

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

APRIL 9, 2003

REGULAR MEETING 9:00 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, 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.

Consistent with the Americans with Disabilities Act, NCSD Board agendas and other writings will be made available to disabled persons in an appropriate alternate format. (If assistance is needed, please contact the District office at least one day before the meeting.)

- A. CALL TO ORDER AND FLAG SALUTE NEXT RESOLUTION 2003-857
B. ROLL CALL NEXT ORDINANCE 2003-97

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) FORMATION OF STREET LANDSCAPING DISTRICT NO. 1 – PUBLIC HEARING
Establishment of a landscape maintenance District and assessments
- D-2) SUPPLEMENTAL WATER SUPPLY
Review supply alternatives/negotiations
- D-3) DISTRICT ANNEXATION POLICY
Review/approve the proposed revisions to the District's Annexation Policy
- D-4) REQUEST FOR ANNEXATION – TRACT 2784 – PUDWILL
Review request for Annexation No. 22 an 8-lot development near Blacklake
- D-5) REQUEST FOR ANNEXATION – TRACT 2499 – NESTER
Review request for Annexation No. 23, an 18-lot development on Pomeroy Rd
- D-6) REQUEST FOR ANNEXATION – OAKRIDGE (NEWMAN)
Request to annex approx. 285 acres north of Sandydale Rd. & west of Hwy 101
- D-7) REQUEST FOR ANNEXATION –NIPOMO HILLS
Request to annex approx. 88 acres at Thompson and Rancho Roads

E. OTHER BUSINESS

- E-1) REQUEST FOR EXTENSION FOR ANNEX. NO. 19 (Lucia Mar Unified School District Nipomo High School)
Request LAFCO for an additional 6 month extension for completion of Annex. No. 19

F. CONSENT AGENDA *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of March 19, 2003, Regular Board meeting
Minutes of March 28, 2003, Special Board meeting
- F-3) ANNEXATION NO. 20 (MARIA VISTA) [RECOMMEND APPROVAL]
Resolution acknowledging conditions of Annexation No. 20 have been satisfied

G. MANAGER'S REPORT

H. COMMITTEE REPORTS

- H-1) New Community Services

I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. SAVE THE MESA vs. NCSD CASE NO. CV 020181
- C. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.
- D. ANTICIPATED/INITIATE LITIGATION, ONE CASE

ADJOURN

The regular Board Meeting of April 16, 2003 has been canceled and rescheduled to April 23, 2003, at 9:00 a.m.

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES *DJ*
 DATE: APRIL 9, 2003

AGENDA ITEM
DJ
APRIL 9, 2003

FORMATION OF STREET LANDSCAPING DISTRICT NO. 1
 PUBLIC HEARING

ITEM

Establishment of a landscape maintenance district and assessments

BACKGROUND

PUBLIC HEARING -- MAINTAIN STREET LANDSCAPING FOR TRACT 2409

The developer of Tract 2409 has requested the District to provide street landscaping. A Public Hearing was set to create a landscaping district for Tract 2409.

To create a landscaping district, the following is necessary:	<i>These have been completed</i>
The property owner with the proposed improvement area must submit a petition signed by all property owners requesting a landscaping maintenance District.	<i>Mr. Edwards is the sole owner and has executed the petition.</i>
A resolution initiating the process	<i>Resolution No. 2003-851 Approved Feb. 5, 2003</i>
Set a Public Hearing	<i>Public Hearing initially set for April 2 and changed to April 9, 2003</i>
District Engineer supply an assessment diagram and spread of assessment	<i>Completed by Garing, Taylor and Associates</i>
Developer to deposit funds to maintain landscaping until tax revenues are received.	<i>The developer has made the deposit of funds.</i>

RECOMMENDATION

After the public hearing, staff recommends that your Honorable Board adopt the enclosed resolution creating *Landscape Maintenance District No. 1*.

**NOTICE OF CONTINUED HEARING
FOR THE PROPOSED
NIPOMO COMMUNITY SERVICES DISTRICT
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1**

Total Assessment Amount: \$9,660.00 per year

Owner's Name: Paul Edwards Promotions, LLC, a Limited Liability Company (Owner)
Street Address: P.O. Box 2490, Orcutt, CA 93457-2490
Legal Description: Lots 1-29 of Tract 2409 recorded in Book 20 of Maps at Page 3 in
the Office of the County Recorder of the County of San Luis Obispo,
California
Assessor's Parcel Number: APN 092-512-01 through 29

New Hearing Date: April 9, 2003
Time: 9:00 a.m.
Location: District Board Room located at 148 S. Wilson, Nipomo, California

PLEASE TAKE NOTICE THAT THE HEARING ORIGINALLY SET FOR MARCH 19, 2003 FOR:

- (a) Hearing protests to the formation of Nipomo Community Services District Landscape Maintenance District No. 1.
- (b) Approving the formation of Nipomo Community Services District Landscape Maintenance District No. 1 pursuant to Owner's Petition requesting formation and 100% Owner ballot (Petition).
- (c) Receiving and counting ballots establishing assessments.
- (d) Approving assessments for Nipomo Community Services District Landscape Maintenance District No. 1.
- (e) Taking other necessary actions to form the Nipomo Community Services District Landscape Maintenance District No. 1 and to levy the resulting assessments;

**HAS BEEN CONTINUED TO:
APRIL 9, 2003 AT 9:00 A.M. AT THE DISTRICT'S BOARD ROOM LOCATED AT 148 S. WILSON,
NIPOMO, CALIFORNIA**

At the conclusion of public testimony at the continued hearing, the Secretary to the Board for the assessment proceedings shall tabulate the Assessment Ballots submitted, and not withdrawn, in support of and in opposition to such proposed assessment, and if on the basis of such tabulation the Board of Directors determines that the Assessment Ballots submitted (and not withdrawn) in opposition to such proposed assessment exceeded the Assessment Ballots submitted (and not withdrawn) in favor of such proposed assessment (weighting each Assessment Ballot by the amount of the final proposed assessment to be levied upon the parcel for which such Assessment Ballot was submitted), such assessment shall not be imposed.

Petition of Owner includes a ballot of 100% of the property owners within the Nipomo Community Services District Landscape Maintenance District No. 1, the proposed assessment chargeable to the Landscape Maintenance District No. 1, the amount chargeable to each parcel owner, the duration of payments, the reasons for the assessment and the basis on which the amount of the proposed assessment was calculated.

Please take further notice that pursuant to Section 13 of the Petition you may revoke or otherwise withdraw the Petition/Ballot up to and including the time of the above referenced public hearing for the approval of the formation of Landscape Maintenance District No. 1. A revocation of the ballot shall be considered as a revocation of the entire petition and ballot.

If you should have questions, please do not hesitate to contact the District General Manager, Douglas Jones at (805) 929-1133.

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:
NIPOMO COMMUNITY SERVICES DISTRICT
148 S. Wilson Street
Nipomo, CA 93444

MAIL TAX STATEMENTS TO:
Same as above.

A.P.N.: 092-512-01 through 029

RESOLUTION NO. 2003-

**NIPOMO COMMUNITY SERVICES DISTRICT
LANDSCAPE MAINTENANCE DISTRICT NO. 1**

**A RESOLUTION ORDERING THE FORMATION OF LANDSCAPE MAINTENANCE
DISTRICT NO. 1 IN THE NIPOMO COMMUNITY SERVICES DISTRICT,
CONFIRMING ASSESSMENTS, LEVYING AN ASSESSMENT THEREON AND
ORDERING CERTAIN LANDSCAPE IMPROVEMENTS TO BE ACQUIRED AND
MAINTAINED AND DESIGNATING THE DISTRICT GENERAL MANAGER AS THE
TREASURER OF THE DISTRICT TO COLLECT AND RECEIVE MONEY PAID
PURSUANT TO SUCH ASSESSMENT**

WHEREAS, Paul Edwards Promotions, LLC, a Limited Liability Company, is the sole owner ("Owner") of certain real property located in the Nipomo Community Services District, County of San Luis Obispo, more particularly described as follows:

Lots 1-29 of Tract 2409 recorded in Book 20 of Maps at Page 3 in the Office of the County Recorder of the County of San Luis Obispo, California; and

WHEREAS, the Board of Directors ("Board of Directors") of the Nipomo Community Services District ("District") has received the Petition and Ballot of Owner, requesting the formation of the Nipomo Community Services District Landscape Maintenance District No. 1 (herein "Petition"); and

WHEREAS, said Petition included the following:

- A. A description of the land to be included in the proposed Assessment District;

- B. The names of all owners of land within the Landscape Maintenance District No. 1;
- C. The Engineer's formula for establishing the annual assessment to be levied against the properties (parcels) within the Landscape Maintenance District No. 1;
- D. The amount of the annual assessment and an annual adjustment for inflation;
- E. The methodology of apportioning the annual assessment among and between the parcels within the Assessment District; and

WHEREAS, the Petition also included a ballot of all owners of property within the proposed Assessment District, voting in favor for the formation of the Landscape Maintenance District No. 1; and

WHEREAS, the Board of Directors has determined that it is necessary, convenient and desirable to undertake proceedings pursuant to the provisions of Government Code §61601.20 and the Landscaping and Lighting Act of 1972 for the acquisition and maintenance of street and landscaping improvements that are more particularly described in the Petition. Said Petition is incorporated herein and made a part hereof for the proposed Assessment District to be designated Landscape Maintenance District No. 1; and

WHEREAS, the Board of Directors appointed Garing Taylor and Associates, the District's Consulting Engineers ("DCE") as the Engineer of Work ("Engineer of Work") for the proceedings, and the Engineer of Work was authorized and directed to perform all engineering work necessary for such proceedings; and

WHEREAS, the Board of Directors, by Resolution No.2003-851 (the "Resolution of Intention") adopted on February 5, 2003, declared its intention to order that the landscape improvements identified in Petition be acquired and maintained by the District pursuant to the provisions of Government Code §61601.20 and the Landscaping and Lighting Act of 1972; and

WHEREAS, the Resolution of Intention:

1. Approved all reports, diagrams, formulas and assessments referenced in the Petition;
2. Established the meeting date of March 19, 2003 as the hearing date for
 - (a) Hearing protests to the formation of Nipomo Community Services District Landscape Maintenance District No. 1.

- (b) Approving the formation of Nipomo Community Services District Landscape Maintenance District No. 1.
- (c) Receiving and counting ballots establishing assessments.
- (d) Approving assessments for Nipomo Community Services District Landscape Maintenance District No. 1.
- (e) Taking other necessary actions to form the Nipomo Community Services District Landscape Maintenance District No. 1 and to levy the resulting assessments; and

WHEREAS, the public hearing originally set for March 19, 2003 was duly continued by notice to Owner, to April 9, 2003 and at such public hearing all interested persons were permitted to present written or oral testimony to the levy of the proposed assessment, and the Secretary to the Board of Directors presented to the Board of Directors all written protests received by her, and members of the Staff and other representatives of the District made oral presentations to the Board of Directors answering the comments and questions raised at various times throughout the assessment proceedings, at the conclusion of the taking of testimony at such public hearing, the Board of Directors directed the Secretary to the Board of Directors to tabulate the Assessment Ballots and the Secretary to the Board of Directors reported that the Assessment Ballots submitted (and not withdrawn) in opposition to such proposed assessment did not exceed the Assessment Ballots submitted (and not withdrawn) in favor of such proposed assessment (weighting each assessment ballot by the amount of the final proposed assessment to be levied upon the parcel for which such assessment ballot was submitted), and on the basis such tabulation of the Board of Directors determined that a majority protest did not exist; and

WHEREAS, the Board of Directors is fully advised and is now duly authorized to levy, collect and enforce such assessment.

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

Section 1. The foregoing recitals are true and correct, and the Board of Directors incorporates them herein by reference.

Section 2. That the public necessity, convenience and desirability requires the acceptance, acquisition and maintenance of those certain street landscape improvements, more particularly described in the Petition, and incorporated herein and made a part hereof and hereby orders such street landscaping improvements to be acquired and maintained by District Landscape Maintenance District No. 1, which is hereby formed pursuant to The Landscaping and Lighting Act of 1972, and the Board of

Directors hereby overrules all objections and protests of the assessment contained in the Engineer's Report.

