quality Act, Public Resources Code Section 21000 et seq. Environmental Issues include: Water Resources, Traffic, Air Quality, Biological Resources, Noise, Aesthetics, Public Services, Cultural Resources, Agricultural Resources, Hazardous Materials, and Drainage, Erosion and Sedimentation. Anyone interested in commenting or receiving a copy of the proposed addendum to the Final Environmental Impact Report and Final Supplemental Environmental Impact Report should submit a written statement. Comments will be accepted up until completion of the public hearing(s).

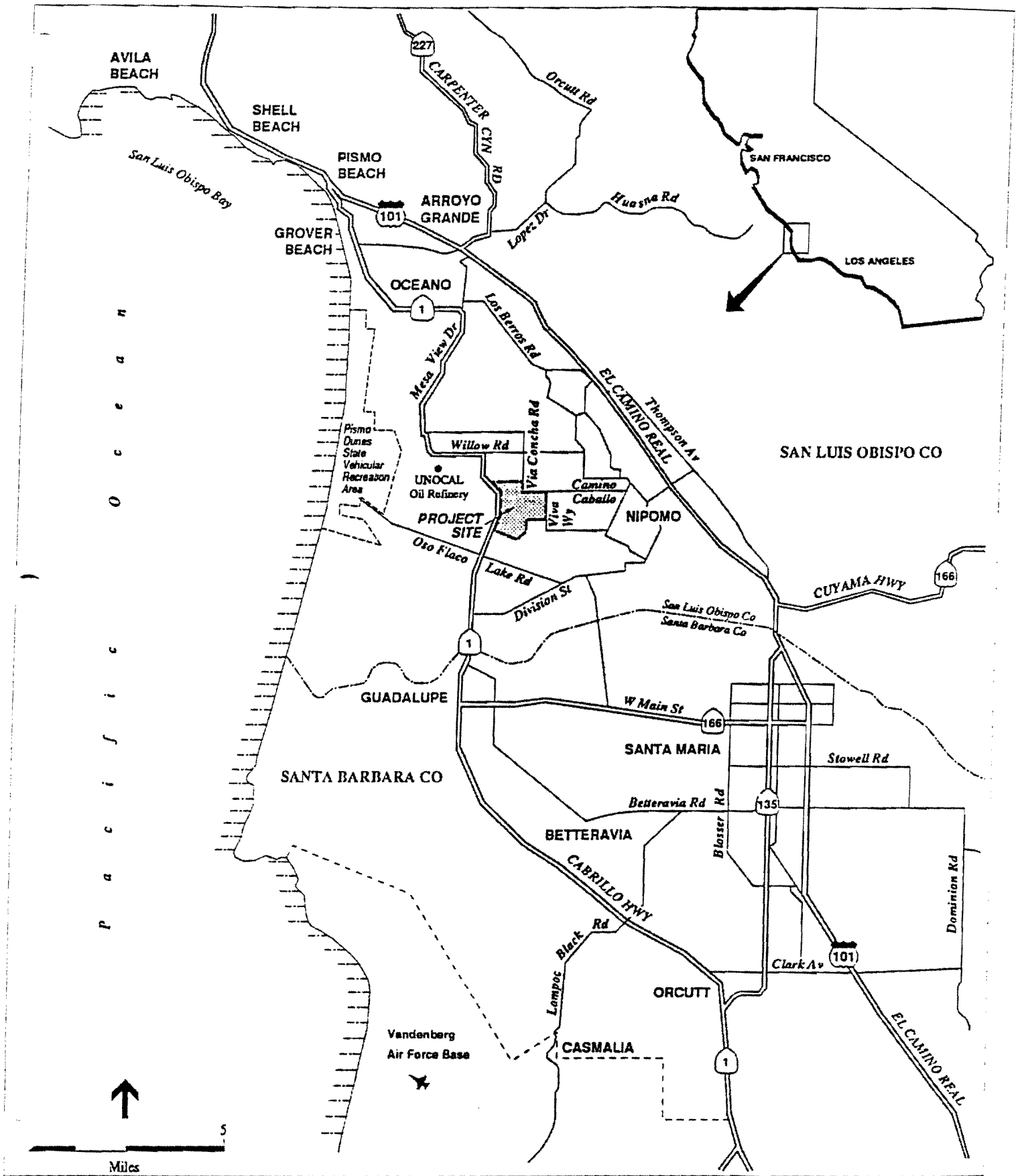
****If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this public notice or in written correspondence delivered to the appropriate authority at or before the public hearing****

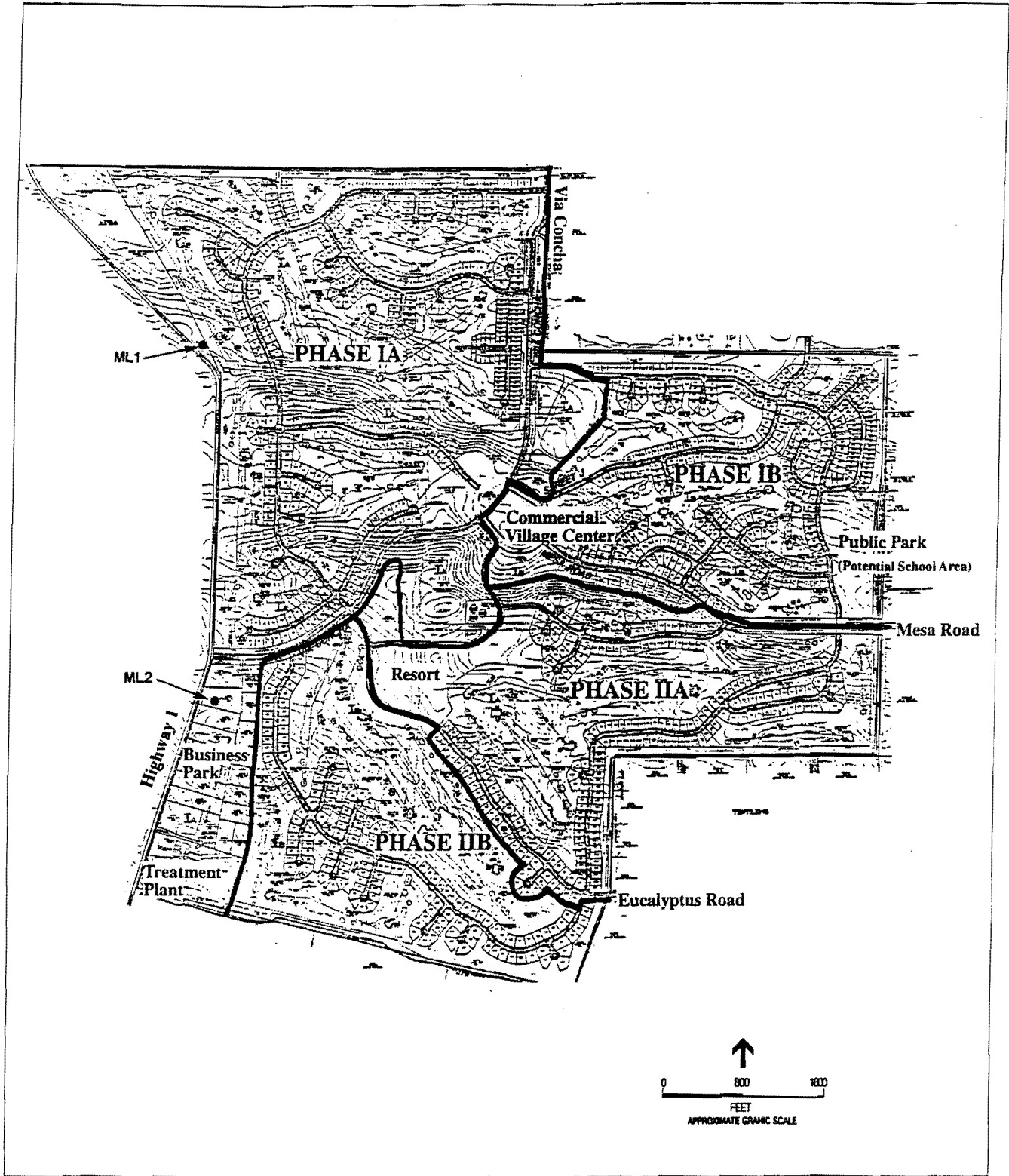
DATED: August 27, 2002

DIANE TINGLE, SECRETARY, COUNTY PLANNING COMMISSION
COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>

Copy of document found at www.NoNewFrisTax.com






SOURCE: The Woodlands Preliminary Site Plan

Woodlands Specific Plan / 201245 ■

Figure 2
Land Use Concept Plan

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
D-4
SEPTEMBER 18, 2002**

REQUEST FOR SERVICE – CO 02-0215 (HILL)

ITEM

Request for water and sewer service for a 4-lot development on W. Tefft Street

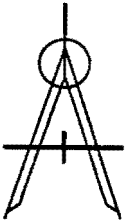
BACKGROUND

The District a request from WRD Engineering for water and sewer service for a 4-lot development on W. Tefft Street. The District may issue an Intent-to-Serve letter for the proposed project with the following conditions:

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

RECOMMENDATION

Staff recommends that your Honorable Board approve the Intent-to-Serve letter for the 4-lot development for CO 02-0215 with the above mentioned conditions.



