

# NIPOMO COMMUNITY SERVICES DISTRICT

## AGENDA

OCTOBER 8, 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

**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 2003-880**

**B. ROLL CALL**

**NEXT ORDINANCE 2003-99**

**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) PUBLIC HEARING - BUTTERFLY LANE SEWER REIMBURSEMENT FEE – TRACT 2432 (GEIHS)  
Review/approve sewer reimbursement fee for Butterfly Lane

D-2) REQUEST FOR ANNEXATION – CARRA  
Request to annex a 5-acre parcel at Moss Lane and Hutton Road

D-3) REQUEST FOR SERVICE – TRACT 2523 (SHAEFER)  
Request for water and sewer service for a seven-lot development between Cyclone St. & Tejas Place

**E. OTHER BUSINESS**

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

F-1) WARRANTS [RECOMMEND APPROVAL]

F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Minutes of September 24, 2003, Regular Board meeting

F-3) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION NO. 23 – TRACT 2499 - (NESTER)  
Property tax exchange agreement with SLO Co. for Annexation 23

F-4) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION NO. 25 (LYN ROAD)  
Property tax exchange agreement with SLO Co. for Annexation 25

F-5) NCSD BUILDING USE POLICY  
Approve the modifications to the Board room use policy, Resolution 2003-Bd Room Use

**G. MANAGER'S REPORT**

G-1) BOARD MEETING SCHEDULE FOR NOV/DEC

**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.

C. ANTICIPATED LITIGATION, ONE CASE GC §54958.9

**ADJOURN**

The next regular Board meeting will be October 22, 2003.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: OCTOBER 8, 2003

**AGENDA ITEM**  
**01**  
**OCTOBER 8, 2003**

PUBLIC HEARING  
SEWER REIMBURSEMENT  
BUTTERFLY LANE (GEIHS)

**ITEM**

Public Hearing to review and approve a reimbursement spread for sewer line costs in Butterfly Ln.

**BACKGROUND**

Mr. Cary Geihs, the developer of Tract 2432, installed a sewer line in Butterfly Lane to benefit his 9-lot development. Mr. Geihs has entered into a reimbursement agreement with the District to receive compensation for the off-site sewer line improvements which were installed for his development. Enclosed is the reimbursement spread showing the two lots (Lot 2 and Lot D) that may benefit from the installation of the sewer line.

The construction costs for this section of sewer line (188 feet) was \$6,275.60. The front footage cost is \$7.41 for each side of the sewer line.

The reimbursement procedure is as follows:

- Notice including the reimbursement cost for each lot was sent to each property owner benefiting from the sewer line.
- The property owner was allowed 14 days from the mailing date to protest the spread.
- A Public Hearing is being held to hear any comments on the reimbursement spread.
- Your Honorable Board may approve the spread of the share of costs.

**RECOMMENDATION**

After the Public Hearing, your Honorable Board may adopt the attached resolution approving the reimbursement spread for the Butterfly Lane sewer line.

# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444-0326  
(805) 929-1133 FAX (805) 929-1932

## NOTICE OF PUBLIC HEARING

September 3, 2003

APN «APN»  
«FirstName» «LastName»  
«MailingAddress»  
«City», «State» «PostalCode»

Dear Property Owner:

Mr. Gary Geihs of Nipomo Homes Partnership (developer) has installed a sewer line in Butterfly Lane to provide sewer service to his development, Tract 2432. He has offered the dedication of the sewer line to the Nipomo Community Services District. The improvements were accepted June 25, 2003.

Pursuant to District Code Section 5.01.010, any lot or parcel, which in the future may be served by this sewer line, will be required to reimburse the Developer a pro-rated share of the cost of constructing the sewer line in Butterfly Lane. The District has determined that your property is to be included in the developer-installed sewer line reimbursement area. Attached is a copy of the reimbursement boundary area and sewer line reimbursement spread. The cost is spread on a front footage basis on each side of the improvements. This spread is made regardless of the size of the parcel or number of parcels owned.

The Board of Directors has set a Public Hearing on the proposed reimbursement allocations for Wednesday, October 8, 2003, at 9:00 a. m. in the District Board room at 148 South Wilson Street, Nipomo, California. The Board will take public testimony before making their final determination on the proposed reimbursement allocation.

If you wish to protest your pro-rated share, the reason for your protest must be in writing and received at the District office no later than 14 calendar days from the date of this notice. A protest will be considered only with the division or spread of the actual construction costs between or among the properties to be included in the area subject to the pro-ratio procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of the actual cost information as presented by the applicant or his agent to the District's engineer. The reimbursement period expires ten years after the District's acceptance of the improvements.

You are NOT required to connect to the District sewer system unless you have a failing septic tank disposal system or if you choose to further develop your property. If you wish to connect your property to the sewer line, the District will require payment of the Grande sewer reimbursement fee of \$1,918.09, the Butterfly Lane reimbursement fee of \$1,393.08 and the District's standard Sewer Capacity Charge per parcel. The Sewer Capacity Charge is currently \$3,048.00 per single family unit. The Sewer Capacity Charge will increase to \$3,139.00 on July 1, 2004.

APN «APN»  
Location # «Location\_»  
Pro-rated Share

\$1,393.08

### Butterfly Lane Sewer Line Reimbursement Costs

Construction Costs	\$6,275.60
Length of improvements	188 feet
Unit cost per front foot	<u>\$ 7.41</u>

PUBLIC HEARING DATE: **October 10, 2003**

If you have any question, please feel free to contact our office at 929-1133.

Doug Jones, General Manager  
Reimbursement Agreements/Geihs/Public Hearing Notice

**RESOLUTION NO. 2003-REIMB**

**A RESOLUTION OF THE  
BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING THE REIMBURSEMENT AMOUNTS  
FOR BUTTERFLY LANE SEWER LINE IMPROVEMENTS (GEIHS)**

**WHEREAS**, Mr. Cary Geihs, developer of Tract 2432 on Butterfly Lane, has requested a reimbursement agreement for the sewer line improvements installed in Butterfly Lane; and

**WHEREAS**, the District has established the overall costs of the Butterfly Lane improvements at \$6,275.60; and

**WHEREAS**, the Board of Directors held a Public Hearing on October 8, 2003, to review the reimbursement agreement and the spread of costs.

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

1. The Board has accepted the sewer line improvements in Butterfly Lane.
2. The costs for sewer line improvements in Butterfly Lane were spread equally to each lot that may receive service.
3. The reimbursement is spread as shown on the attached Exhibit A.
4. The President of the Board is authorized to sign the Reimbursement Agreement.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 8<sup>th</sup> day of October, 2003, on the following roll call vote:

AYES: Directors

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Michael Winn, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

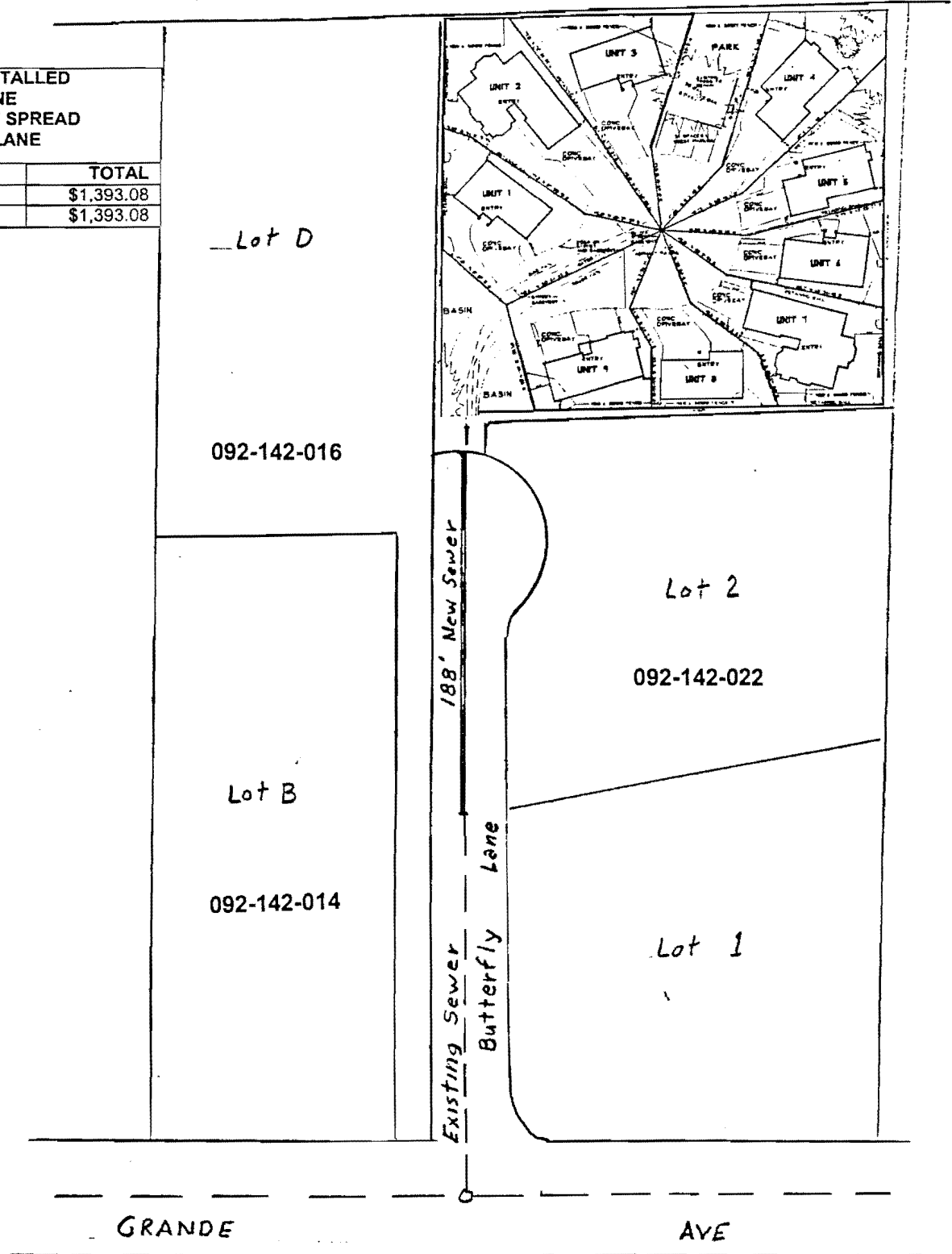
\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board


\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

Exhibit 'A'

TRACT No 2432

DEVELOPER-INSTALLED SEWER LINE REIMBURSEMENT SPREAD BUTTERFLY LANE		
APN	FEET	TOTAL
092-142-016	188	\$1,393.08
092-142-022	188	\$1,393.08



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: OCTOBER 8, 2003

**AGENDA ITEM**  
**OCTOBER 8, 2003**

REQUEST FOR ANNEXATION (CARRA)

**ITEM**

Request to annex a 5-acre parcel at Moss Lane and Hutton Road

**BACKGROUND**

The District received an application to annex five (5) acres fronting the District boundary at Moss Lane and Hutton Road. Presently, there exists five or six residences on the property. The applicant wishes to connect these homes to the District water and sewer system.

