

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

JULY 10, 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

DOUG JONES, GENERAL MANAGER
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL

John S.
52
20
10 40
1190

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 2003-868
B. ROLL CALL NEXT ORDINANCE 2003-98

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) MONTECITO VERDE II SEWER CAPACITY FEE - PUBLIC HEARING
Consider resolutions to collect sewer capacity fees through a Zone of Benefit and to place on the tax roll
- D-2) PAYMENT OF DISTRICT FEES - TRACT 2375 (HERNANDEZ)
Request to defer payment of fees based on permit allocations from SLO County Building Department
- D-3) REQUEST FOR SERVICE - TRACT 2561 (BURNSED)
Request for water and sewer service for an 8-lot development on S. Frontage Rd
- D-4) OLDE TOWNE WATER AND SEWER SERVICE FUNDING AGREEMENT
Review/approve an agreement between NCSD & SLO County for funding service connections

E. OTHER BUSINESS

- E-1) CSDA - BOARD OF DIRECTORS NOMINATION
Nominated Director Dr. Robert Blair for Region 4 director
- E-2) CSDA - BY-LAWS CHANGE
Approve CSDA By-Law changes in electing Board of Directors

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 June 25, 2003, Regular Board meeting
- F-3) ACCEPTANCE OF EVERGREEN WATERLINE IMPROVEMENTS [REC. APPROVAL]
Resolution accepting water line improvements on Evergreen Lane

G. MANAGER'S REPORT

- G-1) Letter from Regional Water Quality Control Board to extend sewer collector system

H. COMMITTEE REPORTS

I. DIRECTORS COMMENTS

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9

- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
B. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC§54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.

ADJOURN

The next regular Board meeting will be July 23, 2003.

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 DATE: JULY 10, 2003

AGENDA ITEM
 07
JULY 10, 2003

MONTECITO VERDE II SEWER CAPACITY FEES-PUBLIC HEARING

ITEM

Public Hearing and approval of Resolutions to collect sewer capacity fees by a Zone of Benefit and placement on the tax rolls.

BACKGROUND

The Montecito Verde II subdivision, a People's Self Help Housing project, was constructed in the mid 1980's, just prior to the construction of the Nipomo area-wide sewer system. This development was constructed with community on-site waste disposal systems (septic tanks). Over the years of operation, sewer gases have attacked and deteriorated the concrete structures. In January 2000, the Regional Water Quality Control Board directed Nipomo Community Services District to connect the on-site disposal systems to the District's sewer system.

The District proceeded to comply with the requirements of the RWQCB by acquiring funding (Community Block Grant) to construct the sewer line. Tierra Construction Co. constructed the sewer line in Story Road, across to the Montecito Verde II subdivision and connected the on-site systems. Now that the construction is complete, the property owners within the subdivision are required to pay the District's Sewer Capacity Fees.

The property owners have been given three options to pay the fees:

1. *Pay the sewer capacity fee in cash*
2. *Agree to participate in a benefit zone (allows the homeowners to pay the District fee over a five-year period at 5% interest.*
3. *Put a lien on the property (due and payable on the property taxes 2003-2004 tax roll year)*

Below is an excerpt from the April 23, 2003 Agenda item establishing the Montecito Verde II Sewer Capacity Fees:

At the regular meeting held on March 5, 2003, your Honorable Board adopted a resolution grandfathering the Montecito Verde II property owner's sewer capacity fee to \$2,500.00 each.

The construction cost of connecting the MVII site and the individual sewer laterals to the District system is as follows:

	COST	CBG Funds	Difference
Construction Cost MVII	\$164,583.00	\$143,000.00	\$21,583.00
Sewer laterals	44,489.14	44,000.00	489.14
Totals	\$209,072.14	\$183,000.00	\$22,072.14
Balance in MVII fund		\$43,829.99	
Less difference in construction costs		22,072.14	
MVII Balance		\$21,757.00	

Each Montecito Verde II property owner is obligated to pay the sewer capacity (connection) fee of \$2,500. The property owners have been paying into a fund to maintain their on-site sewer system. After the MVII improvement costs have been paid, the MVII Sewer Fund has a balance of \$21,757. It is proposed that \$20,160 of this balance be credited to the property owners sewer capacity fee. The remaining balance would pay for administrative costs, legal fees, and engineering expenses.

District Sewer Capacity Fee	\$2,500.00
Credit from Fund Balance (\$20,160 ÷ 32)	<u>630.00</u>
Sewer Capacity Fee due	<u>\$1,870.00</u>

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 10, 2003

AGENDA ITEM

JULY 10, 2003

MONTECITO VERDE II SEWER CAPACITY FEES

As of Thursday, July 3, 2003, fourteen (14) property owners have paid cash and one (1) property owner has signed the Zone of Benefit. The remaining seventeen (17) property owners will have the sewer capacity fee placed on the 2003-2004 property tax roll.

This resolution must be adopted to provide for the Zone of Benefit to be placed on the property owner's tax bill over the next five years:

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING CHARGES TO BE COLLECTED ON THE
TAX ROLLS OF SAN LUIS OBISPO COUNTY

This resolution must be adopted to place the sewer capacity fees on the property owner's 2003-2004 tax bill:

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING DELINQUENT SEWER CAPACITY CHARGES COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY

Now is the time and place for the public hearing for the Board to confirm the report for forming the Zone of Benefit collection of the charges on the 2003-04 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report. The attached resolutions are presented for the Board's review, approval and adoption.

RECOMMENDATION

After the Public Hearing, staff recommends that your Honorable Board adopt the attached resolutions.

NIPOMO COMMUNITY

BOARD MEMBERS

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



SERVICES DISTRICT

STAFF

DOUGLAS JONES, GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
DAN MIGLIAZZO, UTILITY SUPERVISOR

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

June 16, 2003

MONTECITO VERDE II
SEWER SYSTEM FEES
APN 092-551-001

Dear Property Owner

NOTICE IS HEREBY GIVEN that a report has been prepared pursuant to Government Code Section 61621.2 regarding collection of sewer system fees containing the amount for each parcel so effected. The report is available at the Nipomo Community Services District Office, 148 South Wilson Street, Nipomo, California.

The report states that the sewer system fees for your parcel total \$1,870.00.
(\$2,500.00 less credit of \$630.00 = \$1,870.00)

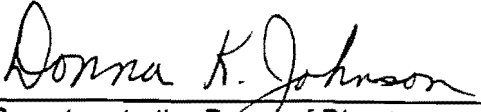
YOU ARE ALSO NOTIFIED that a public hearing will be held regarding collection of these sewer system fees for Montecito Verde II either by collection said fees on the general tax rolls, or in the alternative, recording a certificate constituting a lien on the property. The Public Hearing will be held on July 10, 2003 at 9:00 a.m. at the District Boardroom at 148 South Wilson Street, Nipomo, California.

If you choose to challenge the District's conduct in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this letter or in written correspondence delivered to the Nipomo Community Services District at, or prior to the public hearing.

You are invited to review the report at the District office as well as attend the public hearing.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT


Secretary to the Board of Directors

RESOLUTION NO. 2003-zone of benefit

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING CHARGES TO BE COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY

WHEREAS, the Montecito Verde II ("People Self-Help Project") consisting of 32 residential units was originally constructed with an onsite septic wastewater collection system; and

WHEREAS, the Regional Water Quality Control Board requested the Nipomo Community Services District (District) to connect Montecito Verde II to the District's Wastewater Treatment plant and Collector system (District WWTP); and

WHEREAS, pursuant to District Ordinance upon connection of the property to the District WWTP, owners of Montecito Verde II are required to pay the District's sewer capacity charge; and

WHEREAS, Government Code Sections 61770 et seq. provides that the District may establish Benefit Zones for the following purposes:

- "Fixing and collecting special rates or charges for the construction or acquisition of improvements and for the furnishing of services within a zone, which improvements and services the district is authorized to provide, and applying the receipts from the special rates or charges to the expense of providing the service where in the judgment of the board the service is not of district wide benefit.
- Levying special taxes to finance the construction or acquisition, maintenance and operation of improvements or the furnishing of services where in the judgment of the board the improvements or services will not be of district wide benefit"; and

WHEREAS, pursuant to a "Petition and Agreement to Participate in the Formation of a Benefit Zone to Provide for Payment of Nipomo Community Services District Capacity Charges and Covenant Running with the Land" ("Petition") a number of residents of Montecito Verde II as shown on Exhibit "A" and the District have reached an Agreement to form a Benefit Zone for the purposes of providing a mechanism whereby District will collect from those residents shown on Exhibit "A" the District's Sewer Capacity Charge on an incremental basis of four hundred and thirty-one dollars and ninety-two cents (\$431.92) per year; and

WHEREAS, the Petition authorizes the tax collector of the County of San Luis Obispo to collect the above referenced charges on the tax bill along with such administrative charges as allowed by law; and

WHEREAS, Government Code Section 61621.2 provides a mechanism whereby the District can collect charges on the tax rolls; and

RESOLUTION NO. 2003-zone of benefit

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING CHARGES TO BE COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY

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

1. That the above recitals are all true and correct and incorporated herein by reference.
2. Pursuant to the Petition and Government Code Section 61621.2 The Board of Directors of the Nipomo Community Services District fixes a charge of \$431.92 per year, plus a San Luis Obispo County administrative charge of \$2.00 per parcel, for a total charge of \$433.92 per year to be collected from each parcel described in Exhibit "A" to this Resolution.
3. That the charges as confirmed shall appear as separate items on the tax bill of each parcel of real property listed on Exhibit "A", and such charges shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and are subject to the same penalties and the same procedures of sale in case of delinquency as proved for such taxes.
4. The Tax Collector of San Luis Obispo County is hereby authorized to collect the charges on the property tax bill.
5. That this resolution is adopted by a majority of all members of the Board of Directors of the District.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing Resolution is hereby adopted this 10th day of July, 2003.

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

RESOLUTION NO. 2003-zone of benefit

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING CHARGES TO BE COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY

EXHIBIT "A"

ASSESSOR PARCEL NUMBER	ANNUAL ASSESSMENT
092-551-008	\$431.92

RESOLUTION NO. 2003-MVII TAX ROLL

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING DELINQUENT SEWER CAPACITY CHARGES COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY

WHEREAS, the Montecito Verde II ("People Self-Help Project") consisting of 32 residential units was originally constructed with an onsite septic wastewater collection system; and

WHEREAS, the Regional Water Quality Control Board requested the Nipomo Community Services District (District) to connect Montecito Verde II to the District's Wastewater Treatment plant and Collector system (District WWTP); and

WHEREAS, pursuant to District Ordinance, upon connection of the property to the District WWTP, owners of Montecito Verde II are required to pay the District's sewer capacity charge ; and

WHEREAS, the Owners of the property referenced in Exhibit "A" have not paid the sewer capacity charge and said obligation is now delinquent; and

WHEREAS, Government Code Section 61621.2 provides the authority for District to elect to have, any and all rates or charges for any purposes or any delinquencies in those rates or charges, collected on the tax roll; and

WHEREAS, the District has prepared, in accordance with Government Code Section 61765.2, a written report ("Report") prepared and filed by the District Secretary, which contains a description of each parcel of real property and the amount of delinquency for the year. Said Report is attached hereto as Exhibit "A"; and

WHEREAS, pursuant to Government Code Section 61765.2 the District Secretary has caused notice in writing of the filing of the Report and of the time and place of hearing thereon to be mailed to each person to whom any parcel or parcels of real property described in such Report is assessed in the last equalized assessment roll available on the date the Report was prepared, at the address shown on the assessment roll or as known to the Secretary; and

WHEREAS, pursuant to Government Code Section 61765.2 the District Secretary has caused notice of the filing of the Report and time and place of the hearing thereon to be published in a newspaper of general circulation printed and published within the District; and

WHEREAS, said Report is attached to this resolution as Exhibit "A" and incorporated herein by reference; and

WHEREAS, on July 10, 2003 the District held a duly noticed public hearing which provided affected property owners with the opportunity to protest or otherwise file objections to the Report and the collection of the delinquent capacity charges on the San Luis Obispo County Tax Roll; and

WHEREAS, based on the public testimony received and objections filed to the Report and the collection of delinquent charges on the County Tax Roll, the District Board of Directors finds that report attached hereto as Exhibit "A" is complete and accurate.