Section 3. That all the parcels of land within Landscape Maintenance District No. 1 have been assessed in proportion to the benefit to be received by such parcels, respectfully, for the acquisition and maintenance of such street landscaping improvements, and hereby confirms the assessment and the diagram as contained in the Engineer's Report that are attached to the Petition, now on file, and the Board of Directors hereby declares that the Engineer's Report and such assessment and such diagram as contained in the Petition are hereby adopted and confirmed by the Board of Directors, and the assessments contained or referenced in the Petition are hereby levied by the Board of Directors. Said assessments are subject to annual adjustment for inflation as provided in Section 6 of the Petition.

Section 4. The Secretary to the Board of Directors is hereby directed to file the diagram and assessment or a certified copy thereof with the County Auditor, and such assessment shall become due and payable; and the Secretary to the Board of Directors is hereby further directed to file in the Office of the San Luis Obispo County Recorder a copy of such assessment diagram as so recorded and to execute and record a Notice of Assessment in the Office of the San Luis Obispo County Recorder as required by law and such assessment will become a lien upon the land on which it is levied, all pursuant to the Landscaping and Lighting Act of 1972.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this ____ day of _____, 2003, by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Michael Winn, President
Board of Directors
Nipomo Community Services District

ATTEST:

Secretary to the Board of Directors of the
Nipomo Community Services District

RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:
Nipomo Community Services District
148 S. Wilson Street
Nipomo, CA 93444

MAIL TAX STATEMENTS TO:
Same as above.

APN # : 092-512-01 through 029 (See Exhibit "C")

Exhibits:

- Exhibit "A" - District Engineer's (or District Assessment Engineer's) calculation and basis for assessments
Exhibit "B" - District Engineer's (or District Assessment Engineer's) calculation and basis to apportion the total assessment amount among subdivision lots or parcels within the proposed Project
Exhibit "C" - Assessment chargeable to individual parcels within the Assessment District
Exhibit "D" - Engineer's Assessment Diagram

PETITION AFFECTING REAL PROPERTY
PETITION REQUESTING FORMATION
OF NIPOMO COMMUNITY SERVICES DISTRICT
STREET AND LANDSCAPE MAINTENANCE DISTRICT NO. 1
100% PROPERTY OWNER PETITION/BALLOT

WITNESSETH:

A. WHEREAS, the Petitioner, Paul Edwards Promotions, LLC a Limited Liability Company, is the sole owner and developer (herein "Developer" or "Owner(s)") of that certain real property located in the Nipomo Community Services District (herein "District"), County of San Luis Obispo, State of California, more particularly described as follows (herein the "Property"):

Lots 1 through 29 of Tract 2409 recorded in book 20 of Maps at Page 3 in the office of the County Recorder of the County of San Luis Obispo, California.

APN: 092-512-01 through 029

B. WHEREAS, Developer is developing the Property as a single family residential subdivision approved by the County of San Luis Obispo as Tract 2409 (hereinafter referred to as the "Project"); and

C. WHEREAS, for the purposes of this Petition the terms "Property" and "Project" are often used interchangeably; and

D. WHEREAS, the County of San Luis Obispo has required the Project be improved with landscaping (herein "Street Landscape Improvements"); and

E. WHEREAS, pursuant to Government Code Section 61601.20 and Article XIII D of the California Constitution, the District is authorized, under the powers of the Landscaping and Lighting Act of 1972 (Part 2, (commencing with §22500) of Division XV of the Streets and Highways Code) to install, plant and maintain landscape within public street right of ways or easements within the District; and

F. WHEREAS, Developer, as the sole owner of all of the Property to be benefited by the Street Landscape Improvements, has requested the District Board of Directors to establish an assessment district to provide for the cost of the maintenance and operation (including administrative costs and establishing a reasonable reserve), for the Street Landscape Improvements; and

G. WHEREAS, District requires that the undersigned developer provide a means satisfactory to District for assuring the continued maintenance and operation of the Street Landscape Improvements; and

H. WHEREAS, attached hereto as Exhibit "A" is the District Engineer's (or District Assessment Engineer's) calculation and basis for the total amount of the assessment for the Project; and

I. WHEREAS, attached hereto as Exhibit "B" is the District Engineer's (or District Assessment Engineer's) calculation and basis to apportion the total assessment amount among subdivision lots or parcels within the proposed Assessment District; and

J. WHEREAS, attached hereto as Exhibit "C" is the assessment chargeable to individual parcels within the Assessment District; and

K. WHEREAS, attached hereto as Exhibit "D" is the Engineer's Assessment Diagram.

NOW, THEREFORE, by this Petition, the undersigned Developer requests the District Board of Directors to form Nipomo Community Services District Landscape Maintenance District No. 1 ("Landscape Maintenance District No. 1") for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. **Purpose of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of the maintenance, operation, and Incidental Expenses ("Incidental Expenses") as authorized by Streets and Highways Code §22526, (including administrative costs and establishing a reasonable reserve) for the Street Landscape Improvements. The undersigned Developer agrees that such Street Landscape Improvements and the operation and

maintenance of same are of special benefit to the Property and each lot or parcel to be created therein.

2. **Description of Land to be Included in Proposed Improvement District.** The land to be included in the proposed Landscape Assessment District No. 1 is the property described in Tract Map 2409, the property described in Recital A above and the Assessment Diagram (Exhibit "D").

3. **Names of all Owners of Land Within Landscape Assessment District No. 1.** Paul Edwards Promotions, LLC is the sole owner whose address is Sculpture by Edwards, Inc. P.O. Box 2490, Orcutt, CA 93457-2490.

4. **The Landscape Maintenance Obligation is limited to the following:**

- A. Landscaping bordering the frontage of lots 1 through 6 on Tefft Street.
- B. Landscaping bordering the frontage of lots 1, 15, 16, and 28 on Tejas Place.
- C. Landscaping on the southwest and northwest sides of lot 29 (drainage basin) on Tejas Place
- D. The pathway between lots 4 and 5 between Tefft Street and Vista Verde.

The area of landscaping is more particularly described on Exhibit "D" and the Landscape Plans that are lodged at the District's office.

The Landscape Maintenance obligation does not include:

- Sidewalks and streets
- The construction or maintenance of equestrian trails on Tejas Street.

5. **Amount of the Annual Assessment.** The formula for establishing the assessment and the annual assessment to be levied against the Property to fund the operation, maintenance and Incidental Expenses (including administrative costs and establishing a reasonable reserve) of the Street Landscape Improvements is described in Exhibits "A" and "B". The annual assessment to be charged shall be levied against the Property and each individual lot therein, during each fiscal year the Assessment District remains in effect, effective at the date the Street Landscape Improvements are accepted by the District. The undersigned Developer agrees that the annual assessment established in Exhibit "A" is reasonable and justified.

6. **CPI Adjustment to the Amount of the Annual Assessment.** Commencing with the first District fiscal year following the date Street Landscape Improvements are accepted, and each fiscal year thereafter that the Assessment District remains in effect, the annual assessment to be levied against the Property and each individual lot therein, shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Street and due to inflation.

The determination of whether there has been an increase in the cost of operating and maintaining the Street and Landscape Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in CPI Index for Urban Wage Earners and Clerical Workers in San Francisco/San Jose for March 31 of the current year over the previous year's index on the same date. The undersigned Developer agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Street Lighting Improvements due to inflationary factors.

7. **Credits Against Annual Assessment.** If, in any fiscal year in which an assessment is levied against the Property and each individual lot therein, to operate and maintain the Street Landscape Improvements, the amount of such assessment is greater than the actual cost of operating and maintaining the Street Landscape Improvements (including administrative costs and establishing a reasonable reserve), the difference between the assessment and the actual cost of operating and maintaining the Street Landscape Improvements shall be credited against the assessment levied against the Property and each individual lot therein, during the next succeeding fiscal year. As a result, the assessment levied against the Property and each individual lot therein, during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

8. **Apportionment of Annual Assessments Among Subdivision Lots or Parcels.** The assessments shall be apportioned among the lots or parcels as established in Exhibits "B" and "C", attached hereto. The undersigned Owner agrees that the formula used to calculate the assessments accurately reflect the proportionate special benefit received by each such lot or parcel arising from the operation and maintenance of the Street Landscape Improvements, and therefore is an appropriate way of apportioning the cost of operating and maintaining the Street Landscape Improvements among such lots or parcels.

9. **Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Street Landscape Improvements shall continue until such time as the District Board of Directors shall determine to abolish the Assessment District. Upon the District abolishing the Assessment District the District shall return the unpaid reserve to the owners of individual lots and thereon shall have no further obligation to operate and maintain the Street Landscape Improvements.

10. **Effect of District's Failure to Accept Landscaping or District Abolishment of Assessment District.** In the event the District fails to accept Developer's installed landscaping pursuant to the Reimbursement Agreement between the Nipomo Community Services District and Paul Edwards Promotions, LLC to establish Nipomo Community Services District Landscape Maintenance District No. 1 or the District's abolishment of the Assessment District as provided in

Section 9 above then the obligations referenced in Section 10 shall revert to Owner and Owner's successors and assigns and the District will have no further obligation to maintain the landscape improvements referenced in Section 4 above.

11. **Waiver of Notice of Assessment District Protest Hearing.** The undersigned Developer, as sole Owner(s) of the property to be included in Landscape Maintenance District No. 1, hereby waives the resolution, report, notices of hearing, right of majority protest, and any other formalities establishing Landscape Maintenance District No. 1.

12. **Ballot in Favor of Assessment District.** The undersigned Developer executes this Petition both as the Owner's Petition for the formation of Street Landscape Improvement District No. 1, and as the Owner's Ballot in favor of the assessments to be charged or levied against the Property and the individual lots and parcels therein. In addition, the undersigned Owner hereby authorizes the District Secretary to file this Petition as Owner's Ballot in favor of forming Street Landscape Improvement District No. 1.

13. **Hearing/Revocation of Petition/Ballot.** The hearing on the undersigned Developer's ballot will be set concurrently with the District's hearing for the formation of Landscape Maintenance District No. 1, and at least forty-five (45) days from the date the District adopts a Resolution initiating Proceedings for Landscape Maintenance District No. 1. The undersigned Developer may revoke this Petition/Ballot up to and including the time of the public hearing set by the District for approval of the formation of Landscape Maintenance District No. 1. A revocation of any portion of this Petition and the attached Ballot shall be considered a revocation of the entire Petition and Ballot.

14. **Effect of Revocation.** In the event this Petition and Ballot is revoked by Developer, then the District shall have no obligation for the maintenance, operation and service of the Street Landscape Improvements.

15. **Notices.** Unless otherwise provided, all notices herein required shall be in writing and delivered in person or sent by United States First Class Mail, postage prepaid. Notices required to be given shall be addressed as follows:

DISTRICT:

DOUG JONES
District General Manager
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

DEVELOPER:

Paul Edwards Promotions, LLC
Sculpture by Edwards
P.O. Box 2490

Orcutt, CA 93457-2490

16. **Severability.** If any term or provision of this Agreement is found to be invalid or unenforceable, the District and Developer both agree that they would have executed this Agreement notwithstanding the invalidity of such term or provision. The invalid term or provision may be severed from the Agreement and the remainder of the Agreement may be enforced in its entirety.

17. **Interpretation.** The parties acknowledge that each party and its attorneys have reviewed and negotiated this Petition and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Petition or any document executed and delivered by any party in connection with the transactions contemplated by this Petition.

18. **Venue.** This Agreement is executed and is to be performed in County of San Luis Obispo, and any action or proceeding brought relative to this Agreement shall be heard in the appropriate court in the County of San Luis Obispo, California. The District and Developer each consent to the personal jurisdiction of the court in any such action or proceeding.

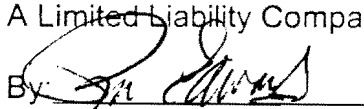
19. **Successors and Assigns.** The District and Developer agree that this Agreement/Petition shall run with the land and shall be binding upon the Developer, his/her heirs, successors, executors, administrators and assigns, including successor individual lot owners, and shall inure to the benefit of District and its successors and assigns.

20 **Incorporation of Recitals.** Recitals A through J of this Petition are incorporated herein by this reference and made a part hereof.

21. **Authority to Execute Agreement.**

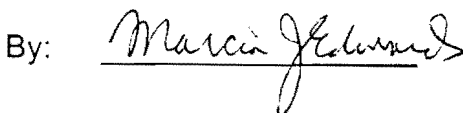
The undersigned hereby represent that the individuals executing this Petition are expressly authorized to do so for and on behalf of Paul Edwards Promotions, LLC, a Limited Liability Company.