The Local Agency Formation Commission (LAFCo) is presently reviewing the District's Sphere of Influence. One of the study areas encompasses the proposed annexation area. It is anticipated that the review of the SOI will be completed by the end of this year or the beginning of next year. Your Honorable Board may wish to defer any annexations to the District until the Sphere of Influence study is reviewed and approved by LAFCo.

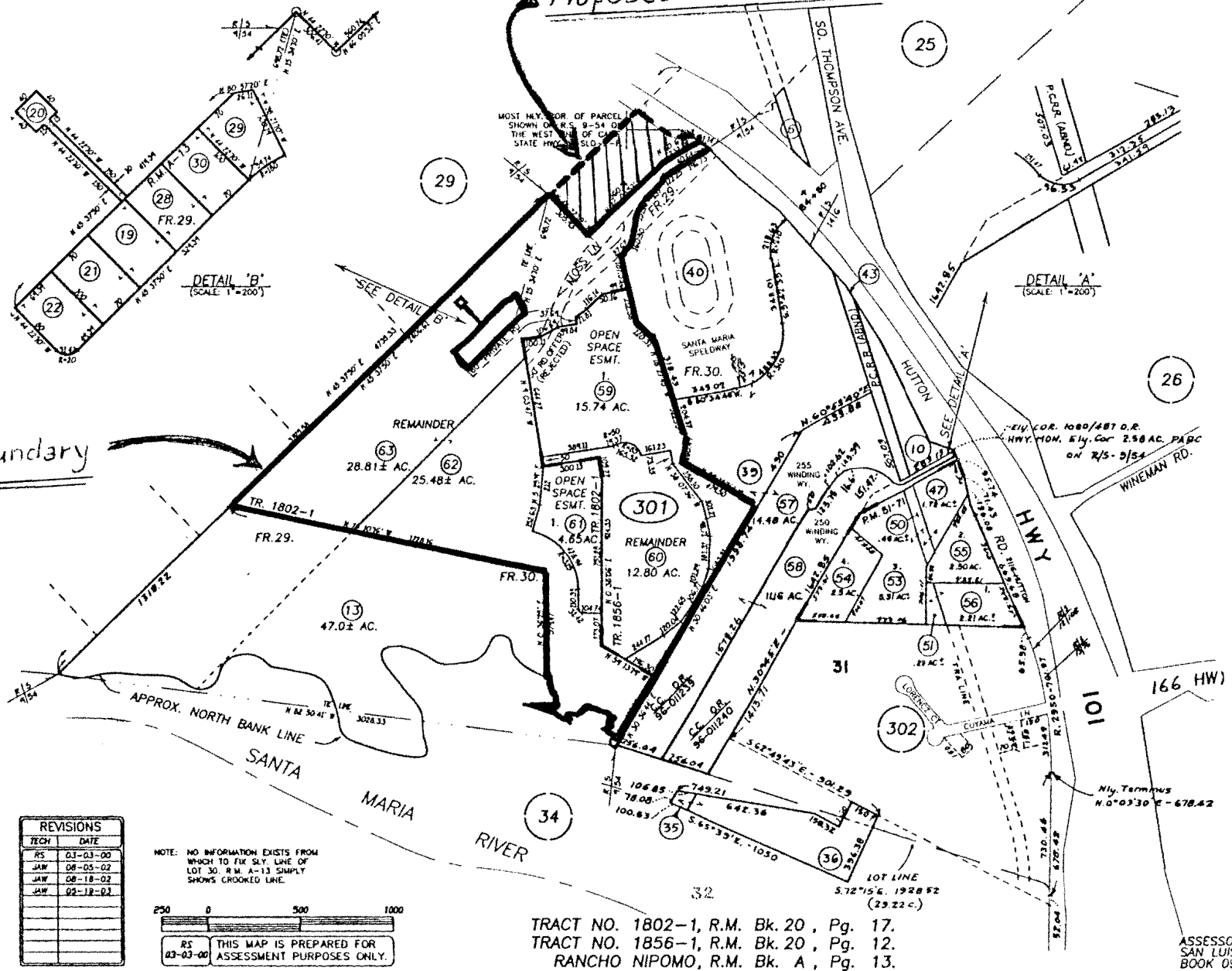
An alternative to annexation would be an Outside User Agreement to provide service to the existing residences on the property.

**RECOMMENDATION**

Staff recommends that your Honorable Board defer annexation until the District's Sphere of Influence has been approved by LAFCo.

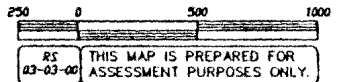
Proposed Annexation

District Boundary



REVISIONS	
TECH	DATE
RS	01-03-00
JAW	08-05-02
JAW	08-18-02
JAW	02-12-03

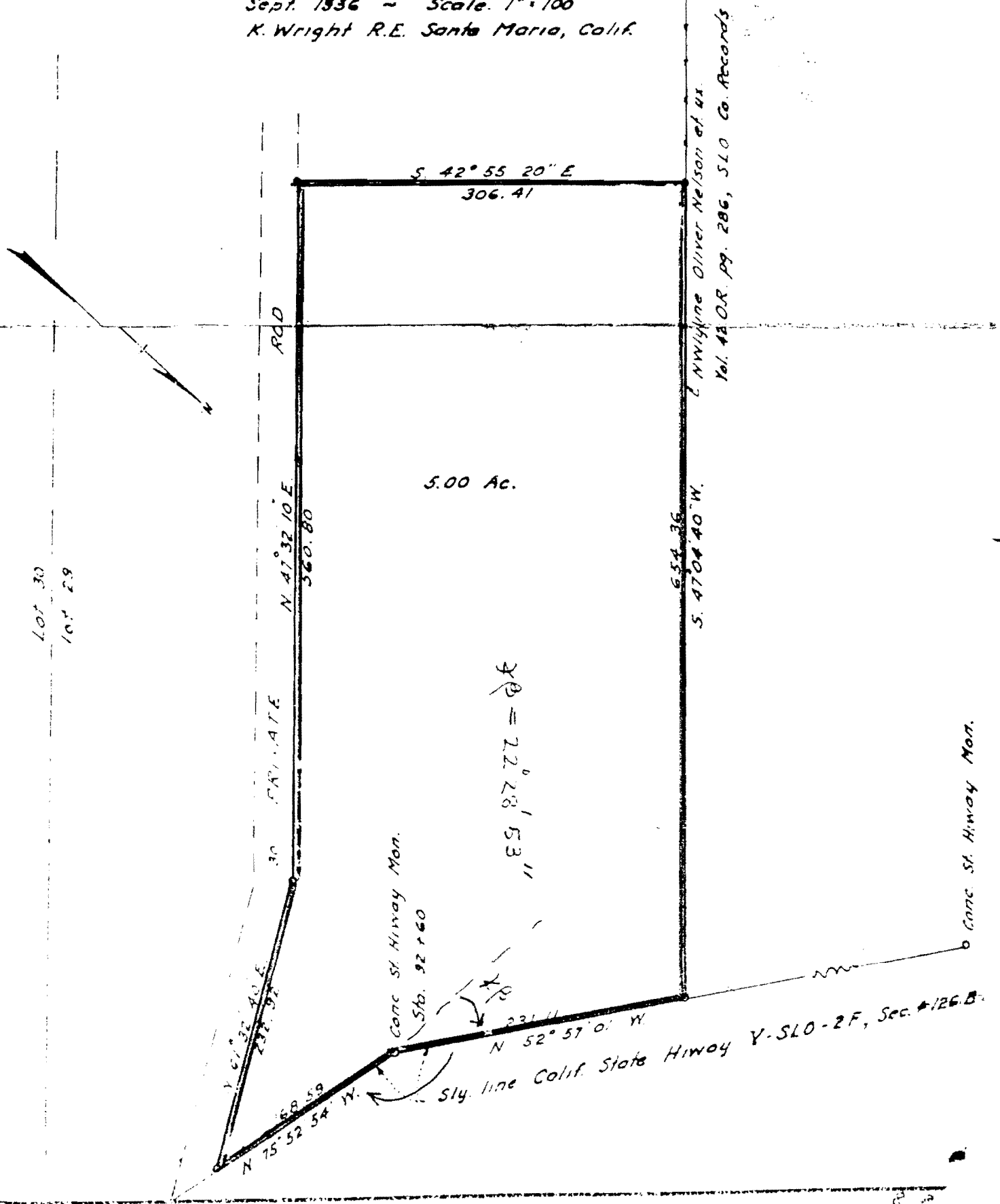
NOTE: NO INFORMATION EXISTS FROM WHICH TO FIX SLY. LINE OF LOT 30. R.M. A-13 SIMPLY SHOWS GROOMED LINE.



TRACT NO. 1802-1, R.M. Bk. 20 , Pg. 17.  
 TRACT NO. 1856-1, R.M. Bk. 20 , Pg. 12.  
 RANCHO NIPOMO, R.M. Bk. A , Pg. 13.

ASSESSOR  
 SAN LUIS  
 BOOK 091

SKETCH OF SURVEY  
 Portion of Lot 29, Napaoma Ro.  
 San Luis Obispo County, Calif.  
 Request of Oliver Nelson  
 Sept. 1936 ~ Scale. 1" = 100'  
 K. Wright R.E. Santa Maria, Calif.



Lot 30  
 Lot 29

ROAD

N 47° 32' 10\"/>

30' EAVENATE

N 75° 52' 54\"/>

Conc. St. Hiway Mon.  
 Sta. 92+60

5.00 Ac.

S 42° 55' 20\"/>

$20 = 222.22' = 222'$

N 52° 57' 01\"/>

Sly. line Calif. State Hiway Y-SLO-2F, Sec. #126 B.

654.76  
 S. 4704' 40\"/>

2 NW 1/4 Oliver Nelson et al.  
 Vol. 48 O.R. pg. 286, SLO Co. Records

Conc. St. Hiway Mon.



NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION  
INITIAL LAYOUT PLAN

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

1. Property Owner: GILBERT CARRA  
Address: 3645 LINDALE ST
2. Developer: \_\_\_\_\_
3. Engineer: \_\_\_\_\_
4. Assessor's Parcel Number: 90-291-11
5. Location: # LT 114 on 117 Moss Ln Nipomo
  - A. Text/Legal Description: \_\_\_\_\_  
\_\_\_\_\_
  - B. Provide Map (attachments: of a scale that all notes can be easily read)
6. General Description of Project: HOOK UP WATER & SEWER TO EXISTING HOUSING
7. Services Requested from NCSD (types and number of connections):  
Water: CONNECT TO WELL LINE  
Sewer: \_\_\_\_\_  
Other (solid waste, lighting, landscaping, drainage, etc.): \_\_\_\_\_
8. Current Zoning (Include map if more than one zone applies): RURAL SUBURBAN
9. Identify any proposed or pending zone changes on the property to be annexed:  
\_\_\_\_\_

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION

10. Maximum number of units based on current zoning: \_\_\_\_\_  
Maximum number of units based on proposed zoning: \_\_\_\_\_  
Maximum number of units based on greatest potential zoning: 4 ONE ACRE LOTS
11. Proposed number of Residential units: (Describe phased construction plan if applicable): \_\_\_\_\_  
\_\_\_\_\_
12. If non-residential use, provide information as to number of plumbing fixtures, flows, loading, intended use, etc. (Describe phased construction plan if applicable):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
13. Total acreage of proposed project: 5 Acres
14. Total acreage of proposed annexation: 5 Acres
15. If total acreage to be annexed differs from the acreage to be developed, explain the difference:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
16. Status of water resources available on proposed annexation acreage:
- A. Quantity - pumping log(s) and date(s): \_\_\_\_\_
- B. Quality - quality test(s) and date(s): \_\_\_\_\_
- C. To the best of your knowledge, which of the following more accurately describes your situation?
- 1) The parcel overlies a large and reliable supply of water.
- 2) The parcel does not overlie a large and reliable supply of water.
- D. Is there any existing or threatened litigation regarding the property? Y  N  
If Yes, attach explanation.
- E. Other information: \_\_\_\_\_
- F. Water resources currently on the site: 150 ft well & SEPTIC SYSTEM  
WELL & SEPTIC SYSTEM 50 YRS OLD
- G. Water resources to be offered in dedication to NCSD: \_\_\_\_\_  
\_\_\_\_\_

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION

17. Description of existing and proposed wastewater disposal system:

SEPTIC TANK - LEACH LINES

18. Reason proponents are requesting annexation: BRING WATER & SEWER

TO STANDARDS, POSSIBLE FAILURE OF WELL NEXT TO  
NEW ROAD

19. If the annexation involves clustering, submit a description of how the open space parcel to be created will be used for public benefit, including any plans to dedicate and funding method for sustaining that use:

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20. Who do you anticipate will provide the following services, as many as may apply:

Lighting? PG&E

Drainage? \_\_\_\_\_

Solid Waste? SOUTH COUNTY SANITATION

Landscaping? \_\_\_\_\_

21. Other comments:

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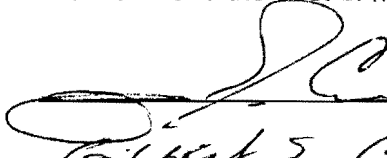
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Note:

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

NIPOMO COMMUNITY SERVICES DISTRICT  
REQUEST FOR ANNEXATION

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

Signed: 

Full Name: GILBERT S. CARRA

Street Address: 3645 LINDAGE ST


Mail Address (if different): \_\_\_\_\_

Home telephone number: 805-934-0736

Work telephone number: SAME

FAX number: \_\_\_\_\_

email address: HAASEN.PHFEA@NOC

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: OCTOBER 8, 2003

**AGENDA ITEM**

**OCTOBER 8, 2003**

REQUEST FOR SERVICE (SHAEFER)  
TRACT 2523

**ITEM**

Request for water and sewer service for a seven (7) lot development between Cyclone St. and Tejas Place

**BACKGROUND**

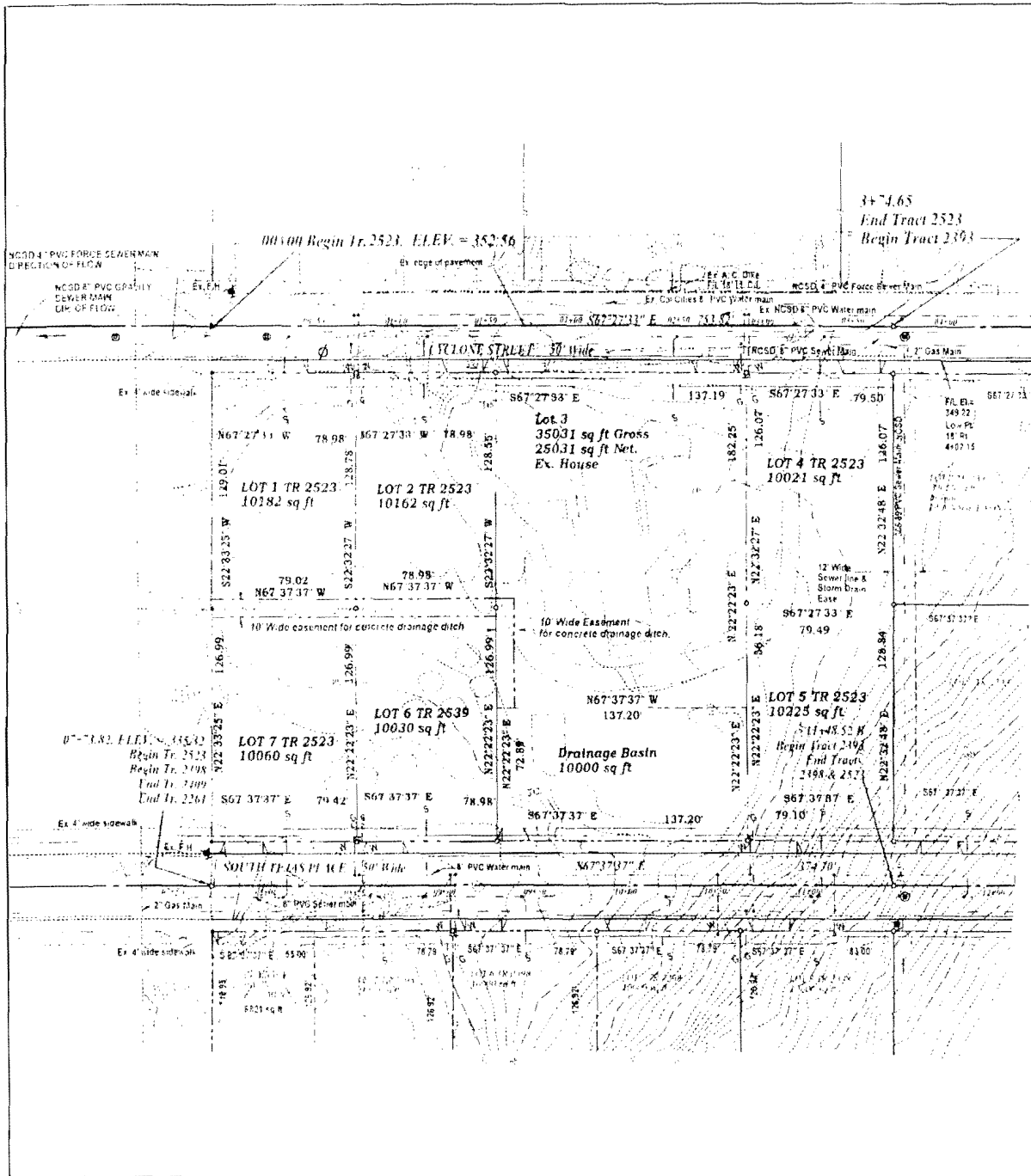
The District received a request for water and sewer service for Tract 2523. The area was a part of Annexation No. 17. Part of the requirements for this annexation was that each developer enter into a retrofit program, whereas, sufficient retrofits would be created to supply the necessary water needed for the development. There is one existing house on the property which is presently receiving water from Cal Cities Water Co. and has an on-site sewage disposal system. One of the conditions is that all lots receive water and sewer service from the District.

An Intent-to-Serve may be issued to Tract 2523 with the following conditions:

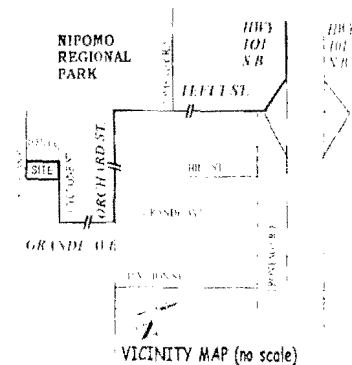
1. Enter into a water retrofit program to provide water to the proposed subdivision
2. All parcels must receive water and sewer services from the District
3. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
4. Submit improvement plans showing appropriate looping prepared in accordance with the District Standards and Specifications for review and approval.
5. Pay all appropriate District water, sewer and other fees associated with this development.
6. 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
- 7) This Intent-to-Serve Letter will expire two years from date of issuance.

**RECOMMENDATION**

Staff recommends that your Honorable Board approve the Intent-to-Serve letter for Tract 2523 with the above mentioned conditions.



1" = 40'



**OWNER: Wil Shaefer**  
 230 Cyclone St.  
 Nipomo Ca. 93444-9134  
 929-5140



**JAMES MICHAEL MCGILLIS**  
 PROFESSIONAL LAND SURVEYOR  
 P.O. BOX 1446 NIPOMO CA. 93444  
 Phone (805) 929-2941 Fax (805) 929-2941  
 e-mail James.McGillis@yahoo.com

### VESTING TENTATIVE TRACT MAP TRACT 2523

BEING A PROPOSED SUBDIVISION OF THE WESTERLY ONE-HALF OF LOT 65 IN DIVISION "B" OF CALIMEX PLANTATION COMPANY'S SUBDIVISIONS OF A PART OF THE RANCHO NIPOMO, ACCORDING TO THE MAP RECORDED APRIL 8, 1911 IN BOOK 1, PAGE 23 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER FOR SAN LUIS OBISPO COUNTY, CALIFORNIA, U.S.A.

DATE 1 Oct 2003

NIPOMO COMMUNITY SERVICES DISTRICT  
APPLICATION FOR  
INTENT-TO SERVE LETTER

Part of Annexation 17

1. SLO County Planning Department/Tract or Development No.: 2523
2. Project's Location: 230 CYCLOPE
3. Assessor's Parcel Number (APN) of lot(s) to be served: C92-123-007
4. Total Number of Residential Units: 7
5. Owner Name: WIL SWAEFER
6. Business Address: 40 Jim McGillis PO Box 1446 Nipomo
7. Mailing Address: 230 CYCLOPE ST NIPOMO 93444
8. Phone Number: 929 5140
9. Agent's Name (Architect or Engineer): Surveyor Jim McGillis
10. Mailing Address: PO Box 1446 Nipomo CA
11. Phone Number: 929-2941
12. Type of Use:
  - Single Family Residence     Duplex     Triplex     Multi-Family
  - Subdivision
  - Commercial? \_\_\_\_\_ Type \_\_\_\_\_
  - Remodel: (Project Description) \_\_\_\_\_
13. Submit six (6) copies of the tract map and one reduced copy (8½" x 11").
14. COMMERCIAL PROJECTS – Submit the following for District review:
  - a. Five (5) sets of site plans that show the approximate square footage of each unit, the site topography and an estimate of the number of plumbing fixture units to serve each unit in the project; and
  - b. A reduced copy of the site plan (8½" x 11")
  - c. An engineer or architect's estimate of yearly water (AFY) and sewer (MGD) demand for the project
  - d. Landscaping irrigation requirements. (AFY)

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


15. 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.