RESOLUTION NO. 2003-MVII TAX ROLL

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ORDERING DELINQUENT SEWER CAPACITY CHARGES COLLECTED
ON THE TAX ROLLS OF SAN LUIS OBISPO COUNTY

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

1. That the above recitals are all true and correct and incorporated herein by reference.
2. The District has complied with all the procedures required by the Government Code including Government Code Section 61621.2 and 61765.2.
3. The charges referenced in Exhibit "A" are confirmed and ordered collected on the San Luis Obispo County Tax Rolls.
4. That the charges, as confirmed and ordered, shall appear as separate items on the tax bill of each parcel of real property listed on Exhibit "A", and such charges shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and are subject to the same penalties and the same procedures of sale in case of delinquency as proved for such taxes.
5. The Tax Collector of San Luis Obispo County is hereby authorized to collect the charges on the property tax bill.
6. That this resolution is adopted by a majority of all members of the Board of Directors of the District.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing Resolution is hereby adopted this 10th day of July, 2003.

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

RESOLUTION NO. 2003-MVII TAX ROLL

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
FOR THE COLLECTION OF SEWER CAPACITY FEES FOR
MONTECITO VERDE II

EXHIBIT "A"

ASSESSOR PARCEL NUMBER	ASSESSMENT
092-551-001	\$1870.00
092-551-002	\$1870.00
092-551-003	\$1870.00
092-551-005	\$1870.00
092-551-008	\$1870.00
092-551-011	\$1870.00
092-551-012	\$1870.00
092-551-014	\$1870.00
092-551-021	\$1870.00
092-551-022	\$1870.00
092-551-024	\$1870.00
092-551-025	\$1870.00
092-551-029	\$1870.00
092-551-031	\$1870.00
092-551-033	\$1870.00
092-551-034	\$1870.00
092-551-036	\$1870.00

TO: BOARD OF DIRECTORS

FROM: DOUG JONES 

DATE: JULY 10, 2003

AGENDA ITEM

D2

JULY 10, 2003

TRACT 2375
PAYMENT OF DISTRICT FEES

ITEM

Request to defer payment of District fees based on permit allocations from SLO County Building Department

BACKGROUND

An Intent-to-Serve letter for Tract 2375, a 24-lot development on Chata Street, was issued on February 16, 2000 and renewed on December 4, 2002.

The District's present policy is that capacity fees are to be paid prior to issuance of a Will-Serve letter. The developer is requesting to defer payment of District fees until SLO County Building permit allocations are received. Capacity fees are charged to provide funds for the District to construct infrastructure needs in anticipation of proposed developments. Paying the District fees over a period of time is like the District assisting in financing a project. The District is not a financial institution.

All District water and sewer fees should be paid prior to the issuance of the District Will-Serve letter.

RECOMMENDATION

Staff recommends that your Honorable Board deny the request to defer payment of District fees based on SLO County permit allocations.

Orchard Development Company, LLC

June 17, 2003

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

RE: TRACT 2375, NIPOMO, CA

Dear Mr. Jones:

Thank you for taking the time to meet with Don Edwards and myself this past Thursday afternoon to discuss and review the District's policies and procedures for providing services and development of projects such as ours.

We are writing this letter to you, and the NCSD Board Members, as you recommended, asking the Board for its consideration to allow the Will Serve Letter for our project, Tract No. 2375, to be issued upon payment of the NCSD fees for the three building permit allocations we have in-hand, and recording of a payment bond for the remaining nineteen (19) meters needed to complete build-out of this development. We further propose to pay fees for additional services as we receive permit allocations from SLO County Building Department. Currently existing within the tract are two (2) water meters for which fees have previously been paid.

We are in receipt of, and understand, NCSD's Procedures for Development that requires payment of fees as a condition of issuance of the Will Serve Letter. However, we are making this request because our project is a small twenty-three lot single-family housing tract that is surrounded by previous similar development. Existing water services in the streets at the east and west boundaries of the project have been previously installed and paid for by past developments as well as an existing sewer main in the street at the east boundary. Our project will include tying into these existing utilities and extending them throughout the project to each lot at no cost to NCSD. In our opinion, this project will cause minimal capital outlay by NCSD to provide water and sewer service.

In considering this request, please keep in mind that our development will provide the community with 1.5 acres of landscaped open space with an equestrian trail along Orchard Avenue, paid for the developer and maintained by the Home Owner's Association. This open space consists of 24% of the total area of this development. In addition, construction of our project will provide NCSD with a new water main loop from Theodora Street, through adjacent property to the east, to tie into an existing water main on Buckhorn Street, at no cost to NCSD.

Given the current building permit allocation program in place, it will require over three (3) years to obtain permits and build out this project. Payment and financing for the entire NCSD fees for sewer and water service so early in the project creates an enormous financial burden on this local small business developer.

June 17, 2003
Mr. Doug Jones
Nipomo Community Services District
Page 2

As you are probably aware, SLO County will not approve and allow our final Tract Map to record without NCSD's Will Serve Letter. Without being able to record the final map, we remain unable to apply for additional building permit allocations. As you can see this truly puts us between a rock and a hard spot.

We feel we have created a project that will enhance the surrounding neighborhoods, and we have done everything possible to accommodate the County's and NCSD's requests. We respectfully ask that our request be included on the June 25th NCSD Board Meeting Agenda for consideration.

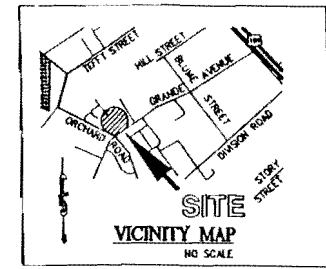
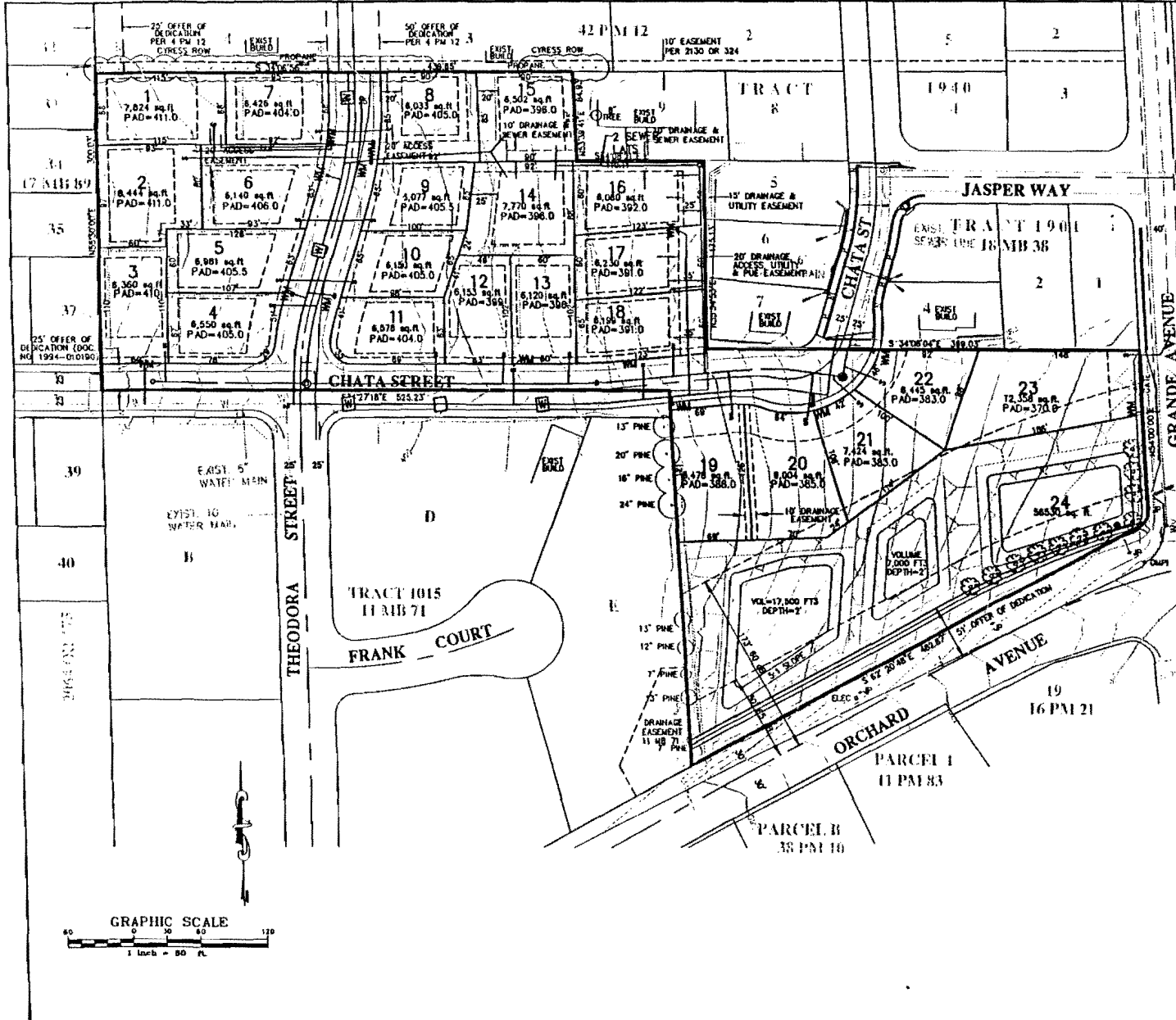
Thank you for your assistance in this matter. We look forward to your reply. If you have any questions or would like to discuss this issue further, please do not hesitate to call me at 805-928-3213, or Don Edwards at 805-489-8950.

