

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

NOVEMBER 5, 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
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
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 2003-886

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) COUNTY SERVICE AREA NO. 1 – PROPOSED ANNEXATION

Paavo Ogren, SLO Co. Public Works Department

D-2) URBAN WATER MANAGEMENT PLAN

Review Final Draft of the District's Urban Water Management Plan

D-3) REQUEST FOR SERVICE – CO 03-0301 (ROBINSON)

Request for water service for a commercial 12-bldg. development at Sandydale & N. Frontage Rd.

E. OTHER BUSINESS

E-1) REVIEW NCSD MISSION STATEMENT

E-2) CSDA SUPPORT FOR A BALLOT INITIATIVE

California Special District Assoc. is requesting financial support for a ballot initiative

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 October 8, 2003, Regular Board meeting

Minutes of October 16, 2003, Special Board meeting

Minutes of October 21, 2003, Study Session

Minutes of October 22, 2003, Regular Board meeting

F-3) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS

TRACT 2325 – KNOLLWOOD (MARTIN-FARRELL)

Acceptance of water improvements for Tract 2325 on Blacklake Canyon Road

F-4) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS D990051D NIPOMO BAY APARTMENTS

(NIPOMO SAN LUIS BAY LIMITED, A LIMITED PARTNERSHIP)

Acceptance of water and sewer improvements for D990051D on Grande and Blume

F-5) ACCEPTANCE OF GENERAL MANAGER ADVERTISEMENT AND TIMELINE

G. MANAGER'S REPORT

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 November 19, 2003.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: NOVEMBER 5, 2003

AGENDA ITEM
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NOVEMBER 5, 2003

COUNTY SERVICE AREA NO. 1
PROPOSED ANNEXATION

ITEM


Paavo Ogren, San Luis Obispo County Public Works Department to make presentation

BACKGROUND

The Local Agency Formation Commission (LAFCo) has initiated the process of consolidating County Service Area No. 1 (CSA1) into the Nipomo Community Services District via an annexation. A number of meetings were initiated by LAFCo to discuss the possibility of NCSD taking over the services in CSA1. Mr. Paavo Ogren will express the County's position with respect to this issue.

RECOMMENDATION

Your Honorable Board may direct staff how to proceed in this matter.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: NOVEMBER 5, 2003

AGENDA ITEM
NOVEMBER 5, 2003

URBAN WATER MANAGEMENT PLAN

ITEM

Review final draft of the District's Urban Water Management Plan

BACKGROUND

The State requires water purveyors that serve over 3,000 customers to prepare an Urban Water Management Plan (UWMP). Your Honorable Board has previously held public meetings reviewing drafts of the Urban Water Management Plan. It has been edited and some comments have been incorporated.

Attached is the final draft of the Urban Water Management Plan for the Board's consideration. Any minor modification may be incorporated into the plan. It is anticipated that it will be brought back to the next regular Board meeting for adoption. Due to the following issues not being resolved, it is suggested that the Urban Water Management Plan be updated in the year 2005 and every five years thereafter.

- Determination of adjudication of the Santa Maria groundwater basin
- Finalizing a supplemental water agreement
- LAFCo's completion of the District's Sphere of Influence
- Possible incorporation of the community

RECOMMENDATION

After your Honorable Board has reviewed the final draft and any minor adjustments incorporated into the final draft, it will be brought back to the Board for adoption.

NIPOMO COMMUNITY SERVICES DISTRICT

Urban Water Management Plan

November 2003

FINAL DRAFT

**Prepared by
Nipomo Community Services District**

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**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

1.0 INTRODUCTION

1.1 URBAN WATER MANAGEMENT PLANNING ACT

In 1983, the Urban Water Management Planning Act (UWMPA) was enacted by the California Legislature (Assembly Bill 797). This legislation requires that urban water purveyors, serving 3,000 or more customers or providing at least 3,000 acre-feet of water per year 9AFY), to prepare and adopt an Urban Water Management Plan (UWMP). AB 797 was amended by AB 2661 in 1990, AB 1869 and AB 11X in 1991, AB 892 in 1993, AB 2853 and SB 1017 in 1994, and AB 1845 and AB 1011 in 1995. The goals of the UWMP include the following:

- 1) to summarize the historic water supply and quality for an urban area;
- 2) to project future water demand based on population projections;
- 3) to evaluate the ability of the current supply to meet the future demands, in terms of quantity and quality;
- 4) to evaluate potential alternative supplies available to the area; and
- 5) to evaluate specific conservation measures outlined in the Act as they apply to the area.

The Act further requires that the UWMP be updated every five years in order to reassess and add to previously completed plans and updates

1.2 PURPOSE AND SCOPE

The purpose of this document is to comply with the requirements of the UWMPA and provide updates to the plan at least once every five years on or before December 31, in the years ending in five and zero. It is to include a historical review of population, water usage and water quality trends, and estimate projections of population growth and water demands including water conservation efforts.

1.3 PUBLIC PARTICIPATION

The Board of Directors of the Nipomo Community Services District has held a number of meetings, encouraging participation of the community and other agencies in developing the District's Urban Water Management Plan.

The Board of Directors of the Nipomo Community Services District will hold a public hearing prior to the adoption of the Urban Water Management Plan.

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

2.0 BACKGROUND

2.1 THE DISTRICT

The Nipomo Community Services District is a special district formed under Government Code 61000 and is governed by a five-member Board of Directors. The Board of Directors establishes the policies and the District staff administers the policies. A public meeting is held on the second and fourth Wednesday of each month. The public is invited to participate.

2.2 SERVICE AREA

The Nipomo Community Services District is located in San Luis Obispo County on the Central Coast of California between San Francisco and Los Angeles. The summers are mild and dry and the winters are cool with an average rainfall of approx. 16 inches. The summer fog helps reduce summer water demands within the District. The District serves an area of approximately seven square miles.

The District's Water and Sewer Master Plan by Boyle Engineering, completed in November 1995 and updated in 2001, indicates the weighted residential unit had 3.24 residents. The District's population projection was projected by multiplying the estimated number of services times the weighted residential population per account.

2.3 POPULATION PROJECTIONS

In the past ten years, the District has experienced relatively rapid growth in housing. The San Luis Obispo County Planning Department population projections based upon the 2000 Census data for the Nipomo Area are listed in Table No. 1 along with the District's projections, Figure No. 1. These population projections are for an area larger than the existing District boundary.

TABLE NO. 1 POPULATION PROJECTION		
YEAR	SLO COUNTY	NCSD*
2000	12,612	10,620
2005	14,131	11,700
2010	15,833	12,600
2015	17,740	13,300
2020	19,876	13,900

*in existing boundary based on 3.24 person/acct. (Boyle Report)

3.0 EXISTING WATER SYSTEM AND SUPPLY

3.1 WATER SOURCES

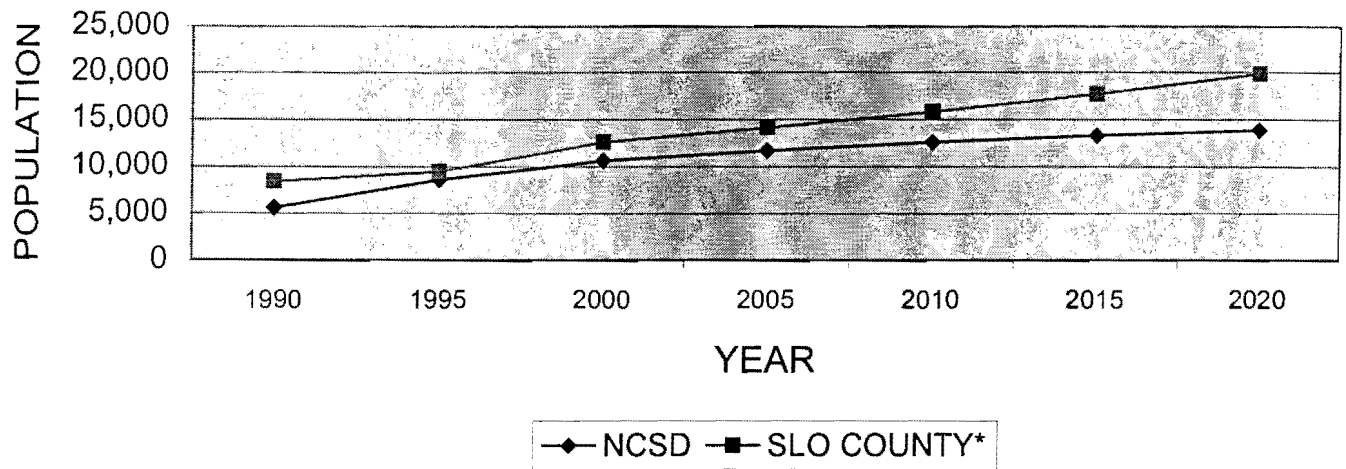
Currently, the District's only water supply is from groundwater. The existing production capacity of the District's nine wells can meet the approximate build-out requirements to the year 2020. San Luis Obispo County's growth control ordinance presently restricts most developments in the Nipomo area to 2.3% per year. Based on this ordinance, there would be modest growth within the community.

Urban water providers, such as NCSD, investor-owned water companies (Cal Cities, Rural Water Co.), mutual water companies, rural residents and agricultural users, have increased groundwater extraction over the past years creating a groundwater depression on the Nipomo Sub-Area of the Santa Maria groundwater basin.

NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

FIGURE NO. 1

NIPOMO COMMUNITY SERVICES DISTRICT
NIPOMO POPULATION PROJECTIONS
URBAN WATER MANAGEMENT PLAN
(TOWN AND BLACKLAKE DIVISIONS)



YEAR	NCS D	SLO COUNTY*
1990	5,610	8,380
1995	8,590	9,490
2000	10,620	12,610
2005	11,700	14,130
2010	12,600	15,830
2015	13,300	17,740
2020	13,900	19,880

*SLO County area larger than NCS D

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

The DWR 2002 Arroyo Grande/Nipomo Mesa Water Resources Report states that the Water Budget for the Nipomo Hydrologic Sub-Area (HSA) of the Santa Maria Basin indicates that the outflow (sub-surface & extractions) exceeds inflow, therefore, this HSA of the Santa Maria groundwater basin is being mined or is in a state of overdraft. Reports from the consulting firm of SAIC and Santa Barbara County Water Agency also confirm this overdraft.

The District has been made a party to the Santa Maria Valley groundwater adjudication filed in July 1997, known as Santa Maria Valley Water Conservation District vs. Nipomo Community Services District, et al. Case No. 770214 in Santa Clara County. This suit brings into question the groundwater rights between municipal water suppliers, such as the District and agriculture for the entire Santa Maria Groundwater Basin. This court case began October 8, 2003. It is anticipated that the court will impose a groundwater management plan for the basin, where presently none exists.

The 2002 Department of Water Resources Arroyo Grande/Nipomo Mesa Water Resources Report indicates that in the year 2000, the Nipomo Mesa Hydrologic sub-area of the Santa Maria groundwater basin had approx. 84,000 acre-feet of water in storage above mean sea level. It is anticipated that the groundwater basin will supply the HSA and NCSD's water users until the court determines the status of the groundwater basin.

3.2 WATER PRODUCTION

The District presently operates two independent water systems; one is known as the Town Division, with approximately 3,000 accounts and the other is known as the Blacklake Division, with approx. 580 accounts. The Town Division presently has six (6) wells that pump from the Nipomo hydrologic sub-area and one active well in the Nipomo Valley with a total production capability of approximately 3,300 gallons per minute. The Blacklake Division has two (2) wells that pump groundwater from the Nipomo hydrologic sub-area with pumping capacity of approximately 750 gpm.

The District is 100% metered. The average consumption per account for the past five years for the Town Division is approximately 0.64 AFY and for the Blacklake Division is 0.68 AFY per account. By implementing an additional tiered water rate, conservation program and a seasonal water rate, it is estimated that the annual consumption rate per account could be reduced by a minimum of 1 percent per year until a 10 to 15 percent reduction is achieved. Most of this reduction could come from outside use and landscaping irrigation. Projected water demand is based on this estimate.

The tables below show the current and projected water supply capacity for each division operated by the District.

TABLE NO. 2 DISTRICT PRODUCTION CAPACITY		
EXISTING PRODUCTION CAPACITY		80% OF CAPACITY*
Town Existing Wells	3300 gpm	4200 AFY
Blacklake Existing Wells	750 gpm	950 AFY

* Assume well would be down 20% at times for maintenance, etc.