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

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

Date 1 OCT 2003

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

J. M. MCGILLIS  
\_\_\_\_\_  
Print name

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*FOR DISTRICT OFFICE USE:*

AMOUNT PAID \$ 50.00 DATE: 10/1/03 RECEIPT 70668  
CR # 3131



RESOLUTION NO. 99-703

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ESTABLISHING RETROFIT GUIDELINES

**WHEREAS**, Section IV(C) of the Nipomo Community Services District ("District") Annexation Policy requires an annexation applicant/developer ("Applicant") to provide the District with an approved water supply to serve the proposed annexed territory; and

**WHEREAS**, Section 3.16.010(B) of the District Code pertaining to outside user agreements for water service provides that applicants for District service must provide the District with a water resource; and

**WHEREAS**, Section IV(C)(2) of the District Annexation Policy provides that a reduction of District water usage by retrofitting will be considered as an approved water supply for the property to be annexed; and

**WHEREAS**, the District Board of Directors desires to establish guidelines to provide for the orderly retrofitting of residences and other buildings within the District.

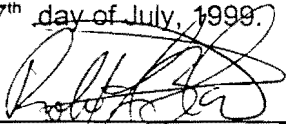
**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District as follows:

1. Only one developer at a time shall be allowed to implement a Retrofit Program within the District boundaries.
2. The priority of implementing Retrofit Programs will be first-come/first-serve, based on the date Applicant enters into a Retrofit Agreement as provided in Section 3, below.
3. As a condition to implementing a Retrofit program, Applicant shall enter into a Retrofit Agreement that will include the following provisions:
  - (a) A deposit for District services and administrative costs in administering the Retrofit Program.
  - (b) A timeline for implementing and completing the Retrofit Program consistent with retrofitting forty (40) units per week.
  - (c) The District General Manager reserves the right to adjust the retrofit timeline depending on facts and circumstances that exist at the time of entering into the Agreement.
4. Applicants who fail to meet the guidelines established in the Retrofit Agreement shall lose their priority and will be required to enter into a new Retrofit Agreement.
5. Only fixtures approved by the General Manager shall be used in implementing the Retrofit Program.

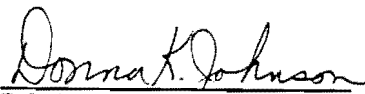
Upon motion of Director Kaye, seconded by Director Simon on the following roll call vote, to wit:

AYES: Directors Kaye, Simon, Mendoza, Mobraaten and Blair  
NOES: None  
ABSENT: None  
ABSTAIN: None

the foregoing resolution is hereby passed and adopted this 7<sup>th</sup> day of July, 1999.

  
Robert L. Blair  
President of the Board

ATTEST:

  
DONNA K. JOHNSON  
Secretary to the Board

APPROVED:

  
JON S. SEITZ  
District Legal Counsel

# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444-0326  
(805) 929-1133 FAX (805) 929-1932

## RETROFIT POLICY

### RETROFIT DEFINED

A single retrofit is defined as replacing all of the toilets, showerheads, and faucet aerators at an existing residence or unit with water conservation devices. To construct one new residence, retrofitting of eight (8) single family residences (or equivalent) is required. When replacing a toilet, the original toilet must be one that uses 3.5 gallons or more of water per flush. The replacement must be an approved water conservation toilet using 1.6 gallons or less per flush. When replacing showerheads, the replacement fixture must be one that uses 2.5 gallons per minute or less when measured at 80 psi. When replacing faucet aerators, the replacement fixture must be one which uses 2.5 gallons or less when measured at 80 psi. A retrofit must include the installation of a pressure reducing device (if one is not already installed) if the pressure is in excess of 60psi. The new or existing pressure reducing valve must be adjusted not to exceed 60 psi.

The homeowner or the owner of the site being retrofitted may choose any appropriate color and/or brand desired upon agreement with the person conducting the retrofitting.

Plumbing retrofits shall be conducted so that the entire residence or commercial structure shall be brought up to the standard required.

Plumbing retrofits shall be conducted by a licensed, bonded and insured contractor. The District's General Manager may require the plumber to put a bond or cash deposit on file with the District

The plumbing contractor shall be responsible for disposal of the old toilet(s) and the replacement of the toilet seat(s) if required by the homeowner. All refuse and discarded materials generated by the retrofit shall be removed from the premises on the same day that the work is performed. All additional repairs to make the retrofit in the bathroom as well as repairs for damage shall be at the plumber's expense.

A written certification of completion of the retrofit must be signed by the homeowner and plumber and submitted to the District.

**RETROFIT AGREEMENT  
BETWEEN THE NIPOMO COMMUNITY SERVICE DISTRICT  
AND**

---

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2003, by and between the Nipomo Community Services District (hereinafter referred to as "District") and \_\_\_\_\_ (hereinafter referred to as "Applicant" with reference to the following recitals:

**RECITALS**

A. On or about \_\_\_\_\_, Applicant has either entered into an Annexation Agreement or an Outside Service Agreement with the District that requires Applicant to provide retrofitting as a condition to District providing water services to Applicant's property.

B. District has adopted Resolution No. 99-703 requiring Applicant to execute a Retrofit Agreement as a condition to implementing a Retrofit Program in satisfaction of the Agreement referenced in Recital A, above.

NOW THEREFORE, the parties mutually agree as follows:

1. Deposit for District Services. At the time of executing this Agreement Applicant shall advance to District an amount equal to \$500.00 plus \$2.00/unit to be retrofitted, for a total amount of \$\_\_\_\_\_ for legal and administrative services performed by District in connection with Applicant's Retrofit Program.
2. Term of Agreement. Applicant must implement the Retrofit Program within \_\_\_\_\_ days of District's Notice to Proceed, and must complete the Retrofit Program no later than \_\_\_\_\_.
3. Approved Fixtures. Applicant shall follow the Retrofit Policy and only use fixtures approved by the District General Manager.
4. Failure to Meet guidelines. Applicants who fail to meet the guidelines established in paragraphs 1-3, above, will lose their priority and will be required to execute a new Retrofit Agreement as a condition to District providing services.
5. Incorporation. The terms and conditions of Resolution No. 99-703 and the Agreement referenced in Recital A, above, are incorporated herein and made a part of this Agreement by reference.

RETROFIT AGREEMENT  
BETWEEN THE NIPOMO COMMUNITY SERVICE DISTRICT  
AND

6. Assignment. The provisions of this Agreement shall apply to and bind the successors, grantees, and assigns of the respective parties, but no assignment or transfer of this Agreement, or any part hereof, or interest herein by the Applicant shall be valid until and unless approved by the District in writing.
7. Agreement. This Agreement is in addition to, and does not supersede, any other agreement or agreements entered into by and between the parties hereto.
8. Severability. If any provision or condition of this Agreement is held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect unimpaired by the court ruling.
9. Recitals. The recitals A and B of this Agreement are incorporated herein by this reference and made a part hereof.
10. Authority to Execute Agreement. The parties hereby represent that the parties executing this agreement are expressly authorized to do so for and on behalf of the parties.

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

AGREED:

Date: \_\_\_\_\_ 2003

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
, President  
Board of Directors, Nipomo  
Community Services District

ATTESTED:

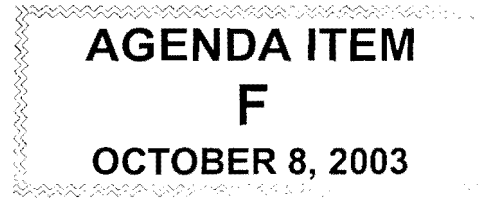
APPROVED AS TO FORM:

\_\_\_\_\_  
DONNA K. JOHNSON  
Secretary to the Board

\_\_\_\_\_  
JON S. SEITZ  
General Counsel

Retrofit agreement-

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: OCTOBER 8, 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 brackets.

- F-1) WARRANTS [RECOMMEND APPROVAL]
- F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Minutes of September 24, 2003, Regular Board meeting
- F-3) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION NO. 23 – TRACT 2499 - (NESTER)  
Property tax exchange agreement with SLO Co. for Annexation 23
- F-4) PROPERTY TAX EXCHANGE FOR PROPOSED ANNEXATION NO. 25 (LYN ROAD)  
Property tax exchange agreement with SLO Co. for Annexation 25
- F-5) NCSD BUILDING USE POLICY  
Approve the modifications to the Board Room use policy, Resolution 2003-Bd Room Use