Sincerely,
ORCHARD DEVELOPMENT COMPANY, LLC



Delfino Hernandez
General Partner

cc: Michael Winn, President, NCSD
Judith Wirsing, Vice President, NCSD
Cliff Trotter, Board Member, NCSD
Robert Blair, Board Member, NCSD
Lawrence Vierheilig, Board Member, NCSD
Don Edwards, DBSI
Marty Fuller, DBSI



OWNER'S STATEMENT

I HEREBY APPLY FOR APPROVAL OF THE DIVISION OF REAL PROPERTY SHOWN ON THIS PLAT AND STATE THAT I AM THE LEGAL OWNER OF SAID PROPERTY OR THE AUTHORIZED AGENT OF THE LEGAL OWNER AND THAT THE INFORMATION SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100, SAN LUIS OBISPO, CA 93401
(805)-541-2394

RECORD OWNERS MR. & MRS. DELFINO M. HERNANDEZ
935 OAKWOOD DRIVE
SANTA MARIA, CA 93454

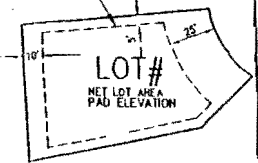
ENGINEER'S STATEMENT

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

TERENCE K. ORTON, P.E. 21807, EXPIRES 6-30-2001
WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100, SAN LUIS OBISPO, CA 93401
(805)-541-2394

APH 062-130-064
APH 062-130-072
APH 062-130-073

BUILDING SETBACK LINE




TRACT 2375 VESTING TENTATIVE MAP

PORTIONS OF PARCEL 1, 2, & 3 OF COAL-94-014 ALSO BEING A PORTION OF LOT 4 OF MESA GRANDE TRACT PER A MAPS 18 BY THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

PREPARED FOR
DELFINO HERNANDEZ
PREPARED BY
WESTLAND ENGINEERING COMPANY
75 ZACA LANE, SUITE 100
SAN LUIS OBISPO, CALIFORNIA 93401
(805) 541-2394

JANUARY 2000 JOB NO 99 063
SHEET 1 OF 1

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JULY 10, 2003

AGENDA ITEM

JULY 10, 2003

REQUEST FOR SERVICE – TRACT 2561 (BURNSED)

ITEM

Request for Intent-to-Serve letter for an 8-parcel Planned Unit Development (PUD) on So. Frontage between Grande & Division.

BACKGROUND

The District received a request from Tim Crawford of Central Coast Engineering for water and sewer service for an 8-lot development on a half-acre parcel fronting So. Frontage between Grande and Division Streets. The project consists of 4 two-bedroom units and four (4) three-bedroom units. The area is to be maintained by a homeowner's association. The estimated water use is approx. 3.3 acre-feet per year plus irrigation use. The estimated wastewater is 57,000 gallons per month. The attached development shows the layout of the eight units with respect to S. Frontage Road.

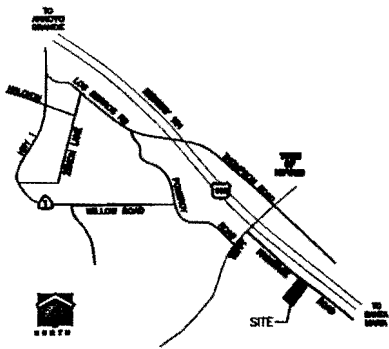
Your Honorable Board may issue an Intent-to-Serve letter for Tract 2561, with the following conditions:

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

RECOMMENDATION

Staff recommends that your Honorable Board approve an Intent-to-Serve letter for Tract 2561 with the above mentioned conditions.

Vicinity Map



NO SCALE

Project Data

- PROJECT ADDRESS: FRONTAGE ROAD, NIPOMO, CALIFORNIA
- LOT SIZE: 22,189 S.F. (0.508 AC) GROSS
20,000 S.F. (0.458 AC) NET RESIDENTIAL
- ZONING: SITE LIES WITHIN THE M.C.S.D. BOUNDARY 002-391-010 & 023
- ASSESSOR'S PARCEL NO.: NIPOMO COMMUNITY SERVICES DISTRICT
- WATER SUPPLY: NIPOMO COMMUNITY SERVICES DISTRICT
- SEWAGE DISPOSAL: NIPOMO COMMUNITY SERVICES DISTRICT
- GAS: SOUTHERN CALIFORNIA GAS COMPANY
- ELECTRICITY: PACIFIC GAS & ELECTRIC
- TELEPHONE: PACIFIC BELL
- BUILDING/COVERAGE AREAS:

8 UNITS	=	4,082 S.F.	=	00.00%
PARKING/PATIO	=	0,000 S.F.	=	00.00%
LANDSCAPING	=	0,000 S.F.	=	00.00%
TOTAL	=	00,000 S.F.	=	100.00%

11. PARKING REQUIREMENTS:

PARKING REQUIRED:

MULTI-FAMILY DWELLINGS ((4) TWO-BEDROOM UNITS, (4) THREE-BEDROOM UNITS)
 1.5 SPACES/ 2 BD. UNIT = 1.5 x 4 = 6 RESIDENT SPACES REQUIRED
 1.5 SPACES/ 3 BD. UNIT = 2 x 4 = 8 RESIDENT SPACES REQUIRED

GUEST PARKING

1 SPACE + 1 FOR EACH 4 UNITS BEYOND FIRST 4
 = [8 - 4 = 4] = 1 SPACE + 1 SPACE = 2 GUEST SPACES REQUIRED

PARKING PROVIDED:

18 FULL SIZE SPACES = O.K.

Site Reference Notes

- NEW 6'-0" HIGH CEMENT PLASTER WALL
- NEW 4'-0" DEEP RETENTION BASIN
- NEW NOISE MITIGATION WALL
- EXISTING EUCALYPTUS TREES TO REMAIN
- (2) NEW EUCALYPTUS TREES
- NEW 4'-0" WIDE SIDEWALK
- NEW 8'-0" WIDE LANDSCAPE PARKWAY
- "WHITE NOISE" WATER/MOUNTAIN FEATURE
- NEW WALL
- EXISTING WALL TO REMAIN
- ADJUTORY RETENTION BASIN AS REQUIRED
- COMMUNAL MAILBOXES
- HARDSCAPE "PAZZA"
- WATER FEATURE
- HARDSCAPE PATIO
- LANDSCAPE "COMMONS" AREA
- EXISTING FRONTAGE ROAD
- NEW ROAD WIDTH EXTENSION
- CONCRETE SIDEWALK
- BEGIN NEW CURB, GUTTER & SIDEWALK
- NEW CURB, GUTTER & SIDEWALK, MATCH EXISTING IMPROVEMENTS
- TRASH ENCLOSURE
- DECIDUOUS TREES
- BASKETBALL HALF-COURT
- TEMPORARY AC PARKING PER COUNTY REQUEST
- EXISTING ADJACENT SIDEWALK

General Project Notes:

- ALL PUBLIC AND PRIVATE IMPROVEMENTS SHOWN ARE TO BE CONSTRUCTION AS PART OF THIS DEVELOPMENT PLAN, AND SHALL BE INSTALLED PER COUNTY OF SAN LUIS OBISPO STANDARDS.
- BLANKET DRIVEWAY, PARKING, PEDESTRIAN ACCESS, DRAINAGE BASIN, AND COMMON AREA EASEMENTS SHALL BE INCLUDED AS PART OF THIS SUBMISSION.
- INDIVIDUAL DOMESTIC AND IRRIGATION WATER METERS SHALL BE PROVIDED.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN ARE FROM A FIELD SURVEY PERFORMED BY EDA ON 05/25/02. GARD MAKES NO GUARANTEES AS TO THE ACCURACY OF EXISTING BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREIN.

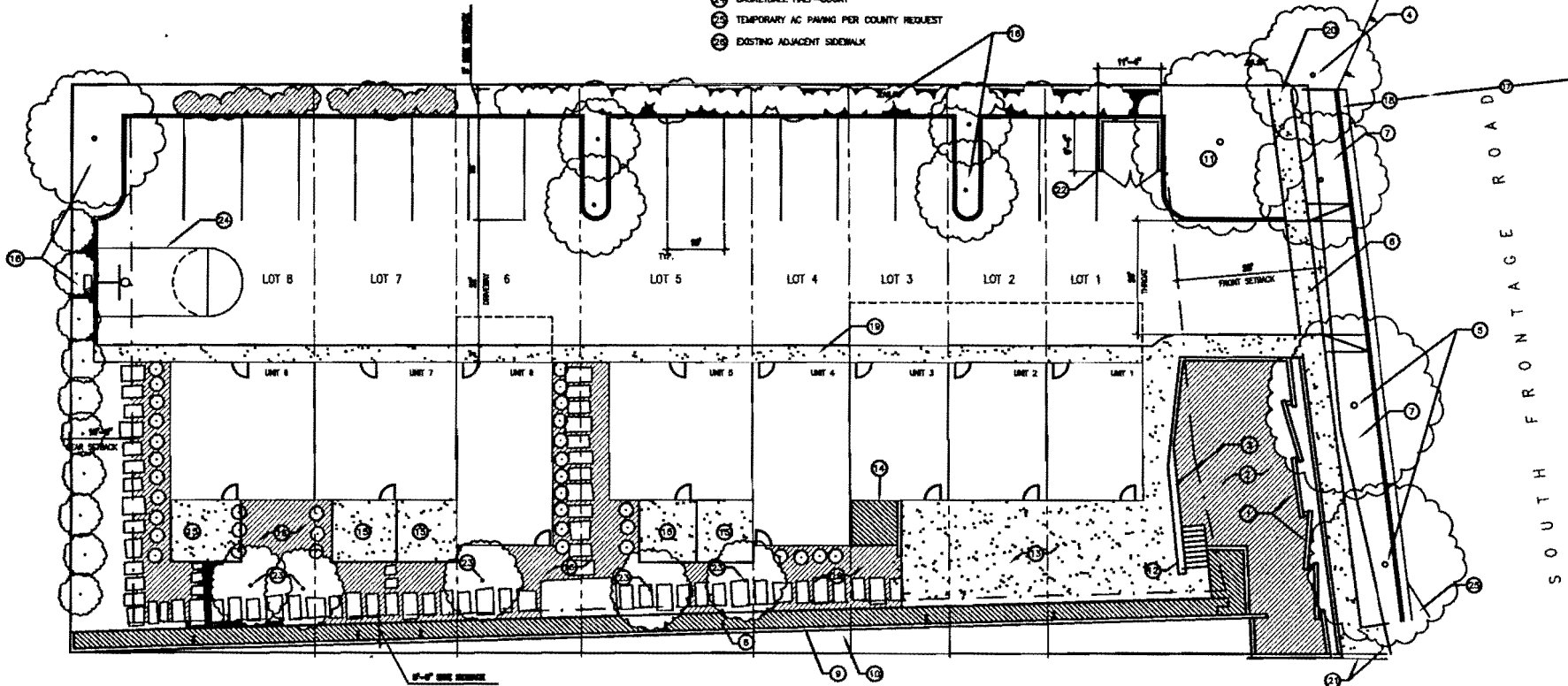
DEVELOPMENT PLAN
AND
TENTATIVE TRACT MAP

NO. 2561

BEING A PLANNED DEVELOPMENT OF A PORTION OF LOT 30, OF THE MESA GRANDE TRACT IN RANCHO NIPOMO PER A MB 18, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