WRD Engineering

Civil Engineering - Land Surveying

592 South 13th Street 93433
P. O. Box 432
Grover Beach CA 93483

Phone: (805) 481-1964
FAX: (805) 481-9146

September 4, 2002

NCSD
Doug Jones
P.O. Box 326
Nipomo, CA 93444

RE: Request for Will Serve letter
Tentative Parcel Map CO 02-0251

Dear Doug,

On behalf of the owner of the above referenced project, this is a request for a "Can-and-will-Serve" letter for Tentative Map processing with the County of San Luis Obispo. A copy of the Tentative Parcel Map is enclosed for you information.

The project includes the following:

- a) Existing single family residence of 1,500 sq ft already served by water but on private septic system.
- b) Three proposed professional office buildings of 3,000 sq ft each.
- c) Twelve proposed residential studio apartments of 500 sq ft each.

Please respond at your earliest convenience. If you have any questions please call.

Regards,


Bill Dyer

RECEIVED

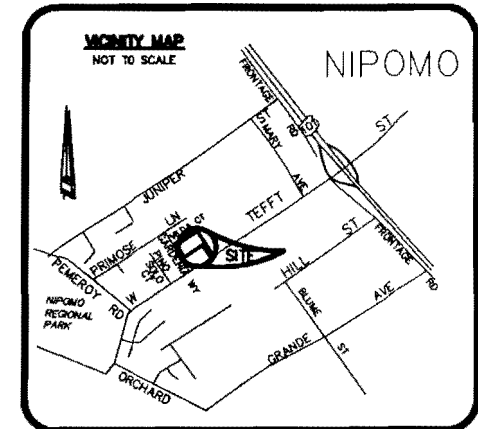
SEP 09 2002

**NIPOMO COMMUNITY
SERVICES DISTRICT**

Cc: Jessie Hill, Esq.

**VESTING
TENTATIVE PARCEL MAP
NO. CO 02-0251
OF A PORTION OF PARCEL 1
(9 PM 3)**

County of San Luis Obispo,
State of CALIFORNIA
August, 2002



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE LOT DIVISION ORDINANCE OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA.

BY: RICHARD H. CASSERA, LS4283, EXP. 6/30/04

APPLICANT & OWNER

JESSE HILL
1810 GRANT AVE
ARROYO GRANDE, CA 93420
(805)486-8384



ASSESSOR'S PARCEL NUMBERS

092-572-034 TEFFT

NOTE

THE BEARINGS AND DISTANCES SHOWN ON THIS MAP ARE PER 9-PM-3.

LEGEND

- EXISTING CONTOUR
- PROPERTY LINE
- EASEMENT LINE

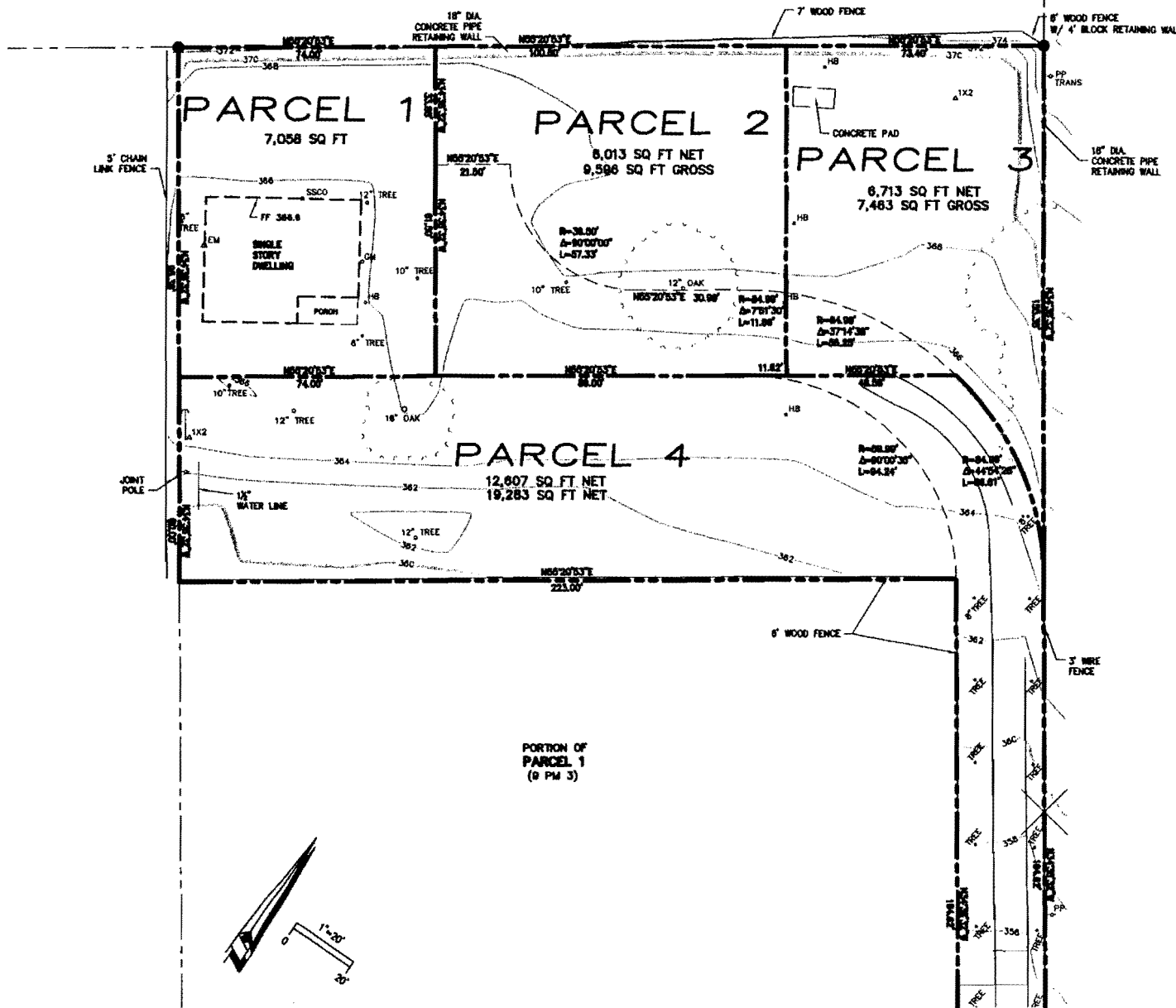
Surveying by:




WRD Engineering
Civil Engineering - Land Surveying

P. O. Box 432, Grover Beach, CA 93483
PH: (805) 481-1984 FAX: (805) 481-9148

WRD_H102181



TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: SEPTEMBER 18, 2002

AGENDA ITEM
D-5
SEPTEMBER 18, 2002

REQUEST FOR SERVICE – CO 02-0246 (BRANCH)

ITEM

Request for water and sewer service for a lot split on W. Tefft Street

BACKGROUND

The District a request from Omni Design Group water and sewer service for a lot-split on W. Tefft Street where there presently exists a professional office building. The lot-split will create an additional lot behind this building. A new service will be required for this lot-split. The District may issue an Intent-to-Serve letter for the proposed project with the following conditions:

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

RECOMMENDATION

Staff recommends that your Honorable Board approve the Intent-to-Serve letter for the lot-split for CO 02-0246 with the above mentioned conditions.



9/05/02

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

RECEIVED

SEP 10 2002

RE: TENTATIVE PARCEL MAP CO 02-0246

NIPOMO COMMUNITY
SERVICES DISTRICT

Dear Sirs:

Hello. My name is Douglas Sholders and I am a Land Surveyor with Omni Design Group here in San Luis Obispo. I am preparing a Tentative Map (two copies enclosed) to submit to the County of San Luis Obispo.