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

In 2001, the District pumped approximately 2400 acre-feet from its wells to supply the water for its consumers in both divisions. The District completed an update of the 1995 Water and Sewer Master Plan in 2001 which projects the additional infrastructure requirements to supply the community with water and sewer services. As the community grows, infrastructure is constructed to meet the demands of the community, which are primarily financed through the District capacity fees and charges paid by developers.

If the adjudication of the Santa Maria groundwater basin results in the District being required to curtail well production, the District may make up this difference of production from the District Nipomo Valley wells on the east side of the 101 Freeway that are outside the defined groundwater basin, as shown in Table No. 3:

TABLE NO. 3 EXISTING AND FUTURE PRODUCTION		
FUTURE PRODUCTION		TOWN (AFY)
Production outside the basin based on 70% capacity		AFY
Hermreck Well	250 gpm	300
Savage Well	100 gpm	100
Church Well	150 gpm	200
Other well sites	400 gpm	500

Other potential supplemental water services would include a District well site near the Santa Maria river, purchase water from other agencies and a possible de-sal operation.

TABLE NO. 4 POTENTIAL OF NIPOMO MESA WATER SUPPLY		
Other potential sources		AFY
Off Mesa well site	1000 gpm	1100
Other supplemental water sources	-----	1500

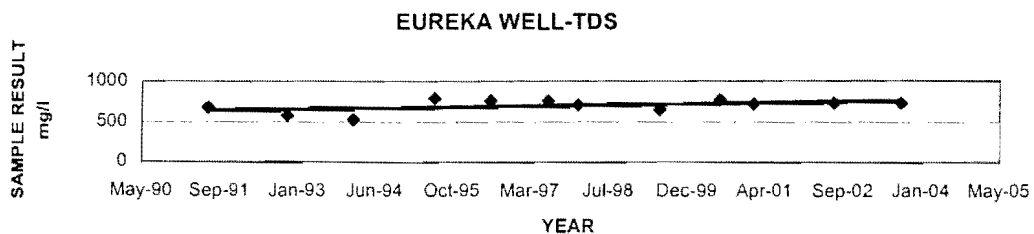
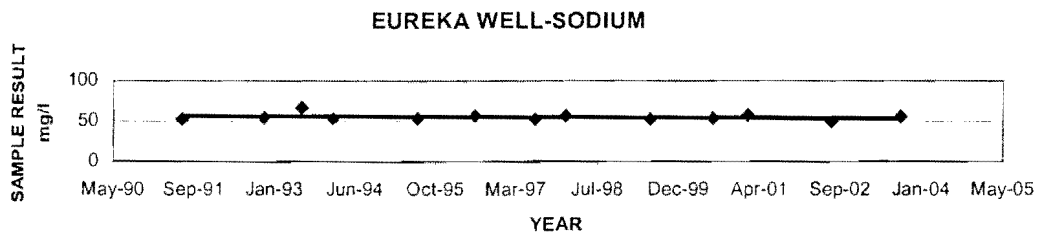
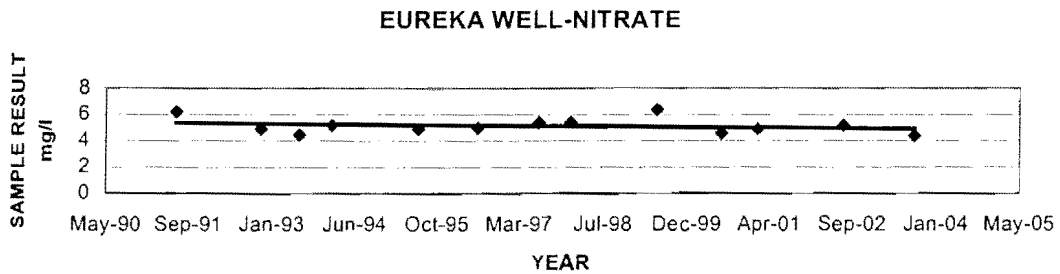
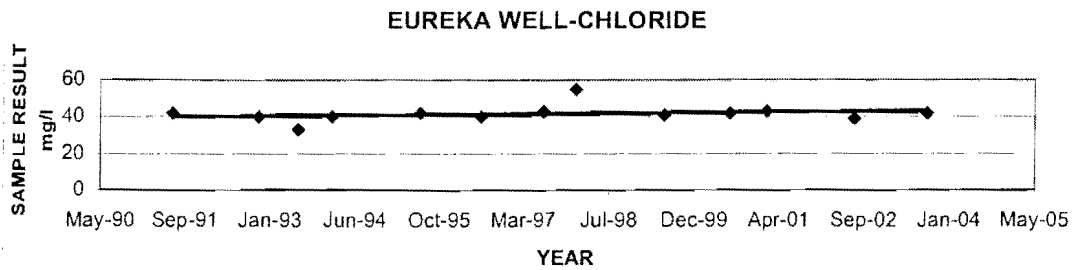
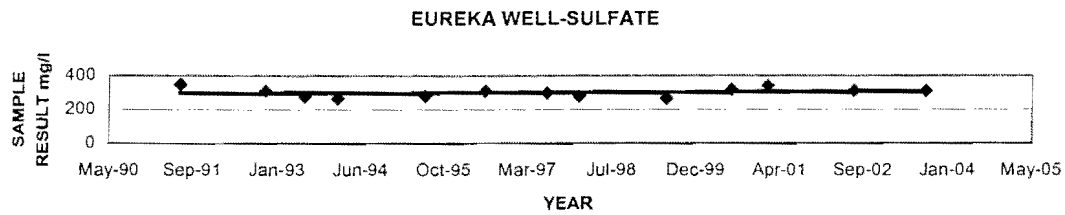
3.3 WATER QUALITY

The District's water supply is in compliance with the State Department of Public Health requirements. Water samples taken from the District wells over the past ten years include Total Dissolved Solids (TDS), chlorides, nitrates and sodium. These water quality samples were taken from the District's Eureka Well, Via Concha Well, Blacklake Well #4, and Church Well on the east side of the freeway, as shown on Figures No. 2 through 5, including trend lines. All of the District's water supply is classified as hard water. The primary drinking water standards from the State Department of Public Health are as follows:

Sodium	500mg/l
Chlorides	45 mg/l
Nitrates	45 mg/l
TDS (secondary standard)	500 to 1000 mg/l

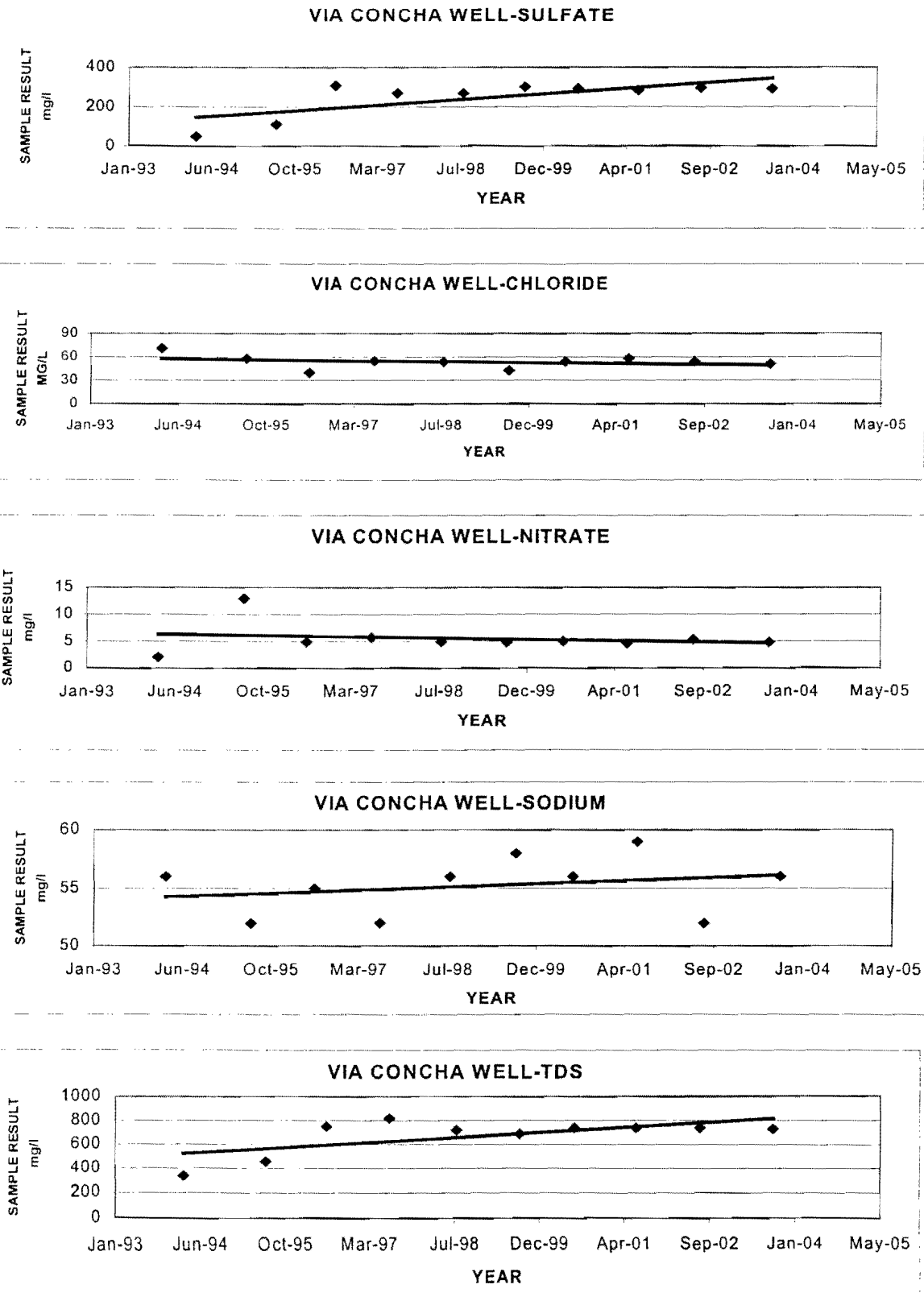
NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

GROUNDWATER WATER QUALITY
FIGURE NO. 2



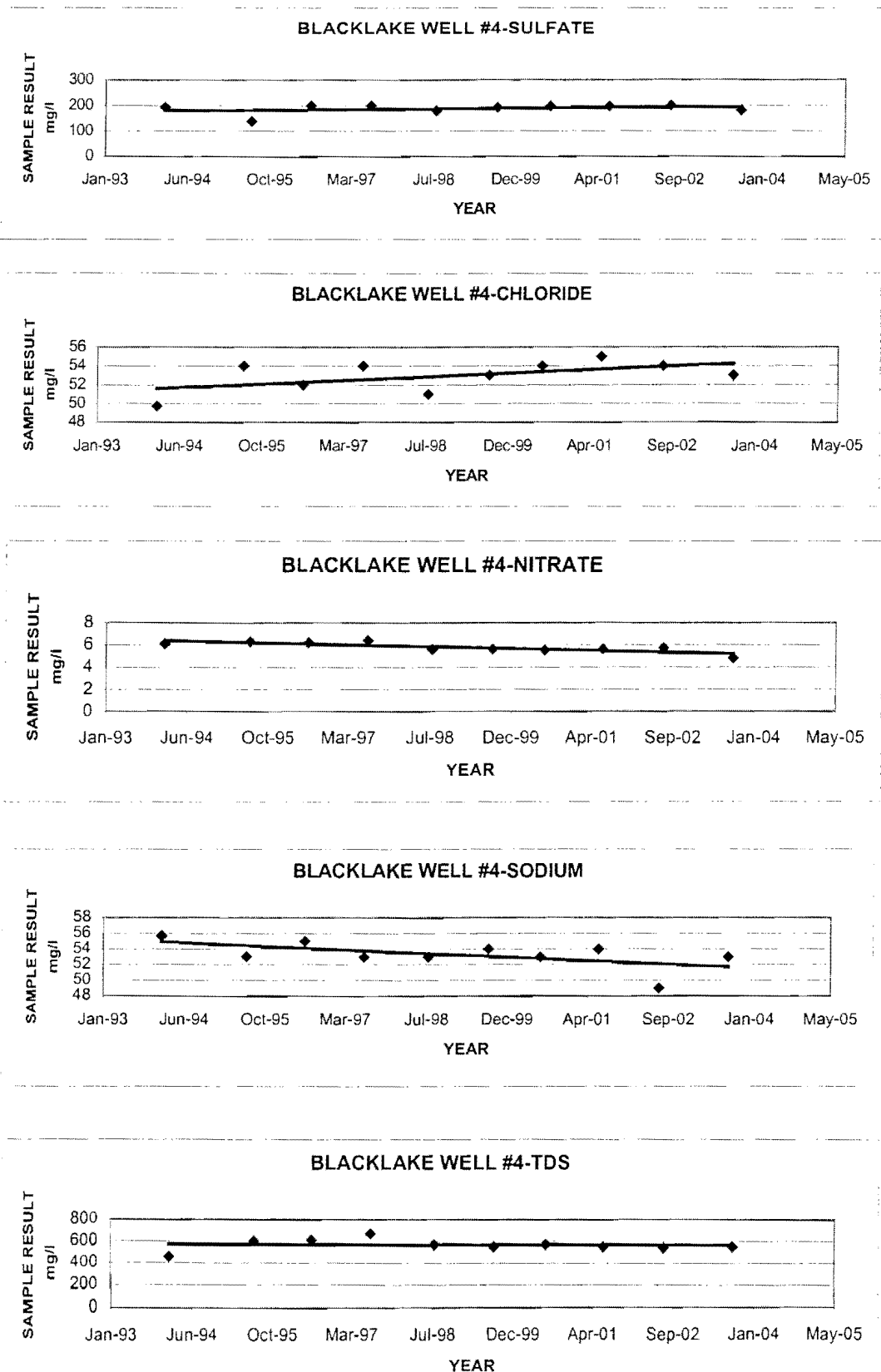
NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