PROPERTY OWNER/ DEVELOPER:
PAUL EDWARDS PROMOTIONS, LLC
A Limited Liability Company

By: 
Ron Edwards

Its: Member

Date: Feb 11, 2007

By: 

Marcia J. Edwards
Its: Member
Date: 2-11-03

By: 2-11-03
Ron Edwards
Its: Member
Date: [Signature]

[All signatures must be notarized]

T:\Jon\CLIENT\1\NCSD\Matters\Assessment Dist. Landscape Maint. F-269\IMPROVEMENT DISTRICT\Landscape Maintenance
Petition 01-16-03.doc

**NIPOMO COMMUNITY SERVICES DISTRICT
STREET AND LANDSCAPE MAINTENANCE DISTRICT NO.1**

EXHIBIT "B"

Assessment chargeable to individual parcels within the Assessment District.

The purpose of this assessment district is to maintain landscaping only within the following areas:

- A. Landscaping bordering the frontage of lots 1 through 6 on Tefft Street.
- B. Landscaping bordering the frontage of lots 1, 15, 16, 28, and 29 (drainage basin) on Tejas Place.
- C. Landscaping on the Southwest and Northwest sides of lot 29 (drainage basin) on Tejas Place
- D. The pathway between lots 4 and 5 between Tefft Street and Vista Verde.

It is hereby determined that all the maintenance associated costs described in Exhibit "A" are a proportionate special benefit to each lot in Tract 2409, such lots numbered one through 28 (Lot 29 is not to be assessed as it is part of the facilities to be maintained). The Assessment Engineer finds that no particular lot receives a benefit greater than any other lot, therefore it is hereby determined that each lot (1 through 28) shall bear an equal assessment as follows:

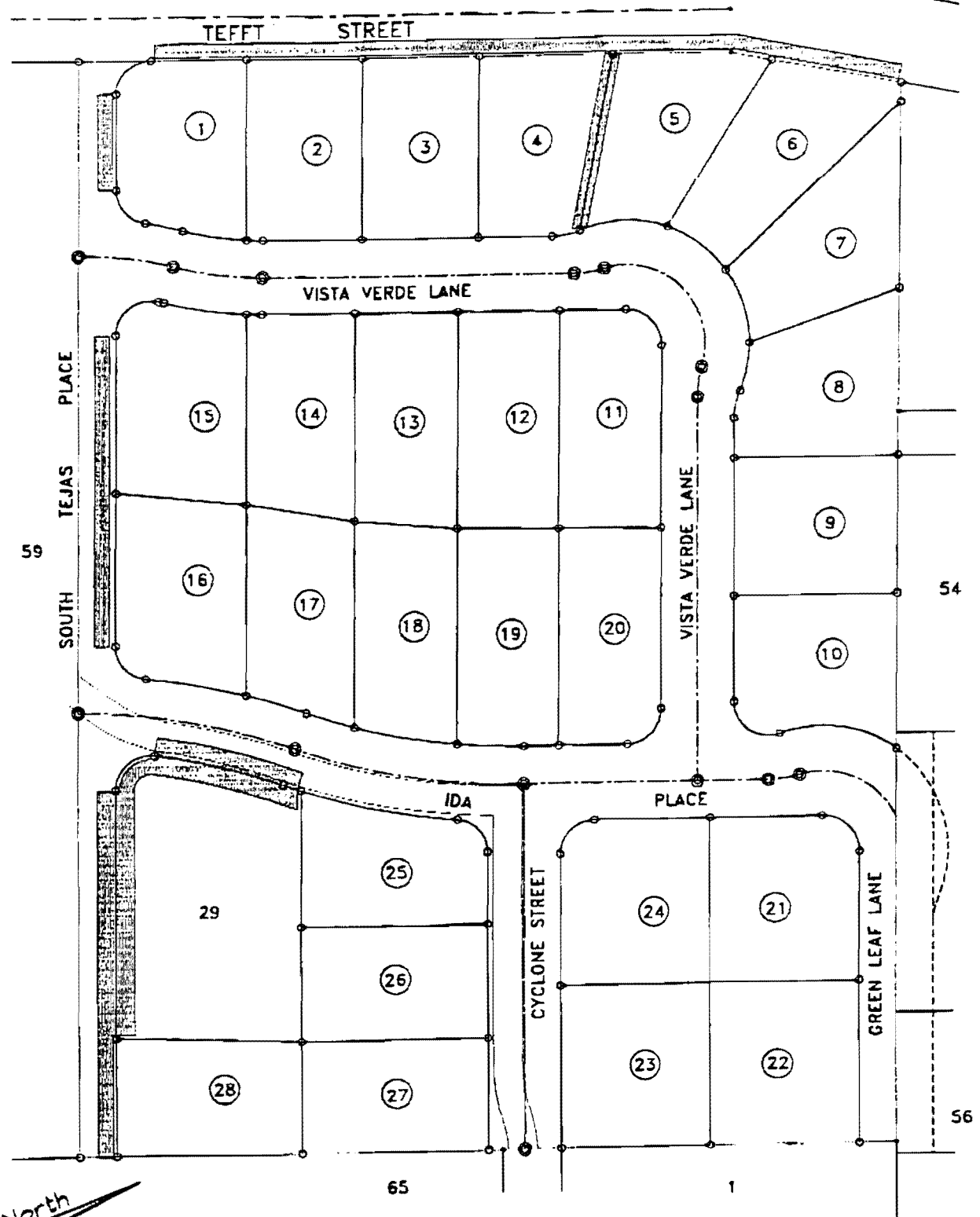
(Total Cost) $\frac{\$9,660/\text{year}}{28}$
 = \$345.00/Lot/Year

[Handwritten signature]
3 Feb. 03



EXHIBIT "B" TO NCSD STREET
AND LANDSCAPE MAINTENANCE
DISTRICT NO. 1 PETITION

EXHIBIT "D" ENGINEER'S ASSESSMENT DIAGRAM



LEGEND
 (3) LOTS TO BE ASSESSED
 [RECTANGLE] AREA TO BE MAINTAINED

TRACT 2409
VISTA VERDE ESTATES

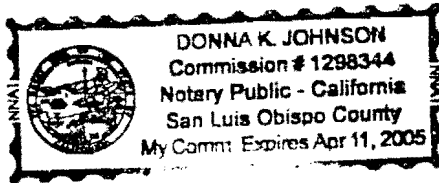
EXHIBIT "D" TO NCSD STREET
 AND LANDSCAPE MAINTENANCE
 DISTRICT NO. 1 PETITION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of San Luis Obispo } ss.

On 2-11-03, before me, Donna K. Johnson, Notary Public,
Date Name and Title of Officer (e.g., Jane Doe, Notary Public),
personally appeared Ron Edwards + Marcia J Edwards,
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence



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

WITNESS my hand and official seal.

Donna K. Johnson
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

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

Description of Attached Document

Title or Type of Document: Petition Affecting Real Property

Document Date: 2-11-03 Number of Pages: _____

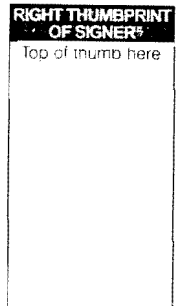
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Ron + Marcia Edwards

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: Paul Edwards Promotion, LLC



TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: APRIL 9, 2003

**AGENDA ITEM
D-2
APRIL 9, 2003**

SUPPLEMENTAL WATER SUPPLY

ITEM

This item was requested by Director Wirsing to be placed on the agenda for discussion.

BACKGROUND

Attached is a memo to Director Wirsing about conversations with Dwayne Chisam of the City of Santa Maria concerning a supplemental water supply to the District. Also, attached is the Kennedy-Jenks Consulting September 2001 Report which outlines other supplemental water supply sources.

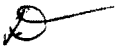
RECOMMENDATION

This is an information item for discussion purposes only.

Bd2003\supplemental water supply.doc

Board 2003/Annex 20 approval.DOC

MEMO

TO: DIRECTOR WIRSING
FROM: DOUG JONES 
DATE: MARCH 26, 2003
SUBJECT: SUPPLEMENTAL WATER

This memo is in response to your fax dated March 24, 2003, with respect to supplemental water negotiations with the City of Santa Maria.

I have been in contact with Dwyane Chisam of the City of Santa Maria about a supplemental water supply over a period of time. The first meeting I had with him was on December 13, 2001. A memo was submitted to the file and a copy was given to all of the Board members. The memo and to date is the District's only written documentation with respect to supplemental water with the City of Santa Maria. I've been in contact with Mr. Chisam every month or two about the status of the agreement for supplemental water. The City has been working on a draft agreement, which may require input from other agencies (i.e. CCWA and DWR), therefore, it is taking time to develop. I anticipate a draft agreement coming forth in the very near future at which time more detailed negotiations will take place.

Representatives from the City of Santa Maria have indicated that they are willing to enter into an agreement with the Nipomo Community Services District for a supplemental water supply.

cc: Board of Directors
Jon Seitz, District Legal Counsel

Bdmemo\wirsingsupplementalwater.doc

March 24, 2003

via fax 929-1932

Doug Jones, General Manager
Nipomo Community Services District

Re: Agenda Item for April 9, 2003, 6:30 p.m.

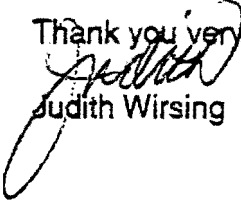
Dear Mr. Jones,

I'm requesting an agenda item . . . "Progress Report: Obtaining Supplemental Water from the City of Santa Maria."

Please schedule before Annexation Policy agenda item, as I find this directly related to the adoption of the annexation policy.

I would like to see included all current written correspondence from NCSD and from the City of Santa Maria regarding costs and guarantees of delivery and possibly general language of contract.

Thank you very much,





Judith Wirsing

From: Kennedy/Jenks Consultants, Sept. 2001 Report

TABLE 4-1
SUPPLY ALTERNATIVES COMPARISON TABLE

Supply Source	AF available	Costs	Complexity of Developing Contracts/Agreements	Supply Reliability	Degree of treatment required?	New facilities required for delivery? (Distance from NCS D Boundary)	Method of Use of Supply?	CEQA Required?	Potential for legal challenge?	Additional issues	Sources
SWP- SLO- Oceano CSD	350 AF permanent supply	\$1,000/AF for commodity, no up front cost, negotiable	High - OCSD, SLOCFC&WCD, SBCFC&WCD, CCWA, DWR, SWP contractors	Medium	None	Yes - turnout if approved by CCWA	Use in conjunction with groundwater	Neg. Decl. For turnout?	Medium-high	Legal issues, no turnouts, pipeline capacity issues to Nipomo	Susan Litteral, SLO County, Dan Masnada/Ray Stokes - CCWA,
SWP- SB - City of Solvang	Up to 700 AF permanent supply	Min. \$1,000 - \$2,400/AF for commodity, min. \$1,333/AF for up-front, negotiable	High - Solvang, SYWCD, SLOCFC&WCD, SBCFC&WCD, CCWA, DWR, SWP contractors	Medium	None	Yes- turnout -if approved by CCWA	Use in conjunction with groundwater	Neg. Decl.?	Medium-high	Legal issues, Not much excess entitlement, no turnouts	City of Solvang, CCWA
Intertie with City of Santa Maria	2000 - 3000 AF permanent supply	\$1,000 - 1,200/AF for commodity, \$2,000/AF for up-front, negotiable + inter-tie pipeline costs	Low - 1 entity	High	None	Yes- pipeline to Santa Maria 3+- miles and pump station	Use in conjunction with groundwater		Low	Potential legal challenge	Dwayne Chisam (City of Santa Maria)
Purchase of Desal water from Santa Barbara	Max SWP entitlement is 3000 AF, interruptible	\$1,100+/AF for commodity + \$1,000/AF min for up-front costs	High -City of SB, SLOCFC&WCD, SBCFC&WCD, CCWA, DWR, SWP contractors	Medium-low	None	Yes- turnout if approved by CCWA	Use in conjunction with groundwater	None	Medium	Would require recommissioning of desal plant in SB	Bill Ferguson, City of SB
New groundwater well on Tosco or other property	1,200 AF permanent supply	?	Low - 1 entity	High	Low	Yes- new well, pump station, chlorination?, pipeline	Additional groundwater supply	EIR/Mit. Neg. decl.?	Medium	Proper structuring of annexation and mgmt or adjudication of basin will help secure water right	Jim Anderson -Tosco
Blowdown Desalination at Tosco	360 AF/yr	\$2,000 - 3,000/AF	Low-medium, may require purchase of property from Tosco	High	High	Yes	Additional supply	EIR	Low	?	Jim Anderson -Tosco
Sea Water Desalination	2000 - 3000 AF/yr	\$3,000 - 4,000/AF	Medium	High	High	Yes	Additional supply	EIR	Low	Complexity of environmental issues associated with brine outfall and slant-drilled well	
Reclaimed Water from SSLOCSD	1,625 AF - 3,625 AF	\$2,200 - \$8,300/AF delivered depending on end-use	Low	High	Medium-high	Yes- treatment facilities, pump station and pipeline to in-lieu users in NCS D	Use in lieu of groundwater	EIR	Low	Uncertain is sufficient demand because of high TDS	K/J, Steve Tanaka, John Wallace and Associates
Reclaimed Water from NCS D Southland WWTP	300 AF/yr	?	None	High	Medium-high	Yes- additional treatment, pump station and pipeline to in-lieu users in NCS D - E.G. Regional Park	Use in-lieu of groundwater	EIR	Low	Potential user is Regional Park and future high school, may be insufficient demand	Boyle, 2001
Oil-field Produced Water from Price Canyon (Stocker Resources)	800 AF/yr	Low or no treatment cost, delivery cost	Medium	High, may not be in perpetuity	High- but cost may be borne by oil company	Unknown- may be able to use existing pipeline following rehab	Additional supply	For WTP?	Low		K/J
Hard rock drilling	500 AF/yr	\$1,000/AF	Low-medium	High	Low	Yes, well, pipeline and p.s.	Additional supply	Yes - Mitigated Neg. Decl.?	Low	Samda may be willing to share up-front costs	Mei McCulloch
Conservation	100 - 200 AF/yr?		Low	Medium-high	None	None	Reduce demand	No	None	May require additional staff for long-term outreach, may reduce recharge to	CUWCC
Water Bags	Unknown	Unknown	Low	Medium	None	Connection to distribution system from docking ships	Additional supply	Yes - Mitigated Neg Dec	Low	Not used in the U.S.	

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: APRIL 9, 2003

AGENDA ITEM

APRIL 9, 2003

DISTRICT ANNEXATION POLICY

ITEM

Review and approve proposed revisions to the District's Annexation Policy

BACKGROUND

The Annexation Committee (Directors Wirsing and Winn) has directed staff to modify the existing Annexation Policy. The proposed revisions were reviewed at the March 19, 2003, regular Board meeting. All of the comments and suggestions have been incorporated into a new annexation policy and is being presented here for review and approval.

RECOMMENDATION

- Staff recommends that your Honorable Board review proposals and if there are no further changes, approve and adopt the Annexation Policy.

Board 2003/Annexation Policy40903.DOC

RESOLUTION NO. 2003-Annex Policy

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REVISING THE DISTRICT'S ANNEXATION POLICY**

WHEREAS, the Nipomo Community Services District (District) receives most of its water from the Hydrologic Sub-Area (HSA); and

WHEREAS, The HSA is part of the Greater Santa Maria Groundwater Basin, and both the HSA and the Santa Maria Groundwater Basin along with agricultural users, other private users and local water agencies (including the District) are subject to a general Groundwater Adjudication; and

WHEREAS, many of the Applicants who seek annexation to the District are parties to the Groundwater Adjudication, whose interests may be adverse to the District and whose water entitlements are the subject of future Court Judgments; and

WHEREAS, District acknowledges a number of engineering reports indicating that HSA is in a state of overdraft; and

WHEREAS, the District desires to maintain a water supply for its existing users and potential use within its boundaries; and

WHEREAS, the District desires to modify its annexation policy recognizing the potential limited water supply from the HSA; and

WHEREAS, The District recognizes two (2) general classes of proposed annexations as follows:

1. Those areas of proposed annexations that overlie a sufficient source of groundwater to serve the proposed development within the area of annexation; and
2. Those areas of proposed annexations that do not overlie a sufficient source of groundwater to serve the proposed development within the area of annexation; and

WHEREAS, proposed annexations must provide identifiable benefits to:

1. The future residents and property owners within the annexed area and
2. the residents and property owners currently within the Nipomo Community Services District; and

WHEREAS, the Local Agency Formation Commission is charged with the authority to review and approve all requests for sphere of influence, annexations, and other changes in organizations to the District; and

WHEREAS, the Local Agency Formation Commission considers CEQA for all proposed annexations and sphere of influence changes;

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

1. The District's Annexation Policy is hereby revised, amended and readopted as stated in Exhibit "A" attached hereto and incorporated herein by reference.

**RESOLUTION NO. 2003-Annex Policy
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REVISING THE DISTRICT'S ANNEXATION POLICY**

2. The prior Annexation Policies adopted by the District are hereby repealed in their entirety.
3. The Board of Directors of the District finds that the adoption of this Resolution does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et. seq.*) or its implementing Guidelines (14 California Code of Regulations Section 15000 *et seq.*) ("CEQA Guidelines"). The Board further finds that the adoption of this Resolution falls within the activities described in Section 15378(b)(2) and (5) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of this Resolution were a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this Resolution and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.
4. The above Recitals are true and correct and incorporated herein by reference.
5. District staff is directed to return to the Board with an Annexation Ordinance enacting the fees and charges referenced in the attached Annexation Policies.

Upon 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 adopted this ____ day of _____ 2003.

Michael Winn
President, Board of Directors
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

EXHIBIT A

THE ANNEXATION POLICY OF THE NIPOMO COMMUNITY SERVICES DISTRICT

MARCH 2003

I. PURPOSE

In order to promote efficient processing of all requests for annexation to the Nipomo Community Services District, this policy documents the present basis upon which the Board of Directors will evaluate such requests and provides notice thereof to the owners of the property that is the subject of such requests.

II. INTENT

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

Good quality, low-cost dependable water, sewerage and other authorized services for the residents of the Nipomo Community Services District.

The District recognizes the need for conservation of natural and environmental resources, including local resources, their availability and quality, consistent with the South County General Plan of the San Luis Obispo County.

III. GENERAL POLICIES

A. Annexations shall provide and/or pay for the costs of supplemental water for the area of annexation as a condition of District approval.

B. In order to provide for the orderly development of public service facilities, only those properties will be considered for annexation for which the owners are willing to accept all conditions for service required by the Nipomo Community Services District. Further, requests for annexation solely for sewerage services to the exclusion of water service will be considered but generally will be discouraged by the Board of Directors.

C. In order to evaluate the impacts on potential annexations upon the Nipomo Community Services District, the Board will only consider annexation requests which include the submittal of a layout plan and application pursuant to Section VI of these Policies. The District reserves the discretion to require additional information from the Applicant.

If the intended development within the proposed area of annexation requires further County approvals (for example, zoning or subdivision), the District's approval of the annexation may be conditioned upon the owners obtaining such County approvals before the annexation becomes effective.

D. After review of the layout plan and Application, the Board of Directors will consider annexation request where it can be demonstrated that:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-Annex Policy

The proposed annexation will provide identified benefits to: (1) the future residents and property owners within the annexed area; and (2) the residents and property owners of the remainder of the Nipomo Community Services District.

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

F. The District is opposed to the formation of homeowner associations for the operation of water and/or sewer systems in the Nipomo Mesa area. Typically, associations lose efficiency over time, requiring a public entity to take over their operations. A public entity operating from the beginning would eliminate the later acquisition and rejuvenation of the system at additional cost to the property owners.

G. The District recognizes two (2) general classes of proposed annexations, as follows:

1. Those areas of proposed annexations that overlie the a sufficient source of groundwater to serve the proposed development within the area of annexation.; and
2. Those areas of proposed annexations that do not overlie a sufficient source of groundwater to serve the proposed development within the area of annexation.

H. The Board will not contract for State Project Water as a supplemental water supply without first obtaining the approval of the District voters.*

*Note: The Court may have jurisdiction to order State Project Water as part of the Adjudication Resolution.

IV. GENERAL STANDARDS FOR AREAS OVERLYING SUFFICIENT GROUNDWATER RESOURCES

A. Dedications and Covenants:

1. Applicants shall dedicate groundwater rights, if any, to the District;
2. Applicants who are connected to the District water system shall covenant not to pump from the underlying groundwater basin for non-agricultural uses; and
3. Applicants that connect to the District water system may continue to pump from existing wells for agricultural uses, subject to any limitations imposed by a Court or other agency with jurisdiction.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-Annex Policy

4. Subject to paying the financial obligations referenced in subsections C and D below, Applicants who do not connect to the District water system may continue using existing wells for existing agricultural, residential and commercial uses.

B. District Processing Costs:

At the time of entering into an Annexation Agreement with District, make deposit for District administrative, consultant and legal costs in processing the annexation;

C. Financial Obligations Prior to LAFCO Approval:

1. For each residential unit to be connected to the District's water system or for each existing residential unit that does not connect to District water system, Applicants shall deposit with the District ten thousand dollars (\$10,000) or equivalent securities acceptable to District, to be applied to District administrative and consultant costs in acquiring supplemental water and to offset costs of supplemental water *.
2. Commercial and/or other uses that exceed a 1" meter shall pay a multiple of the deposit referenced in subsection 1 above based on flow capacity.
3. Pay District capacity and connection fees and charges. The District's water capacity charge shall be reduced by that portion attributed to well production.

* Returned if LAFCO does not approve annexation. Further, to the extent the supplemental water deposit exceeds District's costs, as prorated among other applicants for annexation, the remainder will be used to reduce Section D water charges.

D. Payment of Monthly Supplemental Water Charge:

Applicants shall agree to establish a zone of benefit with a rate covenant wherein those residents and commercial users within the area of annexation will pay eighty percent (80%) of the actual costs of supplemental water for the area of proposed annexation plus one hundred percent (100%) of the reserve that may be required to obtain supplemental water.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-Annex Policy

E. Customers of the District:

1. Upon annexation, residents and commercial users within the area of the proposed annexation shall become "regular customers" of the District with no greater entitlements to water service than any other District customer.
2. Subject to compliance with the Annexation Agreement, LAFCO conditions, District Public Facilities Extension Agreement, District Rules and Regulations, and a determination by the Board of Directors that there is adequate water resources to supply the area of annexation during the period of time reasonably determined to acquire supplemental water, District agrees to provide water to the area of annexation upon LAFCO final approval.

F. Cluster Developments:

1. District may require Applicants to dedicate open space parcels to District for an identified purpose approved by District and which may be operated by District.
2. If the District accepts responsibility for the open space parcel, then applicant shall form an Assessment District or other Special Tax District, or establish an endowment acceptable to District for the purposes of the operation and maintenance of the open space parcels; and.
3. Establish a Homeowners Association for the purposes of assuming obligations in Subparagraph 2 above in the event the District is required to abandon the Assessment District or Special Tax.

V. **GENERAL STANDARDS FOR AREAS OF ANNEXATION THAT DO NOT OVERLIE SUFFICIENT GROUNDWATER RESOURCES.**

- A. The Applicant shall comply with all conditions set forth in Section III above for proposed annexations that overlie a sufficient groundwater resource; and
- B. Pay one hundred percent (100%) of the monthly supplemental water charge (see III D above); and
- C. District will not deliver water to the area of annexation until:
 1. A sufficient supplemental water is under contract and available for delivery;
 2. CEQA review, including challenges, are completed; and

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-Annex Policy**

3. The Board determines that there is sufficient water to serve the proposed area of annexation during the construction phase.

D. Dispute Resolution:

If an Applicant disputes District determination that the area of proposed annexation does not overlie a sufficient groundwater resource, then Applicant, at Applicant's sole cost, may request District to perform a pump test to the District Engineer's standards. The Board of Directors' determination of the sufficiency of the groundwater supply shall be final.

VI. ANNEXATION AGREEMENT

All applicants for annexation shall be required to enter into an Annexation Agreement. Said Annexation Agreement shall include the following:

- A. That all infrastructure and service line extensions shall be designed and constructed at no cost to District in accordance with District's standards.
- B. Reimburse District for its costs in processing the annexation, including administrative costs, legal costs and engineering costs.
- C. Payment for all applicable District capacity, meter and connection charges.