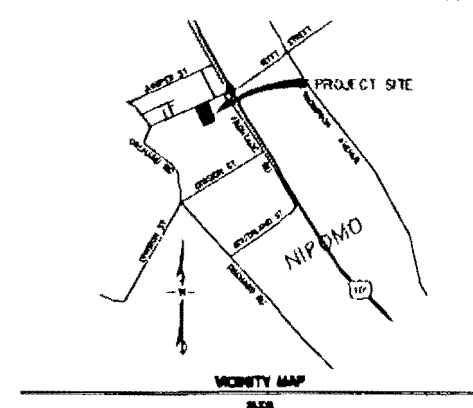
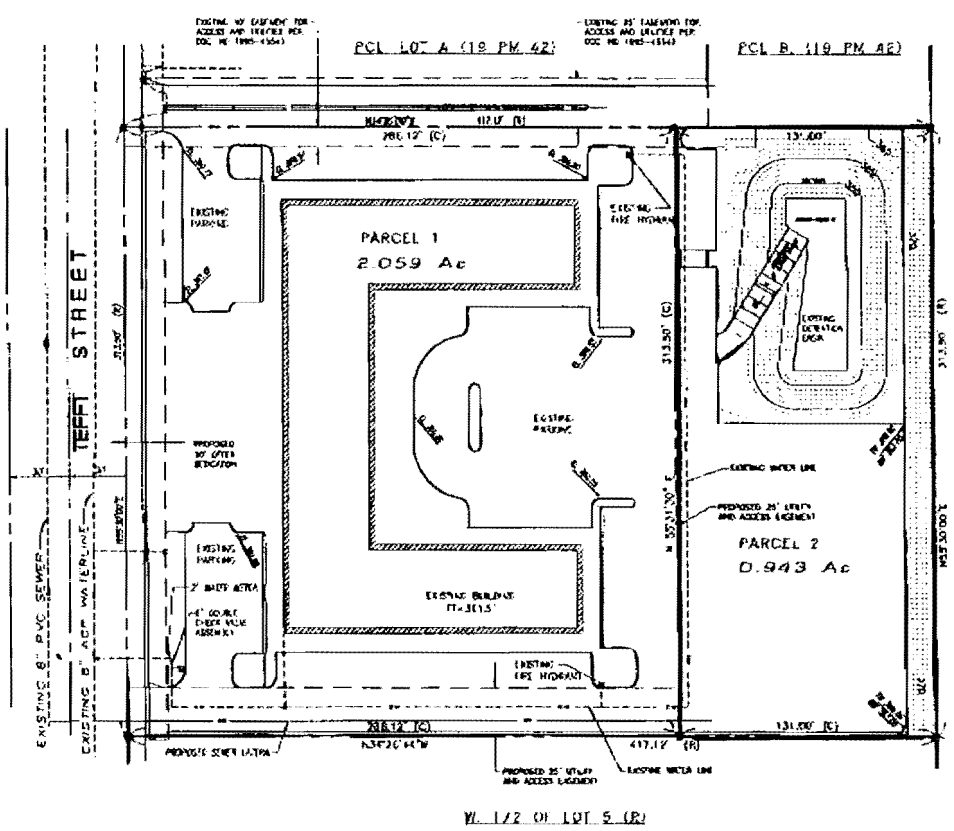
As you can see from the Tentative Map, there is an existing Professional Office building on the Lot next to street. Cliff Branch, the Developer, desires to split the whole Lot, with 2.05 Acres in the front and 0.95 acres in the rear.

Please provide an "Intent to serve" letter for the new Parcel that will be created. I am also enclosing a card with my direct telephone line if you have any questions. Thank you for your prompt response.

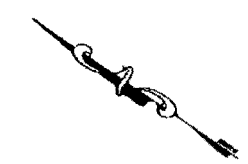
Sincerely

Douglas Sholders, LS #5700





LOT 5 (R)

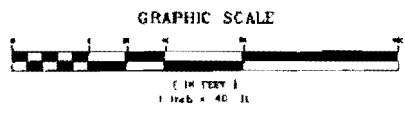


ASSESSOR'S PARCEL NO
092-130-016

REFERENCE MAPS
A - RECORD DATA PER A.M.B. 19
R - RECORD DATA PER S.A.E. 09-56

- LEGEND:**
- FOUND MONUMENT AS NOTED
 - 5/8" IRON SET WITH CAP IS 6325 TO BE SET
 - PC (M) EXISTING LOT MEASURED
 - PC (C) CALCULATED
 - EXTERIOR BOUNDARY OF SURVEY
 - EW --- EXISTING WATER
 - SS --- EXISTING SEWER
 - W --- PROPOSED WATER
 - SS --- PROPOSED SEWER

OWNERS:
 DEFT BRANDE 70% INTEREST
 JAMES E. SMITH 30% INTEREST
 1023 REDWOOD ST
 SAN LUIS OBISPO, CA 93402
 (805) 544-3050



VESTING TENTATIVE MAP CO-02-0246

BEING A TWO LOT SUBDIVISION OF THE EAST 1/2 OF LOT 5, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO A MAP ENTITLED MAP OF THE RESUBDIVISION OF THE WESTERLY PART OF LOT 25 OF H.C. WARD'S SUBDIVISIONS OF THE NIPOMO RANCHO, THE PROPERTY OF ELISEO DANA, PARTLY SURVEYED AND MAP DRAWN BY GEORGE STORY, COUNTY SURVEYOR, FEBRUARY 1887 AND RECORDED IN BOOK A, PAGE 19 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**OMNI
DESIGN GROUP, INC.**
 ARCHITECTURE
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 PLANNING
 PROJECT MANAGEMENT
 SURVEYING
 TELECOMMUNICATIONS

106 ORCHARD STREET, SUITE 101
 SAN LUIS OBISPO, CALIFORNIA 93401
 PHONE: (805)544-8910
 FAX: (805)544-6387
 WWW: WWW.OMNIDSGROUP.COM
 HTTP: HTTP.OMNIDSGROUP.COM

SHEET 1 OF 1

724-D1A

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
D-6
SEPTEMBER 18, 2002**

FUTURE SERVICES
OLDE TOWNE NIPOMO

ITEM

Consideration to install water services in Tefft Street before Olde Towne improvements

BACKGROUND

The District has received an inquiry from Dale Ramey, San Luis Obispo County Public Works Department, about installing future water and sewer laterals in Tefft Street prior to the Olde Towne improvements being completed. At one time, the County had a policy once a road is paved not issuing encroachment permits for a period of two years, thereafter.

The present contractor, Whitaker Construction, installing the Tefft Street water line, does not have a line item of providing water services. This contract is mainly a transmission main. It is possible to have a change order to have this contractor to install water services or sewer laterals. The concern is the funding of these installations.

Much of the area between Nipomo Creek and Thompson Avenue is undeveloped. Services are installed based on the types of commercial development occurring. If services are to be installed now, what size service is to be installed and how is it paid for? The existing water line is near the center of the street and the new water line will be on the south side of the street. The sewer main is on the southerly side of the street. Of the approx. 40 parcels between the freeway and Thompson Avenue, 22 are vacant.

The County has indicated that they would not issue encroachment permits to install services for a period of two years, which may stymie development. If the District installed water and sewer services to each of the properties, it is unknown if they would be located in the proper place or size of service and payment. Also, other utilities would need to install services prematurely to each of the properties, not knowing the size requirements.