GROUNDWATER WATER QUALITY
FIGURE NO. 3



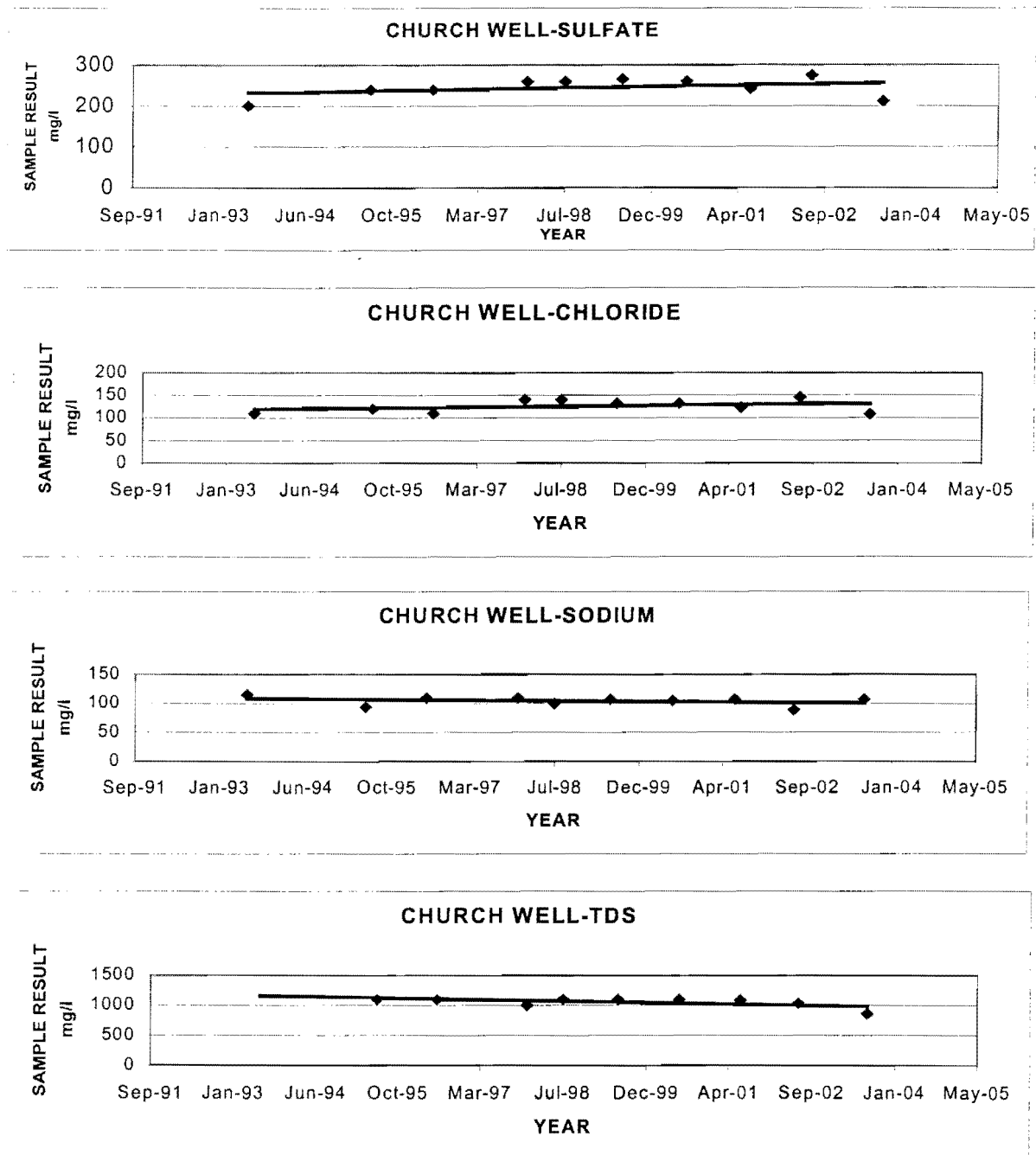
NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

GROUNDWATER WATER QUALITY
FIGURE NO. 4



NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

GROUNDWATER WATER QUALITY
FIGURE NO. 5



**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

3.4 RELIABILITY PLANNING

The Nipomo Community Services District's wells are drilled into the deeper portion of the groundwater basin, therefore, droughts of a single dry-year or multiple dry-year periods have not affected the District's water supply.

The District's Sun Dale well (approx. 1000 gpm) has a natural gas engine, which is fully automated to operate during power outages. The District has standby generators, if needed, to put other wells on line during prolonged power outages in the community.

Presently, the District has the capacity to store four million gallons of water in its storage reservoirs, thereby providing for emergency demands of the community during well interruptions (via power outages). The District is planning to add a number of new wells to increase production to meet future demands.

With standby generators, a natural gas engine, and storage capacity, the District has adequate reliability for maintaining the water supply for the community.

3.5 TRANSFERS OR EXCHANGE OPPORTUNITIES

The District presently has an emergency inter-tie with the neighboring, private water company (California Cities Water Company) and the Blacklake Division. With the addition of a booster pump, water could be exchanged between these areas in an emergency. The District is presently in negotiations with the City of Santa Maria for a possible supplemental water source, which may be developed sometime in the future. The District has begun investigation of a possible desalination project.

4.0 WATER USE PROVISIONS

4.1 CURRENT AND PROJECTED WATER USE

The Nipomo Community Services District was formed in 1965 to provide a domestic water source for the unincorporated area of Nipomo that lies within the County of San Luis Obispo. The District has grown slowly until the last ten years, which has seen an increase of more than 58% in water accounts. Table No. 5 shows the past and projected water use for the District.

Projected water use for the Town Division assuming some production reduction from the Mesa and supplement with off-Mesa production (Nipomo Valley) and supplemental supply is shown on Figure No. 6. The Blacklake Division projected water use is shown on Figure No. 7.

NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

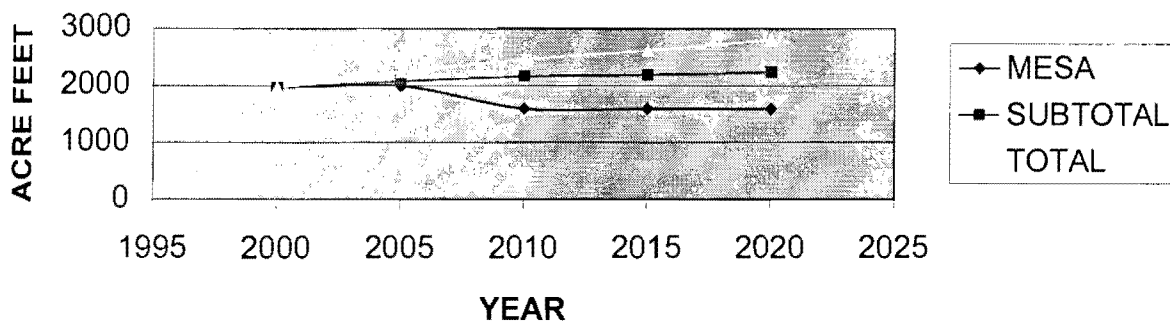
FIGURE NO. 6

WATER USE PROJECTION
TOWN DIVISION SUPPLY (AFY)

YEAR	MESA	OFF MESA	SUBTOTAL	SUPPLEMENTAL	TOTAL
2000	1971	N/A	1971	0	1971
2005	2000	80	2080	170	2250
2010	1600	570	2170	300	2470
2015	1600	600	2200	420	2620
2020	1600	600	2240	570	2810

Notes: Mesa Supply assumes reduction from water rights court ruling.
Off Mesa = District wells in Nipomo Valley
Subtotal = Mesa, Off Mesa and conservation
Total = All supplies w/o conservation @ 0.68 AF/Account

WATER USE PROJECTION-TOWN DIVISION



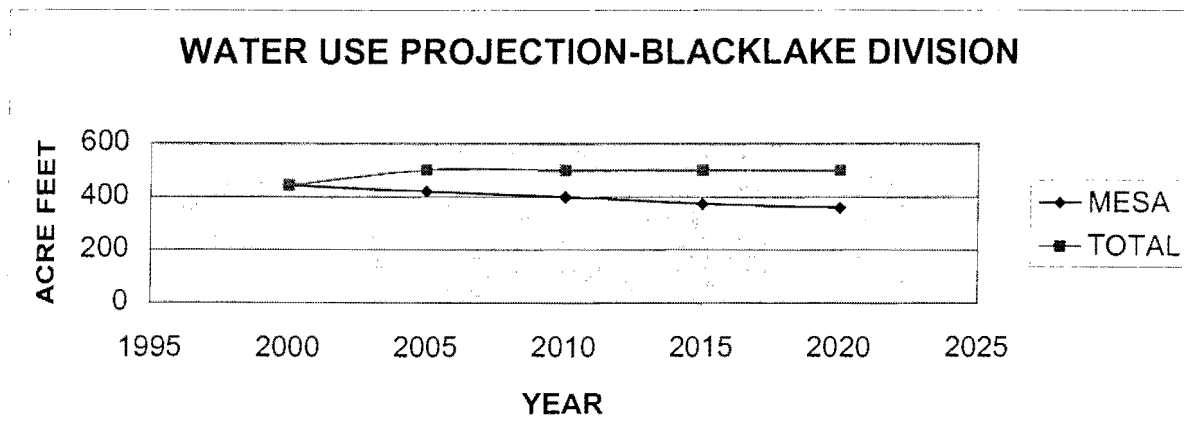
NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

FIGURE NO. 7

WATER USE PROJECTION
BLACKLAKE DIVISION SUPPLY (AFY)

<u>YEAR</u>	<u>MESA</u>	<u>SUPPLEMENTAL</u>	<u>TOTAL</u>
2000	443	N/A	443
2005	420	80	500
2010	400	100	500
2015	375	125	500
2020	360	140	500

Notes: Mesa = Well production, conservation and assumed a water rights court ruling
Total = Well and supplemental supply w/o conservation @ 0.78 AF/Account



NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

The primary service area within the District is residential with a small commercial sector.

TABLE NO. 5 DISTRICT PRODUCTION AND CONSUMPTION								
CURRENT AND PROJECTED WATER CONSUMPTION/PRODUCTION								
YEAR	1985	1990	1995	2000	2005	2010	2015	2020
TOWN								
Number of Accounts	1170	1731	2281	2744	3010	3310	3510	3710
AF/Consumption/Acct.*	0.64	0.66	0.55	0.64	0.63	0.60	0.57	0.55
Total Consumption (AFY)	743	1134	1263	1756	1890	1970	2000	2040
Est. Production (1.1 x Consumption) (AFY)	787	1207	1512	1971	2080	2170	2200	2240
*Assume ½ to 1% reduction per yr. due to water rate adjustment and conservation								
CURRENT AND PROJECTED WATER CONSUMPTION/PRODUCTION								
YEAR	1985	1990	1995	2000	2005	2010	2015	2020
BLACKLAKE DIV.								
Number of Accounts	+		371	564	590	590	590	590
AF/Consumption/Acct.*			0.65	0.72	0.67	0.62	0.58	0.56
Total Consumption (AFY)			240	410	390	370	340	330
Est. Production (1.1 x Consumption) (AFY)			293	443	420	400	375	360

* Assume 1% reduction per yr. due to water rate adjustment and conservation

+ The District took over operation from CSA-1G (Blacklake) in 1994

The current and projected water supply is partly based on build-out projections from the County Planning Department's Growth Control Ordinance and the number of assessor parcel numbers not served within the District, as shown on Table No. 6.