Sheet Index

SHEET NUMBER	SHEET DESCRIPTION
DP-1	SITE PLAN / DEVELOPMENT PLAN / TENTATIVE MAP
DP-2	PRELIMINARY GRADING AND DRAINAGE PLAN
DP-3	PRELIMINARY LANDSCAPE PLAN
DP-4	BUILDING PLANS - 1ST AND 2ND FLOORS
DP-5	BUILDING PLANS - 3RD FLOOR AND ROOF PLAN
DP-6	BUILDING ELEVATIONS
DP-7	BUILDING SECTIONS & DETAILS
DP-8	SITE SECTION



Site Plan / Development Plan / Tentative Tract Map

SCALE 1"=40'

DATE 5-27-03

NIPOMO COMMUNITY SERVICES DISTRICT
APPLICATION FOR
INTENT-TO SERVE LETTER

1. SLO County Planning Department/Tract or Development No.: TRACT #2561
2. Project's Location: FRONTAGE Rd. SOUTH OF TEFFT
3. Assessor's Parcel Number(APN) of lot(s) to be served: 092-381-029
4. Total Number of Residential Units: 8
5. Owner Name: BROOKS BURNSSED
6. Business Address: _____
7. Mailing Address: P.O. Box 309, NIPOMO, CA
8. Phone Number: 459-6093
9. Agent's Name(Architect or Engineer): TIM CRAWFORD (CENTRAL COAST ENG.)
10. Mailing Address: 396 BUCKLEY Rd. S.L.O.
11. Phone Number: 544-3278
12. Type of Use:
 - Single Family Residence Duplex Triplex Multi-Family
 - Subdivision
 - Commercial? _____ Type _____
 - Remodel: (Project Description) _____

13. Applications for commercial projects, projects that exceed two (2) residential units, or multi-family projects will not be approved until the following have been submitted to the District for its review:
 - a. Two (2) separate sets of site plans that show the approximate square footage of each unit, the site topography and an estimate of the number of water fixtures to serve each unit in the project; and
 - b. A reduced copy of the site plan (8½" x 11")
 - c. The number of plumbing fixture units
 - d. An engineer or architect's estimate of monthly water and sewer and demand (in gallons per month) for the project.

NIPOMO COMMUNITY SERVICES DISTRICT
APPLICATION FOR
INTENT-TO SERVE LETTER
PAGE TWO


14. The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgements or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgements or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782.

15. The undersigned acknowledges receipt of the Nipomo Community Services District Application for District Service Policy and Guidelines (attached).

16. APPLICATION FEES:
Intent to Serve Application Processing Fee.....\$ 50.00
(Non-refundable payment attached to this application)

Date 5/23/03



(Must be signed by owner or owner's agent)

Tim Crawford
Print name

FOR DISTRICT OFFICE USE:

AMOUNT PAID 50⁻ DATE: 5-23-03 RECEIPT # 61833

TO: BOARD OF DIRECTORS

FROM: DOUG JONES 

DATE: JULY 10, 2003

AGENDA ITEM

D 1

JULY 10, 2003

OLDE TOWNE WATER AND SEWER SERVICES FUNDING AGREEMENT

ITEM

Review/approve an agreement between NCSD & SLO Co. for funding service connections
(This item was continued from the June 25, 2003, Board meeting.)

BACKGROUND

The San Luis Obispo County will be constructing road improvements along Tefft Street between the freeway and Thompson Avenue in Olde Towne Nipomo. The County's general policy is not to have new road improvements dug up for water and sewer service connections until five or more years after the improvements have been made. The County anticipates having Housing and Community Development grant funds available in the amount of \$159,000, (to be officially confirmed by the County) to assist the District to install water lines and sewer services prior to the final road improvements. Attached for the Board's review is a draft agreement for the District to receive the grant funds for installing the water and sewer service connections for future developments on Tefft Street. The County has indicated that the grant funds would not be available until the fall of this year.

The District has not received official notification from the County that the grant funds are available for the District.

RECOMMENDATION

Attached is an agreement between the District and SLO County for your review.

**AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA**

THIS AGREEMENT is made and entered into _____, 2003, by and between the **NIPOMO COMMUNITY SERVICES DISTRICT**, (hereinafter referred to as the "NCSD"), and the **COUNTY OF SAN LUIS OBISPO**, a political subdivision of the State of California (hereinafter referred to as "the County").

WITNESSETH:

WHEREAS, the County has been determined to be eligible to receive a grant of \$ (*exact amount to be determined*) from the State of California's Jobs Housing Balance Incentive Grant Program; and

WHEREAS, on March 4, 2003, the County Board of Supervisors authorized the grant money to be used by the NCSD to fill a funding gap identified as part of a street enhancement project on Tefft Street between Thompson and Nipomo Creek, specifically, to install sewer and water laterals and similar related piping before Tefft Street is repaved, preventing further degradation of the street, hereafter referred to as "the Project"; and

WHEREAS, the NCSD will use the funding to hire a contractor to install the necessary laterals and related work, and

WHEREAS, the NCSD will thereafter become responsible for obtaining payment of funds from those property owners along Tefft Street who benefit from the installation water and sewer laterals; and

WHEREAS, funds collected by the NCSD from property owner who benefit from the new sewer and water laterals will be deposited into a separate account; and

WHEREAS, funds collected from property owners along Tefft Street who have benefited by the Project shall be subsequently reused by the NCSD for other projects of

AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA

community-wide interest and benefit subject to review and approval by the County; and

NOW, therefore, in consideration of the mutual promises, recitals and other provisions hereof, the parties agree as follows:

1. Compensation

Subject to the terms and conditions of this Agreement (including the availability of HCD Grant funds to the County), County shall provide to the NCSD the amount of one hundred fifty nine thousand dollars (\$159,000) to enable the NCSD to provide water and sewer laterals and other related piping connections to property owners within the defined area of the Tefft Street enhancement project. In no instance shall the County be liable under this Agreement for any costs for the Project in excess of \$159,000 nor for any unauthorized or ineligible costs. The NCSD shall not obligate or expend the funds for any purpose other than implementing the Project. Payment for the foregoing shall be in accordance with the following procedure:

2. Individual Property Owner Repayment.

To the extent allowed by law, NCSD shall require property owners benefiting from the Project to each pay an amount of money equal to the value of the improvements extended to their parcel.

3. Use of Repaid Funds.

Funds collected as repayment from property owners along Tefft Street who have benefited by the Project shall be segregated and subsequently reused by the NCSD for other projects of community-wide interest and benefit subject to prior review and approval by the County. The purchase of a water line easement through the County Park is an approved project of community wide interest.

4. Reporting.

At the request of County during the term of this Agreement, the NCSD shall submit an annual report to the County Department of Planning and Building

AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA

including the following: expenditures to date, listing of funds that have been repaid by property owners benefiting from the Project, the status of the program including any problems encountered, and a prioritized list of potential projects that the NCSD would like to construct or establish with funds that have been repaid from the Project. Reports shall be submitted to the County within thirty (30) days of the County's request. ** See additionally §10 for additional requirements.

5. Term of Agreement.

The term of this Agreement shall commence on the date first above written and shall terminate after all funds from property owners who benefited from the Project have been repaid to the NCSD, and those repaid funds have in turn, been completely expended on subsequent projects of community benefit or ten (10) years, whichever occurs first.

6. Termination of Agreement for Cause.

If the County determines that the NCSD has incurred obligations or made expenditures for purposes which are not permitted or are prohibited under the terms and provisions of this Agreement, or if the County determines that the NCSD has failed to fulfill its obligations under this Agreement in a timely and professional manner, then the County shall have the right to terminate this Agreement effective immediately upon giving written notice thereof to NCSD. Termination shall have no effect upon the rights and obligations of the parties arising out of any transaction occurring prior to effective date of such termination. If the County's termination of the Agreement with the NCSD for cause is defective for any reason, including but not limited to the County's reliance on erroneous facts concerning the NCSD's performance, or any defect in the notice

**AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA**

thereof, the County's maximum liability shall not exceed the amount payable to the NCSD under paragraph one (1) of this Agreement.

7. Sources and Availability of Funds.

It is understood by the parties hereto that the funds being used for the purposes of this Agreement are funds furnished to the County through the State of California Department of Housing and Community Development pursuant to the provisions of the Jobs/Housing Balance Incentive Grant Fund. Notwithstanding any other provision of this Agreement, the liability of the County shall be limited to HCD grant funds available for the Project pursuant to this Agreement. The NCSD understands that the County must wait for release of funds from the HCD before grant funds may be advanced or reimbursed. The County shall incur no liability to the NCSD, its officers, agents, employees, suppliers, or contractors for any delay in making any such payments.

8. Reimbursement of Improper Expenditures.

If at any time within applicable statutory periods of limitation it is determined by the County that funds provided for under the terms of this Agreement have been used by or on behalf of the NCSD in a manner or for purposes not authorized the NCSD shall, at the County's request, pay to the County an amount equal to one hundred percent of the amount improperly expended.

9. Records.

- (a) All records, accounts, documentation and all other materials relevant to a fiscal audit or examination shall be retained by the NCSD for a period of not less than three (3) years from the date of termination of this Agreement.
- (b) If so directed by the County upon termination of this Agreement, the

AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA

NCSD shall cause all records, accounts, documentation and all other materials relevant to the Project to be delivered to the County as depository.

- (c) The NCSD understands that it shall be the subject to the examination and monitoring by the County Auditor-Controller for a period of five (5) years after the final payment under this Agreement.

10. Audit.

- (a) All records, accounts, documentation and other materials deemed to be relevant to the Project by the County shall be accessible at any time to the authorized representatives of the county on reasonable prior notice, for the purpose of examination or audit.
- (b) An expenditure which is not authorized by this Agreement or which cannot be adequately documented shall be disallowed and must be reimbursed to the County or its designee by the NCSD. Expenditures for Activities not described in this Agreement shall be deemed authorized if the performance of such Activities is approved in writing by the County prior to the commencement of such Activities.
- (c) Absent fraud or mistake on the part of the County, the determination by the County of allowability of any expenditure shall be final.

10. Indemnification. Indemnification.

District shall include County as an additional indemnitee in construction contracts for the Project and for subsequent projects.

12. Insurance.

- (a) All insurance policies required by the District from Contractors for the construction of the Project and subsequent projects shall designate the

AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA

County as an additional insured.

- (b) If NCSD fails or refuses to procure or maintain the insurance required by this paragraph, or fails or refuses to furnish the County with required proof that insurance has been procured and is in force and paid for, the County shall have the right, at the County's election, to forthwith terminate this Agreement.

13. Equal Employment Opportunity.

During the performance of this Agreement, NCSD agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, and specifically agrees to comply with the provisions of Section 202 of Presidential Executive Order No. 11246.

14. Entire Agreement and Modification.

This Agreement sets forth the full and entire understanding of the parties regarding the matter set forth herein, and any other prior or existing understandings or agreement by the parties, whether formal or informal, regarding any matters are hereby superseded or terminated in their entirety. No changes, amendments, or alterations shall be effective unless in writing and signed by all parties hereto. NCSD specifically acknowledges that in entering into and executing this Agreement, NCSD relies solely upon the provisions contained in this Agreement and no others.