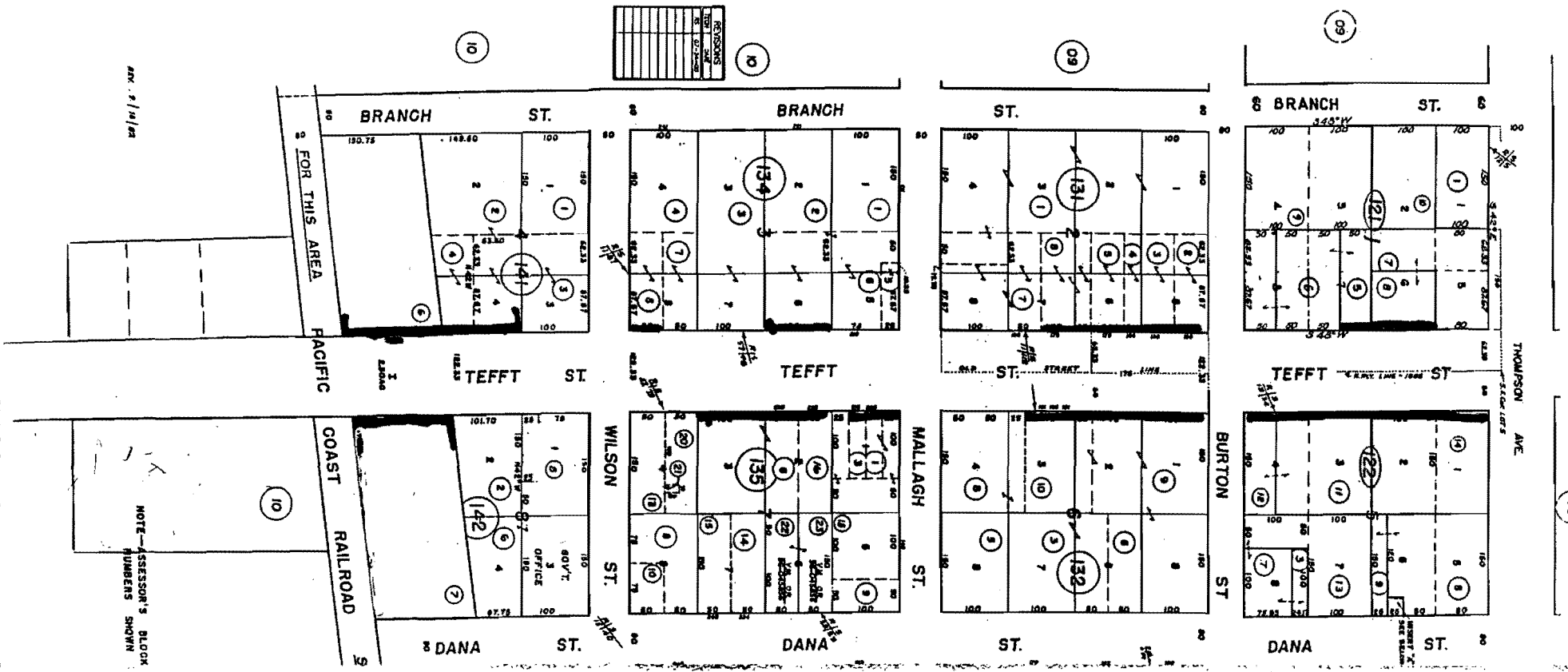
It is suggested that the Olde Towne improvements could delay the final one-inch street-paving cap for a period until it is known what type of development will occur along Tefft Street. This would allow services to be installed prior to the final street paving.

RECOMMENDATION

This matter is brought to the Board for consideration and direction to staff.

— Indicates Vacant Properties

San Luis Obispo, CA, 2001-2t



dramey@co.slo.ca.us, 01:53 PM 9/4/02 -, Future Water & Sewer Laterals

From: dramey@co.slo.ca.us
Subject: Future Water & Sewer Laterals - Tefft Street
To: administrator@nipomocsd.com
Cc: dflynn@co.slo.ca.us, gpriddy@co.slo.ca.us, Kkubiak@aol.com
X-Mailer: Lotus Notes Release 5.0.8 June 18, 2001
Date: Wed, 4 Sep 2002 13:53:19 -0700
X-MIMETrack: Serialize by Router on Swan/CountyofSLO(Release 5.0.8 |June 18, 2001) at
09/04/2002
02:02:47 PM

Doug,

I am the new project manager for the Tefft Street Improvement project. As I was reviewing the most recent plans for the extension of the 16" water line, it became apparent that services to undeveloped lots were not included with your project. If the service laterals are not installed with your current project, the new pavement on Tefft Street will become trench patch after trench patch. I request your add the installation of the service laterals to the water line extension project. This action will maintain the proposed street improvements in a stable and attractive condition which will promote the development in Olde Towne Nipomo.

Thanks.

Dale

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
E-1
SEPTEMBER 18, 2002**

NIPOMO CREEK CLEAN UP DAY FUNDING

ITEM

Request from the Nipomo Creek Committee for funding for Nipomo Creek Clean Up Day planned for Saturday, October 5, 2002

BACKGROUND

A request was received from Larry Vierheilig, representative of the Nipomo Creek Committee, for your Honorable Board to help in the funding of the Creek Clean Up Day. The funding is for trash bins for solid waste removed from the Nipomo area creeks. It is unknown if the bulk of the material will be coming from creeks inside the District boundary or outside. Since this is a solid waste project, it could be funded by the District's Solid Waste Fund Franchise fees collected from the local garbage company.

Cleaning the creeks should increase the hydraulic flow through the area within the District boundary, not only protecting life and safety of the property owners but also possibly minimizing damage to District's water and sewer infrastructure.

The present funding request is for \$3,000, which includes cutting and brush removal. Since the restricted Solid Waste Fund can make expenditures for removing solid waste from creeks, it is estimated that approx. 50% of the proposed work could be paid from this fund. The vendors should invoice the District directly for payment.

RECOMMENDATION

The Board may authorize funding from the Solid Waste Fund for expenses related to solid waste collections from creeks within the District.

September 18, 2002

To: Richard Mobraaten, President NCSD

Subject: Request for NCSD Funding; Nipomo Creek Clean-Up Day, Saturday, October 5th
and the Week of October 21st thru 25th

The Nipomo Creek Committee, a committee of the Nipomo Community Advisory Council, requests that the NCSD support the creek clean-up effort with funding not to exceed \$3,000.00. This funding will be used for collection of trash from the Nipomo Creek and tributaries, specifically for rental of one (1) 40 cubic yard drop-off bins and for the labor cost of the California Conservation Corp (CCC) to remove brush from the creek and tributaries beds.

The CCC is contributing, free of charge, 2 to 3 days with a full crew of 12 to 15 persons with equipment to cut and bundle vegetation in the creek and tributaries beds. For \$ amount contributed, see cost breakdown below.

All clean-up sites in the creek and tributaries are within the NCSD boundaries. See attached map for site locations.

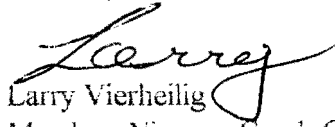
Expended cost breakdown is as follows:

* Bin Rental and Tipping Fee.	\$400.00
* CCC labor 2 days for brush removal and chipping:	2,600.00
CCC labor per day \$1,000.00 x 2 = \$2,000.00	
Chipper rental per day \$300.00 x 2 = \$600.00	
TOTAL NCSD EXPENSES	\$3,000.00

Contributed costs:

* CCC labor 2 to 3 days of brush cutting/bundle.	\$2,000 to \$3,000
* CCC equipment charges for 2 to 3 days:	<u>\$600 to \$900</u>
TOTAL \$s CONTRIBUTED	\$2,600 to \$3,900

Sincerely,



Larry Vierheilig
Member, Nipomo Creek Committee

cc: Douglas Jones
Michael Winn
Judith Wirsing
Robert Blair
Clifford Trotter
Donna Johnson
Jon Seitz

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
E-2
SEPTEMBER 18, 2002**

**TEFFT STREET LIFT STATION
IMPROVEMENTS**

ITEM

Review and award bid to upgrade the Tefft Street sewer lift station

BACKGROUND

In March 2002, the District directed Garing, Taylor and Associates to design upgrades to the Tefft Street sewer lift station to increase its capacity to handle the new high school and the development on the easterly side of the District. Designs were completed and the District went out to bid. The following bids were received September 10, 2002, at 2:00 p.m.

R. Baker	\$ 204,360.00	1
Wysong Const.	206,086.00	2
Whitaker	212,102.50	3
JB Kies	232,928.00	4
HPS	246,518.00	5
RE McCollum	277,200.00	6

The engineer's estimate for this project was \$222,530.00. The Fiscal Year 2002-2003 budget for this project has \$150,000 based on Boyle's Water and Sewer Master Plan Update. The improvement, suggested by the Boyle Engineering, did not include the stand-by generator for emergency operations (approx. \$60,000). A budget adjustment of \$75,000 needs to be made for the Tefft Street Lift Station upgrade. The additional amount would be for the generator, contingencies and inspection of the construction. There is ample reserve in the Town Division Sewer Capacity Fund to cover this cost.

RECOMMENDATION

Staff recommends that your Honorable Board award the bid to the lowest bidder, R. Baker, in the amount of \$204,360.00 and make a budget adjustment to \$225,000 for the Tefft Street sewer lift station upgrade project. Attached is a resolution for consideration.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2002-award**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO R BAKER
FOR THE TEFFT STREET LIFT STREET IMPROVEMENTS**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("DISTRICT") is desirous to upgrade the Tefft Street Sewer Lift Station; and

WHEREAS, the DISTRICT requested bids to upgrade the Tefft Street Sewer Lift Station and bids were opened on September 10, 2002, at 2:00 p.m.; and

WHEREAS, six (6) bids were received and the apparent responsive and reliable low bid for the upgrade of the Tefft Street Sewer Lift Station was from R. Baker, Inc. in the amount of \$204,360.00; and

WHEREAS, the District has budgeted \$150,000 in the budget for Fiscal Year 2002-03 for this project and wishes to make a budget adjustment of an additional \$75,000 to cover the cost of these improvements.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

- 1) Finds the Staff report to be in order and attached hereto.
- 2) That the 2002-03 Fiscal Year Budget for this project funded from the Town Division Sewer Capacity Fund be adjusted to \$225,000
- 3) The contract for upgrading the Tefft Street Sewer Lift Station is awarded to R. Baker, Inc. in the amount of \$204,360.00.
- 4) The President is instructed to execute the contract in behalf of the District.

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

AYES: Directors

NOES:

ABSTAIN:

ABSENT:

the foregoing resolution is hereby adopted this 18th day of September, 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



*Civil Engineering
Surveying
Project Development*

September 12, 2002

Nipomo Community Services District
148 South Wilson Street
P.O. Box 326
Nipomo, CA 93444

ATTENTION: Doug Jones

RE: Bid Results
Tefft Street Lift Station Upgrade Project

Doug:

The low bidder for the Tefft Street Lift Station Upgrade Project is R. Baker, Inc. with a bid of \$204,360.00. The license and bonding was checked for all bidders and bid results tabulated. Attached is the Bid Summary Sheet and Bid Check List Form.

The bid of R. Baker, Inc. is acceptable and a contract can be awarded to them at the discretion of the board.

Respectfully submitted,

GARING, TAYLOR & ASSOCIATES, INC.

R James Garing
District Engineer

JG:mrr
Attachments

**Bid Summary - Construction of Tefft Street Lift Station Upgrade Project
for the Nipomo Community Services District**

W.O. #ND02-059

Bids Opened: September 10, 2002 @ 2:00 PM

		Est. Qty.	Unit of Measure	Engineer's Estimate	R. Baker, Inc.	Wysong Constr. Co.	Whitaker Contractors	J.B. Kies Const.Co., Inc.	HPS Mechanical	R. E. McCollum
1.	Mobilization/Demobilization	LUMP	SUM	\$2,000.00	\$3,500.00	\$4,370.00	\$1,100.00	\$6,310.00	\$20,216.00	\$20,000.00
2.	Temporary Facilities	LUMP	SUM	\$20,000.00	\$25,645.00	\$15,585.00	\$28,000.00	\$43,243.00	\$19,782.00	\$5,000.00
3.	Clearing & Grubbing	LUMP	SUM	\$6,000.00	\$2,900.00	\$2,258.00	\$1,300.00	\$815.00	\$3,838.00	\$5,000.00
4.	Erosion Control	3,000	S.F.	\$9,000.00	\$3,900.00	\$450.00	\$3,900.00	\$3,090.00	\$3,300.00	\$4,500.00
5.	Site Paving	2,850	S.F.	\$5,130.00	\$7,125.00	\$5,130.00	\$3,562.50	\$8,664.00	\$6,555.00	\$28,500.00
6.	Chain Link Fence, Type CL-6	160	L.F.	\$6,400.00	\$3,440.00	\$3,376.00	\$3,440.00	\$3,456.00	\$3,520.00	\$3,200.00
7.	Lift Station Pumps w/Control Panel	LUMP	SUM	\$48,000.00	\$49,830.00	\$59,077.00	\$53,725.00	\$52,823.00	\$58,657.00	\$60,000.00
8.	Lift Station Piping	LUMP	SUM	\$28,000.00	\$18,280.00	\$22,540.00	\$26,000.00	\$8,939.00	\$26,061.00	\$20,000.00
9.	Valve Manhole	LUMP	SUM	\$10,000.00	\$16,450.00	\$10,962.00	\$12,775.00	\$27,317.00	\$13,866.00	\$60,000.00
10.	Existing Wet Well Coating	LUMP	SUM	\$4,500.00	\$14,965.00	\$8,280.00	\$11,900.00	\$15,988.00	\$10,229.00	\$10,000.00
11.	Electrical Work	LUMP	SUM	\$15,000.00	\$17,400.00	\$7,426.00	\$21,000.00	\$19,386.00	\$26,256.00	\$16,000.00
12.	Portable Standby Power Unit	LUMP	SUM	\$52,000.00	\$32,550.00	\$58,866.00	\$38,000.00	\$36,873.00	\$44,638.00	\$40,000.00
13.	Painting & Coatings	LUMP	SUM	\$3,500.00	\$4,400.00	\$3,000.00	\$2,500.00	\$3,610.00	\$6,000.00	\$3,000.00
14.	Finish Project	LUMP	SUM	\$8,500.00	\$2,300.00	\$2,766.00	\$2,900.00	\$1,760.00	\$2,400.00	\$1,000.00
15.	Startup	LUMP	SUM	\$6,500.00	\$1,675.00	\$2,000.00	\$2,000.00	\$654.00	\$1,200.00	\$1,000.00
TOTAL				\$224,530.00	\$204,360.00	\$206,086.00	\$212,102.50	\$232,928.00	\$246,518.00	\$277,200.00

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9/11/02
Page 1

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
E-3
AUGUST 7, 2002**

CONFLICT OF INTEREST CODE

ITEM

Biennial review of the District's Conflict of Interest Code

BACKGROUND

The District has received a notice from SLO County of the Biennial Notice to review the District's Conflict of Interest Code. The State's Political Reform Act requires public entities to review their Conflict of Interest Code every two years. The District's Conflict of Interest Code is to be modified to comply with recent changes in the law. Your Honorable Board reviewed some of these changes, at the regular Board meeting of August 7, 2002.

Attached for the Board's consideration is a resolution revising the District's Conflict of Interest Code. The designated positions are:

- Board of Directors
- General Manager
- Legal Counsel
- District Engineer
- Administrative Assistant

RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached Conflict of Interest Resolution and instruct the General Manager to execute the 2002 Local Agency Biennial Notice and return it to the County.

RESOLUTION NO. 2002- Conflict

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT VERIFYING
ITS BI-ANNUAL REVIEW OF ITS CONFLICT OF INTEREST CODE
AND REVISING DISTRICT'S REPORTING POSITIONS
AND REPORTING CATEGORIES**

WHEREAS, the Nipomo Community Services District (herein "District") is a Local Governmental Agency formed and authorized to provide services within its jurisdiction, pursuant to Section 61000 et seq. of the California Government Code; and

WHEREAS, pursuant to District Resolution 1977-125 the District Board of Directors adopted Regulation 18730 by reference as the District's Conflict of Interest Code; and

WHEREAS, State law requires all Local Governmental Agencies to review their respective Conflict of Interest Codes bi-annually and on September 18, 2002, the District Board of Directors did review its Conflict of Interest Code attached hereto as Appendix "A"; and

WHEREAS, the District Board of Directors on September 18, 2002 determined that a new listing of reporting positions and reporting categories should be designated as part of the District's Conflict of Interest Code;

NOW, THEREFORE, the Board of Directors of the Nipomo Community Services District does hereby resolve, declare, determine and order as follows:

1. The District readopts its Conflict of Interest Code by incorporating Regulation 18730, as amended from time to time.
2. The District adopts Appendix "A" to this Resolution to:
 - a. To designate officers and employees that are deemed to make, or participate in making of, decisions, which may have a material effect on a financial interest.
 - b. To designate disclosure categories for its designated officers and employees.

RESOLUTION NO. 2002- Conflict

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT VERIFYING
ITS BI-ANNUAL REVIEW OF ITS CONFLICT OF INTEREST CODE
AND REVISING DISTRICT'S REPORTING POSITIONS
AND REPORTING CATEGORIES

PAGE TWO

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

AYES:

NOES:

ABSENT:

CONFLICTS;

The foregoing resolution is hereby passed, approved and adopted by the
Board of Directors of the Nipomo Community Services District this 18th day of
September, 2002.