TABLE NO. 6 PARCELS WITHIN THE DISTRICT – BASED ON APN'S		
Assessor Parcel Numbers in the District as of 1/03	No.	%
TOTAL	3767	100.0
Non-Buildable (easements, etc.)	138	3.5
Vacant or no NCSD service	245	6.5

The District presently services over 90% of the buildable parcels within the Town Division. It is estimated there will be approximately 800 to 1000 connections by the year 2020 within the current boundary assuming not all parcels are developed by the year 2020.

NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN

CURRENT AND PROJECTED NUMBER OF CONNECTIONS BY CUSTOMER TYPE

CUSTOMER TYPE	YEAR						
	1990	1995	2000	2005	2010	2015	2020
Single Family Residential	1698	2027	2479	2735	2975	3220	3290
Multi-Family Residential		158	174	180	190	200	210
Commercial/ Industrial	33	73	70	73	120	150	160
Landscaping		18	19	20	23	38	38
Agricultural		5	2	2	2	2	2
Total (NO. OF ACCOUNTS)	1731	2281	2744	3010	3310	3610	3710

CUSTOMER TYPE	YEAR						
	1990	1995	2000	2005	2010	2015	2020
Single Family Residential	203	275	465	485	490	490	490
Multi-Family Residential		66	65	65	65	65	65
Landscaping/Recreational*		30	34	35	35	35	35
Total (NO. OF ACCOUNTS)	203	371	564	590	590	590	590

*Blacklake has no agricultural users.

5.0 WATER DEMAND MANAGEMENT MEASURES

5.1 WATER CONSUMPTION AND PRODUCTION AUDIT

The District audits its water production and consumption and determines if unaccountable water is in excess of the District distribution system guidelines.

In the past, there was a high degree of unaccountable water (up to 22%). This was due to polybutylene water service line failures. The District has completed a program of replacing these services to reduce water losses. After this replacement program was completed and the system audited, the unaccountable water loss is presently at 3%. The District audits its production, consumption and unaccountable water use.

5.2 LOW-FLUSH TOILET REPLACEMENT PROGRAM

The District has established a plumbing fixture retrofit program. Any developer wishing to annex property into the Services District is required to retrofit eight existing homes for each new home in the proposed annexation. This program has been successful in accomplishing retrofitting of residential units in the District.

With a limited number of retrofits available, future annexations will require a supplemental water supply.

NIPOMO COMMUNITY SERVICES DISTRICT URBAN WATER MANAGEMENT PLAN

5.3 PUBLIC INFORMATION

The District publishes a newsletter about District activities, which includes promoting water conservation items.

5.4 CONSERVATION

The District is 100% metered and has a tiered water-billing rate structure with a lifeline allotment as the basic block. Water used over this block is billed at a higher rate. Rates are adjusted annually to maintain fiduciary responsibility. To promote greater conservation, the District is planning to adjust its rate structure.

Other conservation programs that the District has reviewed are school education, washing machine rebate, commercial accounts (the District has a few commercial accounts and no industrial or institutional accounts) and other programs. Presently, the small size of the District does not economically justify implementing these programs. As the District grows, conservation programs will be re-evaluated.

5.5 WATER SHORTAGE CONTINGENCY PLAN

The District does not have a surface water supply and relies on groundwater. The groundwater basin water levels have had normal fluctuations even during minimum rainfall where it has not affected the District water production facilities. Since this District has not experienced water supply shortages, the District has not needed to implement an analysis of water shortages or reduce customer consumption, which would reduce revenue and expenditures.

5.6 WATER CONSERVATION AND SHORTAGE PROGRAM

District Code §3.3.4 - Water Conservation and Emergency Water Shortage Regulations address conservation and water shortages and emergencies. The ordinance states

- No customer shall waste water.
- Prohibits irrigation between 9 a.m. and 6 p.m.
- Prohibits use on hard surfaces (driveways, etc.)
- Allows customers up to four hours to repair their leaks after being notified.

The following is a summary of the three stages of water conservation:

(1) **Stage 1: Voluntary Conservation**

Customers are requested to voluntarily limit the amount of water used from May 15th to October 15th of each year to that amount absolutely necessary for health and business. A fifteen percent (15%) reduction in water use is requested.

(2) **Stage 2: Mandatory Conservation**

Limited water use: Outdoor irrigation limited (6 p.m. to 9 a.m.) Residential car washing prohibited. Fire hydrant flushing is curtailed.

(3) **Stage 3: Mandatory Conservation**

More limited water use: Prohibits use of water for lawns, ground cover, crops and vegetation. Quantity of water used shall not exceed 75 gallons per day per person. Violators would be subject to installation of flow restrictors and fines. Further violations would cause the meter to be removed.

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

6.0 WATER SUPPLY

6.1 WATER PROJECTS

The District is working with a number of developers to bring new wells on line and reconstructing a stand-by well to meet future supply and peak system demands. Present District storage capacity is 3.3 million gallons with an additional 0.7 MG emergency storage. Additional storage is in the planning stage.

6.2 SUPPLEMENTAL WATER SUPPLIES

The District is presently reviewing possible supplemental water supplies, which include the following:

- Purchase water from the neighboring City of Santa Maria, which would include an emergency inter-tie for water supply that may be needed in times of emergencies.
- Desalination - The Board has directed staff to look into methods of desalination. No final determination has been made.
- Hard rock drilling - Drilling in the fractured rock area east of the District for possible water supply.

A supplemental water supply may be acquired before the finalization of the adjudication of the groundwater basin. The amount needed will depend on the court's ruling on the adjudication of the groundwater rights. A ruling is expected by the year 2004.

7.0 RECYCLED WATER

7.1 WASTEWATER COLLECTION AND TREATMENT

The District has two (2) wastewater treatment facilities within its boundaries.

Southland Wastewater Treatment Plant - Provides wastewater treatment for approx. 1900 accounts.

Blacklake Wastewater Treatment Plant – Provides treatment of wastewater for approx. 550 accounts.

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

Table No. 9 shows the amount of wastewater treated in 2000 and existing capacity.

TABLE NO. 9 WASTEWATER CAPACITIES TOWN AND BLACKLAKE DIVISIONS				
WASTEWATER TREATMENT				
Treatment Facility Name	Average Daily Flow MGD (2000)	Maximum Daily Flow MGD (2000)	Year planned for build-out	Existing Capacity Average Daily Flow
Southland	0.4	0.6	2020+	0.9 MGD
Blacklake	0.06	0.1	2005	0.2 MGD

The treated wastewater from the Southland Wastewater Treatment Facility flows into percolation ponds, which percolates back into the HSA groundwater basin. Presently, it is not economical to recycle the wastewater to other uses.

The wastewater from the Blacklake Wastewater Treatment Facility is treated and discharged into a golf course water hazard, which is then used for golf course irrigation and percolation to the groundwater basin. All the wastewater processed by the District is recycled into the groundwater basin.

7.2 CURRENT AND PROJECTED WASTEWATER PROCESSES

TABLE NO. 10 RECYCLED WASTEWATER TOWN AND BLACKLAKE DIVISIONS						
RECYCLED WASTEWATER		2000	2005	2020	2015	2020
Town Division	AFY	400	500	600	700	800
Blacklake Division	AFY	60	75	75	75	75

8.0 OTHER WATER CODE ITEMS

Due to the District having slightly over 3,000 water accounts, the following sections of the California Water Code Sections presently are not economically justifiable for a small District.
Sec. 10634: (f)(l)

- (A) water audit program for residential and multi-family accounts
- (E) implementation of a large landscaping conservation program
- (F) implementation of a high efficiency washing machine rebate program
- (H) implementation of a school education program. Studies have found that this is not very effective and school districts do not like time taken away from their curriculum
- (l) implementation of conservation commercial, industrial and institutional program. (There is little commercial and no industrial or institutional served by the District.)

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

9.0 SUMMARY

It is proposed that this Urban Water Management Plan be updated in the year 2005 because of the following:

- The Court may have made a determination on the adjudication of the groundwater basin.
- A supplemental water supply agreement may be completed
- The finalization of the District's Sphere of Influence by the Local Agency Formation Commission (LAFCo)
- The possibility of city incorporation

10.0 CONCLUSION

The District has established a Urban Water Management Plan in compliance with the water code and to evaluate its water needs within the existing District boundary.

The District's future water supply will be dependent on the court's decision on the adjudication of the Santa Maria groundwater basin. With the possibility of the District having to curtail its pumpage from the Nipomo Sub-Area of the Santa Maria groundwater basin, it could supplement this water reduction from the Nipomo Valley and conservation water measure to meet water demands to the year 2020. This could be done, primarily with water rate adjustment and some conservation measures, to achieve the 1995 water use level of 0.55 acre feet per year per account.

A supplemental water supply will be required for future growth via annexations to the District. The District is presently negotiating with the City of Santa Maria for a supplemental water supply and has budgeted funds for a desalination study. Because a supplemental water supply will be more expensive than the District's existing water, the economics will drive conservation.

The District continues to look into conservation measures. Due to the District's size, implementing certain conservation measures at this time is not economically justifiable. The District presently recycles all of its wastewater either through percolation back into the groundwater basin or irrigation for the golf course. The District's infrastructure is presently in place to meet the District's water production and storage facilities to the year 2020.

ADJUDICATION OF THE GROUNDWATER BASIN

It is anticipated that when the Court makes a determination on the adjudication of the Santa Maria groundwater basin, a management plan will be developed for the basin which will quantitate the District's water supply for the community.

**NIPOMO COMMUNITY SERVICES DISTRICT
URBAN WATER MANAGEMENT PLAN**

REFERENCES

- 1) Boyle Engineering Water and Sewer System Master Plan – November 16, 1995
- 2) SLO County Planning Department – South County Area Plan – Inland – May 27, 1999
- 3) Kennedy/Jenks Consultants – Evaluation of Water Supply Alternatives – Nipomo, CA – October 2001
- 4) Boyle Engineering Water and Sewer System Master Plan 2001 Update March 2002
- 5) State Department of Water Resources, Water Resources of the Arroyo Grande-Nipomo Mesa area – Southern District Report – 2002
- 6) SAIC – Water Resources Evaluation Nipomo Mesa Management Area draft – May 28, 2003
- 7) DWR Bulletin No. 118, update 2003-October 2003

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: NOVEMBER 5, 2003

AGENDA ITEM
NOVEMBER 5, 2003

REQUEST FOR SERVICE
CO 03-0301
ROBINSON

ITEM

Request for water service for a 12-building commercial development at Sandydale and N. Frontage Road.

BACKGROUND

The District has received an application for an Intent-to-Serve letter for water service to CO 03-0301, a 12-building commercial development at Sandydale and North Frontage Road. Estimated commercial water use is 0.9 AFY and landscaping 0.8 AFY. An on-site septic system will need to be used since sewer service presently is not available.

Your Honorable Board may issue an Intent-to-Serve letter for Tract 2398 subject to the following conditions:

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit two (2) sets of improvement plans showing appropriate District services to the project prepared in accordance with the District Standards and Specifications for review and approval.
3. Pay all appropriate District water and other fees associated with this development.
4. When sewer becomes available, connection will be required. The associated costs of sewer service will be the responsibility of the property owner.
5. 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 improvement costs
6. This Intent-to-Serve Letter will expire two years from date of issuance.

RECOMMENDATION

Staff recommends that your Honorable Board approve the issuance of an Intent-to-Serve letter for Parcel Map CO 03-0301 with the above mentioned conditions.