VII. SUBMITTAL OF ANNEXATION APPLICATION AND LAYOUT PLAN

Prior to consideration by the Board of Directors, Applicants must submit an application to the District, demonstrating that the annexation will conform to these Annexation Policies and a layout plan for the proposed area of annexation in sufficient detail for the District to assess the full impact of the annexation on the District's water distribution facilities, sewer service and other services to be provided to the area of annexation by the District.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *DJ*
DATE: APRIL 9, 2003

AGENDA ITEM
D4
APRIL 9, 2003

REQUEST FOR ANNEXATION
ANNEXATION NO. 22
PUDWILL TRACT 2784

ITEM

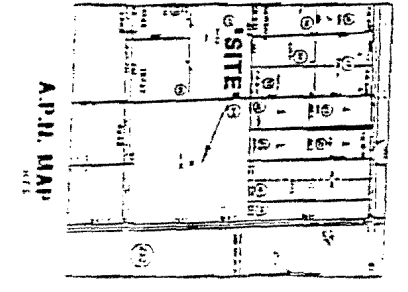
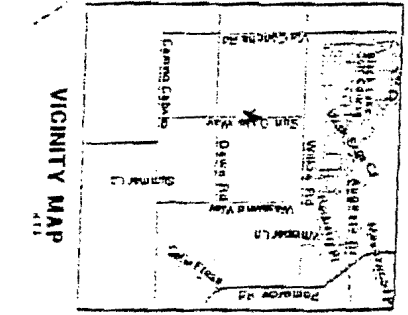
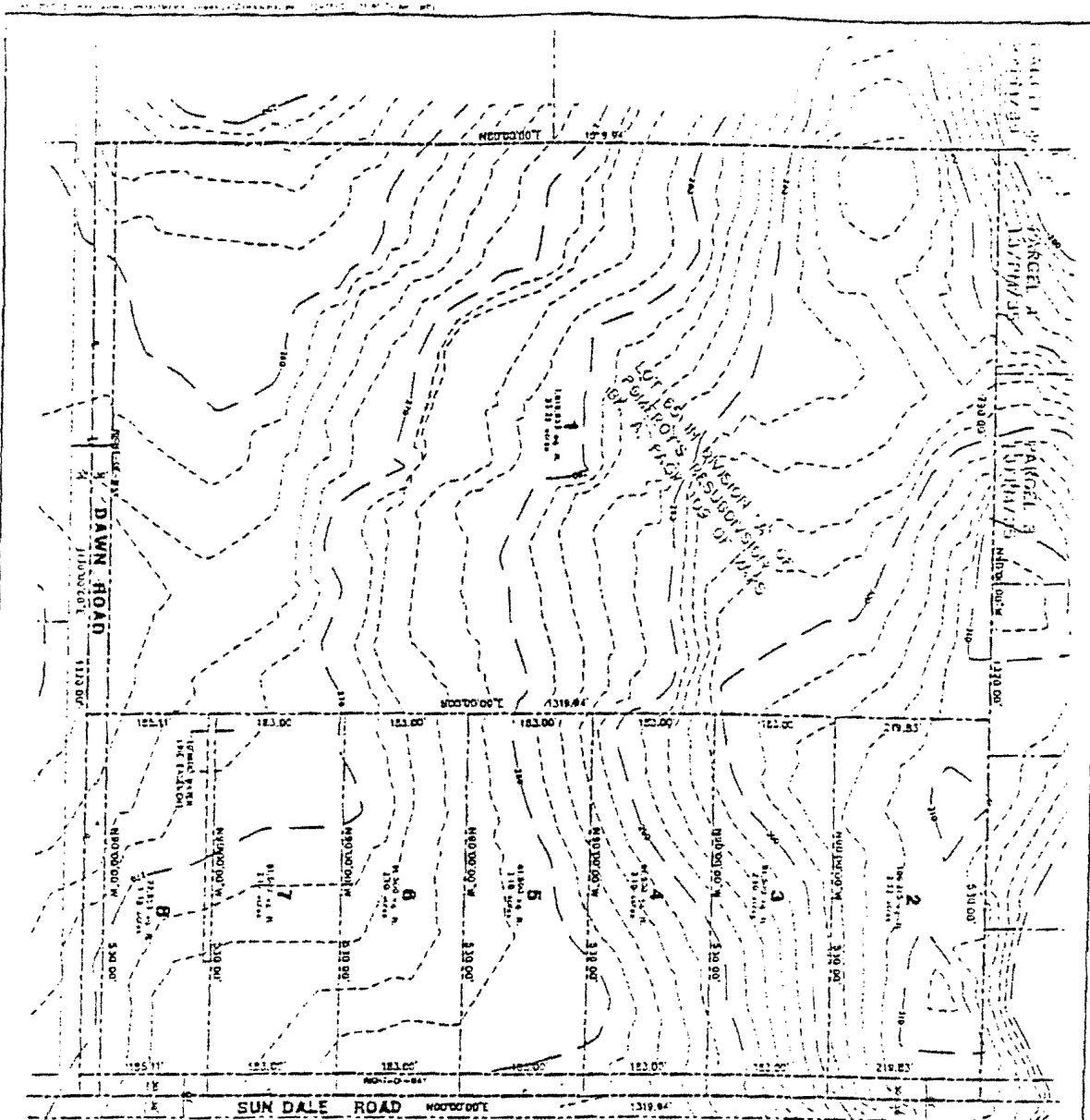
Review request for annexation - Tract 2784 - eight-lot development on 40 acres adjacent to the District boundary near Blacklake – Annexation No.22

BACKGROUND

The District has received a request from Mr. Pudwill to annex a 40-acre parcel, known as Tract 2784, an eight-lot development at the intersection of Sundale and Dawn Road. This matter was previously brought to the Board for consideration but has been continued pending the update of the District's Annexation Policy. When the new Annexation Policy has been approved by your Honorable Board, an annexation agreement may be prepared for proposed Annexation No. 23.

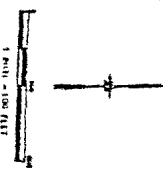
RECOMMENDATION

Your Honorable Board may direct staff to prepare an annexation agreement for the proposed annexation.




TENTATIVE TRACT MAP 2984
 BEING A FURTHER DIVISION OF THE 101 53 AC DAWSON TRACT OF PARKWAY'S INCORPORATED, A CALIFORNIA CORPORATION, BEING MORE PARTICULARLY SET FORTH IN THE PUBLIC RECORDS OF THE COUNTY OF CALIFORNIA, AS RECORDED IN BOOK 15 OF SAID COUNTY.

OWNER: JAMES FROWLE
 ADDRESS: 808 SUN DALE WAY
 RICHMOND, CA 94805
 A.P.N. 021-201-021
 AREA: 50 ACRES



DEC 16 2019

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: APRIL 9, 2003

AGENDA ITEM

APRIL 9, 2003

REQUEST FOR ANNEXATION
TRACT 2499
ANNEXATION NO. 23
NESTER

ITEM

Review request for annexation - Tract 2499 - eighteen-lot development on 18 acres adjacent to the District boundary on Pomeroy Rd near Waypoint – Annexation No.23

BACKGROUND

The District has received a request from Mr. Nester (previously Lem) to annex an 18-acre parcel, known as Tract 2499, an eighteen-lot development on Pomeroy Road near Waypoint Drive. This matter was previously brought to the Board for consideration, but has been continued pending the update of the District's Annexation Policy. When the new Annexation Policy has been approved by your Honorable Board, an annexation agreement may be prepared for proposed Annexation No. 23.

RECOMMENDATION

It is recommended that your Honorable Board direct staff to prepare an annexation agreement based for the proposed annexation.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *F*
DATE: APRIL 9, 2003

AGENDA ITEM
105
APRIL 9, 2003

REQUEST FOR ANNEXATION
OAKRIDGE
NEWMAN

ITEM

Request to annex approx. 285 acres north of Sandydale Rd. & west of Hwy 101

BACKGROUND

At the Board meeting held on February 19, 2003, Mr. George Newman, developer, requested a decision for services or a denial from your Honorable Board so that he may proceed elsewhere with his project. This project consists of 285 acres north of Sandydale Rd. & west of Hwy 101. This would be a multi-use commercial/retail and light industry, office and residential development. Your Honorable Board previously tabled this matter. Mr. Newman is asking for a decision if the District is interested in annexing this development or not so he may explore other avenues for service if his request is denied when the annexation policy is approved.

RECOMMENDATION

Staff is requesting direction from your Honorable Board.

Board 2003/Annex Newman3.DOC

TO: Nipomo Community Services District
FROM: George Newman
RE: Annexation
DATE: February 4, 2003

Dear Board Members,

As you are aware, on November 4, 2002, I submitted an application for annexation and water/sewage services for the Canada Ranch property, APN 091-301-041. Presentations were made to the Board on November 20, 2002 and again on December 18, 2002. The results for each of these requests and/or presentation was in effect a "Continuance" or "Deferring" of this decision.

I respectfully request that the Board decide "Yes" or "No" as to NCSD's intent to provide water and sewer services for this project. As I've always stated, I prefer to obtain these services from NCSD as the revenues generated from this project would strengthen our own district. However, if the Board can not support this project with services I would appreciate a letter of denial to enable the pursuit of other options.

Thank you for your immediate attention to this request.

Sincerely,



George Newman

FEB 04 2003

NIPOMO COMMUNITY SERVICES DISTRICT

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: APRIL 9, 2003

AGENDA ITEM

APRIL 9, 2003

REQUEST FOR ANNEXATION ANNEXATION NO. 24 (NIPOMO HILLS)

ITEM

Review request to annex approx. 88 acres at Thompson Ave. and Rancho Road for a 600 unit residential development.

BACKGROUND

The District has received a request from the Local Agency Formation Commission (LAFCO) for comments on the proposed Nipomo Hills development with respect to District services.

The information presented indicates the 600 unit project in which the water would be purchased from the Cal Cities Water Company and the wastewater would be treated by the District's wastewater treatment facility. Based on the preliminary information in the District application it is estimated that the water use for this project would be between 250 to 300 acre feet per year and the wastewater would be between 120 and 150 thousand gallons per day.

Prior to the District proceeding with this annexation the following would need to be addressed:

1. Water agreement with Cal Cities for providing the water to the project via wheeling or selling the District a water supply.
2. Expert verification from Cal Cities that water is available with respect to the adjudication.
3. Based on Boyle Engineering's Water and Sewer Master Plan, a new sewer lift station would have to be constructed known as Amado Lift Station to provide service to this development.
4. The existing wastewater treatment plant has capacity for this proposed development.
5. The applicant needs to process this development through the County's Planning Department in which a Tract Map number would be issued. It is anticipated that the County Planning will require changes to this development after which the District would review what services are required.

Prior to the County Planning Dept reviewing possible changes and commenting on this plan, the District does not have the full knowledge of the services needed for this development. It is unknown at this time if a lighting district or some form of open space or park maintenance will be needed. This should come forth through the County Planning Department in approving this project.

RECOMMENDATION

Your Honorable Board may indicate to the developer if the District is interested in annexing this area for services. Staff recommends that this item be continued until more detailed plans are processed through the County Planning at which time this matter would be revisited.

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

12. Total acreage of proposed project: 88.13 acres
13. Total acreage of proposed annexation: 88.13 acres
14. If total acreage to be annexed differs from the acreage to be developed, explain the difference:

15. Status of water resources available on proposed annexation acreage: 1 EXISTING WELL
- A. Quantity (pumping log and date: UNKNOWN)
- B. Quality (quality tests and date: UNKNOWN)
- C. Other information: Roger Buett - Cal. Cities Water Co. has agreed to sell water to NCS D for this project.
- D. Water resources to be dedicated to NCS D: FROM CAL. CITIES WATER
16. Description of existing and proposed wastewater disposal system: ALIVE-EXISTING
Project - NCS D Sewer
17. Reason proponents are requesting annexation: IN ACCORDANCE WITH THE STATE AFFORDABLE HOUSING MANDATES FOR THE NIPOMO AREA, WE WOULD LIKE TO BUILD AFFORDABLE HOUSING.
18. Other comments: LAFCD IS CURRENTLY MOVING THE LIRL TO INCLUDE THE REMAINING PORTIONS OF THE PARCELS THAT ARE PARTLY IN THE LIRL CURRENTLY.