RICHARD MOBRAATEN, President
Nipomo Community Services District
Board of Directors

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson,
Secretary to the Board of Directors

Jon .S. Seitz,
General Counsel

Resolutions/2002-Conflict

RESOLUTION NO. 2002- Conflict

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT VERIFYING
ITS BI-ANNUAL REVIEW OF ITS CONFLICT OF INTEREST CODE
AND REVISING DISTRICT'S REPORTING POSITIONS
AND REPORTING CATEGORIES

PAGE THREE

APPENDIX "A"

NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE

APPENDIX OF DESIGNATED OFFICERS & EMPLOYEES
WITH DISCLOSURE CATEGORIES

I. DESIGNATED POSITIONS

The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions, which may have a material effect on a financial interest.

DESIGNATED POSITION:

- Members of the Board of Directors
- General Manager
- District Legal Counsel
- District Engineer
- Administrative Assistant

II. DISCLOSURE CATEGORIES

The disclosure categories for each of the above-designated officers and employees shall be those described in subparagraphs (A) through (D) of Section 7 of Regulation 18730, the District's Conflict of Interest Code.

CONFLICT OF INTEREST CODE
(INFORMATION)

s 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to article 2 of chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and

(C) The filing officer is the same for both agencies. [FN1]

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix

specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code. [FN2]

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property [FN3] is required to be reported, [FN4] the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. ~~A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000). A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000) or exceeds one million dollars (\$1,000,000).~~

(B) Personal Income Disclosure. When personal income is required to be reported, [FN5] the statement shall contain:

~~1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;~~

~~2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000); A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000).~~

~~3. A description of the consideration, if any, for which the income was received;~~

~~4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;~~

~~5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.~~

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported, [FN6] the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$290320.

~~(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$290 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.~~ No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$320 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

~~Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.~~

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee,

member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.
2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed two hundred fifty dollars (\$250) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.
2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden

of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

~~(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more; Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;~~

~~(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more; Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;~~

~~(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or~~

~~promised to the designated employee within 12 months prior to the time when the decision is made; Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the~~

public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision was made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

~~(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$290 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.~~ Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$320 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of Section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(10) Section 10. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000-91015. In addition, a decision in relation to which a violation of the disqualification provisions of this

code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

FN 1 Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

FN 2 See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

FN 3 For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

~~FN 4 Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater. Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.~~

FN 5 A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

FN 6 Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

History

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14). Certificate of Compliance included.

2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).
9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, Section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, Section 55100 filed 1-4-94 pursuant to title 1, Section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code Section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code Section 11343.4(d) (Register 96, No. 43).

17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code Section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code Section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

<<(Division Originally Printed 1-11-75)>>
2 CA ADC s 18730

END OF DOCUMENT

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
E-4
SEPTEMBER 18, 2002**

DIRECTORS BY-LAWS REVIEW

ITEM

Review possible amendment of Directors' By-Laws

BACKGROUND

The Board of Director's By-Laws were adopted a number of years ago and modified in March 2002. The By-Laws are for guidance in procedure in meetings and processing the business of the Nipomo Community Services District.

Letters to the editor from Board members have previously been reviewed. It was determined by the Board of Directors that Board members can write letters to the newspaper or express their opinions at meetings, but indicate they are not representing the Board unless it had been sanctioned by the full Board.

The Board President has requested a review of the By-Laws. Sections 5 (5.3) and 6 of the Board By-Laws may be discussed.

RECOMMENDATION

This matter is a Board policy item. The Board may Director staff accordingly.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
2002 BYLAWS UPDATE
(ATTACHMENT "A" TO RESOLUTION 2002-811)

1. OFFICERS OF THE BOARD OF DIRECTORS

- 1.1 The officers of the Board of Directors are the President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors or his/her designee shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.

2. MEETINGS

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m on the first and third Wednesday of each calendar month in the Board Room at the District Office currently located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel or designate other dates and times for Director meetings due to scheduling conflicts and holidays.
- 2.2 Special Meetings.
Special meetings may be called by the President or three (3) members of the Board of Directors with a minimum of twenty-four (24) hours public notice. Special meeting Agendas shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Administrative Assistant;
- 2.3 Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.
- 2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
 - (a) Board Members may briefly respond to statements or questions from the public;
 - (b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
 - (c) A Board Member or the Board itself may take action to direct staff to place a matter on a future agenda.
 - (d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.
- 2.5 The President, or in his/her absence the Vice President (or his/her designee), shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall announce the Board's decision on all subjects. He/She shall vote on all questions and on roll call his/her name shall be called last.

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
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(ATTACHMENT "A" TO RESOLUTION 2002-811)

- 2.6 A majority of the Board shall constitute a quorum for the transaction of business. A majority of the Board is sufficient to do business, however motions must be passed unanimously if only three attend. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting, or, if no Board member is present, the District Secretary shall adjourn the meeting.
- 2.7 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board showing those Board members voting aye, those voting no and those not voting or absent. A roll call vote shall be taken and recorded on any vote not passed unanimously by the Board. Unless a Board member states that he or she is not voting because of a conflict of interest and steps down from the dais prior to the discussion of the item, his or her silence or vote of abstention shall be recorded as an affirmative vote.
- 2.8 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.9 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.
- 2.10 Generally, meeting business, other than closed session items, should be completed by 11:30 a.m. If at that time the Board has not concluded its business, it will review the balance of scheduled business to determine by majority vote whether to extend the meeting or continue consideration of the remaining items to another meeting.

3. AGENDAS:

- 3.1. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 o'clock p.m. one week prior to the meeting date.
- 3.2 A block of 20 minutes time shall be set aside to receive general public comment. Comments on agendized items should be held until the appropriate item is called. Unless otherwise directed by the President, public comment shall be presented from the podium. The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President in his/her discretion.
- 3.3 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting developer improvements, minor budgetary items, status reports, and routine District operations.
- (a) Board members may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. A member of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by members of the Board for discussion will typically be heard

NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTOR
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after other "Consent Agenda" items are approved unless a majority of the Board choose an earlier or later time.

- (b) A Board member may ask questions on any item on the "Consent Agenda". When a Board member has a minor question for clarification concerning a consent item, which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Board members are encouraged to seek clarifications prior to the meeting if possible.
- (c) When a Board member wishes to pull an item simply to register a dissenting vote, the Board member shall inform the presiding officer that they wish to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Agenda, and the District Secretary will register a "no" vote in the minutes.

4. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES

- 4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;
- 4.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 3.3 below, shall not be required to record any remarks of Board Members or any other person;
- 4.3 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed.
- 4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter; and
- 4.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.
- 4.6 Any tape or film record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. District tape and film records may be erased ninety (90) days after the taping or the recording.

5. MEMBERS OF THE BOARD OF DIRECTORS

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.
- 5.2 Information may be requested from staff or exchanged between Directors before meetings. Information that is requested or exchanged shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 5.3 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.4 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

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- 5.5 Except during open and public meetings, the use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the Board of Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.

6. AUTHORITY OF DIRECTORS

- 6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
- 6.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body, which represents and acts for the community as a whole.
- 6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

7. DIRECTOR GUIDELINES

- 7.1 Board Members, by making a request to the General Manager or Administrative Assistant, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Administrative Assistant cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Administrative Assistant shall inform the individual Board Member why the information is not or cannot be made available.
- 7.2 In handling complaints from residents, property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any..
- 7.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 7.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Administrative Assistant. The chain of command should be followed.
- 7.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 7.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Administrative Assistant.
- 7.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

8. DIRECTOR COMPENSATION

- 8.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board attended by him/her and for each day's service rendered as a Director by request of the Board.

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(ATTACHMENT "A" TO RESOLUTION 2002-811)

- 8.2 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each meeting other than regular, adjourned or special meetings or other function attended by him/her and each half day's service rendered as a Director at the request of the Board.
- 8.3 In no event shall Director compensation exceed \$100 per day.
- 8.4 Director compensation shall not exceed six full days in any one calendar month.
- 8.5 Each Board Member is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board.
- (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Board members and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible. Actual hotel/motel costs shall be reimbursed. Personal phone calls are not reimbursable.
- (b) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement and the Director shall neither be required to account for use of the per diem, return the unused portions, nor claim additional expenses for these items. The per diem shall include \$10.00 for breakfast, \$10.00 for lunch and \$20.00 for dinner for a daily total of \$40.00.

9. COMMITTEES

9.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

9.2 Standing Committees

- (a) The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District related issues, on a continuing basis, assigned to it by the Board of Directors. Committee members shall be appointed by the President of the Board of Directors.
- (b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2,3 and 4 of these Bylaws. Summary notes for each meeting of each committee shall be forwarded to the NCSD Board of Directors as a public record.