DATE _____

**NIPOMO COMMUNITY SERVICES DISTRICT
APPLICATION FOR
INTENT-TO SERVE LETTER**

1. SLO County Planning Department/Tract or Development No.: CO 03-0301
2. Project's Location: NORTHWEST CORNER OF SANDYDALE & FRONTAGE
3. Assessor's Parcel Number (APN) of lot(s) to be served: 091-325-022
4. Total Number of Residential Units: 0
5. Owner Name: ROBERT D. ROBINSON
6. Business Address: _____
7. Mailing Address: PO BOX 8445 GOLETA CA. 93118
8. Phone Number: (805) 961-8302
9. Agent's Name (Architect or Engineer): GLENN RIDER: EDA DESIGN PROFESSIONAL
10. Mailing Address: 1998 SANTA BARBARA ST. SLO CA. 93401
11. Phone Number: (805) 549-8658
12. Type of Use:
 - Single Family Residence Duplex Triplex Multi-Family
 - Subdivision
 - Commercial? _____ Type RETAIL, SERVICES & WAREHOUSING
 - 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 Water = 0.9 AFY Sewer = 0.00003 MGD
 - d. Landscaping irrigation requirements. (AFY) = 0.8 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)

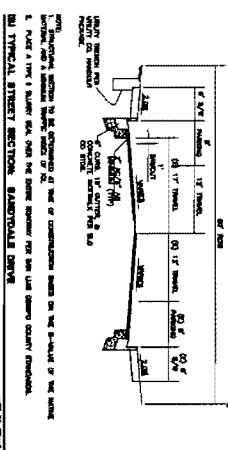
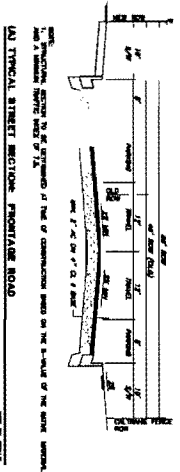
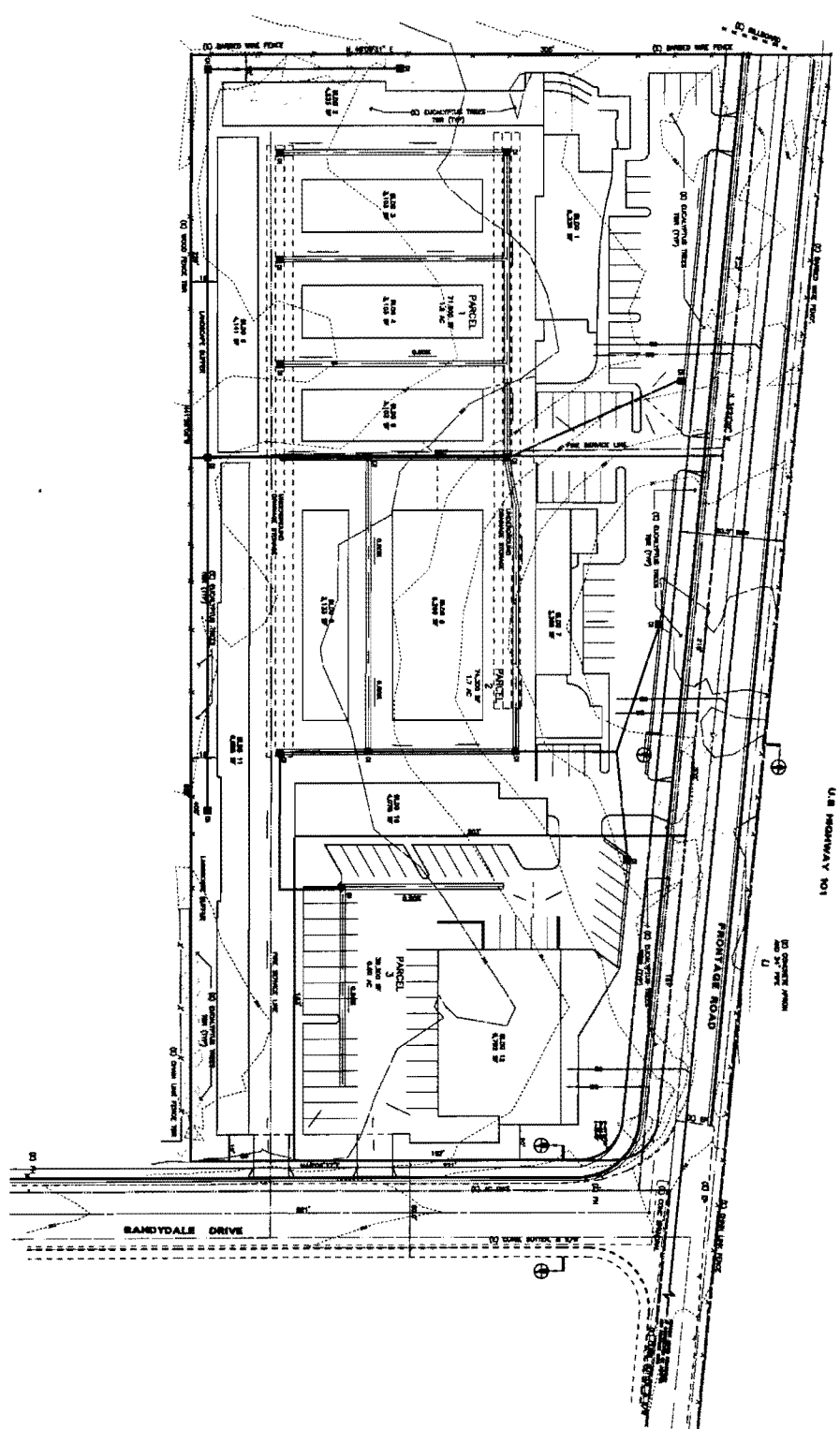
Date 10-23-03


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

Robert D. ROBINSON
Print name

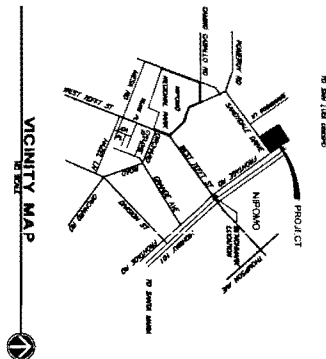
FOR DISTRICT OFFICE USE:

AMOUNT PAID 50⁰⁰ DATE: 10/24/03 RECEIPT 72478
CH# 1018



LEGEND

SYMBOL	DESCRIPTION
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(Symbol)	Lot 100



PROJECT DATA:

1. PROJECT LOCATION: [Address]
2. PROJECT NAME: [Name]
3. PROJECT NUMBER: [Number]
4. PROJECT DESCRIPTION: [Description]
5. PROJECT AREA: [Area]
6. PROJECT COST: [Cost]
7. PROJECT START DATE: [Date]
8. PROJECT END DATE: [Date]
9. PROJECT STATUS: [Status]
10. PROJECT CONTACT: [Contact]
11. PROJECT NOTES: [Notes]

SCALE 1" = 100'

VESTING TENTATIVE PARCEL MAP FOR CO 03-0301


COUNTY OF SAN LUIS OBISPO, CALIFORNIA

APPLICANT: [Name]

PREPARED BY: [Name]

DATE: [Date]

eda

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: NOVEMBER 5, 2003

**AGENDA ITEM
E-2
NOVEMBER 5, 2003**

CSDA SUPPORT FOR A BALLOT INITIATIVE

ITEM

Statewide initiative to keep local revenues local

BACKGROUND

The State of California has been augmenting their budget by acquiring local property taxes to back fill the State Budget for funding the Education Revenue Augmentation Fund (ERAF). The CSDA, League of California cities and California Association of Counties will be supporting a ballot initiative to retain local revenues for local purposes. The attached correspondence received from CSDA outlines the proposed initiative that would be placed on the November 2004 ballot. CSDA is requesting contributions to help pay for the initiative and provide information on the proposed November ballot. Other CSD's are planning to or have already contributed up to \$1000.

RECOMMENDATION

Staff would recommend a contribution of \$500 from the District property tax fund to help pay for this initiative process

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

October 6, 2003

Mr. Doug Jones
Nipomo Community Services District
PO Box 326
Nipomo, CA 93444-0326

Dear Mr. Jones:

As you may know, the California Special Districts Association (CSDA) was recently invited by the League of California Cities (League) and the California State Association of Counties (CSAC) to **participate on behalf of all special districts in a statewide ballot initiative (November 2004) to put the voters in charge of whether local tax dollars should be diverted from local district programs to fund state services.**

CSDA leadership has determined that our goal is to continue to be seen as the third leg of local government and a partner with the League and CSAC as the recognized representative of special districts. The Board's decisions to this point have been extremely successful in pursuing that goal as we are the organization that is the "go-to" partner for the cities and counties for special districts as can be seen through the success of the LOCAL Coalition.

Over the last 12 years, with the more than \$30 billion of local property taxes having been drained by the state from local governments, the movement toward a ballot measure has increased and is now here. Resolving the issue through the Legislature appears to not be a feasible option. Furthermore, the opportunity to pursue a ballot measure was brought to the CSDA membership at the Annual Meeting on September 16, 2003 and there was unanimous support to continue to pursue a ballot measure to protect local government revenues.

Now we need your participation and assistance! As an equal partner with the cities and counties, there are costs associated with formulating and drafting the language of the proposed ballot initiative and with securing appropriate initiative sponsors. While special districts are prohibited from using public funds to advocate or promote any initiative, special districts are allowed to contribute public funds to help pay the variety of expenses incurred in formulating and drafting a proposed initiative and securing sponsors including polling, research, consulting and legal expenses incurred for such purposes. Our goal is to raise \$200,000 to cover special districts' share of these drafting and sponsorship efforts.

We are asking for your support in the form of a financial contribution to help fund the cost associated with formulating this initiative and securing sponsors. Think of how much money your district has already lost to ERAF, and how much your district still stands to lose; and think of the unfunded state mandated programs that continue to increase the cost of service. Please see the attached information sheet on the ballot initiative as well as the form you can detach and return to CSDA with your contribution. This is the beginning of what promises to be a challenging and exciting year. **Your contribution and participation is very much appreciated and significantly helps to support efforts to keep local revenues and services local.**

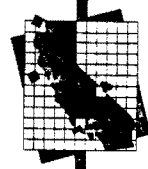
If you have any questions, please feel free to contact CSDA Executive Director, Catherine Smith at 877.924.CSDA. Thank you for your help in this important effort!

Sincerely,

William Miller
President

OCT 14 2003

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION



**CALIFORNIA
SPECIAL DISTRICTS
ASSOCIATION**
1215 K Street, Ste 930
Sacramento, CA 95814
Tel: 916.442.7887
Fax: 916.442.7889
www.csdanet

California Special Districts Association
1215 K Street, Ste 930
Sacramento, CA 95814
Tel: 916.442.7887
Fax: 916.442.7889
www.csdanet

CSDA Financial Information
Toll-Free Numbers
General: 1.877.924.CSDA
SDRMA/SDWCA Claims & Coverages: 1.800.537.7790

Annual Meetings
Resources for the Industry
Insurance
Public Policy
Special Districts
Statewide Initiatives

Toll-Free Numbers
General: 1.877.924.CSDA
SDRMA/SDWCA Claims & Coverages: 1.800.537.7790

LOCAL GOVERNMENT BALLOT INITIATIVE November 2004



Background - CSDA has been involved with the League of California Cities (League), the California State Association of Counties (CSAC) and other public health, public safety, and business advocates on strategizing how to protect local revenues to local services during state budget crises. In the early 1990s when the state was facing severe fiscal issues, the Education Revenue Augmentation Fund (ERAF) was developed, which transferred property taxes from local government to the State's general fund to offset Proposition 98 obligations to education. Although promised many times by many decision-makers, those funds have never been stopped or re-diverted back to local government in "good" times and we (cities, counties, special districts) have transferred over \$30 billion to the State since the implementation of ERAF.

In 2002, a task force was assigned to look at options to ensure that local revenues continue to be focused on local services and that local governments no longer provide the backfill to the State's fiscal issues. The task force determined that it was beneficial to continue to work through the legislative process to see if we could resolve the issues instead of going straight to the ballot box. The organizations (League, CSAC, CSDA) spearheaded and funded the Leave Our Community Assets Local (LOCAL) Coalition which has worked very successfully over the last two years in increasing the awareness of the citizenry of the connection between local revenues and local services. Our goal was to put a face on local government hoping to ensure protection and dialogue on these issues.

Although local government was impacted by the state budget developed in response to the \$34 billion deficit that the State faced this year, we were not as greatly impacted as anticipated. LOCAL activities were attributed with the results, in conjunction with the individual efforts of the participating organizations, but local government advocates feel that we must remove ourselves from the annual budget dance and ensure stability and predictability in local revenues. Resolving the issue through the Legislature appears to not be a feasible option.