15. Contractors and Subcontractors.

NCSD agrees to, and shall require its subcontractors to agree to:

- (a) Perform the Project in accordance with federal, state and local building codes as applicable.
- (b) Maintain at least the minimum state-required workers' compensation

AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA

insurance for those employees who will perform the Project or any part of it.

- (c) Maintain, if so required by law, unemployment insurance, disability insurance and liability insurance in an amount to be determined by the State which is reasonable to compensate any person, firm, or corporation who may be injured or damaged by NCSD or any subcontractor in performing the Project or any part of it.

16. Compliance with County and State Laws and Regulations.

NCSD agrees to comply with all County and State laws and regulations that pertain to construction, health and safety, labor, fair employment practices, equal opportunity and all other matters applicable to NCSD, its subcontractors, and the Project.

17. No Assignment Without Consent.

Inasmuch as this Agreement is intended to secure the specialized services of NCSD, NCSD shall not have the right to assign or transfer this Agreement, or any part hereof or monies payable hereunder, without the prior written consent of the County, and any such assignment or transfer without the County's prior written consent shall be considered null and void.

18. Law Governing and Venue.

This Agreement has been executed and delivered in the State of California, and the validity, enforceability and interpretation of any of the clauses of this Agreement shall be determined and governed by the law of the State of California. All duties and obligations of the parties created hereunder are performable in San Luis Obispo County, and such County shall be that venue for any action, or proceeding that may be brought, or arise out of, in connection with

AGREEMENT REGARDING USE OF STATE JOBS HOUSING BALANCE
INCENTIVE GRANT PROGRAM FOR TEFFT STREET IMPROVEMENTS
IN THE NIPOMO OLDE TOWNE AREA

or by reason of this Agreement.

19. Enforceability.

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

20. Effect of Waiver.

County's waiver or breach of any one term, covenant or other provision of this agreement shall not be a waiver of a subsequent breach of the same term, covenant or provision of this Agreement or of the breach of any other term, covenant or provision of this Agreement.

21. 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 to County shall be addressed as follows:

Victor Holanda, Director of Planning and Building
County of San Luis Obispo
County Government Center
San Luis Obispo, California, 93408

Notices required to be given to NCSD shall be addressed as follows:

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

Provided that any party may change such address by notice in writing to the other parties and thereafter notices shall be transmitted to the new address.

22. Opinions and Determinations: Good Faith.

Where the terms of this Agreement provide for action to be based upon opinion, judgment, approval, review or determination of either party hereto, such terms are not intended to be and shall never be construed to permit such opinion, judgment, approval, review or determination to be arbitrary, capricious or unreasonable. The District and the County shall each act in good faith in performing their respective obligations as set forth in this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

NIPOMO COMMUNITY SERVICES DISTRICT

COUNTY OF SAN LUIS OBISPO

By: _____
Michael Winn, President

By: _____
Chairperson of the Board of Supervisors

By: _____
Donna Johnson, Secretary

Attest: _____
Julie Rodewald, County Clerk

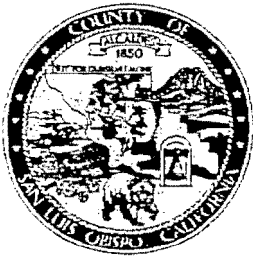
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDE, AICP
DIRECTOR

FAX COVER PAGE

LONG RANGE PLANNING
COASTAL ZONE MANAGEMENT
INFORMATION SERVICES
ALLOCATIONS

DATE: 7.3.03

TO: DOUG JONES

FROM: C. STEVENSON

FIRM: NCSD

FAX # (805) 781-5624

FAX #: 929-1932

PHONE #: 781 5197

Pages, including cover page: 2

SUBJECT: HCD GRANT

COMMENTS: THIS IS THE LETTER WE RECEIVED FROM
HCD COMMITTING TO USE THE AMOUNT OF
\$159,383. THE AGREEMENT LANGUAGE
IS BEING FINISHED BETWEEN JON SEITZ
AND TIM MCNUITY RE THE INDEMNITY
ISSUE.
BEST REGARDS,
CHUCK .

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov



RECEIVED

JUN 27 2003

Planning & Bldg

FILE
6-27-03
[Handwritten signature]

Jane 25, 2003

Mr. Victor Holanda, Planning Director
County of San Luis Obispo
County Government Center
San Luis Obispo, California 93408

Dear Mr. Holanda:

The California Department of Housing and Community Development (Department) is pleased to announce the County of San Luis Obispo as a recipient of a Jobs-Housing Balance Incentive Grant Program (JHBP) award. This letter constitutes a conditional commitment of grant funds in the amount of \$159,383. This amount is slightly less than applied for because total requests exceeded the amount available. Pursuant to Section 50544(d) of the Health and Safety Code, if application requests exceed the available funding amount, the per unit incentives shall be prorated. The program is currently oversubscribed by \$3.6 million therefore; the grant amount has been adjusted from the original amount requested in the application to the amount listed above.

Funding for JHBP is available pursuant to the Housing and Emergency Shelter Trust Fund Act of 2002 (Proposition 46). The goal of the JHBP was to encourage new housing construction, primarily in high job growth areas where housing has not kept pace with job growth. Local governments that significantly increased approvals of new residential permits and were in compliance with State housing element law are awarded grant funds for use in any local capital improvement projects.

The JHBP reflects the Department's commitment to work in partnership with local governments to address California's critical housing and community development needs. The program recognizes and reinforces the critical linkages between housing and jobs, housing and the economy, and housing and vital, livable communities. Staff will be contacting you shortly to initiate the process of preparing the Standard Agreement. Please note no funds may be expended nor any costs incurred until a contract is fully executed. Again, congratulations for meeting the program goals of the JHBP. For further information concerning this award, please contact Margaret Murphy, at (916) 445-4728.

Sincerely,

Cathy E. Creswell
Deputy Director

cc: Dana Lilley, Supervising Planner

TO: BOARD OF DIRECTORS
FROM: DOUG JONES *D*
DATE: JULY 10, 2003

AGENDA ITEM

E1
JULY 10, 2003

**CSDA NOMINATION TO THE
BOARD OF DIRECTORS**

ITEM

Consider resolution to nominate Director Robert Blair to the Board of Directors of California Special Districts Association

BACKGROUND

The California Special Districts Association (CSDA), of which the Nipomo Community Services District is a member, has a Board of Directors establishing policies and overseeing its operations.

The term for the representative of CSDA Region 4 is expiring this year. Director Blair would like to be nominated for the upcoming election to represent Region 4 of the CSDA Board of Directors.

RECOMMENDATION

Staff recommends that your Honorable Board approve the attached resolution nominating Director Blair for the position of Director to the Board of CSDA and direct staff to fax the information to the Elections committee of CSDA.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2003-CSDA-BLAIR**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
NOMINATING DR. ROBERT L BLAIR FOR THE BOARD OF DIRECTORS OF THE
CALIFORNIA SPECIAL DISTRICTS ASSOCIATION**

WHEREAS, Dr. Robert L. Blair has been a member of the Board of Directors of the Nipomo Community Services District since December 1994; and

WHEREAS, Dr. Blair served two terms as President of the Board of Directors of the Nipomo Community Services District; and

WHEREAS, Dr. Blair has been active in committees, such as San Luis Obispo County Water Resources Advisory Committee, Integrated Waste Management Board, Nipomo Chamber of Commerce and has spoken before the San Luis Obispo County Council of Government on issues, and

WHEREAS, Dr. Blair has been involved in his community in activities and has attended several Government Days in Sacramento representing the District as an advocate for special districts.

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

1. The Nipomo Community Services District Board of Directors officially nominates Dr. Robert L. Blair, member of the Nipomo Community Services District Board of Directors, for the Board of Directors of the California Special Districts Association.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this _____ day of July, 2003.

MICHAEL WINN
President of the Board

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

Return Information

Name of candidate: Dr. Robert Blair
District: Nipomo Community Services District
4 Region: San Luis Obispo
Address: P O Box 326
Nipomo, CA 93444
Telephone: 805 929 1133 Fax: 805 929-1932
E-mail: gm@nipomocsd.com
Nominated by (optional): Board of Directors of NCSD

Return this form and a Board resolution / minute action supporting the candidate by fax or mail to:

CSDA
Attn: Melissa Soria
1215 K Street, Suite 930
Sacramento, CA 95814
(916) 442-7887 / (916) 442-7889 fax

DEADLINE FOR RECEIVING NOMINATIONS – JULY 11, 2003

From: msoria@csgda.net
To: gm@nipomocsd.com
Subject: CSGDA Board of Directors Call for Nominations
Date: Tue, 01 Jul 2003 11:44:50 -0700

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
BOARD OF DIRECTORS - CALL FOR NOMINATIONS**

SEAT A - TERM WILL EXPIRE IN 2006

The California Special Districts Association (CSDA) Board of Directors is the governing body responsible for all policy decisions effecting CSDA's member services and legislative programs. Its functions are crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration.

Serving on the Board requires one's interest in the issues confronting special districts statewide. In addition, it means traveling to all Board meetings, usually eight per year. CSDA reimburses directors for all related travel expenses as outlined in Board policy.

The Board's most important function is directing CSDA's Legislative Advocate in Sacramento. Board members are intimately involved in responding to pending legislation and other public policy documents that may impact the operation of special districts. The Board is also responsible for direction to CSDA staff and consultants on all member service programs. CSDA has recognized significant growth over the last five years and remains committed to expanding our membership base and member services. The Board will be responsible for guiding that future.

Election Rules

Each of CSDA's six (6) regional divisions has three seats on the Board. Candidates must be affiliated with a member district located within the geographic region that they seek to represent. Directors are nominated and elected by region by regular members. In 1999, the CSDA membership passed an amendment changing the election from in-person at the annual meeting to an all-mail ballot.

The officers of the Board of Directors are elected from the Board membership.

Directors elected from the six (6) regions will hold staggered, three (3) year terms. Individuals elected to fill an unexpired term, will be up for reelection when original seat term expires.

Nomination Procedures

Any independent special district with current membership in CSDA is eligible to designate one person, such as a board member or managerial employee (as defined by that district's Board of Directors) for election as a director of CSDA. A copy of the member district's resolution or minute action must accompany the nomination form (your district should have received a nomination form in the mail. Please contact the CSDA office 877.924.CSDA if you need another). **The deadline for receiving nominations is Friday, July 11, 2003.** Nominations and supporting documentation can be mailed or faxed.

Election ballots will be mailed out prior to **July 28, 2003** and must be returned and received in the mail by CSDA no later than **5:00pm on Thursday, September 11, 2003.** A committee chaired by the Elections and Bylaws Committee Chair will count the ballots. Successful candidates will be announced at CSDA's 34th Annual Conference, September 16-18 in Olympic Valley at North Shore Lake Tahoe. Watch your mailbox for registration materials.


Nominees will receive a candidates' packet in the mail once the nominations deadline has passed. The packet will include campaign guidelines.

If you have any questions, please contact Melissa Soria at (877) 924-CSDA, msoria@csda.net.

Expiring Terms

Region 1	Seat A (2000-2003)	Mark Bryant
Region 2	Seat A (2000-2003)	Ralph Emerson*
Region 3	Seat A (1994-2003)	Chuck Beesley*
Region 4	Seat A (2000-2003)	John Stovall
Region 5	Seat A (1998-2003)	David Lesser*
Region 6	Seat A (1994-2003)	Harry Ehrlich*

*Will not be seeking reelection.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JULY 10, 2003

AGENDA ITEM
E 2
JULY 10, 2003

CHANGES TO CSDA BYLAWS

ITEM

Consider approval of changes to the CSDA Bylaws in electing the Board of Directors of CSDA

BACKGROUND

The California Special Districts Association (CSDA) Board of Directors establishes policy and procedures for the association. Attached are two changes presented to your Honorable Board for consideration.

Change #1 adds language to address a possible tie situation in an election.

Change #2 involves removing the necessity to distribute ballots via certified mail.

RECOMMENDATION

Staff recommends that your Honorable Board approve CSDA Bylaws changes number 1 & 2.

Board 2003/CSDA BYLAWS.DOC

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

June 25, 2003

Dear CSDA Member District:

The California Special Districts Association (CSDA) Board of Directors recently approved a change in the association Bylaws. A positive vote of the membership is also required in order to enact said change.

Proposed Change #1:

In 2000, CSDA changed from electing its directors at the Annual Conference to electing its directors via an all-mail ballot. At that time, no language was included in the event of a tie. The CSDA Board of Directors would like to add that language now, stating that another ballot with only the tying candidates be distributed to the members in the tying region. In the event that there were only two original candidates, or the second ballot resulted in a tie, the successful candidate would be chosen by a drawing.

Proposed Change #2:

The CSDA Board would also like to remove the requirement for the mail ballot to be distributed via certified mail, as this is an extremely time-consuming and costly process. The Board requests instead that language be put in place requiring a staff affidavit confirming that each current CSDA regular member in good standing was mailed an election ballot.

Please review the changes enclosed, and mail or fax back the ballot no later than July 28, 2003. Contact the CSDA office at 877.924.CSDA if you have any questions. Thank you.

Most sincerely,



Catherine Smith
Executive Director

CAS/mms

**CALIFORNIA
SPECIAL DISTRICTS
ASSOCIATION**

1215 K Street, Ste 200
Sacramento, CA 95814
Tel: 916.442.7897
Fax: 916.442.7899
www.csdanet

Toll-Free Numbers

General: 1.877.924.CSDA
SDRMA/SDWCA Claims &
Coverages: 1.800.537.7762



CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
BYLAWS CHANGES BALLOT

District Name _____

Please check all that apply:

- Yes, my district supports
- Bylaws Change #1
 - Bylaws Change #2
- No, my district does NOT support
- Bylaws Change #1
 - Bylaws Change #2

Representative _____

Signature _____

Please return via fax or mail to:
CSDA, 1215 K Street, Suite 930, Sacramento, CA 95814, 916.442.7889 fax.

Return no later than July 28, 2003.

Section 2. Election and Appointment of Directors

Any special district with current regular membership in the California Special Districts Association is eligible to designate one person, such as a board member or managerial employee (as defined by that district's board of directors) for election as a director of the California Special Districts Association by a member board's resolution or minute-action submitted no later than the annual CSDA membership meeting.

Nomination and voting shall be by region for directors and shall be conducted by mail as described below.

The Election and Bylaws Committee shall have primary responsibility for establishing and conducting elections.

Written notice of the use of an all-mail ballot for election to the Board of Directors shall be sent by regular mail to each district no later than 120 days ("days" refers to calendar days in this Article) prior to the date scheduled for such election. Said notice shall (1) inform each member district of the positions to be filled on the Board of Directors at such election; and (2) inform each member district of its right to nominate an individual for any office to be filled at the election by filing with CSDA at least 60 days prior to the date scheduled for such election a written resolution or copy of minute action of the Board of Directors of that district specifying that district's nominee. A member district can only nominate one individual to run for the positions to be filled on the Board of Directors at each election.

The Election/Bylaws Committee will review all nominations received and will reject all that do not meet the qualifications specified above. The Committee shall prepare a slate of qualified nominees for submittal to the membership for election by mail as described below. Nominations received after the specified deadline will be deemed invalid.

A form of mail ballot containing all mailed nominations accepted and approved by the Elections/Bylaws Committee for any office to be filled at the election shall ~~be be mailed by certified mail, return receipt requested~~ distributed by first-class mail; to each regular CSDA member district no sooner than 55 days, and no later than 45 days prior to the date scheduled for such election. An affidavit signed by the responsible staff member stating that all current CSDA regular members were sent a ballot shall be filed with the election information. Said mail ballot shall indicate that each regular member district may return the ballot ~~by certified mail to the principal business address of CSDA~~ and that only those ballots received prior to the close of business on the date designated five days prior to the beginning date of the annual conference shall be considered valid and counted. Ballots received after the specified deadline will not be counted. All

ballots shall remain sealed until opened in the presence of the Elections/Bylaws Committee chairperson or his/her designee.

In the event of a tie, a mail ballot containing only the tied candidates shall be distributed by first-class mail to each regular CSDA member in the region in which the tie occurred. Said mail ballot shall indicate that each regular member district of that region may return the ballot to the principal business address of CSDA, and that only those ballots received prior to the close of business on the date designated shall be considered valid and counted. Said designated date shall be no earlier than 45 days and no later than 55 days from the date of the mailing. All ballots shall remain sealed until opened in the presence of the Elections/Bylaws Committee chairperson or his/her designee. An affidavit signed by the responsible staff member stating that all current CSDA regular members were sent a ballot shall be filed with the election information.

In the case of a vacancy resulting from a director vacating his/her directorship, an individual who meets the qualifications specified above may be appointed to complete the unexpired term of the vacating director by the Board of Directors at a regular meeting of the Board. Any vacancy(ies) occurring 120 days or less before the time set for the annual election shall be filled by a vote of the membership *in* the annual election conducted by mail. Such an elected director shall fulfill the unexpired term of the director vacating the directorship.

In the event that more than one seat on the Board of Directors in any one region is subject to elections, the ballot will be prepared to require separate elections for each seat.

The Election/Bylaws Committee may enforce any regulations that do not violate the instructions and intent of this section in order to facilitate the conduct of said elections.

In the event that more than one seat on the Board of Directors in any one region is subject to elections, the ballot will be prepared to require separate elections for each seat.

The Election and Bylaws Committee may enforce any regulations that do not violate the instructions and intent of this section in order to facilitate the conduct of said elections.

Section 3. Disqualification of Directors, Vacancies

All duly elected or appointed directors shall serve in such capacity for one (1) full term of office unless such director shall become disqualified from further service upon the occurrence of any of the following:

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 10, 2003

**AGENDA ITEM
F
JULY 10, 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 June 25, 2003, Regular Board meeting
- F-3) ACCEPTANCE OF EVERGREEN WATERLINE IMPROVEMENTS—TRACT 2432 (REC. APPROVAL)
Resolution accepting water line improvements on Evergreen Lane

WARRANTS JULY 10, 2003

**AGENDA ITEM
F-1**

JULY 10, 2003

HAND WRITTEN CHECKS

18634	06-25-03	GARY MITCHELL	2,670.52
18635	06-25-03	ROBERT BLAIR	1,015.80
18636	06-27-03	EDD	19.44
18637	06-27-03	STATE COMP INS	2,083.25
18638	06-27-03	LARRY VIERHEILIG	50.00
18639	06-27-03	ROBERT Blair	50.00

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
8275	07/03/03	EMP01	EMPLOYMENT DEVELOP DEPT	509.42	.00	509.42	A30630	STATE INCOME TAX
8276	07/03/03	MID01	MIDSTATE BANK-PR TAX DEP	1741.05 487.44	.00 .00	1741.05 487.44	A30630 LA30630	FEDERAL INCOME TAX MEDICARE (FICA)
			Check Total.....:	2228.49	.00	2228.49		
8277	07/03/03	MID02	MIDSTATE BANK - DIRECT DP	14833.83	.00	14833.83	A30630	NET PAY DEDUCTION
8279	07/03/03	PER01	PERS RETIREMENT	2307.06 69.03	.00 .00	2307.06 69.03	A30630 LA30630	PERS PAYROLL REMITTANCE MILITARY SERVICE CR
			Check Total.....:	2376.09	.00	2376.09		
8279	07/03/03	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A30630	WAGE ASSIGNMENT
8280	07/03/03	STA01	STATE STREET GLOBAL	735.00	.00	735.00	A30630	DEFERRED COMP
008291	07/10/03	ADV01	ADVANTAGE ANSWERING PLUS	82.95	.00	82.95	53617	ANSWERING SERVICE-JULY
282	07/10/03	AME02	AMERICAN INDUSTRIAL SUPPL	346.66	.00	346.66	0119641	2 SHELVE UNITS
008283	07/10/03	BCS01	BASIC CHEMICAL SOLUTIONS	258.60 189.20	.00 .00	258.60 189.20	S1350546 S1350547	SODIUM HYPOCHLORITE-BLWWT SODIUM HYPOCHLORITE
			Check Total.....:	447.80	.00	447.80		
008284	07/10/03	CHA02	CHARTER COMMUNICATIONS	54.90	.00	54.90	JULY	INTERNET SERVICE-JULY
008285	07/10/03	COR01	CORBIN WILLITS SYSTEMS	608.90	.00	608.90	A306151	SOFTWARE MAINTENANCE-JULY
008286	07/10/03	COU01	COURIER SYSTEMS	70.00	.00	70.00	JUNE	DELIVERY OF LAB TESTS
008287	07/10/03	CRE01	CREEK ENVIRONMENTAL LABS	30.00 30.00 30.00 30.00	.00 .00 .00 .00	30.00 30.00 30.00 30.00	K2326 K2353 K2427 K2453	LAB TEST BLWWT LAB TEST BLWWT LAB TEST-BLWWT LAB TEST-BLWWT
			Check Total.....:	120.00	.00	120.00		
008288	07/10/03	CUL02	CULLIGAN WATER CONDITION	1.75	.00	1.75	A30701	DELIVERY
008289	07/10/03	DAV01	THE DAVIS COMPANY	4002.76	.00	4002.76	A30630	FEASIBILITY STUDY PROGRES
008290	07/10/03	DGJ01	DG JOHNSON CONSTRUCTION	1943.09 3650.25 1919.03	.00 .00 .00	1943.09 3650.25 1919.03	1 2 3	2 WATER SERVICE INSTALLAT HYDRANT RELOCATION/ISCLAT REPLACE/EXTEND WATER SERV
			Check Total.....:	7512.37	.00	7512.37		
008291	07/10/03	DWI01	DWIGHT'S AUTOMOTIVE	682.30	.00	682.30	17660	FUEL PUMP REPAIR
008292	07/10/03	EDA01	EDA	772.50	.00	772.50	A30630	MVII FINAL PMT PER CONTRA
008293	07/10/03	FED01	FED EX	20.56	.00	20.56	476446870	DELIVERY-BOND COUNSEL
008294	07/10/03	FER01	FERGUSON ENTERPRISES INC	234.88 77.10 551.00 199.09 343.20 921.86 595.24 -573.79 -1308.45	.00 .00 .00 .00 .00 .00 .00 .00 .00	234.88 77.10 551.00 199.09 343.20 921.86 595.24 -573.79 -1308.45	511910 514200 517569 517881 506255A 506255-1 506255-2 CM036597C CM504814C	HYDRANT RELOCATION-TEFFT MEGAFLANGE ADAPTOR CURB VALVES-15 GATE VALVES FLANGE TEE HYDRANT RELOCATIONS-TEFFT FLANGE SPOOL RETURNED SUPPLIES PAID INVOICE TWICE-OFFSET
			Check Total.....:	1040.13	.00	1040.13		

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information- Description
008295	07/10/03	FGL01	FGL ENVIRONMENTAL	44.80	.00	44.80	305720A	LAB TEST-BLWWT
				44.80	.00	44.80	305741A	LAB TEST-NIPOMO WWTP
				44.80	.00	44.80	306085A	LAB TEST-BLWWT
				44.80	.00	44.80	306096A	LAB TEST-NIPOMO WWTP
			Check Total.....	179.20	.00	179.20		
008296	07/10/03	GIL01	GLM, INC.	90.00	.00	90.00	063003	BL LANDSCAPE MAINTENANCE
				260.00	.00	260.00	A30630	BLUG LANDSCAPE MAINTENANCE
			Check Total.....	350.00	.00	350.00		
008297	07/10/03	GRO01	GROENIGER & CO	86.20	.00	86.20	26723T	BRONZE SADDLE
008297	07/10/03	GRO01	GROENIGER & CO	313.55	.00	313.55	28032T	MANHOLE RING/COMPRESSION
			Check Total.....	399.75	.00	399.75		
008298	07/10/03	GWA01	GWA INC	25.00	.00	25.00	A30701	ALARM SERVICE-JULY
008299	07/10/03	JON01	DOUG JONES	16.79	.00	16.79	A30701	PER DIEM LESS EXPENSES-AX
008300	07/10/03	NEX01	NEXTEL COMMUNICATIONS	199.36	.00	199.36	87314-019	CELLULAR PHONES
008301	07/10/03	NIP06	NIPOMO AUTO PARTS	248.64	.00	248.64	A30630	MISC PARTS
008302	07/10/03	PGE01	P G & E	105.43	.00	105.43	063003	CATHODIC PROTECTION, CLUMP
				26089.50	.00	26089.50	A30630	VIA CONCHA BILLING
			Check Total.....	26194.93	.00	26194.93		
008303	07/10/03	PLA01	PLATINUM PLUS FOR BUSINES	74.86	.00	74.86	062003	TRAVEL-AWWA CONFERENCE
				200.00	.00	200.00	A30630	AWWA SEMINAR-BAL DUE ON B
			Check Total.....	274.86	.00	274.86		
008304	07/10/03	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	115 JUNE	JANITORIAL-JUNE
008305	07/10/03	PRO01	PROTO DIE MANUFACTURING	385.00	.00	385.00	2756	POND VALVE SHAFT NUTS
008306	07/10/03	PUL01	PULITZER CENTRAL COAST NP	44.00	.00	44.00	6/18,6/25	PUBLIC NOTICE-MVII HEARIN
008307	07/10/03	QUI01	QUILL CORPORATION	-4.28	.00	-4.28	707302C	CREDIT-RETURN INK REFILL
				150.06	.00	150.06	2011903	COPY PAPER/SUPPLIES
				4.28	.00	4.28	2038774	INK REFILLER
			Check Total.....	150.06	.00	150.06		
008308	07/10/03	QUI03	QUINN RENTAL SERVICES	87.98	.00	87.98	2043968	ADAPTOR
008309	07/10/03	REL01	RELIABLE	148.42	.00	148.42	YNF20300	CHAIR FOR SHOP/OFFICE SUP
008310	07/10/03	RIC01	RICHARDS, WATSON, GERSHON	43919.53	.00	43919.53	127498	GROUNDWATER LITIGATION
				50.00	.00	50.00	127499	CEQA ISSUES-MARIA VISTA
			Check Total.....	43969.53	.00	43969.53		
008311	07/10/03	STA04	STATE DEPT OF HEALTH SERV	70.00	.00	70.00	17547	INTERIM DI #17547-TROMFEC
008312	07/10/03	THE01	THE GAS COMPANY	17.48	.00	17.48	A30630	OFFICE HEATING
008313	07/10/03	UNI01	UNION ASPHALT, INC.	1084.36	.00	1084.36	114373	FILL SAND/BASE VIA CONCHA
				311.62	.00	311.62	114520	CLASS II BASE-VIA CONCHA
			Check Total.....	1395.98	.00	1395.98		
008314	07/10/03	USA01	USA BLUEBOOK	399.99	.00	399.99	680500	STENNER PUMP
				345.41	.00	345.41	681239	POLYETHYLENE STEPS-BUNDAL
			Check Total.....	745.40	.00	745.40		
008315	07/10/03	VER01	VERIZON	30.72	.00	30.72	061903	BL TELEPHONE
				30.34	.00	30.34	A30630	BL TELEPHONE
			Check Total.....	61.06	.00	61.06		
008316	07/10/03	VIC01	VICTOR BACKHOE, INC.	700.00	.00	700.00	1291	TEST/HOT TAP 2 WATER MAIN
008317	07/10/03	XER01	XEROX CORPORATION	80.17	.00	80.17	96219064	COPIER MAINTENANCE
008318	07/10/03	ACC03	CAL-WEST CONSTRUCTION,	405.10	.00	405.10	000A30701	MQ CUSTOMER REFUND
008319	07/10/03	ACC04	CALIF WEST PROPERTY,	52.30	.00	52.30	000A30701	MQ CUSTOMER REFUND
008320	07/10/03	AM003	MICHEL, ESTELLA	37.85	.00	37.85	000A30701	MQ CUSTOMER REFUND
008321	07/10/03	OR001	ORMONDE TRUCK & TRACTOR,	334.60	.00	334.60	000A30701	MQ CUSTOMER REFUND
008322	07/10/03	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	7/10/03	REGULAR BOARD MTG 7/10/03
008323	07/10/03	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	7/10/03	REGULAR BOARD MTG 7/10/03
008324	07/10/03	WIN01	WINN, MICHAEL	100.00	.00	100.00	7/10/03	REGULAR BOARD MTG 7/10/03
008325	07/10/03	WIR01	WIRDSING, JUDY	100.00	.00	100.00	7/10/03	REGULAR BOARD MTG 7/10/03

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JUNE 25, 2003

12

JUL 10 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

DOUG JONES, GENERAL MANAGER
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL

A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:05 a.m.

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 members of the public spoke:

Greg Nester, In District resident – stated that he would like the Board to consider annexation of the Lem property even though the Board may not consider the Pudwell property.

Ron Witt, outside District – stated that he has property outside District boundaries and within Cal Cities Water service area and would like to receive sewer service from NCSD.

Jesse Hill, outside District – stated that the NCAC would like to have an NCSD Board member attend the next NCAC meeting when the new by-laws will be discussed.

The Board agreed to take Item E-1 out of order.

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

E-1) INCORPORATION STUDY UPDATE AND BOUNDARY REVIEW BY THE DAVIS COMPANY Review proposed city boundaries for city incorporation feasibility study

Three options for boundaries for the incorporation of Nipomo were reviewed.

Director Trotter asked what it would take to change a boundary after it has been established.

[Mr. Jones said after the boundary has been established and the city was formed, the city council would request changes from LAFCo.]

Mr. Mike Davis of the Davis Company in Los Angeles gave a broad perspective of the feasibility study to incorporate Nipomo. The boundary needs to be determined in order to discover the costs and revenues involved.

The following members of the public spoke:

Ed Eby, In District resident – stated that he liked the boundary options discussed but would like to have different studies to break out areas to see the options of providing services, (cost vs. revenue).

Jesse Hill, outside NCSD - stated the Board should consider boundaries carefully. He stated that the work load would be great with different areas like the Coastal Commission and the State Park area.

Director Wirsing stated that she thought we should avoid the State Park area. She asked if the neighboring communities receive tax revenue from the park. [Ans-No]

President Winn stated that he could summarize some of the comments: That at least west of Highway 101, we need to break out the area west of the oil refinery for possible separate consideration. We need to break out the area south of Southland, and the Blacklake Village for separate consideration.

Director Blair stated that he could see taking the park area. It would be like a bed tax. A City Council will form to make the necessary decisions.

Mr. Davis clarified the areas questioned areas to break out separately.

Director Trotter asked Mr. Davis how far along he was in establishing the revenue for the different areas. [Mr. Davis much information is being found and will be delivered within 10 days. The revenue information determines how much the city can afford.]

Director Trotter stated that it is critical to know what the revenue is from each area

President Winn stated that if we were going to consider Option #3, then he would like to see several breakouts a) {within Sections 30, 31 & 36} b) everything east of Dana-Foothill Road.

Upon motion of Director Vierheilig and seconded by Director Blair, the Board agreed to request that Mr. Davis look at Option 3 and break out areas to such as the Sheehy Ranch, everything east of the back properties along Thompson, Rim Rock area, the area south of Southland, the Blacklake Village and the area west of the refinery. Mr. Davis asked for clarification of areas. Director Trotter stated that he would like different areas of the map in color for better understanding. Vote 5-0

- D-1) DRAFT MEMORANDUM OF AGREEMENT ON SPHERE OF INFLUENCE (SOI)
Review draft agreement between SLO County and NCSD on District SOI boundary

Ed Eby, NCSD resident – stated that he questioned the purpose of the MOA. Any agreement between boards could not be binding. It provides no protection against growth and density inducements, which will happen when NCSD provides services outside the URL and offers no protection to NCSD customers of their water supply being oversubscribed. He stated that if the NCSD approved this MOA they would be approving a hollow document.

Vince McCarthy, in District resident – questioned the SOI and the city boundary [One has little to do with the other.]

Jesse Hill, outside District resident – stated that he thinks the MOA is a good idea but has concerns about making the agreement enforceable. He suggested that some entity with enforcement powers could come in to the forum.

Director Wirsing – asked if the Board should have been asked about the map for comments on each study area before the agreement was formulated. The District has been told that it has no land use powers but it seems this document gives the Board that input.

Jon Seitz, District Legal Counsel – stated that this MOA was put together with the assistance of LAFCo. LAFCo has the ability to set the SOI and to approve or deny annexations. The URL could be moved by a general plan amendment. It is meant to say that both parties want to maintain a rural character in the Nipomo area and LAFCo has the ability to condition Spheres of Influence to avoid urban sprawl and to make sure the service capabilities match the land use. This may become a tool for LAFCo to review and consider when the SOI is formed as far as the District's ability to provide service beyond the URL.

President Winn – stated that this MOA is not a contract but it is more than what we have now. Special districts now have more planning powers than in the past with the passing of the Landscape Water Conservation Act (AB 325) woven into the urban water management plans with the County Resource Management System. He stated that the sequence of the SOI versus the MOA – The MOA is essential to be adopted before this Board votes on the Sphere of Influence because if not in place, one set of decisions is made and if in place a different set of decisions would be made. This agreement would condition whether or not the County is willing to defer to the NCSD keeping the rural character west of area 7 particularly or whether it will just be an open door. In terms of policy the NCSD has an obligation to protect the water supply and this protects the supply better.