10. CORRESPONDENCE DISTRIBUTION POLICY

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

- 10.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District; and
- 10.2 All letters and other documents received by the District that are of District-wide concern as determined by District staff

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11. CONFLICTS AND RELATED POLICY

State laws are in place which attempt to eliminate any action by a Board Member or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws, which regulate conflicts, are very complicated. The following provides a brief policy summary of various conflict-related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have a question about a particular agenda item.

11.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision.

11.2 Interest in Contracts, Government Codes Section 1090

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Board member has a financial interest.

11.3 Incompatible Office

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest.

12. EVALUATION OF CONSULTANTS

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year. The District's consulting engineer shall be evaluated by the General Manager during the months of May and June of each year and reported to the Board of Directors during the month of July of each year.

13. CONTINUING EDUCATION

Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities is to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

14. BOARD BY-LAW REVIEW POLICY

Subject to 3.1 the Board By-law Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

15. RESTRICTIONS ON RULES

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 18, 2002

**AGENDA ITEM
F
SEPTEMBER 18, 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 September 4, 2002, Regular Board meeting

Bd2002\Consent-091802.DOC

WARRANTS SEPTEMBER 18, 2002

**AGENDA ITEM
F-1
SEPTEMBER 18, 2002**

HAND WRITTEN CHECKS

18557	09/04/02	SLO COUNTY CLERK	14.00
18558	09/06/02	POSTMASTER	69.707
18559	09/11/02	POSTMASTER	730.05
18560	09/18/02	NIPOMO FIRST BAPTIST CHURCH	6,563.97

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
7266	09/13/02	EMP01	EMPLOYMENT DEVELOP DEPT	421.27	.00	421.27	A20909	STATE INCOME TAX
7267	09/13/02	MID01	MIDSTATE BANK-PR TAX DEP	1611.11 370.86	.00 .00	1611.11 370.86	A20909 1A20909	FEDERAL INCOME TAX MEDICARE (FICA)
Check Total.....:				1981.97	.00	1981.97		
7268	09/13/02	MID02	MIDSTATE BANK - DIRECT DP	11160.76	.00	11160.76	A20909	NET PAY DEDUCTION
7269	09/13/02	PER01	PERS RETIREMENT	1857.17	.00	1857.17	A20909	PERS PAYROLL REMITTANCE
7270	09/13/02	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A20909	WAGE ASSIGNMENT
7271	09/13/02	STA01	STATE STREET GLOBAL	735.00	.00	735.00	A20909	DEFERRED COMP
7272	09/18/02	AIR01	AIR POLLUTION CONTROL	446.20	.00	446.20	8498	RENEWAL OF EQUIPMENT UNDE
7273	09/18/02	AQU01	AQUA-METRIC SALES CO.	241.46	.00	241.46	18108	METER REPAIR
7274	09/18/02	BAS01	BASIC CHEMICAL SOLUTIONS	936.21 282.64	.00 .00	936.21 282.64	52519 52525	SODIUM HYPOCHLORITE-BLWWT SODIUM HYPOCHLORITE-WELLS
Check Total.....:				1218.85	.00	1218.85		
7275	09/18/02	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	091802	REGULAR BOARD MEETING 9/1
7276	09/18/02	CAL03	CALIFORNIA ELECTRIC SUPPL	22.26	.00	22.26	480456	FUSES
7277	09/18/02	CEN03	CENTRAL CITY TREE SERVICE	75.00	.00	75.00	A20912	GRIND STUMP
7278	09/18/02	COU01	COURIER SYSTEMS	40.00	.00	40.00	A20912	COURIER SERVICE TO LAB
7279	09/18/02	CRE01	CREEK ENVIRONMENTAL LABS	30.00 30.00 30.00 30.00	.00 .00 .00 .00	30.00 30.00 30.00 30.00	J3233 J3308 J3343 J3387	BL EFFLUENT BL EFFLUENT BL EFFLUENT BL LAB TEST
Check Total.....:				120.00	.00	120.00		
7280	09/18/02	FAR01	FARM SUPPLY COMPANY	140.06	.00	140.06	862612	ROUND UP
7281	09/18/02	FGL01	FGL ENVIRONMENTAL	44.80 44.80 44.80 44.80	.00 .00 .00 .00	44.80 44.80 44.80 44.80	208517A 208518A 208764A 208765A	NIPOMO WWTP LAB TEST BL WWTP LAB TEST NIPOMO WWTP LAB TEST BL WWTP LAB TEST
Check Total.....:				179.20	.00	179.20		
7282	09/18/02	GIL01	GLM	380.00	.00	380.00	A20912	LANDSCAPE MAINTENANCE/APH
7283	09/18/02	HAY01	HAYES & SONS	550.00	.00	550.00	6498	PAVE DITCH AT NIPOMO SCHO
7284	09/18/02	MIS01	MISSION UNIFORM SERVICE	254.75	.00	254.75	A20912	UNIFORM SERVICE-AUGUST
7285	09/18/02	MOB01	MOBRAATEN, RICHARD	100.00	.00	100.00	91802	REGULAR BOARD MEETING 9/1
7286	09/18/02	NEX01	NEXTEL COMMUNICATIONS	129.17	.00	129.17	A20912	CELL PHONE SERVICE
7287	09/18/02	NIP01	NIPOMO ACE HARDWARE INC	38.86	.00	38.86	A20912	MISC SUPPLIES
7288	09/18/02	NIP02	NIPOMO GARBAGE	14.99	.00	14.99	A20912	SEPTEMBER GARBAGE

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
7289	09/18/02	NIP03	NIPOMO SHELL	615.14	.00	615.14	A20912	FUEL-AUGUST
7290	09/18/02	PAC01	PACBELL/WORLDCOM	40.69	.00	40.69	T0636576	PHONE SERVICE
				78.69	.00	78.69	T0636578	PHONE
				56.45	.00	56.45	T0636579	PHONE
			Check Total.....:	175.83	.00	175.83		
7291	09/18/02	PUL01	PULITZER CENTRAL COAST NP	424.04	.00	424.04	02519517	NEWSPAPER AD-UTILITY SUPE
7292	09/18/02	QUI03	QUINN RENTAL SERVICES	76.96	.00	76.96	2037021	MARKING PAINT
				95.92	.00	95.92	2037195	ADAPTORS
			Check Total.....:	172.88	.00	172.88		
7293	09/18/02	REY01	REYNOSO, CARLOS CPA	2000.00	.00	2000.00	A20912	AUDIT-PROGRESS BILLING
7294	09/18/02	SAI01	SAIC	3949.46	.00	3949.46	399442	GROUNDWATER LITIGATION
7295	09/18/02	SHI01	SHIPSEY & SEITZ, INC	6925.62	.00	6925.62	A20912	LEGAL SERVICES THRU 9/15/
7296	09/18/02	SLO02	DIV OF ENVIRON HEALTH	1054.38	.00	1054.38	20778	CROSS CONNECTION-JULY/AUG
7297	09/18/02	THE01	THE GAS COMPANY	6267.60	.00	6267.60	082802	SUNDALE NATURAL GAS
7298	09/18/02	TLC01	TLC BACKHOE SERVICE	3000.00	.00	3000.00	3777	ABANDON 6" MAIN/INSTALL 2
				1125.00	.00	1125.00	3778	ABANDON CALIMEX/QUAIL OAK
			Check Total.....:	4125.00	.00	4125.00		
7299	09/18/02	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	91802	REGULAR BOARD MEETING 9/1
7300	09/18/02	WIN01	WINN, MICHAEL	100.00	.00	100.00	91802	REGULAR BOARD MEETING 9/1
7301	09/18/02	WIR02	WIRSING, JUDY	100.00	.00	100.00	91802	REGULAR BOARD MEETING 9/1
7302	09/18/02	\A003	A J DIANI CONSTRUCTION,	391.66	.00	391.66	000A20901	MQ CUSTOMER REFUND
7303	09/18/02	\C002	CALIF WEST PROPERTY,	83.00	.00	83.00	000A20901	MQ CUSTOMER REFUND
7304	09/18/02	\S002	STUCZYNSKI, KELLIE	5.30	.00	5.30	000A20901	MQ CUSTOMER REFUND
7305	09/18/02	\T001	TARJAN, ANTAL & VIOLET	11.17	.00	11.17	000A20901	MQ CUSTOMER REFUND

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

SEPTEMBER 4, 2002

REGULAR MEETING 9:00 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

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

STAFF

DOUGLAS JONES, GENERAL MANAGER
DONNA JOHNSON, SEC. TO THE BOARD
JON SEITZ, GENERAL COUNSEL

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

A. CALL TO ORDER AND FLAG SALUTE

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

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

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

Larry Vierheilig, representing the Nipomo Creek Committee, requested that an item be placed on next agenda concerning funding for the Nipomo Creek Clean-Up Day, Saturday, October 5th.