**WARRANTS OCTOBER 8, 2003**

**AGENDA ITEM  
F-1  
OCTOBER 8, 2003**

**HAND WRITTEN CHECKS**

18668	09-19-03	D MIGLIAZZO	40.22
18669	09-24-03	C TROTTER	949.13

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
8607	09/26/03	EMP01	EMPLOYMENT DEVELOP DEPT	427.17	.00	427.17	A30922	STATE INCOME TAX
8608	09/26/03	MID01	MIDSTATE BANK-PR TAX DEP	1499.68 456.90	.00 .00	1499.68 456.90	A30922 1A30922	FEDERAL INCOME TAX MEDICARE (FICA)
			Check Total.....:	1956.58	.00	1956.58		
8609	09/26/03	MID02	MIDSTATE BANK - DIRECT DP	14165.20	.00	14165.20	A30922	NET PAY DEDUCTION
8610	09/26/03	PER01	PERS RETIREMENT	2953.05 69.03	.00 .00	2953.05 69.03	A30922 1A30922	PERS PAYROLL REMITTANCE MILITARY SERVICE CR
			Check Total.....:	3022.08	.00	3022.08		
8611	09/26/03	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A30922	WAGE ASSIGNMENT
8612	09/26/03	STA01	STATE STREET GLOBAL	735.00	.00	735.00	A30922	DEFERRED COMP
008613	10/08/03	ADV01	ADVANTAGE ANSWERING PLUS	82.95	.00	82.95	55664	PAGING SERVICE
008614	10/08/03	AME02	AMERICAN INDUSTRIAL SUPPL	30.34	.00	30.34	122932	DRILL BIT
008615	10/08/03	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	100803	REG BD MEETING 100803
008616	10/08/03	CHA02	CHARTER COMMUNICATIONS	54.90	.00	54.90	092303	INTERNET CONNECTION
008617	10/08/03	COM02	COMMUNICATION SOLUTIONS	145.00	.00	145.00	3208	LIFT STN REPAIR JUNIPER &
008618	10/08/03	COU01	COURIER SYSTEMS	29.25	.00	29.25	100203	LAB PICK & DELIVERY
008619	10/08/03	CRE01	CREEK ENVIRONMENTAL LABS	30.00 30.00	.00 .00	30.00 30.00	K3624 K3640	BL WWTP LAB BL WWTP LAB
			Check Total.....:	60.00	.00	60.00		
008620	10/08/03	CUL02	CULLIGAN WATER CONDITION	17.45	.00	17.45	092503	DELIVERY
008621	10/08/03	DEN01	DENDY & ASSOCIATES	6083.68	.00	6083.68	091003	SUPPLEMENTAL WATER NEGOTI
008622	10/08/03	DWI01	DWIGHT'S AUTOMOTIVE	36.00	.00	36.00	18842	TIRE REPAIR TRACTOR
008623	10/08/03	FAR01	FARM SUPPLY COMPANY	758.66	.00	758.66	100103	CITRIC ACID/CALCIUM CHLOR
008624	10/08/03	FAR02	FAR WEST EXPRESS	23.00	.00	23.00	E60364	DELIVERY TO SLO MAILING
008625	10/08/03	FED01	FED EX	17.71	.00	17.71	486562336	DELIVERY TO MARKMAN
008626	10/08/03	FER01	FERGUSON ENTERPRISES INC	58.99	.00	58.99	564465	FLANGE ADAPTOR
008627	10/08/03	FGL01	FGL ENVIRONMENTAL	44.80 44.80 760.00	.00 .00 .00	44.80 44.80 760.00	309261 309262 309390A	NIPOMO WWTP LAB BL WWTP LAB LEAD AND COPPER TESTING
			Check Total.....:	849.60	.00	849.60		
008628	10/08/03	GIL01	GLM, INC.	90.00 260.00	.00 .00	90.00 260.00	092903 BL 092903 OF	LANDSCAPE MAINT FOR BL LANDSCAPE MAINT OFFICE
			Check Total.....:	350.00	.00	350.00		
008629	10/08/03	GWA01	GWA INC	25.00	.00	25.00	091903	FIRE ALARM
008630	10/08/03	JOH01	JOHNSON, DONNA	14.31	.00	14.31	REIMB 2	REIMB FOR SUPPLIES
008631	10/08/03	NEX01	NEXTEL COMMUNICATIONS	167.92	.00	167.92	091903	CELL PHONE
008632	10/08/03	NIC01	NICKSON'S MACHINE SHOP	623.78 208.81	.00 .00	623.78 208.81	69057 69070	SUNDALE WELL ENGINE MAINT SUNDALE WELL REPAIR
			Check Total.....:	832.59	.00	832.59		

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
008633	10/08/03	NIP01	NIPOMO ACE HARDWARE INC	527.05	.00	527.05	408903	MISC SUPPLIES
008634	10/08/03	NIP03	NIPOMO SHELL	1216.41	.00	1216.41	174691	GASOLINE FOR VEHICLES
008635	10/08/03	NIP06	NIPOMO AUTO PARTS	81.58	.00	81.58	092303	MISC SUPPLIES
008636	10/08/03	PAC01	SBC/MCI	5.74	.00	5.74	T1688015	LONG DISTANCE
008637	10/08/03	PLA01	PLATINUM PLUS FOR BUSINES	665.98	.00	665.98	092203	ACCOMODATIONS FOR SEMINAR
008637	10/08/03	PLA01	PLATINUM PLUS FOR BUSINES	51.00	.00	51.00	092203A	MISC SUPPLIES
			Check Total.....:	716.98	.00	716.98		
008638	10/08/03	FRE01	PRECISION JANITORIAL	275.00	.00	275.00	118	JANITOR SERVICE
008639	10/08/03	PUL01	PULITZER CENTRAL COAST NP	82.50	.00	82.50	149451	BL SEWER RATE NOTICE
				778.10	.00	778.10	28701-23	EMPLOYMENT AD
			Check Total.....:	860.60	.00	860.60		
008640	10/08/03	QUI03	QUINN RENTAL SERVICES	17.67	.00	17.67	2046904	CARB BLADE
008641	10/08/03	RIC01	RICHARDS, WATSON, GERSHON	13340.24	.00	13340.24	091103	DEPOSITION COSTS SMV GROU
				60582.30	.00	60582.30	128951	WATER RIGHTS ADJUDICATION
				1413.34	.00	1413.34	128952	MARIA VISTA SEWER MAIN PR
			Check Total.....:	75335.88	.00	75335.88		
008642	10/08/03	SAN01	SANTA MARIA TIRE INC	396.95	.00	396.95	416561	MAINT 96 TRUCK
008643	10/08/03	SIM03	SIMMONS, TOLBERT	551.33	.00	551.33	092803	TRAVEL & PER DIEM
008644	10/08/03	STA02	STATE WORKERS' COMP FUND	2217.14	.00	2217.14	9/30/03	WORKERS COMP INS-SEPTEMBE
008645	10/08/03	THE01	THE GAS COMPANY	12.59	.00	12.59	091803	06235160949 OFFICE HEAT
008646	10/08/03	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	100803	REG BD MEETING 100803
008647	10/08/03	USA01	USA BLUEBOOK	457.29	.00	457.29	717266	MISC SUPPLIES
008648	10/08/03	VER01	VERIZON	30.70	.00	30.70	091903	BL PHONE
				29.50	.00	29.50	091903A	BL PHONE
			Check Total.....:	60.20	.00	60.20		
008649	10/08/03	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	100803	REG BD MEETING 100803
008650	10/08/03	WIN01	WINN, MICHAEL	100.00	.00	100.00	100803	REG BD MEETING 100803
008651	10/08/03	WIR02	WIRSING, JUDY	100.00	.00	100.00	100803	REG BD MEETING 100803
008652	10/08/03	XER01	XEROX CORPORATION	80.17	.00	80.17	092203	COPIER MAINT
008653	10/08/03	AK003	KING VENTURES,	133.31	.00	133.31	000A31001	MQ CUSTOMER REFUND
008654	10/08/03	AM004	MID-STATE PROPERTIES,	477.90	.00	477.90	000A31001	MQ CUSTOMER REFUND
008655	10/08/03	AN007	NEFF, NIKOL	375.52	.00	375.52	000A31001	MQ CUSTOMER REFUND
008656	10/08/03	AP003	PERRY, DAVID	28.54	.00	28.54	000A31001	MQ CUSTOMER REFUND
008657	10/08/03	AW003	WHITFORD, CHARLES	83.80	.00	83.80	000A31001	MQ CUSTOMER REFUND

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

SEPTEMBER 24, 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

**NOTE:** All comments concerning any item on the agenda are to be directed to the Board Chairperson. Consistent with the Americans with Disabilities Act, NCSB Board agendas and other writings will be made available to disabled persons in an appropriate alternate format. (If assistance is needed, please contact the District office at least one day before the meeting.)

#### A. CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 9:05 a.m. and led the flag salute.

#### B. ROLL CALL

At Roll Call, all Board members were present.

#### C. PUBLIC COMMENTS PERIOD

##### PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board.

Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

Jon Seitz, District Legal Counsel, announced that staff requests to add item C to the Closed Session agenda (Anticipated Litigation. Government Code 54954.2(B2) allowing the Board to add to the agenda when the need arises after the regular agenda has been posted. A faxed letter was received by Shipsey & Seitz in the afternoon of Tues, Sept. 23, 2003.

Upon motion of Director Vierheilig and seconded by Director Wirsing, the Board agreed to put an item on the Closed Session agenda. Vote 5-0

This item is now placed on the Closed Session as Item C.

The following members of the public spoke on the Closed Session items:

Jim Kinninger, NCAC Chair – (a) stated that he understands that the developer of Maria Vista is asked to make an addition of a sewer and water line and asked the Board to keep the trust earned in past issues. (b) He stated that NCAC discussed the proposed development of the Kaminaka property. He asked if the Board is willing to utilize the power of parks and recreation. There is a very good well on the property on the portion that is planned to be the playing fields. He asked if the Board consider all the possibilities.

Director Blair – stated that he felt that developers are not treated consistently depending on whether the developer offers something free to the community.

Erik Benham, principle in the Maria Vista Estates – asked if he could address the Board about the Closed Session because he had an appointment and could not stay until the end of the regular meeting. [President Winn said he could address the Board before the Closed Session.]

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

##### D-1) PUBLIC HEARING – ESTABLISHING BI-MONTHLY SEWER RATES FOR BLACKLAKE DIVISION

Adoption of an ordinance establishing sewer rates for Blacklake Division Ord. 2003-98

President Winn opened the meeting to a Public Hearing. There was no public comment concerning the adjustment of the sewer rates. Director Trotter stated that the residents of Blacklake accept the need to adjust the rates. He wanted to commend Lisa Bognuda for all her work involved in this.

Upon motion of Director Trotter and seconded by Director Vierheilig, the Board unanimously approved Ordinance 2003-98 establishing sewer rates for the Blacklake Division. Vote 5-0

ORDINANCE NO. 2003-98  
AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING APPENDIX A TO CHAPTER 4.12 OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO  
ESTABLISH BI-MONTHLY RATES FOR SEWER SERVICE  
WITHIN THE BLACKLAKE DIVISION

**MINUTES SUBJECT TO BOARD APPROVAL**

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)



- D-2) ANNEXATION AGREEMENT FOR ANNEXATION NO. 23 (NESTER)  
Review/approve draft Annexation Agreement for an 18-lot development on Pomeroy at Waypoint

Director Vierheilg asked about agricultural use and who is responsible if ag use is changed. [Jon Seitz, District Legal Counsel, explained that the County would take over as open space with an ag easement.]

Director Wirsing asked about the monitoring of the well on this property. [Mr. Seitz explained that the property owner will be responsible for the monitoring.]

Director Blair stated that this is the last time he will vote for a cluster development.

Mr. Seitz explained that in order to have an ag easement, there must be 20 acres.

Director Blair asked about the taxes on this property.

Director Trotter stated that if the taxes were not paid, the property would revert to the County.

The following member of the public spoke:

Greg Nester, owner-developer of property – stated that the property tax is only \$98.00 so payment would not be an issue.

Director Wirsing read from 1999 document, a letter from Mr. Jones to Noel King, and other documents concerning overdrafting of water from growth. She read the following statement:

“From all this documentation from our governmental agencies that I have studied, it is my agreed conclusion that we are in an overdraft condition that could be harmful to the current ratepayers of our District. I cannot agree to commit a promise of water to any project that is outside the District boundary. I believe that there is not a sufficient overlying supply within the Nipomo hydrologic sub-area. For those projects that are entitled within our boundary I will be glad to consider them when this District has a contract for a supplemental water supply in hand that is a guaranteed plentiful source that is affordable and clean. I do not believe that a community should be forced into restrictive water conservation program while the District continues to actively commit to more water consumption under these knowing adverse conditions. At this time I believe we do not have any overlying, sufficient source of water.”

Upon motion of Director Vierheilg and seconded by President Winn, the Board approved the Annexation Agreement for Annexation No. 23 as modified with the condition of combining the two parcels to create open space. Director Blair stated that he is frustrated that all the hoops the developer has jump through raises the cost of the houses.