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: Spike Wheeler

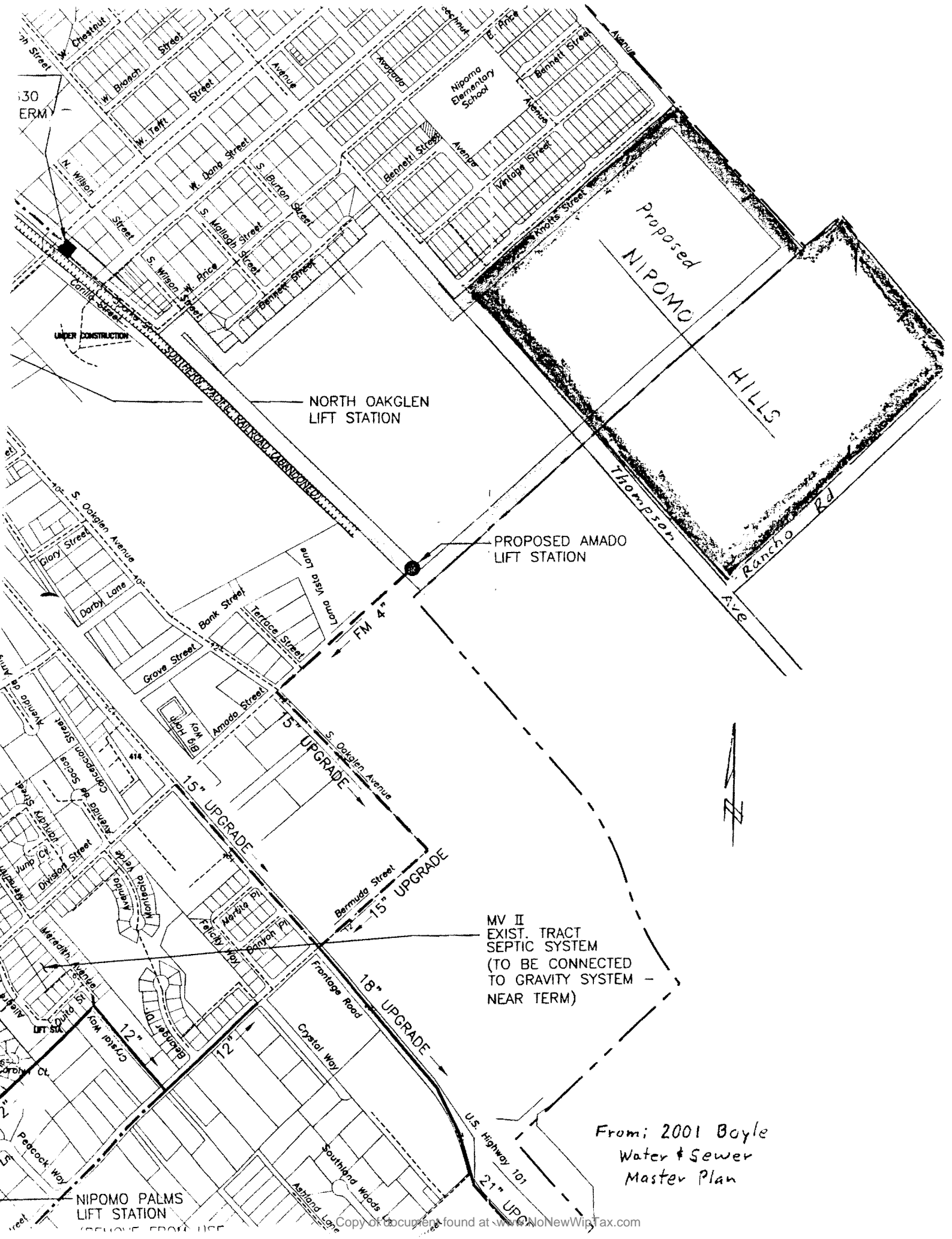
Full Name: WARREN L. "SPIKE" WHEELER

Street Address: 403 N. FULTON ST. Ojai, Ca. 93023

Mail Address (If different): _____

Home telephone number: 805-798-0736

Work telephone number: 805-798-0736



30 ERM

Proposed
NIPOMO
HILLS


NORTH OAKGLEN
LIFT STATION

PROPOSED AMADO
LIFT STATION

MV II
EXIST. TRACT
SEPTIC SYSTEM
(TO BE CONNECTED
TO GRAVITY SYSTEM -
NEAR TERM)

From: 2001 Boyle
Water & Sewer
Master Plan

NIPOMO PALMS
LIFT STATION

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: APRIL 9, 2003

AGENDA ITEM
E-1
APRIL 9, 2003

TIME EXTENSION FOR ANNEXATION NO. 19
LUCIA MAR UNIFIED SCHOOL DISTRICT

ITEM

Request LAFCO for an additional 6-month extension for completion of Annex. No. 19

BACKGROUND

In October of 2002, the District received notification from the Local Agency Formation Commission that a six (6) month extension to complete Annexation No. 19 was granted at their October 17, 2002, meeting. The date to complete the annexation was extended to April 17, 2003. The School District and this District have not finalized an agreement for water services, therefore, it is recommended to request for an additional 6 months from LAFCO to complete Annexation No. 19.

RECOMMENDATION

It is recommended that your Honorable Board direct staff to request LAFCO for an additional six months for completion of Annexation 19 (Lucia Mar Unified School District, Nipomo High School).

Board 2003/Lucia Mar Ext.

LAFCO • The Local Agency Formation Commission

Serving the Area of San Luis Obispo County

COMMISSIONERS

October 25, 2002

RICHARD ROBERTS Chair
Public Member

CAROLYN MOFFATT Vice Chair
Special District Member

RAY JOHNSON
City Member

BARBARA MANN
Special District Member

DUANE PICANCO
City Member

SHIRLEY BIANCHI
County Member

MICHAEL P. RYAN
County Member

ALTERNATES

KATCHO ACHADJIAN
County Member

HELEN MAY
Special District Member

TOM MURRAY
Public Member

ALLEN SETTLE
City Member

STAFF

PAUL L. HOOD
Executive Officer

RAY BIERING
Legal Counsel

DAVID CHURCH
LAFCO Analyst

LEAH K. MAGEE
Clerk to the Commission

Mr. Doug Jones, General Manager
Nipomo Community Services District
148 Wilson Street
P.O. Box 326
Nipomo, CA 93444-0326

Re: Time Extension on Annexations No. 19 and 20 to the Nipomo Community Services District

Dear Mr. Jones:

This is to inform you that the Local Agency Formation Commission, at its October 17, 2002 meeting, granted a six-month time extension to complete Annexation No. 19 (Lucia Mar High School) and Annexation No. 20 (Maria Vista) to the Nipomo Community Services District. The annexations must be completed by April 17, 2002 or they will terminate.

3


Please let me know if you have any questions.

Sincerely,



PAUL L. HOOD
Executive Officer

C - Applicants

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: APRIL 9, 2003

**AGENDA ITEM
F
APRIL 9, 2003**

CONSENT AGENDA

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately.

Questions or clarification may be made by the Board members without removal from the Consent Agenda.

The recommendations for each item are noted in parenthesis.

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of March 19, 2003, Regular Board meeting
Minutes of March 28, 2003, Special Board meeting
- F-3) ANNEXATION NO. 20 (MARIA VISTA) [RECOMMEND APPROVAL]
Resolution acknowledging that conditions of Annexation No. 20 have been satisfied

WARRANTS APRIL 9, 2003

**AGENDA ITEM
F-1
APRIL 9, 2003**

HAND WRITTEN CHECKS

18612 04-03-03 FAR WEST EXPRESS 8.50

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information- Description
7951	04/01/03	EMP01	EMPLOYMENT DEVELOP DEPT	372.82	.00	372.82	A30325	STATE INCOME TAX
7952	04/01/03	MID01	MIDSTATE BANK-PR TAX DEP	1612.09 437.96	.00 .00	1612.09 437.96	A30325 1A30325	FEDERAL INCOME TAX MEDICARE (FICA)
			Check Total.....:	2050.05	.00	2050.05		
7953	04/01/03	MID02	MIDSTATE BANK - DIRECT DP	13418.71	.00	13418.71	A30325	NET PAY DEDUCTION
7954	04/01/03	PER01	PERS RETIREMENT	2293.27 69.03	.00 .00	2293.27 69.03	A30325 1A30325	PERS PAYROLL REMITTANCE MILITARY SERVICE CR
			Check Total.....:	2362.30	.00	2362.30		
7955	04/01/03	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A30325	WAGE ASSIGNMENT
7956	04/01/03	STA01	STATE STREET GLOBAL	735.00	.00	735.00	A30325	DEFERRED COMP
007457	03/28/03	EMP03	EMPLOYMENT DEVELOP DEPT	988.56	.00	988.56	69909745	SUI/ETT QTR ENDING 3/31/03
007458	03/28/03	STA02	STATE WORKERS' COMP FUND	2036.30	.00	2036.30	MARCH	WORKERS COMP INSURANCE-MA
007459	04/09/03	ADV01	ADVANTAGE ANSWERING PLUS	82.95	.00	82.95	51571	PAGING SERVICE
007460	04/09/03	AME02	AMERICAN INDUSTRIAL SUPPL	78.19	.00	78.19	116626	TOOLS
007461	04/09/03	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	040903	BOARD MEETING 4/9/03
007462	04/09/03	BOB01	BOB'S RUBBER STAMPS	10.78	.00	10.78	20401	IDEAL INK
007463	04/09/03	COU01	COURIER SYSTEMS	60.00	.00	60.00	MARCH	COURIER TO LAB
007464	04/09/03	CREE01	CREEK ENVIRONMENTAL LABS	20.00 30.00 30.00 30.00	.00 .00 .00 .00	20.00 30.00 30.00 30.00	K115 K1029 K1050 K1101	BL WWTP LAB TEST BL WWTP LAB BL WWTP LAB BL WWTP LAB TEST
			Check Total.....:	110.00	.00	110.00		
007465	04/09/03	CUL02	CULLIGAN WATER CONDITION	1.75	.00	1.75	361030	DELIVERY
007466	04/09/03	FAR01	FARM SUPPLY COMPANY	40.93	.00	40.93	014058	PCQ BAIT
007467	04/09/03	FER01	FERGUSON ENTERPRISES INC	2372.89 2372.89 98.13	.00 .00 .00	2372.89 2372.89 98.13	450989 451003 472414	4 FIRE HYDRANTS 4 FIRE HYDRANTS MTR ANG KEY
			Check Total.....:	4843.91	.00	4843.91		
007468	04/09/03	FGL01	FGL ENVIRONMENTAL	44.80 872.00 44.80	.00 .00 .00	44.80 872.00 44.80	302126 302162 302127A	NIPOMO WWTP LAB SUNDALE & CHURCH WELLS LA BL WWTP LAB TEST
			Check Total.....:	961.60	.00	961.60		
007469	04/09/03	FLO01	FLOYD V. WELLS, INC.	3146.16	.00	3146.16	0012721	HERMRECK WELL
007470	04/09/03	GIL01	GLM, INC.	260.00 90.00	.00 .00	260.00 90.00	34002-3 72004-3	LANDSCAPE OFFICE LANDSCAPE BLACKLAKE
			Check Total.....:	350.00	.00	350.00		
7971	04/09/03	GRA01	GRANDFLOW, INC.	57.04	.00	57.04	68140-B	REMINDER NOTICES

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Payment Information	
							Invoice #	Description
007472	04/09/03	BEA 3	BEAYEAR ELECTRIC CO	1115.72	.00	1115.72	160785498	BRACKEN LIFT STATION
007473	04/09/03	BR100	BROENIGER & CO	1010.65	.00	1010.65	7028781	OPERATING SUPPLIES
				756.11	.00	756.11	7028782	CUSTOMER SERVICE VALUES
			Check Total.....	1766.76	.00	1766.76		
007474	04/09/03	MID02	MID STATE BANK PETTY CASH	326.75	.00	326.75	APR03	OPERATING SUPPLIES
				32.00	.00	32.00	000603	SEMINAR & PARKING
				14.06	.00	14.06	APRIL03	SHIPPING METER
			Check Total.....	373.01	.00	373.01		
007475	04/09/03	MID06	MIDSTATE BANK	50.00	.00	50.00	40160	SAFE DEPOSIT BOX RENT
007476	04/09/03	MIF04	MIPOMO REXALL	56.65	.00	56.65	9256	POLAROID FILM
007477	04/09/03	MIF06	MIPOMO AUTO PARTS	242.59	.00	242.59	007349+	MISC AUTO SUPPLIES
007478	04/09/03	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	112	MARCH JANITORIAL
007479	04/09/03	REL01	RELIABLE	9.09	.00	9.09	YH977900	OFFICE SUPPLIES
007480	04/09/03	RUS01	RUSSCO	630.64	.00	630.64	9701	LATERAL FILE
007481	04/09/03	SHI01	SHIPSEY & SEITZ, INC	6681.38	.00	6681.38	113M-03	LEGAL SERVICES
007482	04/09/03	SPIC1	SPIESS CONSTRUCTION CO.	53120.02	.00	53120.02	0316-02	PROGRESS BILLING 1-TOWN-1
007483	04/09/03	STAG4	STATE DEPT OF HEALTH SERV	2160.00	.00	2160.00	310536	WATER SYSTEM FEES
007484	04/09/03	THE01	THE GAS COMPANY	79.68	.00	79.68	00449-03	HEAT FOR OFFICE
007485	04/09/03	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	040903	BOARD MEETING 4/9/03
007486	04/09/03	USA01	USA BLUEBOOK	485.76	.00	485.76	650690	CHLORINE PUMP CHURCH WELL
007487	04/09/03	VER01	VERIZON	29.27	.00	29.27	031903	BL TELEPHONE
				30.37	.00	30.37	A30404	BL TELEPHONE
			Check Total.....	59.64	.00	59.64		
007488	04/09/03	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	040903	BOARD MEETING 4/9/03
007489	04/09/03	WIR01	WIRN, MICHAEL	100.00	.00	100.00	040903	BOARD MEETING 4/9/03
007490	04/09/03	WIR02	WIRSING, JUDY	100.00	.00	100.00	040903	BOARD MEETING 4/9/03
007491	04/09/03	B001	BARRAGAN, SAL	3.46	.00	3.46	000A30401	MQ CUSTOMER REFUND
007492	04/09/03	EH002	HERRERA ENGINEERING,	378.37	.00	378.37	000A30401	MQ CUSTOMER REFUND
007493	04/09/03	AS003	SKIDMORE CONSTRUCTION,	473.14	.00	473.14	000A30401	MQ CUSTOMER REFUND
007494	04/09/03	AS004	SMITH, WARREN	218.10	.00	218.10	000A30401	MQ CUSTOMER REFUND