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

D-1) ANNEXATION NO. 18 –(NEWDOLL)

Resolution approving Annex. No. 18, 2.5 ac/8-lot development @ Cyclone & Grande

The Board discussed the annexation request for an 8-lot development, approx. 2.5 acres at Cyclone Street and Grande Avenue.

Jim McGillis, representative for Robert Newdoll, answered questions from the Board.

There was no public comment.

Upon motion of Director Blair and seconded by Director Winn, the Board unanimously approved Resolution 2002-829. Director Wirsing wanted it on the record that she was not happy about this annexation. Vote 5-0

RESOLUTION NO. 2002-829

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING ANNEXATION NO. 18 (NEWDOLL)
[GOVT. CODE SECTION 57075 (b)]**

D-2) ANNEXATION NO. 21 – KNOLLWOOD (MARTIN)

Resolution approving Annex. No. 21, 160 ac/55-lot development across from Blacklake Golf Course

Jon Martin, applicant for proposed Annexation No. 21, answered questions from the Board. There was no other public comment.

Jon Seitz, District Legal Counsel, asked that this matter be tabled until the District knows if this property has been served with the SMVWCD vs. NCSL lawsuit. The service date has been extended to December 15, 2002.

Upon motion of Director Winn and seconded by Director Wirsing, the Board agreed to table this item to the September 18th meeting. Vote 4-1 with Director Blair voting no.

DRAFT

D-3) INTENT-TO-SERVE RENEWAL – CO 00-0170 (BUTLER)

Request to renew an Intent-to-Serve letter for a 4-lot development at 135 Pino Solo St.

The Board discussed the request from Jim McGillis for a renewal of an Intent-to-Serve letter for water and sewer service for a 4-lot development on Pino Solo Ct.

There was no public comment.

Upon motion of Director Winn and seconded by Director Blair, the Board unanimously agreed to issue an Intent-to-Serve letter with the conditions, as outlined in the Board letter for Parcel Map CO 00-0170. Vote 5-0 but with Director Wirsing not happy about the water situation.

D-4) WATER LINE EASEMENT - LUCIA MAR UNIFIED SCHOOL DISTRICT

Resolution accepting a water line easement across the Dana School property

The following member of the public spoke:

Mike Sears, Lucia Mar Unified School District Superintendent of Business, reported that the School District Board approved the water line easement across the Dana School property if the NCSD Board approved the waiver of the annexation fees for the new high school. There was no other public comment. Upon motion of Director Winn and seconded by Director Trotter, the Board unanimously approved Resolution 2002-830 accepting a utility easement. Vote 5-0

RESOLUTION NO. 2002 – 830

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING A UTILITY EASEMENT IN LIEU OF ANNEXATION FEES**

E. OTHER BUSINESS

E-1) PERSONNEL POLICY AMENDMENTS

Review District personnel Policy, creating an Asst. Util. Sup. position and a one time step adjustment

The Board reviewed the proposed personnel policy amendments, the creation of an Assistant Utility Supervisor and a one-time step adjustment. There was no public comment. Upon motion of Director Winn and seconded by Director Wirsing, the Board unanimously approved Resolution 2002-831 with the response time amended to 60 minutes rather than 45 minutes. Vote 5-0

RESOLUTION NO. 2002-831

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING ITS PERSONNEL POLICIES FOR THE PURPOSES
OF RECRUITING A CANDIDATE FOR THE POSITION
OF UTILITY SUPERVISOR**

Upon motion of Director Trotter and seconded by Director Wirsing, the Board unanimously approved Resolution 2002-832 amending the personnel policies. Vote 5-0

RESOLUTION NO. 2002-832

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING ITS PERSONNEL POLICIES TO ESTABLISH
THE POSITION OF ASSISTANT UTILITY SUPERVISOR**

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E-2) WOODLAND PROJECT (PH PROPERTIES DEVELOPMENT)
SLO County Planning Dept. Public Hearing On 9/26/02 to review:

- THE SUBDIVISION
- THE WATER SUPPLY
- PHASE 1-A
- GOLF COURSE

The Board discussed the Woodland Project.

The following member of the public spoke:

John Snyder, 662 Eucalyptus Rd. Outside District - Suggested Board request records.

This item will be put on the next agenda.

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 August 7, 2002, Regular Board meeting

Minutes of August 9, 2002, Special Board meeting

Minutes of August 14, 2002, Special Board meeting

F-3) ACCEPT WATER/SEWER IMPROVEMENTS TRACT 1559/2399 (KING) [RECOMMEND APPROVAL]

Resolution accepting improvements for a 59-lot development at Division & Frontage Rds.

There was no public comment.

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

RESOLUTION NO. 2002-833

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR TRACT 1599/2399 (KING VENTURES)**

G. **MANAGER'S REPORT**

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

G-1) LAFCO proposed repeal affecting District latent powers

G-2) Letter to Nipomo South Property Owners requesting a zone change

The following member of the public spoke:

Larry Vierheilig- NCAC considered this letter at the August 26th meeting. They wish to draw a line in the sand at the Southland development. They agreed to no more residential development beyond that area.

H. **COMMITTEE REPORTS**

Director Winn – Annexation Committee agreed to retain the present annexation policy.

I. **DIRECTORS COMMENTS**

Director Trotter – Thanked staff for researching the reason for the garbage rate discrepancy. The rate hike approved through the County in April of 2000 had not been implemented. When the new rate increase was approved and implemented, it seemed like a 40% increase. Actually, some customers were charged at the lower rate for over two years.

Director Winn – High School, Cleath Report

NCSD Candidates Forum – Wed. night at 7:00 p.m. in District boardroom

WRAC meeting today at 1:30 pm

Water Forum - Sept. 16, 2000 in District boardroom

Asked status of Montecito Verde II . Was told that bid packages have been sent. Bid opening Sept. 19th.

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Director Winn - Asked about Tefft St. water line – Was told that construction was starting this week.

Water Policy discussion in Guadalupe Sept 19

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

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
- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE. POSSIBLE LITIGATION INITIATION GC§549569
- D. PUBLIC EMPLOYEE EVALUATION – GENERAL MANAGER GC§54957

The Board came back into Open Session and had no reportable action.

ADJOURN

President Mobraaten adjourned the meeting at 12:09 p.m.

The next regular Board Meeting will be held on September 18, 2002, at 9:00 a.m.

DRAFT

What Can (& Can't) CSDs Do?

Community Service Districts (CSDs) do not have land use powers, hence their policies are not to be used to regulate growth.

The powers granted [Title 6, section 61451] are (summarized):

- * 1) Water (for domestic use, irrigation, sanitation, industrial use, fire protection, etc.)
- * 2) Collection, treatment, or disposal of sewage, waste, and storm water
- * 3) Collection or disposal of garbage or refuse matter

- 4) Protection against fire; 5) Public recreation (including aquatic parks, equestrian trails, playgrounds, golf courses, swimming pools, recreational buildings)

- * 6) Street lighting

- 7) Mosquito abatement; 8) Equipping and maintaining a police department, or security services; 9) Acquiring sites for, construct, and maintain library buildings, etc.; 10) Constructing, widening, extending, straightening, and maintaining streets in the district, subject to the consent of the County

- *11) Construction and improvement of bridges, culverts, curbs, gutters, and drains, subject to the consent of the County

- 12) Conversion of existing overhead electric and communication facilities to underground locations [but not to install, own, or operate such utilities];
- 13) Contract for ambulance service; 14) Provide and maintain public airports and landing places for aerial traffic; 15) Provide transportation services;
- 16) Abate graffiti; 17) Construct, maintain, and operate flood protection works and facilities [if no other agency has overlying authority and the County consents]; 18) Enforcement of tract covenants ["CC&Rs"]; architectural control committees duties; specified districts

- * Right now the NCSD has exercise of only five powers--water, sewer, and solid waste for most of our rate payers, drainage and lighting for a smaller number. In addition legislation is pending in Sacramento to allow public landscaping.