Director Wirsing stated that she feels that these cluster developments will cause problems in the future.

Vote 3-2 with Directors Wirsing and Trotter voting no and Director Blair abstaining.

- D-3) STATE JOBS HOUSING BALANCE INCENTIVE GRANT PROGRAM (GRANT FUNDS) (OLDE TOWNE)  
Review/approve Grant Funding agreement with SLO County to fund service connections

The Board discussed the grant funding agreement with SLO County to fund service connections in Olde Towne Nipomo. President Winn suggested that the agreement could be referred to as the Olde Towne Design Project rather than the Tefft Street Project because it is not limited to Tefft Street.

There was no public comment. Upon motion of Director Trotter and seconded by Director Vierheilg, the Board approved the agreement as written. Vote 5-0

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

E. OTHER BUSINESS

- E-1) NIPOMO WEST SIDE CLEAN UP WEEK  
Review funding for Nipomo Clean-Up Week

The Board discussed the clean up week planned for November 15-22.

The following members of the public spoke:

Jim Kinninger, NCAC Chair - He stated that the Advisory Counsel was involved in this project in the past. There are problems without the vouchers. The program will be augmented by funds from other sources. He stated that the counsel would appreciate that the Board contribute \$20,000 toward the project.

Upon motion of Director Trotter and seconded by Director Blair, the Board authorized \$20,000 expenditure for the voucher program of the Nipomo West Side Clean Up Week.  
Vote 5-0

- E-2) NIPOMO CREEK CLEAN UP WEEK (OCTOBER 20-25)  
Land Conservancy request for financial assistance to clean creeks

Director Vierheilg recused himself from the Board because of his membership in the Land Conservancy and left the room.

The Board discussed the Nipomo Creek Clean Up Week planned for October 20-25.

There was no public comment on this motion.

Upon motion of Director Wirsing and seconded by President Winn, the Board approved \$2,000 from the Solid Waste Fund for expenditures for the Creek Clean Up Week with accountability given to be sure that all the money spent is a direct benefit to the District inside the District and the vendors will be instructed to bill the District directly. Vote 4-0 with Director Blair abstaining.

President Winn called a 5 minute break.

The meeting came back to order after the break.

- E-3) NCSD BUILDING USE POLICY  
Review existing Board room use policy

President Winn asked for a change in the Board Room Use Policy in Item C. He asked that the room shall be designated as the NCSD Board Room and in #8 to add the words reservation fee. There was no public comment on this motion.

Upon motion of Director Blair and seconded by Director Wirsing, the Board approved having staff make the changes discussed in the Board Room Use Policy. Vote 5-0

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

- F-1) WARRANTS [RECOMMEND APPROVAL]  
F-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Minutes of September 10, 2003, Regular Board meeting

Items F-3 & 4 were pulled from the Consent Agenda for further discussion.

Upon motion of Director Vierheilg and seconded by Director Blair, the Board unanimously approved Items F-1 and F-2 of the Consent Agenda as amended in Item H. (Add Director Winn's name to the Housing Element Committee). Vote 5-0

- F-3) WATER/SEWER AGREEMENT WITH LUCIA MAR UNIFIED SCHOOL DISTRICT (RECOMMEND APPROVAL)  
Agreement for District to provide services to the Nipomo High School

The Board discussed the terminology used in the agreement.

**AGREEMENT FOR WATER AND SEWER SERVICE BETWEEN  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AND THE LUCIA MAR UNIFIED SCHOOL DISTRICT**

- F-4) APPROVE ANNEXATION NO. 19 --NIPOMO HIGH SCHOOL - LUCIA MAR USD (RECOMMEND APPROVAL)  
Resolution acknowledging that conditions of Annex. No. 19 have been met

Items F-3 & F-4 were pulled for discussion. Director Trotter wanted clarification of the number of units stated in 14.1 A. [Mr. Jones stated that was the correct number.]

The following member of the public spoke:

Mike Sears, Superintendent of LMUSD – stated his appreciation to the Board and staff who worked diligently on the agreement and the annexation.

Upon motion of Director Blair and seconded by Director Vierheilg, the Board approved Items F-3 & F-4. Vote 5-0

**RESOLUTION NO. 2003-879  
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT ACKNOWLEDGING  
THAT CONDITIONS OF ANNEXATION FOR ANNEXATION NO. 19  
(LUCIA MAR UNIFIED SCHOOL DISTRICT) HAVE BEEN SATISFIED**

\*\*\*\*\*

President Winn moved the Public Comment Period for the Closed Session to this time.

The following members of the public spoke concerning the Closed Session:

Erik Benham, principle of Maria Vista Estates – described to the Board his frustrations concerning the signing of the plans for Tracts 1802 and 1856. He showed the Board the red marks made by staff on the plans that requires him to make changes.

Mike Bender, partner of Maria Vista Estates – agreed with Mr. Benham in the frustration in trying to get the project completed.

**G. MANAGER'S REPORT**

The Santa Maria groundwater litigation trial begins in 2 weeks.

Doug Jones, District General Manager, reported on the CSDA Annual Conference attended by Director Trotter, Director Blair and him at Lake Tahoe.

**H. COMMITTEE REPORTS**

Directors Blair and Winn met concerning the SLO County Housing Element.

I. **DIRECTORS COMMENTS**

Director Blair – stated that he is now a CSDA Board member as a Director serving 18 counties.

Director Vierheilig – stated that the CSDA flyer contains information concerning raising fees for a way for the State to get around revenue.

Director Wirsing – suggested forming a committee to see what the County is doing.

Director Trotter – stated that fees do not increase the cost of housing; the market does.

President Winn –

1. Stated that he would like to have a trip to Templeton arranged as soon as possible to view TCSD's method of handling parks and recreation.
2. Encouraged staff to continue with the contract for Santa Maria water
3. Directors are invited to man a booth to be available for questions at the Octoberfest. Saturday, October 11<sup>th</sup>.
4. Talked about road fees being increased over 500% because growth is happening faster than the infrastructure.
5. CSDA for County is having a meeting Mon. Sept. 29 at Jon Seitz office talking about the agenda for the quarter meeting in the spring.
6. Asked to agendize a special meeting (study session) to discuss future items that lie ahead of NCSD. He would like to brainstorm possible projects.

**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 LITIGATION

The Board came out of Closed Session and reported the following:

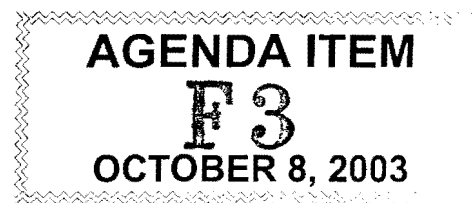
- A. There was an update on the SMVWCD vs. NCSD groundwater litigation. The Board took no reportable action.
- B. The Board did not discuss this item.
- C. Maria Vista vs. NCSD  
The Board reviewed the letter from Trincon, Inc. threatening litigation. The Board gave instruction to legal counsel to attempt to settle the matter.  
The Board came out of Closed Session and had no reportable action.

**ADJOURN**

President Winn adjourned the meeting at 1:10 p.m.

The next regular Board meeting will be October 8, 2003.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES *D*  
DATE: OCTOBER 8, 2003



PROPERTY TAX EXCHANGE FOR PROPOSED ANNEX. NO. 23  
APPROX. 19 ACRES  
NESTER

**ITEM**

Approving property tax revenue exchange with SLO County for Annex. No. 23

**BACKGROUND**

The District has received a request to annex Tract 2499, approx. 19-acre development on Pomeroy Road, known as Annexation No. 23 (Nester).

With any proposed annexation to the District, the State Revenue & Taxation Code Sec. 99 requires the District and the County to negotiate the property tax exchange for the property being annexed into the District. Different areas have a slightly different tax rate percentage with respect to taxation. Therefore, an average of the area around the proposed annexation was taken. The percent of property tax increment that would be transferred to the District for Annexation #23 would be 6.21240%.

The tax exchange needs to be completed prior to LAFCo's consideration of the annexation. If the proposed annexation does not proceed, the Resolution approving the property tax exchange becomes null and void.

The attached Resolution 2003-tax exchange-23 is presented to your Honorable Board for consideration.

**RECOMMENDATION**

Staff recommends that your Honorable Board adopt Resolution 2003-tax exchange-23 accepting the SLO County/NCSD exchange of property tax revenues and annual tax increments for Annexation #23 at 6.21240%.

07/08  
02/05

# Vicinity Map

Not to Scale



**RESOLUTION NO. 2003-tax exch 23**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE  
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO  
TO NIPOMO COMMUNITY SERVICES DISTRICT  
FOR ANNEXATION NO. 23 (NESTER)**

**WHEREAS**, in the case of a jurisdictional change other than a city incorporation or district formation which will alter the service area or responsibility of a local agency, Revenue and Taxation Code Section 99(b) requires that the amount of property tax revenue to be exchanged, if any, and the amount of annual tax increment to be exchanged among the affected local agencies shall be determined by negotiation; and

**WHEREAS**, when an independent special district is involved, the negotiations are conducted by the Board of Supervisors of the County and the Board of Directors of the District pursuant to Revenue and Taxation Code Section 99.(b)(5); and

**WHEREAS**, Revenue and Taxation Code Section 99.(b)(6) requires that each local agency, upon completion of negotiations, adopt resolutions whereby said local agencies agree to accept the negotiated exchange of property tax revenues and annual tax increment and requires that each local agency transmit a copy of each such resolution to the Executive Officer of the Local Agency Formation Commission; and

**WHEREAS**, no later than the date on which the certificate of completion of the jurisdictional change is recorded with the County Recorder, the said Executive Officer shall notify the County Auditor of the exchange of property tax revenues by transmitting a copy of said resolutions to him and the County Auditor shall thereafter make the appropriated adjustments as required by law; and

**WHEREAS**, the negotiations have taken place concerning the transfer of property tax revenues and annual tax increment between the County of San Luis Obispo and the Nipomo Community Services District pursuant to Section 99(a)(1) for the jurisdictional change designated as LAFCo File 10-R-03: Annexation No. 23 (Nester) to the Nipomo Community Services District; and

**WHEREAS**, the negotiating parties, to wit: Dan Buckshi, Assistant Administrative Officer, County of San Luis Obispo and Doug Jones, General Manager of the Nipomo Community Services District have negotiated the exchange of property tax revenue and annual tax increment between such entities as hereinafter set forth; and

**WHEREAS**, it is in the public interest that such negotiated exchange of property tax revenues and annual tax increment was consummated by the Board of Supervisors on November 16, 2003; and

**WHEREAS**, revenue and taxation code Section 99(b)(7) provides for a 15-day renegotiation period if a proposal is modified by LAFCo.