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

MARCH 19, 2003

REGULAR MEETING 9:00 A.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, 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. Consistent with the Americans with Disabilities Act, NCS D Board agendas and other writings will be made available to disabled persons in an appropriate alternate format. (If assistance is needed, please contact the District office at least one day before the meeting.)

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:02 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.

The following member of the public spoke:

Jim Tefft, 1245 Dawn Rd., Nipomo – Thanks to those who participated in the Olde Towne Golf Tournament. Olde Towne Association Groundbreaking, May 22

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

D-1) DISTRICT ANNEXATION POLICY

Review draft of the proposed revisions to the District's Annexation Policy

Jon Seitz, District Legal Counsel, described the proposed revision in the Annexation Policy.

The following member of the public spoke:

Jim Tefft, 1245 Dawn Rd., Nipomo – Asked if copies are available. Ans: Yes, in the office Ed Eby, NCS D customer – discussed the letter he handed to each Board member.

Gordon Gill, 428 Rim Rock Rd., Nipomo – Asked questions about proposed changes

The Board discussed the proposed changes in the policy section by section. Upon motion of Director Vierheilig and seconded by Director Trotter, the Board referred the document to staff to be crafted into language as policy.

President Winn called for a 5-minute break.

D-2) CITY INCORPORATION FEASIBILITY PROPOSALS

Review consultants' proposals to do the city feasibility study

The Board discussed the proposals received for the city feasibility study. The Board directed staff to put this item on the March 28 agenda for further discussion.

The following member of the public spoke:

Guy Murray, NCS D customer – Suggested that a realistic assessment is desired from the consultant.

- D-3) SEWER HOOKUP OF EXISTING RESIDENTIAL PROPERTIES WITHIN PROHIBITION ZONE
Regional Water Quality Control Board has requested homes to be connected to the sewer system

The Board received into file a letter from the Regional Water Quality Control Board requesting all homes within the Prohibition Zone to be connected to the sewer. There was no public comment.

Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously agreed to directed staff to meet with RWQCB, the SLO Health Dept., SLO County Planning and SLO Public Works Dept. to discuss the matter. Vote 5-0

- D-4) CONSTRUCTION OF 16-INCH WATERLINE REQUEST FOR BIDS
Request bids to complete 16" waterline across Haystack Creek & water & sewer services

The Board discussed the project to complete the 16" waterline in Tefft Street and the possibility of constructing water and sewer services to parcels along Tefft Street in Olde Towne Nipomo, which would be funded by a grant from SLO County. There was no public comment. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board unanimously agreed to direct staff to request bids for the completion of the 16-inch waterline and the installation of water and sewer services to properties along Tefft Street. Vote 5-0

E. OTHER BUSINESS

- E-1) LAFCO TOUR OF PROPOSED NCSD SPHERE OF INFLUENCE
The LAFCO Commission tour of proposed Sphere of Influence on March 20, 2003

The Board discussed the LAFCO tour planned for Thursday, March 20, 2003. The commissioners and others will tour the proposed Sphere of Influence areas. There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board agreed to continue this item until Thursday, March 20, 2003, at 10:00 a.m. when LAFCO will arrive to tour the proposed Sphere of Influence. Vote 5-0

F. CONSENT AGENDA The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the Consent Agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.

- F-1) WARRANTS [RECOMMEND APPROVAL]
F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Minutes of March 5, 2003, Regular Board meeting
F-3) ANNEXATION NO. 22 – PROPERTY TAX EXCHANGE [RECOMMEND APPROVAL]
Approval of property tax exchange between NCSD & SLO County for Annexation No. 22
F-4) MONTECITO VERDE II SEWER CONNECTION PROJECT [RECOMMEND APPROVAL]
Filing the Notice of Completion

Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously approved Items F-1, F-2 and F-4 of the Consent Agenda.

There was discussion on Item F-3. There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved Item F-3 and Resolution 2003-857 for Annexation No. 22 tax exchange. Vote 5-0

**RESOLUTION NO. 2003-857
RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO
TO NIPOMO COMMUNITY SERVICES DISTRICT FOR ANNEXATION NO. 22 (PUDWILL)**

G. MANAGER'S REPORT

G-1) BOARD MEETING SCHEDULE FOR THE MONTH OF APRIL

Possible Board of Directors meeting schedule change from April 2 to April 9 and April 16 to 23, 2003

The Board discussed changing the April 2nd and April 16th meetings to April 9th and April 23rd. The April 9th meeting will be held at 6:30 p.m. rather than the regular 9:00 a.m. Board directed staff to issue a press release to inform public of meeting schedule changes. There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved to reschedule the April board meetings. Vote 5-0

H. COMMITTEE REPORTS

The Annexation Committee met several times. The crux of their meeting has been discussed. New Community Services Committee – will be reporting on April 9th

I. DIRECTORS COMMENTS

Director Vierheilg spoke about some correspondence received from Conoco.

Director Trotter continues to ask about supplemental water information. Would like to see more information presented at the Board meetings.

Director Winn – Reports there was no Water Forum meeting this week but dialogue continues with Christine Ferrara about water planning. Appreciates Mr. Trotter's comments on the Urban Water Management Plan and encourages other Board members to comment. Would like to see a Power Point system in the budget, informed Board that he and Director Blair plan to attend the Government Affairs Day in Sacramento on April 1, would like to have a meeting with Donna Mills and other school officials to resolve the water supply issues.

Jon Seitz, District Legal Counsel, reported the appraisals expected next week on park issue. No need to go into Closed Session.

Upon motion of Director Blair and seconded by Director Wirsing, the Board agreed to adjourn this meeting to March 20, 2003, at 10:00 a.m.

ADJOURN to March 20, 2003, 10:00 a.m. for LAFCO tour (See Item E-1)

Some Board members went on the LAFCO tour March 20, 2003.
The meeting was adjourned at 12:52 p.m. March 20, 2003.

The regular Board Meeting of April 2, 2003 has been canceled and rescheduled to April 9, 2003, at 9:00 a.m.

**NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES**

SPECIAL MEETING

**NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
AND
BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
PUBLIC FACILITIES CORPORATION**

MARCH 28, 2003 FRIDAY 9:00 A. M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
JUDITH WIRSING, VICE PRESIDENT
ROBERT BLAIR, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
LARRY VIERHEILIG, DIRECTOR

STAFF

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

CALL TO ORDER AND FLAG SALUTE

President Winn called the Special Meeting of the Nipomo Community Services District to order at 9:03 a.m. and led the flag salute.

ROLL CALL

All Board Members were present.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment.

I. ADJOURN TO NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

Director Winn, acting as temporary president, called the Special Meeting of the Nipomo Community Services District Public Facilities Corporation to order at approximately 9:10 a.m.

- A. Roll Call - At roll call, all Board Members were present.
- B. PRESENTATION BY PERRY LOUCK, CPA, AND REVIEW THE PROCESS TO INITIATE SALE OF BONDS (CERTIFICATES OF PARTICIPATION) AND FORMATION OF NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION ("CORPORATION") FOR THE PURPOSES OF USING THE DISTRICT'S TOWN DIVISION'S PORTION OF THE AD VALOREM TAXES TO SECURE BONDED INDEBTEDNESS (CERTIFICATES OF PARTICIPATION) FOR CERTAIN CAPITAL IMPROVEMENTS FOR THE BENEFIT OF THE TOWN DIVISION.
- C. The following were presented to the Board of Directors of the Nipomo Community Services District Public Facilities Corporation for approval and formation of the Nipomo Community Services District Public Facilities Corporation.
 1. Ratify Articles of Incorporation
There was no public comment. Upon motion of Director Vierheilig and seconded by Director Blair, the Board of Directors of the Public Facilities Corporation unanimously ratified the Articles of Incorporation. Vote 5-0.
 2. Adopt Resolution 2003-01 to:
 - (a) Ratify appointments to the Board of Directors of the Nipomo Community Services District Public Facilities Corporation.
 - (b) Approve and ratify Bylaws of the Corporation.
 - (c) Appoint Officers

The following members of the public spoke:

Ed Eby, NCSD resident – Questioned Section 5.5.

MINUTES SUBJECT TO BOARD APPROVAL

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
SPECIAL MEETING
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
AND
BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
PUBLIC FACILITIES CORPORATION

Page 2 of 4

Bond Counsel, Michael Streams, explained the language of the By-Laws, which may be amended at a later date.

Upon motion of Director Vierheilig and seconded by Director Blair, the Board of Directors of the Public Facilities Corporation unanimously approved Resolution 2003-01 with the proposed amendments to the By-Laws. Vote 5-0.

**RESOLUTION NO. 2003-01
RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
DISTRICT PUBLIC FACILITIES CORPORATION RATIFYING ITS APPOINTMENT AS THE
BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC
FACILITIES CORPORATION; APPROVING AND RATIFYING THE BYLAWS OF THE
CORPORATION, AND APPOINTMENT OF OFFICERS**

3. Adopt Conflicts Code

There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilig, the Board of Directors of the Public Facilities Corporation unanimously approved the Conflicts Code as amended. Vote 5-0.

4. Entry of Waiver of Notice and Consent to the Holding of the First Meeting of the Board of Directors of the Corporation into minutes.

There was no public comment. Upon motion of Director Vierheilig and seconded by Director Trotter, the Board of Directors of the Public Facilities Corporation unanimously approved the Entry of Notice and Consent to Holding of the First Meeting of the Board of Directors of the Corporation. Vote 5-0.

5. Accept resignation of incorporator.

There were no public comments. Upon motion of Director Vierheilig and seconded by Director Blair, the Board of Directors of the Public Facilities Corporation unanimously accepted the resignation of the incorporator. Vote 5-0.

II. ADJOURN TO BOARD OF DIRECTORS MEETING OF NIPOMO COMMUNITY SERVICES DISTRICT

The Board of Directors of the Public Facilities Corporation then adjourned to the Board of Directors of the Nipomo Community Services District.

The following were presented to the Board of Directors of the Nipomo Community Services District for approval of the formation of the Nipomo Community Services District Public Facilities Corporation and the for purposes of securing bonded indebtedness (Certificates of Participation) with the District's Town Division portion of the ad valorem taxes.

A. Adopt Resolution 2003-02 to:

1. Authorize the execution and delivery of "not to exceed" four million dollars (\$4M) in authorized certificates of participation.
2. Authorize execution and delivery of Installment Purchase Agreement.
3. Authorize execution and delivery of Trust Agreement.
4. Authorize execution and delivery of Purchase Contract
5. Authorize execution and delivery of Preparation and Distribution of Preliminary Official Statement.
6. Authorize execution and delivery of Continuing Disclosure Agreement.