Constitutional Protection Needed Now - Special district and other local government leaders know that in the current state budget crisis this problem will only get worse if something isn't done. As a result, CSDA, the League and CSAC have joined forces to sponsor a ballot initiative in November 2004 to put the voters in charge of whether local tax dollars should be used to fund state services. It would not prevent structural reform of the fiscal system. It would simply require that structural changes be planned collaboratively by state and local leaders and approved by the voters. It would not raise taxes. It would not repeal laws the state has already passed. It would not require the return of property taxes already taken. It would do two simple things:

- **Public Vote Required:** Require approval by a majority of the electorate before a proposed state law may take effect that appropriates, reallocates, redistributes, reduces or suspends the payment of local tax revenues (sales, property and VLF) to cities, counties and special districts; and
- **Reimburse for Mandated Costs:** Clarify that the state must reimburse local governments for a new mandated program or higher level of service, protecting local governments from cost shifts.

Consulting Team - Assisting in the campaign are: Winner and Mandabach Capaigns (political consultants); Nielsen, Merksamer (legal); McMurchie, Weill, Lenahan, Lee, Slater & Pearse LLP (legal); and Fairbanks, Maslin, Maullin, & Associates (survey research).

For More Information - Contact Catherine Smith, Executive Director or Neil McCormick, Assistant Director at (877) 924-CSDA.

Your contribution is appreciated. Thank You!



District Name: _____
Contact: _____
Mailing Address: _____
City: _____ Zip: _____
Phone: _____ Fax: _____


Enclosed is a check to assist CSDA to underwrite the start-up cost of the ballot initiative in the amount of:

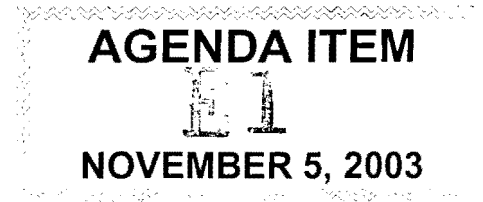
\$500 \$1000 \$2500 \$5000 \$10,000 Other _____

Please make checks payable to CSDA and send to 1215 K Street, Ste. 930, Sacramento, CA 95814.

Additionally, when the initiative begins, I can help by:

- Assisting in local fundraising
- Serving as a speaker
- Serving as a regional coordinator for campaign efforts

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: NOVEMBER 5, 2003



MISSION STATEMENT

ITEM

Review NCSD Mission Statement

BACKGROUND

This item was requested by your Honorable Board for discussion of the existing Mission Statement, which was approved March 20, 2002.

The Nipomo Community Services District's mission is to provide the citizens of the District with quality, innovative, and cost-effective services through responsive and responsible local government to meet the changing needs of the community.

RECOMMENDATION

Your Honorable Board may direct staff how you wish to proceed in this matter.

Board 2003/Mission Statement

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: NOVEMBER 5, 2003

**AGENDA ITEM
F
NOVEMBER 5, 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 October 8, 2003, Regular Board meeting
Minutes of October 16, 2003, Special Board meeting
Minutes of October 21, 2003, Study Session
Minutes of October 22, 2003, Regular Board meeting
- F-3) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS [RECOMMEND APPROVAL]
TRACT 2325 – KNOLLWOOD (MARTIN-FARRELL)
Acceptance of water improvements for Tract 2325 on Blacklake Canyon Road
- F-4) ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS D990051D NIPOMO BAY APARTMENTS
(NIPOMO SAN LUIS BAY LIMITED, A LIMITED PARTNERSHIP) [RECOMMEND APPROVAL]
Acceptance of water and sewer improvements for D990051D on Grande and Blume
- F-5) ACCEPTANCE OF GENERAL MANAGER ADVERTISEMENT AND TIMELINE [RECOMMEND APPROVAL]

WARRANTS NOVEMBER 5, 2003

**AGENDA ITEM
F-1
NOVEMBER 5, 2003**

HAND WRITTEN CHECKS

18671 10-27-03 CALIF HIGHWAY PATROL \$6.00

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
8712	10/24/03	EMP01	EMPLOYMENT DEVELOP DEPT	428.18	.00	428.18	A31020	STATE INCOME TAX
8713	10/24/03	MID01	MIDSTATE BANK-PR TAX DEP	1499.36 458.06	.00 .00	1499.36 458.06	A31020 1A31020	FEDERAL INCOME TAX MEDICARE (FICA)
Check Total.....:				1957.42	.00	1957.42		
8714	10/24/03	MID02	MIDSTATE BANK - DIRECT DP	14203.44	.00	14203.44	A31020	NET PAY DEDUCTION
8715	10/24/03	PER01	PERS RETIREMENT	2971.51 69.03	.00 .00	2971.51 69.03	A31020 1A31020	PERS PAYROLL REMITTANCE MILITARY SERVICE CR
Check Total.....:				3040.54	.00	3040.54		
8716	10/24/03	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A31020	WAGE ASSIGNMENT
8717	10/24/03	STA01	STATE STREET GLOBAL	735.00	.00	735.00	A31020	DEFERRED COMP
008718	10/30/03	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	103003	SPECIAL MEETING
008719	10/30/03	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	103003	SPECIAL MEETING
008720	10/30/03	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	103003	SPECIAL MEETING
008721	10/30/03	WIN01	WINN, MICHAEL	100.00	.00	100.00	103003	SPECIAL MEETING
008722	10/30/03	WIR02	WIRSING, JUDY	100.00	.00	100.00	103003	SPECIAL MEETING
008723	11/05/03	ADV01	ADVANTAGE ANSWERING PLUS	82.95	.00	82.95	56118	ANSWERING SERVICE
008724	11/05/03	BAS01	BASIC CHEMICAL SOLUTIONS	614.18	.00	614.18	S1394154	SODIUM HYPOCHLORITE
008725	11/05/03	BLA01	BLAIR, ROBERT L	100.00	.00	100.00	110503	REGULAR BOARD MTG 11/05/03
008726	11/05/03	CHA02	CHARTER COMMUNICATIONS	54.90	.00	54.90	NOV 2003	INTERNET SERVICE
008727	11/05/03	CRED1	CREEK ENVIRONMENTAL LABS	30.00 30.00 25.00 25.00	.00 .00 .00 .00	30.00 30.00 25.00 25.00	K4069 K4101 K4177 KNOLLWOOD	BL WWTP LAB TEST BL WWTP LAB TEST WATER MAIN SAMPLE KNOLLWOOD WATER MAIN
Check Total.....:				110.00	.00	110.00		
008728	11/05/03	DAV01	THE DAVIS COMPANY	5115.89	.00	5115.89	A31030	PROGRESS BILLING THRU 10/
008729	11/05/03	DEW01	J B DEWAR INC	355.26	.00	355.26	753565	DEEP WELL PUMP OIL
008730	11/05/03	FER01	FERGUSON ENTERPRISES INC	361.69	.00	361.69	574114	HYDRANT PARTS/FLANGES
008731	11/05/03	FGL01	FGL ENVIRONMENTAL	44.80 44.80	.00 .00	44.80 44.80	310321A 310322A	BL WWTP LAB TEST NIPOMO WWTP LAB TEST
Check Total.....:				89.60	.00	89.60		
008732	11/05/03	FIR01	FIRST AMERICAN REAL EST	1287.60	.00	1287.60	4006451	APN/MAP ANNUAL SUBSCRIPTI
008733	11/05/03	GRA01	GRANDFLOW, INC.	127.63	.00	127.63	71243	W-2/1099 FORMS
008734	11/05/03	GRO01	GROENIGER & CO	321.72 -105.69	.00 .00	321.72 -105.69	66144T CM292566BC	HYDRANT BREAK OFF EXTENSI CREDIT-RETURNED BALL VALV
Check Total.....:				216.03	.00	216.03		
008735	11/05/03	GWA01	GWA INC	25.00	.00	25.00	A31030	ALARM MONITORING
008736	11/05/03	HAC01	HACH COMPANY	200.00	.00	200.00	3627787	WATER CLASS-ERNIE/RICK
008737	11/05/03	JOH01	JOHNSON, DONNA	18.30	.00	18.30	A31030	REIMBURSE FOR SUPPLIES
008738	11/05/03	KIN01	KINKO'S	540.69	.00	540.69	13752	INCORPORATION SURVEY PRIN
008739	11/05/03	NEX01	NEXTEL COMMUNICATIONS	228.79	.00	228.79	87314-023	CELL PHONES
008740	11/05/03	NIP04	NIPOMO REXALL	54.54	.00	54.54	A31030	BATTERIES

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
008741	11/05/03	NIP06	NIPOMO AUTO PARTS	214.71	.00	214.71	A31030	MISC VEHICLE PARTS
008742	11/05/03	NIP08	NIPOMO CSD	892.02	.00	892.02	A31030	LANDSCAPE MAINT DIST WARE
008743	11/05/03	PER02	CALIF PUBLIC EMPLOYEES'	5372.62	.00	5372.62	NOV 2003	HEALTH INSURANCE-NOV 2003
008744	11/05/03	PLA01	PLATINUM PLUS FOR BUSINES	426.00	.00	426.00	A31030	ANTIVIRUS SOFTWARE
				-270.00	.00	-270.00	A31030C	CSDA SEMINAR REFUND
				7.05	.00	7.05	A31030A	SUPPLIES
				66.65	.00	66.65	A31030B	TCSD PARK/REC SEMINAR
			Check Total.....:	229.70	.00	229.70		
008745	11/05/03	POS01	POSTMASTER	185.00	.00	185.00	A31030	STAMPS
008746	11/05/03	POS02	FRANCOTYP-POSTALIA, INC.	8.31	.00	8.31	F02741	POSTAGE METER RESET
008747	11/05/03	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	119 OCT	JANITORIAL SERVICE-OCTOBER
008748	11/05/03	QUI01	QUILL CORPORATION	257.08	.00	257.08	4564823	OFFICE SUPPLIES
008749	11/05/03	QUI03	QUINN RENTAL SERVICES	25.66	.00	25.66	2047579	SUPPLIES
008750	11/05/03	TER01	TERMINIX	244.44	.00	244.44	A31030	ANNUAL PEST CONTROL SERVI
008751	11/05/03	THE01	THE GAS COMPANY	13.09	.00	13.09	A31030	OFFICE HEATING
008752	11/05/03	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	110503	REGULAR BOARD MTG 11.18.03
008753	11/05/03	UNDO1	UNDERGROUND SERVICE ALERT	111.00	.00	111.00	30100049	UNDERGROUND SERVICE ALERT
008754	11/05/03	VAL01	VALLEY SEPTIC SERVICE	976.40	.00	976.40	1312	PUMP/JET WOODGREEN & PALM
008755	11/05/03	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	110503	REGULAR BOARD MTG 11.18.03
008756	11/05/03	WIN01	WINN, MICHAEL	100.00	.00	100.00	110503	REGULAR BOARD MTG 11.18.03
008757	11/05/03	WIR02	WIRSING, JUDY	100.00	.00	100.00	110503	REGULAR BOARD MTG 11.18.03
008758	11/05/03	SAI01	SAIC	34916.13	.00	34916.13	399457	GROUNDWATER LITIGATION
008759	11/05/03	STA02	STATE WORKERS' COMP FUND	2655.30	.00	2655.30	OCTOBER	W/C INSURANCE-OCTOBER
008760	11/05/03	VER01	VERIZON	30.53	.00	30.53	A31030	BL TELEPHONE
				29.60	.00	29.60	A31030A	BL TELEPHONE
			Check Total.....:	60.13	.00	60.13		
			Cash Account Total.....:	37631.56	.00	37631.56		
			Total Disbursements.....:	37631.56	.00	37631.56		

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES

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

President Winn called the meeting to order at 9:01 a.m. and led the flag salute.

B. ROLL CALL

At Roll Call, all Board members were present.

C. PUBLIC COMMENTS PERIOD

PUBLIC COMMENTS

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

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

Larry Vierheilg, NCSD resident – announced that ECO-SLO will be having a work day for Cesar Chavez Day at the Cesar Chavez Memorial Garden November 1, 2003, 10:00 am until noon at Osage and Camino Caballo followed by authentic Mexican food in the park, mariachis, and celebration.

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

Public Hearing – The Board discussed the spread for reimbursement to the developer of Tract 2432. There was no public comment.

Upon motion of Director Blair and seconded by Director Trotter, the Board unanimously approved Resolution 2003-880 approving the reimbursement amounts for Butterfly Lane sewer improvements. Vote 5-0

**RESOLUTION NO. 2003-880
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING THE REIMBURSEMENT AMOUNTS
FOR BUTTERFLY LANE SEWER LINE IMPROVEMENTS (GEIHS)**

D-2) REQUEST FOR ANNEXATION – CARRA

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

The District received a request to annex a 5-acre parcel at Moss Lane and Hutton Road. The following members of the public spoke:

Gilbert Carra, owner of subject property, outside District – asked if he could get services from NCSD for his property to serve six existing houses. He stated that the well and the septic systems are old.

Ed Eby, NCSD resident – Speaking on behalf of Save the Mesa, he read a letter to the Board (attached) with comments concerning this request for annexation.

Director Blair made a motion to deny the application for annexation but allow staff to investigate an Outside User agreement with LAFCo. Director Vierheilg seconded the motion. The motion was not carried. Vote 4-1 with Director Blair voting yes.

Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board agreed to deny the request for annexation. Vote 4-1 with Director Blair voting no.

MINUTES SUBJECT TO BOARD APPROVAL

D-3) REQUEST FOR SERVICE – TRACT 2523 (SHAEFER)

Request for water and sewer service for a seven-lot development between Cyclone St. & Tejas Place

Jon Seitz, District Legal Counsel, stated that the District is not changing it's 2:1 retrofit policy requirements for Annexation No. 17.

Jim McGillis, NCSD resident – stated that it is possible to retrofit parks and schools at a substantial water saving.

Ed Eby, NCSD resident – asked the Board to make sure the applicant continues with the retrofit program as agreed to in the annexation.

Upon motion of Director Blair and seconded by Director Vierheilg, the Board approved the issuance of an Intent-to-Serve letter for Tract 2523 with conditions in the Board letter, as modified by legal counsel (Condition #1 "Enter into a water retrofit program to provide water to the proposed subdivision or other program to provide water supply to serve the project").
Vote 4-1 with Director Wirsing voting no.

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 2003-883

**RESOLUTION NO. 2003-883
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING A BOARD ROOM POLICY**

Items F-2 and F-3 were pulled for discussion.

There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved Item F-1, F-4 and F-5 of the Consent Agenda.
Vote 5-0

Item F-2

Director Blair requested a change in Item I {"stated that he is now a CSDA Board member as a Director serving 9 counties" not 18 counties.}

Director Trotter suggested a change in D-1 of the minutes. {Director Trotter stated that Bill Morrow, the representative for Blacklake residents, understood the need the adjust the sewer rates.} Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously approved Item F-2 – Minutes. Vote 5-0

Item F-3

Director Wirsing asked about the taxation rate difference for Tract 2499 and the Lyn Road annexation. Mr. Jones explained that the SLO County sets the rate. The District has no jurisdiction in taxation rates. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously approved Item F-3 of the Consent Agenda. Vote 5-0

F. CONSENT AGENDA (continued)

**RESOLUTION NO. 2003-881
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)**

**RESOLUTION NO. 2003-882
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)**

G. MANAGER'S REPORT

G-1) BOARD MEETING SCHEDULE FOR NOV/DEC

The Board discussed different dates to hold the November and December meetings due to holidays. There was no public comment. Upon motion of Director Blair and seconded by Director Vierheilg, the Board unanimously agreed to have the Board meetings on the first and third Wednesdays of November and December and back to the second and third Wednesdays in January 2004. Vote 5-0

The Board will be going on a tour of Templeton Community Services District Friday, October 17, 2003.

H. COMMITTEE REPORTS

There was no committee report.

I. DIRECTORS COMMENTS

Director Trotter asked about the status of the new Board table. Mr. Jones said it would be ready in a few weeks.

Director Wirsing asked about the booth the October Festival. The following schedule was agreed upon to staff the booth.

Director Blair - 10:00 a.m. to 12:00 p.m.

Director Wirsing - 12:00 p.m. to 2:00 p.m.

Director Trotter - 2:00 p.m. to 4:00 p.m.

Director Vierheilg stated that over 800 plants were sold at the Native Garden Plant Sale

The Air Pollution Control District has a draft Strategic Action Plan

The Air Pollution Control District is having a workshop concerning equipment not needing permits.

Director Blair – CSDA conference in November

County fees raising - Nipomo should be a city

He suggested that if 20% of the road tax money would go into roads, we would have best roads.

Director Winn – Stated that last Friday he attended a workshop on stormwater and non-point source pollution as put on by Cal Trans with some funding from Regional Water Quality Control Board. They seem to be focused on surface water and not so much groundwater.

He stated that this District could learn about parks from Templeton CSD.

He met with representatives of CSDA at Mr. Seitz office.

The Clean Up Days – West Side – two Saturdays Nov 15 & 22. Coupons will be distributed for residents to take their own trash to the dump.

Creek Day – last Saturday in Nipomo

Clean-Up Week – October 20-25

DIRECTORS COMMENTS (continued)

Incorporation Feasibility Study -- Preliminary results show that we are within 4%.

He stated that he would be meeting with Supervisor Achadjian and the president of the Advisory Council today concerning the Spike Wheeler project. He has recused himself from discussion on the NCSD Board.

Another meeting will be taking place on the Sphere of Influence Memorandum of Agreement.

Director Wirsing asked if the Kaminaka annexation could be agendized.

President Winn asked to set a Study Session concerning where we are as a Board.

There was no public comment on the Closed Session items.

Jon Seitz, District Legal Counsel, announced the need to go into Closed Session to discuss the Item A below.

Item C is the continuing struggle between the District and Maria Vista concerning Plan Check and plan comments. Mr. Seitz recommends that the Board take this item off of Closed Session and set a Public Special Meeting date in order to appropriately agenda this item to allow staff to do a staff report for the Board to consider and the Board to consider comments and then make a decision as to what the District will or will not require. This may be a healthier way to resolve than with letter writing. Mr. Seitz discussed different dates to have a special meeting. Director Blair said he may be out of town all next week.

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

President Winn adjourned the meeting at 12:01 p.m.

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

520 Camino Roble
Nipomo, CA 93444
October 7, 2003

Nipomo Community Services District (NCSD)
Michael Winn, President
Judith Wirsing, Vice President
Robert Blair, Director
Clifford Trotter, Director
Larry Vierheilig, Director
Douglas Jones, General Manager
Donna Johnson, Secretary to the Board
Jon Seitz, General Counsel

RE: Item D-2 on the October 8, 2003 Agenda

Honorable Directors and Staff:

On behalf of Save the Mesa, I offer the following comments on this agenda item:

D-2)REQUEST FOR ANNEXATION – CARRA – Save the Mesa urges you to reject this annexation request for the following reasons:

- 1) The property is not in the NCSD Sphere of Influence.
- 2) Any further development on this property violates the County General Plan.
- 3) Annexation of a parcel this remote from the URL would set a precedent for growth inducement of all properties in the Rural Lands zoned areas.
- 4) The NCSD cannot deliver water to this property under the current Annexation Policy.

While this property is in LAFCO's Study Area 4 in their ongoing SOI Update, it is not currently in the NCSD Sphere of Influence. As you know a property must be in the Sphere of Influence before it can be annexed. As a minimum, this annexation should not even be considered until the LAFCO SOI Update is complete and free from appeals and litigation. Only then, and only if the property is brought into the NCSD Sphere of Influence should its annexation be considered.

This property is zoned Rural Lands. The minimum parcel size for any of the 4 tests for Rural Lands subdivision is 20 acres. This property is described as 5 acres with 5 or 6 residences. This clearly is not in conformance with the zoning. While the non-conforming use of the property is possibly "grandfathered," further development or improvements (such as community water and sewer) should not be encouraged or allowed. If this annexation were approved, it is likely that the owner would apply for higher density zoning (based on community services), subdivide, and sell the properties. This is certainly not a process the NCSD should encourage or enable.

If this property were annexed, it would set a precedent for all property owners in Rural Lands areas. These owners could demand annexation as equal treatment under the law, and sue the NCSD if they were denied annexation. You need to follow a consistent policy.

By the owner's statement, "This parcel does not overlie a large and reliable supply of water." The current NCSD Annexation Policy prohibits water delivery to an annexation until supplemental water is "under contract and available in the NCSD system for delivery." Supplemental water is neither under contract nor available in the NCSD system. A formal annexation without the ability to provide services the annexation demands would be a sham. This and all annexation applications with the same limitations should be rejected by the NCSD.

Sincerely yours,



Ed Eby
Save the Mesa Vice President,
NCSD Customer

NIPOMO COMMUNITY SERVICES DISTRICT MINUTES
THURSDAY, OCTOBER 16, 2003 8:30 A.M.

SPECIAL MEETING SUMMARY MINUTES *

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

* Tapes of this meeting will be maintained in the District office for a period of one year.

A Special Meeting of the Nipomo Community Services District was held Thursday, October 16, 2003.

President Winn called the meeting to order at 8:33 a.m.

There was no public comment on items not on the agenda.

Special Meeting Minutes

1. REVIEW STATUS OF MARIA VISTA (TRACTS 1802 AND 1856) PUBLIC IMPROVEMENT PLANS AND CONDITIONS.

Provide Staff with directions/confirm or modify conditions.

Jon Seitz, District Legal Counsel, announced that this special meeting was authorized at the last meeting of October 8, 2003. Mr. Seitz gave a presentation of the demands of the Developer of Maria Vista Estates, Trincon Inc.

Jim Garing, District Consulting Engineer gave a presentation to the Board concerning the water and sewer lines in the project.

Erik Benham, developer of Maria Vista spoke to the Board and left the room.

Michael Hodge, engineer for EDA - stated that EDA is no longer the engineer of record. He would like to see the project move forward.

John Fricks, Ogden &, LLP Fricks - developer's attorney gave a presentation regarding his client's position.

Marshall Ochylski, attorney for the developer gave a presentation outlining a settlement position and answered questions from the Board.

At 9:55 a.m. the Board took a short break.

At 10:09 a.m. the Board came back into session.

Mr. Ochylski resumed speaking.

Jim Garing gave a presentation on the requirements as they relate to fire flow.

Carl Moreland, present engineer of record for Maria Vista development, agreed to provide a surge analysis.

Mr. Seitz gave a presentation on a CEQA analysis.

Erik Benham gave a presentation on the history of the project.

Marshall Ochylski reiterated his client's position.

There was much discussion among the Board members, the attorneys, engineers and developers.

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewWipTax.com

Upon motion of Director Vierheilg and seconded by Director Trotter, the Board agreed to the following option. Vote 3-1 with Director Wirsing voting no.

OPTION A.

1. Require further Plan Check submittals;
2. Defer resolution of sewer depth to District Consulting Engineer;
3. Developer shall complete a surge test for the water lines within the Maria Vista Tract, to the satisfaction of the District Consulting Engineer. Developer, except as provided with Section 4 below, to construct water lines consistent with the surge test;
4. If the surge test referenced in subparagraph 3 above, results in a water size line less than twelve inches (12") for the water lines within Maria Vista to Vista Del Oro and/or from Vista Del Oro extending eleven hundred feet (1,100') towards Hutton Road, then, provided that the Plans and Specifications otherwise meet with the District Consulting Engineer's approval, the District Engineer is authorized to sign off on the Plans and Specifications provided further, that the Plans and Specifications or an Agreement between the parties provides all of the following:
 - A. That the Board of Directors reserve the opportunity to require Developer to oversize the referenced water lines and reimburse the Developer for the differential costs; and
 - B. The Developer shall not construct improvements within Maria Vista and/or Vista Del Oro until the Board has reached a decision on oversizing; and
5. Recommend that Developer's engineer meet with Jim Garing to review first and second submittals and the Board's action at this meeting prior to re-submitting further Plans and Specifications.
6. Garing, Taylor and Associates, District Consulting Engineer, is designated as the District's representative for the purposes of Plan Check Approval.
7. The District shall have two (2) weeks (fourteen (14) calendar days) from the third Plan Check Submittal, to provide comments or approval of the Plan Check Submittal.

2. **ROAD REPAIR – BRACKEN LANE**

Appropriate funds to make road repair due to water line break.

The Board discussed the damage made to the water main on Bracken Lane by a contractor for The Gas Company. There was no public comment. Upon motion of Director Vierheilg and seconded by Director Wirsing, the Board unanimously approved expenditures up to \$20,000 to make repairs on Bracken Lane and to seek reimbursement from the contractor. Vote 4-0

3. **APPROVE WARRANTS**

Upon motion of Director Wirsing and seconded by Director Vierheilg, the Board approved the warrants presented. There was no public comment. Vote 4-0

ADJOURN

President Winn adjourned the meeting at 12:40 p.m.