RESOLUTION NO. 2003-tax exch 23

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE  
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO  
TO NIPOMO COMMUNITY SERVICES DISTRICT  
FOR ANNEXATION NO. 23 (NESTER)  
PAGE TWO

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

1. That the recitals set forth above are true, correct and valid.
2. That the Nipomo Community Services District agrees to accept the following negotiated exchange of property tax revenues and annual tax .
  - a. No base property tax revenue shall be transferred from the County of San Luis Obispo to the Nipomo Community Services District.
  - b. For Annexation No. 23, the annual tax increment in an amount to be determined by the County Auditor, based upon the following percentage agreed to by the negotiating parties, 6.21240 percent, before the ERAF calculations, shall be transferred from the County of San Luis Obispo to the Nipomo Community Services District in the fiscal year 2004-2005 and each fiscal year thereafter.
3. Upon receipt of a certified copy of this resolution and a copy of the recorded certificate of completion, the County Auditor shall make the appropriate adjustments to property tax revenues and annual tax increment as set forth above.
4. That the Secretary to the Board of Directors is authorized and directed to transmit a certified copy of this resolution to the Executive Officer of the San Luis Obispo Local Agency Formation Commission, who shall then distribute copies thereof in the manner prescribed by law.

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

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this \_\_\_\_\_ day of October, 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: OCTOBER 8, 2003

**AGENDA ITEM**  
**OCTOBER 8, 2003**

PROPERTY TAX EXCHANGE FOR PROPOSED ANNEX. NO. 25  
APPROX. 63 ACRES  
LYN ROAD (ROBERTSON)

**ITEM**

Approving property tax revenue exchange with SLO County for Annex. No. 25

**BACKGROUND**

The District has received a request to annex approx. 63 acres on Lyn Road, known as Annexation No. 25 (Lyn Road).

With any proposed annexation to the District, the State Revenue & Taxation Code Sec. 99 requires the District and the County to negotiate the property tax exchange for the property being annexed into the District. Different areas have a slightly different tax rate percentage with respect to taxation. Therefore, an average of the area around the proposed annexation was taken. The percent of property tax increment that would be transferred to the District for Annexation #25 would be 6.05086%.

The tax exchange needs to be completed prior to LAFCo's consideration of the annexation. If the proposed annexation does not proceed, the Resolution approving the property tax exchange becomes null and void.

The attached Resolution 2003-tax exchange-25 is presented to your Honorable Board for consideration.

**RECOMMENDATION**

Staff recommends that your Honorable Board adopt Resolution 2003-tax exchange-25 accepting the SLO County/NCSD exchange of property tax revenues and annual tax increments for Annexation No. 25 at 6.05086%.

**LOCAL AGENCY FORMATION COMMISSION  
NOTICE TO COMMENCE NEGOTIATION  
FOR TRANSFER OF PROPERTY TAX REVENUE**

Proposed Jurisdictional Change: Annexation No. 25 to the Nipomo CSD (Robertson), LAFCO File No. 7-R-03

Purpose of proposal: To receive water service from the NCSD.

Negotiating Agencies:

Agenda Date for  
Start of Negotiations:

Nipomo CSD  
County of San Luis Obispo

September 16, 2003

Subject Property:

<u>Tax Code Area</u>	<u>Parcel Nos.</u>	<u>Valuation</u>
052-002	091-163-033	\$258,870
052-002	091-063-034	\$ 11,569
052-002	091-063-035	\$ 69,706
052-002	091-063-036	\$124,848
052-002	091-063-037	\$119,294
052-002	091-063-038	\$249,251
052-002	091-063-047	\$366,746
052-002	091-073-045	\$103,452
052-002	091-073-048	\$ 95,922
052-002	091-073-049	\$159,112

Estimated property tax revenue generated within subject property: \$15,588 in fiscal year 2003-2004.

General Fund	\$	4,215
Air Pollution		- 12
Special Roads		102
County Library		316
SLO Flood Control		45
Nacimiento Water		49
Port San Luis Harbor		226
Lucia Mar Unified		6,900
Comm College		1,212
CO School Service		718
ERAF		1,772
Total	\$	15,588

Percentage of annual tax increment to be exchanged: 6.05086

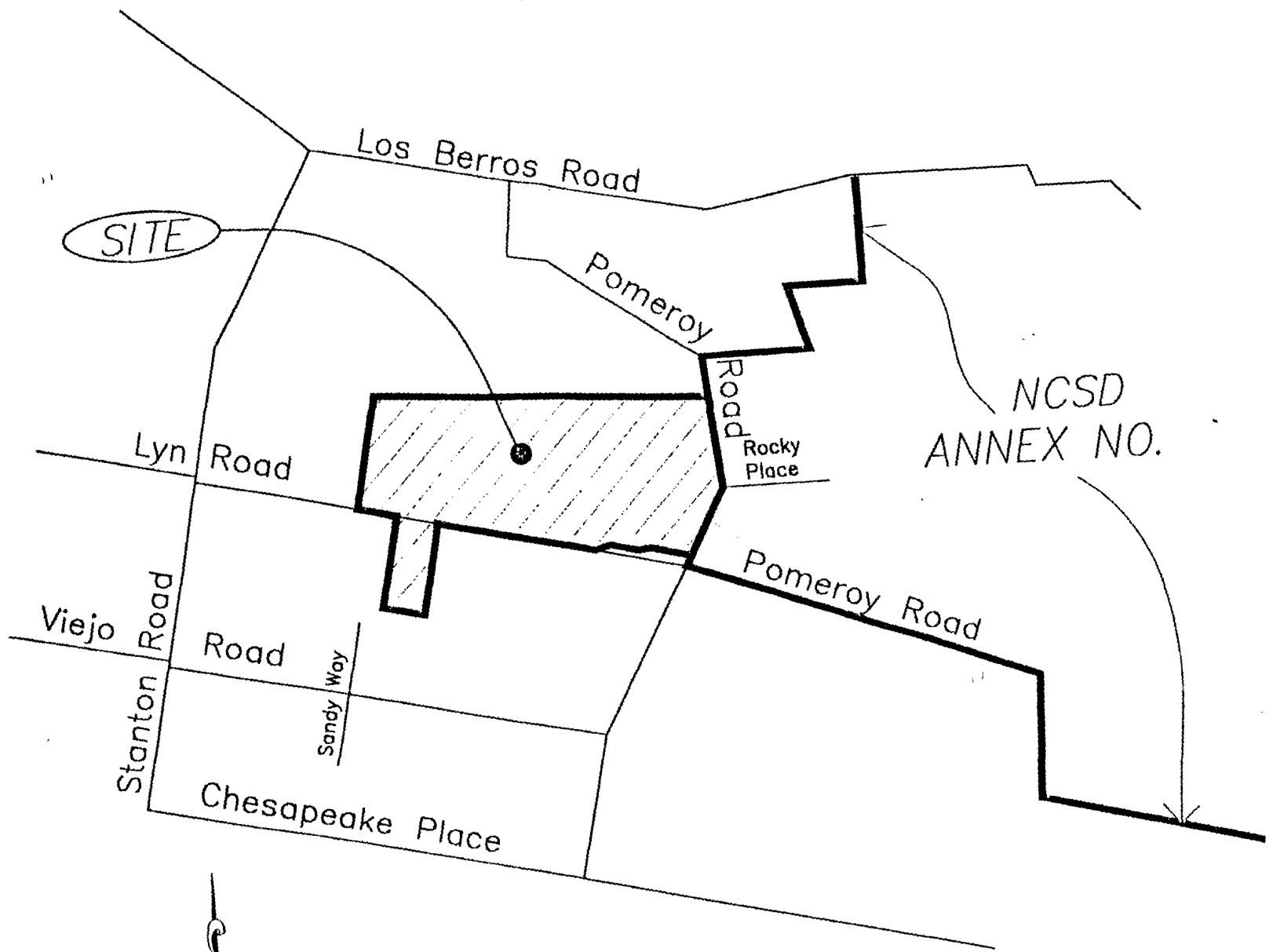
Negotiation Period: September 16 to November 16, 2003

Property Tax Exchange effective fiscal year: 2004-2005.

By: Paul L. Hood  
Paul L. Hood, Executive Officer

Date: July 29, 2003

B.4



**VICINITY MAP** N.T.S.

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

558

**RESOLUTION NO. 2003-tax exch 25**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE  
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO  
TO NIPOMO COMMUNITY SERVICES DISTRICT  
FOR ANNEXATION NO. 25 (LYN ROAD)**

**WHEREAS**, in the case of a jurisdictional change other than a city incorporation or district formation which will alter the service area or responsibility of a local agency, Revenue and Taxation Code Section 99(b) requires that the amount of property tax revenue to be exchanged, if any, and the amount of annual tax increment to be exchanged among the affected local agencies shall be determined by negotiation; and

**WHEREAS**, when an independent special district is involved, the negotiations are conducted by the Board of Supervisors of the County and the Board of Directors of the District pursuant to Revenue and Taxation Code Section 99.(b)(5); and

**WHEREAS**, Revenue and Taxation Code Section 99.(b)(6) requires that each local agency, upon completion of negotiations, adopt resolutions whereby said local agencies agree to accept the negotiated exchange of property tax revenues and annual tax increment and requires that each local agency transmit a copy of each such resolution to the Executive Officer of the Local Agency Formation Commission; and

**WHEREAS**, no later than the date on which the certificate of completion of the jurisdictional change is recorded with the County Recorder, the said Executive Officer shall notify the County Auditor of the exchange of property tax revenues by transmitting a copy of said resolutions to him and the County Auditor shall thereafter make the appropriated adjustments as required by law; and

**WHEREAS**, the negotiations have taken place concerning the transfer of property tax revenues and annual tax increment between the County of San Luis Obispo and the Nipomo Community Services District pursuant to Section 99(a)(1) for the jurisdictional change designated as LAFCo File 7-R-03: Annexation No. 25 (Lyn Road) to the Nipomo Community Services District; and

**WHEREAS**, the negotiating parties, to wit: Dan Buckshi, Assistant Administrative Officer, County of San Luis Obispo and Doug Jones, General Manager of the Nipomo Community Services District have negotiated the exchange of property tax revenue and annual tax increment between such entities as hereinafter set forth; and

**WHEREAS**, it is in the public interest that such negotiated exchange of property tax revenues and annual tax increment was consummated by the Board of Supervisors on November 16, 2003; and

**WHEREAS**, revenue and taxation code Section 99(b)(7) provides for a 15-day renegotiation period if a proposal is modified by LAFCo.