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
SPECIAL MEETING
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
AND
BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
PUBLIC FACILITIES CORPORATION

Page 3 of 4

7. Authorize proceeds of Certificates of Deposits to be deposited as provided in Installment Purchase Agreement.
8. Appoint BNY Western Trust Company to act as Trustee under the Trust Agreement.
9. Authorize the General Manager select a municipal bond issuer.

Mr. Louck and Mr. Stream reviewed the documents with the Board of Directors. Upon motion of Director Trotter and seconded by Director Blair, the Board of Directors unanimously approved Resolution 2003-02. Vote 5-0.

RESOLUTION NO. 2003-02
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY OF NOT TO EXCEED \$4,000,000 CERTIFICATES OF PARTICIPATION AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH AND CERTAIN OTHER MATTERS

- B. Confirm all actions taken by the Board of Directors of the Nipomo Community Services District Public Facilities Corporation pursuant to Agenda Item I.

There was no public comment. Upon motion Director Vierheilg and seconded by Director Wirsing, the Board of Directors unanimously confirmed all actions taken by the Board of Directors Public Facilities Corporation pursuant to Agenda Item I. Vote 5-0.

III. ADJOURN TO NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION

The Board of Directors adjourned to the Nipomo Community Services District Public Facilities Corporation.

The following were presented to the Nipomo Community Services District Board of Directors Public Facilities Corporation for the purposes of securing bonded indebtedness (Certificates of Participation) with the District's Town Division portion of the ad valorem taxes.

- A. Adopt Resolution 2003-03 to:
 1. Approve Installment Purchase Agreement with Nipomo Community Services District
 2. Approve Purchase Agreement
 3. Approve Assignment Agreement

There was no public comment. Upon motion by Director Vierheilg and seconded by Director Blair, the Board of Directors of Nipomo Community Services District Public Facilities Corporation unanimously approved Resolution 2003-03. Vote 5-0.

RESOLUTION 2003-03
RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PUBLIC FACILITIES CORPORATION APPROVING AN INSTALLMENT PURCHASE AGREEMENT WITH NIPOMO COMMUNITY SERVICES DISTRICT AND CERTAIN OTHER DOCUMENTS, AUTHORIZING THE PREPARATION, SALE AND DELIVERY OF CERTIFICATES OF PARTICIPATION, AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
SPECIAL MEETING
NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS
AND
BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES
PUBLIC FACILITIES CORPORATION

Page 4 of 4

B. Establish meetings

There were no public comments. Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board of Directors of Nipomo Community Services District Public Facilities Corporation unanimously approved the annual meeting date to be the first meeting in July. Vote 5-0.

C. Confirm all other actions taken by the District Board of Directors pursuant to Agenda Item II.

There was no public comment. Upon motion of Director Vierheilg and seconded by Director Trotter, the Board of Directors of Nipomo Community Services District Public Facilities Corporation unanimously confirmed all other actions taken by the Board of Directors pursuant to Agenda Item II. Vote 5-0.

IV. ADJOURN TO DISTRICT BOARD OF DIRECTORS' SPECIAL MEETING

The following items were presented to the meeting of the Board of Directors as part of the Board of Directors Special Meeting Agenda:

The Board of Directors adjourned to the Special Meeting of the Nipomo Community Services District.

A. REVIEW CITY INCORPORATION FEASIBILITY PROPOSALS AND CONSIDER SELECTION OF CONSULTANT.

The following members of the public spoke:

Guy Murray, NCSD resident – Recommends The Davis Co. or the Economic & Planning Systems

Ed Eby, NCSD resident – Recommends Economic & Planning Systems or The Natelson Co.

Upon motion by Director Vierheilg and seconded by Director Wirsing, the Board of Directors requests to interview The Natelson Co., The Davis Co. and Economic & Planning Systems and directed Staff to contact these companies for interviews by the Board of Directors at a future meeting. Vote 5-0.


B. CONSENT AGENDA

1. Warrants
2. Minutes of March 14, 2003, Special Board meeting

There was no public comment. Upon motion by Director Vierheilg and seconded by Director Trotter, the Board of Directors unanimously approved the Consent Agenda. Vote 5-0.

ADJOURN

The meeting was adjourned at 10:53 a.m.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: APRIL 9, 2003

AGENDA ITEM

APRIL 9, 2003

ANNEXATION NO. 20
MARIA VISTA (TRACT NO 1802 AND 1856-TRINCON)

ITEM

Resolution acknowledging that conditions of Annexation No. 20 have been met

BACKGROUND

The District has received a request to annex approximately 84 acres, known as the Maria Vista development, consisting of 77 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 legal and inspection fees.

Since Annexation No. 20 is a single property owner, the District waived the public hearing process allowing LAFCO to be the hearing agent on this annexation. This has been completed.

RECOMMENDATION

Staff recommends that your Honorable Board adopt the attached resolution for Annexation No. 20, Tract 1802 and 1856 (Maria Vista Estates).

Board 2003/Annex 20 approval.DOC

RESOLUTION NO. 2003-annex 20

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ACKNOWLEDGING THAT
CONDITIONS OF ANNEXATION FOR
ANNEXATION NO. 20 (MARIA VISTA) HAVE BEEN SATISFIED**

WHEREAS, on October 3, 2001, the Nipomo Community Services District ("District") and Trincon, Inc. entered into an Annexation Agreement to annex an 84 acre/seventy-seven (77) lot development ("Tract 1802 and 1856" or "Annexation No. 20"); and

WHEREAS, on or about December 6, 2001, the Local Agency Formation Commission ("LAFCO") adopted Resolution No. 2001-20 a **Resolution determining that the Negative Declaration prepared for the proposed project is complete and adequate, approving the sphere of influence and service revisions, and conditionally approving Annexation No. 20 to the Nipomo Community Services District (Maria Vista)** (herein "LAFCO Resolution"); and

WHEREAS, Section 4 of the LAFCO Resolution stated:

4. That Annexation No. 20 to the Nipomo Community Services District, being further identified in the files of this Commission as File No. 9-R-01, is hereby conditionally approved, subject to the following two conditions:

- A. The NCSD's approval, by resolution, of compliance with NCSD conditions of annexation, including but not limited to the payment of all district fees and costs, provision of water to the site, provisions of water to the site by the applicant, independent of the NCSD's water production facilities, the provision of sewer services to the property, and supplying the infrastructure to and within the proposed area of annexation.
- B. Prior to San Luis Obispo LAFCO completing the annexation process, the NCSD shall (a) have completed the final project approval for the district water line extension to the Maria Vista site and activation of the two existing "Dana Wells" that also include, but is not limited to Environmental Review pursuant to the California Environmental Quality Act and (b) provide LAFCO with written confirmation that all parts of Condition No. 1 (above) have been complied with; and

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

RESOLUTION NO. 2003-annex 20

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ACKNOWLEDGING THAT CONDITIONS OF
ANNEXATION FOR
ANNEXATION NO. 20 (MARIA VISTA) HAVE BEEN SATISFIED

- A. That in compliance with the LAFCO conditions, Applicant has entered into the following Agreements with the District:
1. A Mainline Extension Agreement for the District's water line extension to Maria Vista site;
 2. An Agreement to activate the two (2) existing Dana Wells; and
 3. An Agreement to provide water production facilities and sewer production facilities to the property and supplying infrastructure to and within the proposed area of annexation.
- B. That in compliance with LAFCO conditions Applicant has paid the following fees to the District:
1. All deposits referenced in the Agreements identified in subparagraph A above;
 2. Paid District's annexation fees; and
 3. Paid Applicant's share of all litigation costs.
- C. That in compliance with LAFCO conditions the District's waterline extension to the Maria Vista Site and the activation of the two (2) existing Dana Wells have complied with the environmental review requirements of the LAFCO Resolution; and

WHEREAS, the purpose of this resolution is to provide LAFCO with confirmation that all LAFCO conditions have been satisfied.

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. That a certified copy of this Resolution shall be delivered to the Local Agency Formation Commission as providing written confirmation that all conditions of Section 4 of the LAFCO Resolution have been complied with.

RESOLUTION NO. 2003-annex 20

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ACKNOWLEDGING THAT CONDITIONS OF
ANNEXATION FOR
ANNEXATION NO. 20 (MARIA VISTA) HAVE BEEN SATISFIED

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

AYES:
NOES:
ABSENT:
CONFLICT:

The foregoing resolution is hereby adopted this 9th day of April, 2003.

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson,
Secretary to the Board

Jon S. Seitz,
District Legal Counsel

RESOLUTIONS/2003-ANNEX 20

0517

LAFCO – LOCAL AGENCY FORMATION COMMISSION
 Serving the Area of San Luis Obispo County
 Exhibit A – Assessor Parcel Map

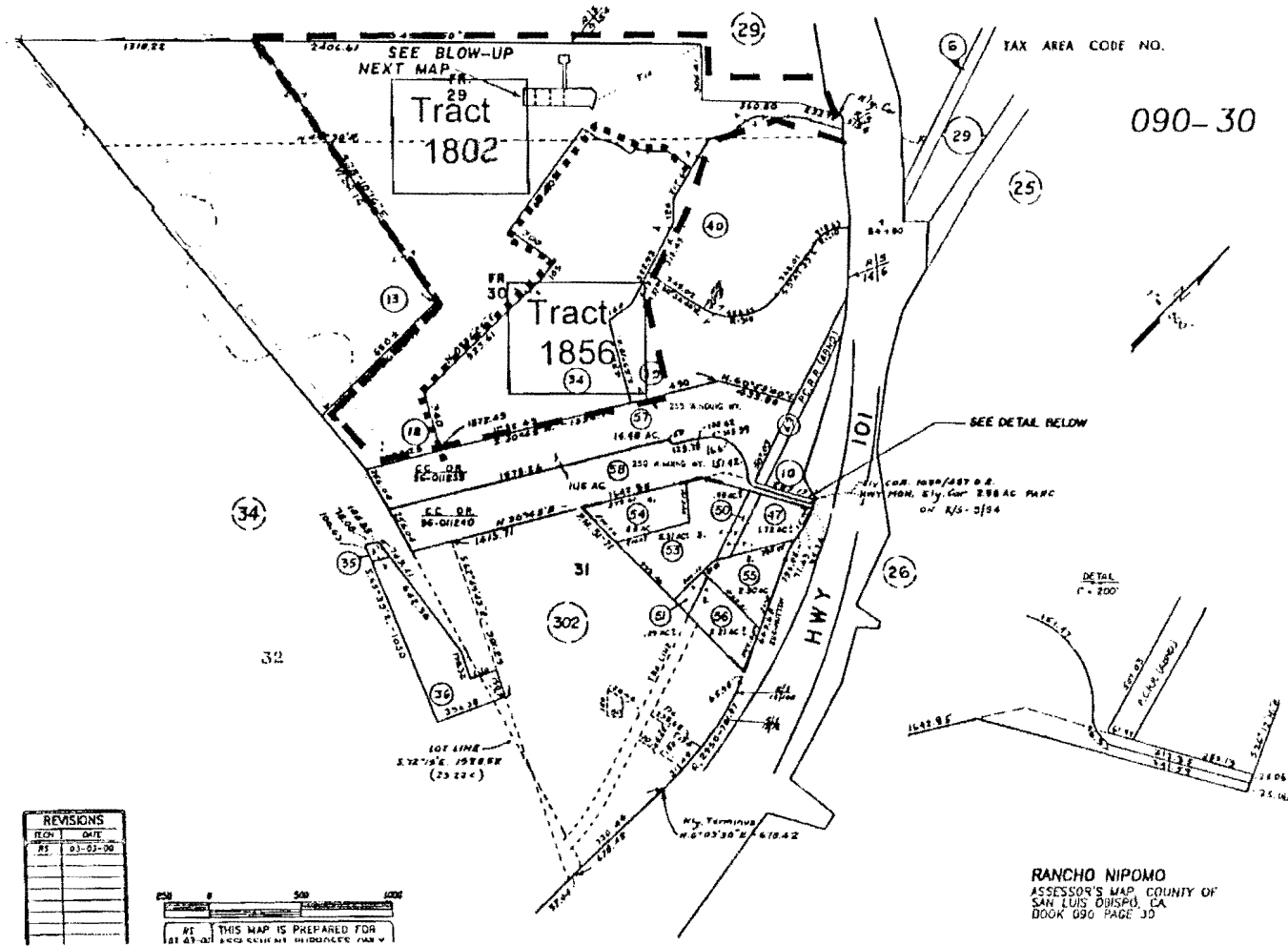


EXHIBIT A

Annexation 9-R-01 - Maria Vista - Assessor Parcel Map

Copy of document found at www.NoNewWipTax.com