*** Tapes of this meeting will be maintained in the District office for a period of one year.**

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

SPECIAL MEETING STUDY SESSION

OCTOBER 21, 2003 TUESDAY 8:30 A. M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

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

STAFF

DOUGLAS JONES, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DONNA JOHNSON, **SECRETARY TO THE BOARD**

CALL TO ORDER AND FLAG SALUTE

President Winn called the meeting to order at 8:34 a.m. and led the flag salute.

ROLL CALL

At Roll Call, the following Board members were present:

Directors Vierheilig, Trotter, Wirsing and Winn. Director Blair had a planned absence.

Public Comment on Agenda Items

The public has the right to comment on any item on the Special Meeting Agenda. Comments are limited to 3 minutes or otherwise at the discretion of the Chair.

The following members of the public spoke:

Dick Mobraaten, NCSD customer – Commented on the following items: A, B, C, F, & H (Lease car for office staff)

Jim Kinninger, NCAC Chair – Commented on the following items: F, C, E, & G

STUDY SESSION

The Board discussed the following items:

- A. SitRep [Situation Report] - What's next and where are we now re:
- Completing the Urban Water Management Plan ASAP (possibly by contracting it out)?
 - Completing an agreement with the City of Santa Maria for a reliable and cost-effective supplemental water source?
 - Developing a multi-tiered rate structure, to encourage responsible water use and discourage wasting of water without "punishing" responsible ratepayers (possibly by contracting the rate study out)?
 - Completing assumption of Nipomo Lighting District and, in Galaxy Park, for sewer and solid waste?
 - Working with east-side District ratepayers on septic tanks to complete sewer hookups?
 - Evaluating the feasibility of the incorporation of Nipomo?

MINUTES SUBJECT TO BOARD APPROVAL

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
SPECIAL MEETING
STUDY SESSION
OCTOBER 21, 2003 TUESDAY 8:30 A. M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA
PAGE TWO

- B. Develop a supplemental source from our well site on the Santa Maria River, negotiating a "pump tax" with Santa Maria for Twitchell Dam

Consider a replacement well on Carriage Homes subdivision.

Initiate the process of building a desalinization plant that could be expanded as the community grows, possibly in cooperation with a neighboring community

- C. Policy re supplemental water required for ALL density increases inside NCSD allowed by changes in zoning or planning standards, possibly including hookup fees for "granny" units

Coordinate a well monitoring plan with the County (Public Works & Dept of Health Services) and the RWQCB, with semiannual water contour mapping and hydrologic inventory; coordinate testing and enforcement of water quality standards on the Mesa with the County (Dept of Health Services) and the RWQCB

Request the environmental documents from the PUC for Cal Cities on the Mesa. This would help in the tracking of what Cal Cities proposes for wells and where those wells will be located. That would affect safe yield, and then we would have documents for water quality and well levels. [Public Resource Code Section 21163 requires the PUC to provide those documents upon request.]

- D. Create an inventory & long-term policy re major annexation requests likely to be served by the NCSD: E.g., Ken Craig on Willow, Cañada property along Hwy 101, Mehlschau et al. along Hwy 101, former Egg City Corp land on Southland, Kaminaka on Pomeroy
- E. Provide Parks & Rec services desired by NCSD ratepayers, identifying revenue stream(s) for sustainable funding
- F. Work with NCAC to improve relations between NCSD & County
- G. Slow our rapid development pace to a "slow docking" over the next 5 years, without injuring Nipomo's economy or stopping all growth, but to preserve our water resources and groundwater quality
- H. Others

President Winn adjourned the meeting at 12:40 p.m.

ADJOURN

MINUTES SUBJECT TO BOARD APPROVAL
--

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

OCTOBER 22, 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
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
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 2003-884

President Winn called the meeting to order at 9:01 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.

There was no public comment.

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

D-1) NIPOMO INCORPORATION STUDY – DAVIS COMPANY

Draft report on the incorporation study

Mr. Michael Davis reviewed the draft report in detail.

Board discussion ensued.

The following members of the public spoke:

Jim Kinninger, NCAC Chair – stated that he would like at least 5 copies for the NCAC to review before their next meeting. He also encouraged the Board and the public to contact SLO County about the proposed road fees.

Ed Eby, NCSD customer – questioned the following things:

Boundaries – is Blacklake excluded? Is Woodlands included? Should Area 11 be in total Why is area 9 & 10 not included? Are granny units included in the count?

He stated that the police cost needs more scrutiny.

Richard Colwell, property owner in area 4 – state concern over industrial area so close to residential

Guy Murray, NCSD customer – congratulated Mr. Davis for a good report and the Board for the foresight to conduct this report. He also stated that many wish to keep Nipomo rural. He stated that the possibility of the car tax money being lowered may not be critical because the money to run a city must come for somewhere. He stated that we should make the County accountable for the money spent on policing. He encouraged the Board to go forward, have town hall meetings, etc.

Frank LaSalle, NCSD resident – asked who was in charge of incorporation.

The Board's incorporation subcommittee (Directors Wirsing and Winn) will meet.

Mr. Davis suggested they meet with LAFCo. He answered some of the questions and comments from the public.

Director Blair made a motion to move forward toward cityhood whatever it takes. The motion died for a lack of a second.

Director Vierheilig made a motion to finalize the report. Director Trotter seconded the motion. Vote 5-0

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewVipTax.com

D-2) PROPOSED ANNEXATION NO. 26 – MOSS LANE
Initiate proceeding to annex 6 lots on Moss Lane

The Board discussed the process of annexing an area on Moss Lane near Tract 1802 and 1856, which was inadvertently excluded from the Annexation No. 20.

The following member of the public spoke:

Erik Benham, Maria Vista developer – stated that he received notice this morning about this item and would like to have the item continued until more information is received and he has time to review information.

Jessie Cavazos, owner in the Moss Lane area – asked how he can receive water and sewer service from the District.

Ed Eby, NCSD resident – stated that he didn't understand what was happening in this item.

Mary Cavazos, owner in the Moss Lane area – stated that she would like to have her property served.

Director Wirsing stated that she wants it on the record that she has been against this project from the beginning.

Director Trotter made a motion to direct staff provide more information on this item.

The motion died to the lack of a second.

Upon motion of Director Blair and seconded by Director Trotter, the Board directed staff to come back to another meeting with more information from legal counsel with options to proceed. Vote 5-0

E. OTHER BUSINESS

E-1) CSDA SUPPORT FOR A BALLOT INITIATIVE
Proposed statewide initiative to keep local revenues local

The Board discussed the request from CSDA for financial support to placing a proposed initiative on the November 2004 ballot. Upon motion of Director Blair and seconded by Director Wirsing, the Board agreed to direct staff to bring back more information concerning the initiative and the possibility supporting the initiative. There was no public comment. 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 October 8, 2003, Regular Board meeting
- F-3) INVESTMENT POLICY – 3rd QUARTER [Receive & File]
- F-4) FINANCIAL REPORT – 1st QUARTER [Receive & File]
- F-5) RESOLUTION AUTHORIZING NCSD TO INVEST MONIES IN
THE LOCAL AGENCY INVESTMENT FUND (LAIF) [RECOMMEND APPROVAL]

The Board pulled F-2 from the Consent Agenda.

Upon motion of Director Blair and seconded by Director Wirsing, the Board unanimously approved the Consent Agenda except F-2. F-2 was continued until the next meeting.

There was no public comment. Vote 5-0

RESOLUTION NO. 2003-884
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING INVESTMENT OF MONIES
IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)

G. MANAGER'S REPORT

Doug Jones, District General Manager, presented information on the following.

- G-1) COMPLIMENTARY LETTER FROM CUSTOMER
- G-2) CDF STATE RESPONSIBILITY AREA FIRE PROTECTION FEES

The 2003 updated DWR 118 is available in the office.

Employees will trade the November 10 Veterans Day holiday for the day before Thanksgiving.

H. COMMITTEE REPORTS

The Finance Committee wishes to commend Lisa for the percentages shown on the graphs presented in the financial report. Director Trotter would like to see the totals also.

I. DIRECTORS COMMENTS

Director Blair – stated that the booth at the park was not set up. He also stated that the public should know about the fire fees (Senate Bill 1049) referred to in the manager's report.

Director Vierheilig – stated that the booth at the park should have been prepared better.

Director Wirsing – stated that she was disappointed with the booth.

Director Trotter – stated that he was concerned that nothing was done with the booth.

President Winn – asked about the SOI MOA. Mr. Seitz will ask about it.

He also asked about the Board table. Mr. Jones said it should be ready in about 3 weeks.

Clean-Up Week is this week. The Salmon Enhancement will present NCSD with a bill.

The Chamber of Commerce will meet Tues. Oct. 28, 7:00 a.m. at the Blacklake Community Building. A critical issue of the breaking out two parcels from open space in San Luis Obispo is setting a precedent.

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

There was no public comment on the Closed Session items.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9


- A. SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
- B. 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

The Board came out of Closed Session and announced the necessity to set a Special Meeting for a conference with legal counsel. On a 5-0 vote, the Board agreed to have a Special Meeting no later than Friday, November 7, 2003.

ADJOURN

President Winn adjourned the meeting at 1:20 p.m.

The next regular Board meeting will be November 5, 2003.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES 
DATE: NOVEMBER 5, 2003

**AGENDA ITEM
F
NOVEMBER 5, 2003**

ACCEPTANCE OF WATER IMPROVEMENTS
TRACT 2325 – KNOLLWOOD (MARTIN-FARRELL)

ITEM

Acceptance of water improvements for Tract 2325 on Blacklake Canyon Road

BACKGROUND

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (Martin-Farrell) for Tract 2325, a 55-lot development on Blacklake Canyon Road has 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-Accept Knollwood, accepting the water improvements for Tract 2325.

Board 2003\Accept Knollwood.DOC

RESOLUTION NO. 2003-Knollwood

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER IMPROVEMENTS
FOR TRACT 2325 (KNOLLWOOD)**

WHEREAS, the District approved the construction plans on March 5, 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 October 16, 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 Tract 2325 Knollwood (Martin-Farrell).

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 in Knollwood development at Blacklake Canyon Road 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 5th day of November, 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: NOVEMBER 5, 2003

**AGENDA ITEM
F
NOVEMBER 5, 2003**

ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS
D990051D NIPOMO BAY APARTMENTS
(NIPOMO SAN LUIS BAY LIMITED, A LIMITED PARTNERSHIP)

ITEM

Acceptance of water and sewer improvements for D990051D on Grande and Blume

BACKGROUND

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (Nipomo San Luis Bay Limited, A Limited Partnership) for D990051D, an apartment complex on Blume and Grande has installed water and sewer 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-Accept Bay Apts, accepting the water and sewer improvements for D990051D.

Board 2003\Accept Bay Apts.DOC

RESOLUTION NO. 2003-Bay Apts

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR D990051D NIPOMO BAY APARTMENTS
(NIPOMO SAN LUIS BAY LIMITED, A LIMITED PARTNERSHIP)**

WHEREAS, the District approved the construction plans on March 28, 2002, for the water and sewer improvements to be constructed; and

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

WHEREAS, on July 22, 2003, the Owner offered the water and sewer 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 and sewer fees for service, required in conformance with District ordinances, have been paid in full for D990051D Nipomo Bay Apartments (Nipomo San Luis Bay Limited, A Limited Partnership).

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

That the water and sewer improvements for D990051D Nipomo Bay Apartments (Nipomo San Luis Bay Limited, A Limited Partnership), an apartment complex on Grande and Blume 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 5th day of November, 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

TIMELINE for Hiring a New General Manager

September, 2003 (or before) – Board approves/edits General Manager's job description.

October, 2003 (or before) – Board determines scope (California/multi-state, etc.) and method of search (e.g., in-house, headhunter, etc.). Note: With headhunter we will need an extra 30 days for contract approval.

November 1, 2003 (or before) – Begin search, and Board reviews and approves the following:

- * Advertisement - salary range and benefit package
- * Application form
- * Closing date for applications

January 15 – February 29, 2004 – Applications reviewed, qualified applicants identified and complete initial applicant interviews - by a panel of General Manager, District Assistant GM, several other general managers or city managers, District Counsel, and two NCSD Board members.

March 1-20, 2004 – Initial candidates ranked after study session of Board, and final 5 re-interviewed - by full Board and General Manager.

April 1, 2004 (or before) – Final 5 selections ranked, and offer of employment made.

May 1, 2004 (or before) – Contract executed.

June 4-10, 2004 – New General Manager begins employment.

June 30, 2004 – Doug's last day, with Appreciation Event.