Director Wirsing – asked about Exhibit A #3 if NCSD and the Board of Supervisors agree, would we [NCSD] have more say in planning for land use, provision of public services, utility and road rights-of way, traffic etc. [President Winn stated that the County wanted that particular provision in the MOA to have a stronger voice than in the past.]

Director Vierheilig – stated that the agreement was non-enforceable and was concerned that the County doesn't follow through.

Director Blair – stated that he agrees with Mr. Eby and that this document is not necessary.

President Winn – explained the few changes he has suggested. He explained that Items #4 and 5 were written to compliment each other. In Item 4 it was suggested to change provide to "The District shall not extend future/new sewer services to Study Areas 5, 7, or 8, except in areas approved for reasons of public health, safety and welfare." In Item 6 it is suggested to add "The District's Sphere of Influence boundary and the County's Urban Reserve Line are intended to be coordinated such that the Urban Reserve Line shall not extend beyond the Sphere of Influence, except in areas where an emergency water situation has been documented..." After Board discussion, the Board agreed to add verbiage to Item 4 to include "The District shall not extend future/new sewer services to Study Areas 5, 7, or 8, with exceptions related to public health, safety and welfare."

Upon motion of Director Blair and seconded by Director Vierheilig, the Board agreed to accept the Memorandum of Agreement with the changes as amended. There was no further discussion. Vote 5-0 with Director Wirsing abstaining.

The Board took a break at 10:45 a.m. and returned at 10:50 a.m.

D-2) REQUEST FOR SERVICE – TRACT 2561 (BURNSED)

Request for water & sewer service for an 8-parcel development on So. Frontage Rd.

A request was received for water and sewer service for an 8-parcel development on South Frontage Rd. The Board had some questions concerning the project.

Upon motion of Director Blair and seconded by Director Vierheilig, the Board agreed to table this request until more information could be presented by the developer and a representative could be present at the meeting.

There was no public comment. Vote 5-0

D-3) REQUEST FOR SERVICE – TRACT 2398 – (NEWDOLL)

Request for water and sewer service for an 8-lot development between Tejas & Martha

A request was received from Mr. Newdollar to issue an Intent-to-Serve letter for Tract 2398. An Intent-to-Serve letter was issued July 7, 2000. There was no public comment. After some Board Discussion it was agreed to remove items 3 & 5 from the conditions.

Upon motion of Director Blair and seconded by Director Winn, the Board approved the issuance of an Intent-to-Serve letter for Tract 2398 with the conditions as outlined in the Board letter excluding items 3 & 5. Vote 4-1 with Director Wirsing voting no.

D-4) OLDE TOWNE WATER AND SEWER SERVICE FUNDING AGREEMENT

Review/approve an agreement between NCSD & SLO County for funding service connections

The Board discussed an agreement between NCSD and SLO County for funding service connections. The Board agreed that the County was operating in good faith.

Upon motion of Director Trotter and seconded by Director Blair, the Board agreed to approve the agreement in concept but not accept in full until blanks are filled in.

There was no public comment. Vote 3-2 with Directors Wirsing and Vierheilig voting no.

D-5) AGREEMENT FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF VINTAGE STREET LIGHTS FOR OLDE TOWNE

Review draft agreement between SLO County, Olde Towne Assoc. and NCSD
The Board discussed the draft agreement for the purchase, installation and maintenance of vintage street lights for Olde Towne Nipomo. There was no public comment. Upon motion of Director Vierheilg and seconded by Director Blair, the Board approved in concept only, the agreement with San Luis Obispo County Public Works Department. Vote 5-0

E. OTHER BUSINESS

E-1) INCORPORATION STUDY UPDATE AND BOUNDARY REVIEW BY THE DAVIS COMPANY

Review proposed city boundaries for city incorporation feasibility study

The Board heard this item before D-1

E-2) AMENDMENT TO BOARD OF DIRECTORS BY-LAWS

Resolution changing Board of Directors meeting to the 2nd and 4th Wednesday of the month

The Board discussed changing the meetings from the first and third Wednesday to the second and fourth. There was no public comment.

Upon motion of Director Trotter and seconded by Director Vierheilg, the Board unanimously approved Resolution 2003-866 amending the Board by-laws. Vote 5-0

RESOLUTION NO. 2003-866

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING BOARD BY-LAWS**

E-3) DISTRICT INSTALLED SEWER LINE REIMBURSEMENT

Review reimbursement cost for sewer line in the Story Rd. & Meredith extension

The Board discussed the reimbursement costs for District installed sewer lines. There was no public comment. This was an information item only.

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 June 11, 2003, Regular Board meeting

F-3) ACCEPTANCE OF WATER and SEWER IMPROVEMENTS--TRACT 2432 (GEIHS) (REC. APPROVAL)

Resolution accepting water and sewer improvements for an 8-lot development on Butterfly Lane

Items F-1 and F-2 were removed to be considered separately.

Upon motion of Director Blair and seconded by Director Trotter, the Board unanimously approved Item F-3, including Resolution 2003-867 accepting the water and sewer improvements for Tract 2432. There was no public comment on this item. Vote 5-0

RESOLUTION NO. 2003-867

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR TRACT 2432 NIPOMO HOMES, A GENERAL PARTNERSHIP (GEIHS)**

F-1) Director Wirsing asked about Warrant # 8239. [It was explained that this was for fees for the maintenance crew to attend a seminar.] Upon motion of Director Blair and seconded by Director Wirsing, the Board approved Item F-1 (Warrants) There was no public comment. Vote 5-0

G. COMMITTEE REPORTS

F-2) President Winn asked that in Item D-4 to include in the motion to approve payment of the review of the District's SOI EIR update that Area 7 should be extended southerly to the edge of the bluff between Area 6 of Woodlands and Area 5 (Cal Cities area). Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board approved Item F-2 (Minutes) as amended.

H. MANAGER'S REPORT

Doug Jones, District General Manager, reported on the AWWA Conference in LA.

The School committee will meet this Friday.

The Annexation Committee (Directors Wirsing & Winn) have prepared a draft questionnaire about incorporation and asks for comments from the Board.

I. DIRECTORS COMMENTS

Director Trotter and Wirsing had no further comments.

Director Vierheilg will not be at next meeting.

Director Blair reported on the AWWA Conference and the Long Beach tour of the de-sal plant.

Director Winn had no further comments.

Jon Seitz, District Legal Counsel, announced the need to go into Closed to discuss the items below. There was no public comment on the items on the Closed Session agenda.

☞ 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. WATER LINE EASEMENT ACROSS COUNTY PARK - DISTRICT NEGOTIATOR - DOUG JONES, CONFERENCE WITH NEGOTIATOR GC\$54956.8 COUNTY NEGOTIATOR - PETE JENNY, REGARDING TERMS & PRICE.

C. ANTICIPATED/INITIATE LITIGATION, ONE CASE

D. PUBLIC EMPLOYEE ANNUAL EVALUATION - GENERAL MANAGER GC \$54956.7

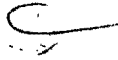
E. PUBLIC EMPLOYEE ANNUAL EVALUATION - LEGAL COUNSEL GC \$54956.7

The Board returned to Open Session and had not reportable action.

ADJOURN

President Winn adjourned the meeting at 1:15 p.m.

**The regular meeting of July 2, 2003 has been canceled.
The meeting has been rescheduled to Thursday, July 10, 2003.**

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JULY 10, 2003

AGENDA ITEM
F 3
JULY 10, 2003

ACCEPTANCE OF WATER
EVERGREEN WATER LINE EXTENSION (DAVID)

ITEM

Acceptance of water improvements for Evergreen Waterline Extension

BACKGROUND

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (David Jim) installed water improvements and has met the District's conditions:

- Installed the improvements
- Paid associated fees
- Provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification

RECOMMENDATION

Staff recommends that your Honorable Board approve Resolution 2003-David, accepting the water improvements for the Evergreen Waterline Extension.

Board 2003\Accept Evergreen Ext DavidDOC

RESOLUTION NO. 2003-David

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR THE EVERGREEN WATERLINE EXTENSION (DAVID)**

WHEREAS, the District approved the construction plans on July 12, 2002, for the water improvements to be constructed; and

WHEREAS, the water improvements have been constructed and said improvements are complete and certified by the engineer; and

WHEREAS, on June 1, 2003, the Owner offered the water improvements to the Nipomo Community Services District; and

WHEREAS, this District has accepted such offer without obligation except as required by law, and

WHEREAS, all water fees for service, required in conformance with District ordinances, have been paid in full for the Evergreen Waterline Extension (David).

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

That the water improvements to serve the lots on Evergreen in Nipomo are accepted by this District.

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

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 10th day of July, 2003.


Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: JULY 10, 2003

AGENDA ITEM
G
JULY 10, 2003

MANAGER'S REPORT

G-1) REGIONAL WATER QUALITY CONTROL BOARD LETTER

NCSD received a letter from the Regional Water Quality Control Board requesting the extension of the District's sewer collector system to areas not presently being served.

Board 2003/MGR 071003.DOC



California Regional Water Quality Control Board Central Coast Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb3>
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401
Phone (805) 549-3147 • FAX (805) 543-0397

Gray Davis
Governor

June 9, 2003

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

Dear Mr. Jones:

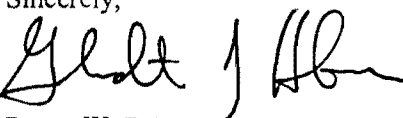
SEPTIC SYSTEMS WITHIN THE NIPOMO PROHIBITION ZONE WITHOUT ACCESS TO THE NCSO COLLECTION SYSTEM - NIPOMO COMMUNITY SERVICES DISTRICT WASTEWATER TREATMENT PLANT

In January we issued a request to the District to strongly pursue the hookup of those properties within the prohibition zone which still have not connected to the Nipomo CSD treatment plant. It has since come to our attention that there is a significant number of properties within the prohibition zone that still do not have access to the collection system. As stated in the January letter, the conditions of Resolution No. 78-02 included a ten-year grace period following the completion of a community sewer and treatment plant. In 1995 the grace period for septic systems within the prohibition area ended. Now, many years later, several neighborhoods (specifically along Story and Highland Road) not only continue to use on-site systems, but remain without reasonable access to the NCSO collection system. This needs to be resolved in order to meet the intent and conditions of the 1978 Resolution and the various grants and loans that have been issued by the State to sewer the areas within the prohibition boundary.

Please submit a status report to this office by **August 30, 2003**, detailing the District's plans to extend the collection system to these remaining unsewered properties. Please include a timeline and the proposed method for financing the necessary sewer line extensions.

If you have any questions or would like to discuss this further, please call **Scott Phillips at (805) 549-3550** or Gerhardt Hubner at (805) 542-4647.

Sincerely,


fe Roger W. Briggs
Executive Officer

RECEIVED
JUN 30 2003

SAP:

cc:

Linda Lewis
675 Story St.
Nipomo, CA 93420

Pat Beck or Forrest Wermuth
County Department of Planning and Building
County Government Center
San Luis Obispo, CA 93406