RESOLUTION NO. 2003-tax exch 25

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE  
AND ANNUAL TAX INCREMENT FROM COUNTY OF SAN LUIS OBISPO  
TO NIPOMO COMMUNITY SERVICES DISTRICT  
FOR ANNEXATION NO. 25 (LYN ROAD)  
PAGE TWO

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

1. That the recitals set forth above are true, correct and valid.
2. That the Nipomo Community Services District agrees to accept the following negotiated exchange of property tax revenues and annual tax .
  - a. No base property tax revenue shall be transferred from the County of San Luis Obispo to the Nipomo Community Services District.
  - b. For Annexation No. 25, the annual tax increment in an amount to be determined by the County Auditor, based upon the following percentage agreed to by the negotiating parties, 6.05086 percent, before the ERAF calculations, shall be transferred from the County of San Luis Obispo to the Nipomo Community Services District in the fiscal year 2004-2005 and each fiscal year thereafter.
3. Upon receipt of a certified copy of this resolution and a copy of the recorded certificate of completion, the County Auditor shall make the appropriate adjustments to property tax revenues and annual tax increment as set forth above.
4. That the Secretary to the Board of Directors is authorized and directed to transmit a certified copy of this resolution to the Executive Officer of the San Luis Obispo Local Agency Formation Commission, who shall then distribute copies thereof in the manner prescribed by law.

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

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this \_\_\_\_\_ day of October, 2003.


\_\_\_\_\_  
Michael Winn, President  
Nipomo Community Services District


ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board  
RES\2003-Tax exch 25.doc

\_\_\_\_\_  
Jon S. Seitz  
General Counsel

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES   
DATE: OCTOBER 8, 2003

AGENDA ITEM  
  
OCTOBER 8, 2003

## NCSD BUILDING USE POLICY

### ITEM

Approve modifications to the existing Board Room Use Policy

### BACKGROUND

At the regular meeting of September 24, 2003, your Honorable Board reviewed the building use policy.

The existing policy was modified by adding "The meeting place shall be identified as the Nipomo Community Services District or NCSD Board room" which is now paragraph 4 on page 2. Also in paragraph 9, second line, the words "the reservation" has been added after the word refund.

### RECOMMENDATION

After your Honorable Board has reviewed the revision to the policy, the attached resolution may be adopted formalizing the changes.

Board 2003/Board room policy 10-03

**RESOLUTION NO. 2003-Bd Rm Use**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ESTABLISHING A BOARD ROOM POLICY**

**WHEREAS**, the Nipomo Community Services District's (herein "District") wishes to modify the Board Room Use Policy, and

**WHEREAS**, based on the staff report, staff presentation and public comment, the District finds that the policy established by this Resolution are fair and reasonable.

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

1. The policy establishing the Nipomo Community Services District Board Room Use Policy, attached hereto as Exhibit "A", is hereby approved and adopted.

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

AYES: Directors \_\_\_\_\_  
NOES:  
ABSENT:  
CONFLICTS:

The foregoing hereby adopted this 8<sup>th</sup> day of October, 2003.

\_\_\_\_\_  
Michael Winn, President  
Nipomo Community Services District

ATTEST:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

APPROVED AS TO FORM:

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

**EXHIBIT A  
NIPOMO COMMUNITY SERVICES DISTRICT  
BOARD ROOM USE POLICY**

The District Board Room (sometimes referred to as the "facility") is available to the community of Nipomo in accordance with the following Guidelines;

A. Regular Use:

1. Subject to District use, the District Board Room is available Monday through Friday from 8:30 a.m. to 4:00 p.m.
2. The Board Room is not available on Sundays and District holidays.
3. The rental charge is as follows:
  - \$10.00 per hour, or fraction thereof with a minimum charge of one hour for residents of Nipomo Community Services District
  - \$15.00 per hour, or fraction thereof with a minimum charge of one hour for non-residents
  - No charge for governmental agencies

B. Evenings and Saturdays:

1. Subject to staff availability, the District Board Room is available weekday evenings until 10:30 p.m. and Saturdays from 8:00 a.m. to 4:00 p.m.
2. In addition to the charge referenced in Paragraph A3 above, fifty dollars (\$50.00) will be charged for District office personnel to open and close the building.
3. The fifty dollars (\$50.00) referenced in Paragraph B2 above may be waived if a District Director volunteers to open and close the Board Room.
4. Whoever opens and closes the building (District office personnel or Board of Directors) need not remain at the District office during the reserved time.

C. The following rules apply to the proposed use/occupancy of the Board Room:

1. The use of the Board Room is limited for the purposes of conducting meetings and programs that benefit the community of Nipomo such as youth groups, community groups and other governmental agencies.
2. A refundable cleaning/security deposit of one hundred (\$100.00) is required for the use of the facility, with a designated contact person. Deposits are refunded upon satisfactory acceptance of the facility's condition at the end of the event. Refunds are issued through the District approximately two (2) weeks after the date of use.
3. Permission by the District for a group to use of the Board Room is not an endorsement by the District of that particular group's policies. The name



**EXHIBIT A**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD ROOM USE POLICY**

"Nipomo Community Services District" may not be used in the promotion of an event without specific written permission from the District Board of Directors. Any promotion initiated by an applicant prior to receiving written permission for use may result in cancellation of the reservation.

4. The meeting place shall be identified as the Nipomo Community Services District or NCSD Board Room.
5. The seating capacity is limited to sixty four (64) persons.
6. The District's Board Room is not intended for long term use by any one group. Therefore a particular group's use of the Board Room is limited to four times per month and cannot be reserved for more than two (2) consecutive days for a single event.
7. Reservations for use of the Board Room must be made by an adult (over 18 years old) on the District's standard reservation form that is available at the District's office located at 148 South Wilson, Nipomo. Reservations will not be confirmed until a deposit is paid.
8. Any changes to confirmed reservations must be made no later than five (5) working days prior to the event, or they will not be honored. All changes must be made during regular business hours through the District at (805) 929-1133. Users should carefully plan their event dates, times, and setup to avoid changes to the original reservation.
9. If a need arises to cancel a reservation for the District Board Room, the District will refund the reservation fee in full if District is given at least five (5) working days advance notice; otherwise the fees will not be refunded.
10. The General Manager or his/her designee is responsible for approving requests for use and may, at his/her discretion, grant exceptions to these guidelines as deemed appropriate. The General Manager may not waive the rental fees for non-residents or groups outside of the Nipomo Community Services District boundary.
11. The District General Manager reserves the right to refuse use of the Board Room to any group or Applicant for previous misuse.
12. All uses are subject to approval based upon availability, maintenance schedules, and nature of use. The District reserves the right to cancel a group's reservation if the use of the room is essential for official District business.
13. Requests from District residents for fee waiver shall be made in writing to the District General Manager no later than thirty (30) working days prior to the scheduled event.

**EXHIBIT A**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD ROOM USE POLICY**

14. Users are encouraged to inspect the Board Room and restrooms upon arrival and note any problems at that time to a staff member on duty.
15. Groups shall not charge an admission fee or have merchandise sales.
16. Users are required to present evidence of suitable liability insurance in which the District is named primary additional insured. Special Events Insurance may be obtained through the District.
17. Smoking in the premises or within twenty-five (25) feet of a doorway is prohibited.
18. Food and drink, except for water, are not permitted in the District Board Room. Kitchen facilities are not available.
19. Permission to use the room is not transferable to other groups. All reservations must be approved through the District.
20. Activities, which will cause excessive wear and tear, will not be allowed, such as handicrafts, activities involving pets, etc.
21. Provisions for adequate protection of exhibits are the responsibility of the Applicant. The District assumes no responsibility for exhibits or materials brought into the District Board Room and does not provide supervision, security or staffing for gatherings.
22. Noise and activity levels should be controlled by the sponsoring group so as not to interfere with the neighborhood or normal District operations.
23. Exhibits or decorating shall not be nailed, stapled, taped, or glued to the ceilings, soundproofing panels, painted surfaces or floors. The Applicant is responsible for all costs associated with any damages incurred during its usage, including District staff time needed to correct the situation. Charges will be deducted from the cleaning/security deposit and additional billing may be necessary.
24. Security of personal property as well as the District's property from theft and vandalism is the sole responsibility of the group representative whose name appears on the reservation form. Therefore, the room should not remain unattended due to breaks, intermissions, etc., during the reserved time. In the event that the group recesses during their reserved time slot, a responsible adult should remain on site.
25. Any group who does not have the reserved room completely vacated of all their attendees at the confirmed ending time of their room reservation, will be considered late. A written warning may be issued to the group and future use of the room may be jeopardized.

**EXHIBIT A**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD ROOM USE POLICY**

26. Groups using the room are responsible for setting up and putting away all furniture needed for their event (please make sure that reservation includes sufficient time to accomplish this). NCSD is not responsible for providing additional tables and chairs. When a group takes possession of the room, the furniture will be set up in a standard configuration. Any deviation from this room configuration (e.g., more tables, fewer chair, changes to the layout of tables and chairs) will be the responsibility of the user group and requires staff approval to ensure that fire code regulations have been met. At the conclusion of the event, tables and chairs must be returned to room configuration (a diagram is posted in the Board Room for reference) (copy attached). If the room is not returned to the proper setup, a written warning may be issued to the group and future use of the room may be jeopardized.
27. Users are expected to abide by all laws and ordinances set forth by all local, state and federal agencies. Users are also expected to comply with rules and regulations for facility use and obey all District staff members in attendance at facility. Non-compliance will result in cancellation of reservation and loss of fees paid.
28. To assure the safety of the users, all occupancy requirements must be followed and fire exiting pathways and doors must be kept clear for the duration of all reserved events.
29. Personal items may be used in the rooms only during the reserved time slot and may not be stored overnight. In addition, they may not create a potential hazard to others or to the room. Large items, such as full size pianos, must be professionally installed, and should be coordinated with District staff to ensure that there will not be any access or clearance problems.
30. All reservation concerns should be reported to the District Manager or his/her designee, during normal working hours.
31. The District may cancel or reschedule use of the District's Board Room for any reason deemed necessary. Users will be given as much notice as possible. Fees will be refunded, through the District, approximately two (2) weeks after the date of notification.
32. The District is not responsible for accidents, injury or loss of individual property during the facility's use.
32. District staff and Board of Directors may enter the room during Applicant's event for the purposes of conducting District business.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: OCTOBER 8, 2003

**AGENDA ITEM  
G-1  
OCTOBER 8, 2003**

BOARD MEETINGS  
HOLIDAY SCHEDULE

**ITEM**

Review potential holiday schedule for Board meetings in November and December

**BACKGROUND**

Your Honorable Board recently changed the meeting days for the Board meetings from the first and third Wednesdays to the second and fourth Wednesdays of the month. In the months of November and December, the fourth Wednesdays fall on Thanksgiving Eve and Christmas Eve. It is suggested that the meeting dates for Nov. & Dec be the following:

November 2003	5 and 19
December 2003	3 and 17

In January 2004, the Board meetings may resume the regular schedule of the second and fourth Wednesdays of the month.

**A second option:** If your Honorable Board wishes to maintain the second and fourth Wednesday meeting schedule, the second meetings in November and December could possibly be canceled.

November 2003	12 and <del>26</del>
December 2003	10 and <del>24</del>

**RECOMMENDATION**

If your Honorable Board has no objection to the schedule above, staff will plan accordingly.