

NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

Wednesday, August 27, 2003 9:00 A.M.

SPECIAL MEETING NOTICE

MEETING LOCATION: District Board Room, 148 S. Wilson, Nipomo, CA

The public has the right to comment on any item on the Special Meeting Agenda when the item is being considered.

A Special Meeting of the Nipomo Community Services District will be held on Wednesday, August 27, 2003, at 9:00 a.m. in the District Board Room of the Nipomo Community Services District, 148 S. Wilson, Nipomo, CA. Said Special Meeting will be held concurrently with the District's regular meeting set for that morning. Pursuant to this Notice, the following item will be added to the regular meeting agenda as a Special Meeting item:

D. Administrative Items:

D-2B Amendment of the District's Annexation Policy

Consider amending Section IV F(1) of the District's Annexation Policy relating to "Cluster Developments". The proposed amendment would revise Section IV F of the District's Annexation Policy as follows:

F. Cluster Developments:

1. District may negotiate with and require Applicants planning a cluster development to dedicate the open space parcels produced thereby to the District, or another agency, or appropriate caretaker organization for maintenance and improvements ~~for an identified purpose approved by District and which may be operated by District.~~ Other designees might be San Luis Obispo County Parks and Recreation, Lucia Mar Unified School District, or other such public benefit agencies; *
2. If the District accepts responsibility for the open space parcel, then Applicant shall form an Assessment District or other Special Tax District, or establish an endowment acceptable to District for the purposes of the operation and maintenance of the open space parcel; and
3. Applicant shall establish a Homeowners Association for the purposes of assuming obligations in Subparagraph 2 above in the event the District is required to abandon the Assessment District or the Special Tax.

* The underlining and strikeouts of Section F(1) show proposed amendment.

** The Board may further amend Section IV F(1) as part of the public meeting process.

*** End Special Meeting Notice ***

RESOLUTION NO. 2003-Annex Policy

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

WHEREAS, the Nipomo Community Services District (District) adopted its Annexation Policy on April 23, 2003 ("Annexation Policy"); and

WHEREAS, the Nipomo Community Services District Board of Directors desires to amend its Annexation Policy; and

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

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

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

1. Section IV F of the Annexation Policy is hereby amended as follows:

F. Cluster Developments:

1. District may negotiate with and require Applicants planning a cluster development to dedicate the open space parcels produced thereby to the District, or another agency, or appropriate caretaker organization for maintenance and improvements for an identified purpose approved by District and which may be operated by District. Other designees might be San Luis Obispo County Parks and Recreation, Lucia Mar Unified School District, or other such public benefit agencies; *
2. If the District accepts responsibility for the open space parcel, then Applicant shall form an Assessment District or other Special Tax District, or establish an endowment acceptable to District for the purposes of the operation and maintenance of the open space parcel; and
3. Applicant shall establish a Homeowners Association for the purposes of assuming obligations in Subparagraph 2 above in the event the District is required to abandon the Assessment District or the Special Tax.

* The underlining and strikeouts of Section F(1) show proposed amendment.

2. The Board of Directors of the District finds that the amendment of the Annexation Policy does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et. seq.*) or its implementing Guidelines (14 California Code of Regulations Section 15000 *et seq.*) ("CEQA Guidelines"). The Board further finds that the adoption of the Amendment falls within the activities described in Section 15378(b)(2) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of the Amendment is a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to

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Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this Resolution and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

4. The above Recitals are true and correct and incorporated herein by reference.

5. If any section, subsection, sentence, clause or phrase in this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

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

AYES:
NOES:
ABSENT:
CONFLICTS:

the foregoing resolution is hereby adopted this 27th day of August, 2003.

Michael Winn
President, Board of Directors
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel