

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

AGENDA

REGULAR MEETING

OCTOBER 12, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, PRESIDENT
ED EBY, VICE PRESIDENT
MICHAEL WINN, DIRECTOR
CLIFFORD TROTTER, DIRECTOR
JUDITH WIRSING, DIRECTOR

PRINCIPAL STAFF

MICHAEL LEBRUN, GENERAL MANAGER
LISA BOGNUDA, ASSIST. ADMINISTRATOR
DONNA JOHNSON, BOARD SECRETARY
JON SEITZ, GENERAL COUNSEL
DAN MIGLIAZZO, UTILITY SUPERVISOR

Mission Statement: 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.

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

Consistent with the Americans with Disabilities Act and California Government Code §54954.2 requests for disability related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the below referenced public meeting by contacting the District General Manager or Assistant Administrator at 805-929-1133.

- A. CALL TO ORDER AND FLAG SALUTE NEXT RESOLUTION 2005-953
B. ROLL CALL NEXT ORDINANCE 2005-105
C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT

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.

- C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION
Presentation of sheriff activities in the Nipomo area.
- C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF) Presentation of CDF activities in the Nipomo area.
- D. 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 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.*
- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]
Regular meeting September 14, 2005
- D-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]
All-staff safety meeting, September 15, 2005
- D-4) COOL/NEWDOLL FEE REQUEST RESOLUTION [RECOMMEND APPROVAL]
Deny request for reconsideration of water and sewer capacity charges
- D-5) SURPLUS EQUIPMENT [RECOMMEND APPROVAL]
- D-6) ACCEPTANCE OF TRACT 2530 [RECOMMEND APPROVAL]

AGENDA

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

E-1) INTEGRATED REGIONAL WATER MANAGEMENT PLAN FOR PROPOSITION 50 GRANT APPLICATION.

Endorse the Integrated Regional Water Management Plan prepared by the San Luis Obispo County Flood Control and Water Conservation District (County) for the Proposition 50 grant application, and authorize President Vierheilg to execute a letter of endorsement to the County.

E-2) MANDATORY SEWER CONNECTION

Re-introduce (First reading) of an Ordinance to:

- Require mandatory connection to District sewer for properties within State-mandated prohibition zone.
- Clarify District connection fee assignment and collection.
- Carry forward service policy as stated in Urban Water Management Plan

E-3) FORMATION OF SUB-COMMITTEE

Form sub-committee to work on County in-lieu parking proposal

F. MANAGER'S REPORT

G. COMMITTEE REPORTS

H. DIRECTOR'S COMMENTS

I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 SMVWCD VS NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 MARIA VISTA VS. NCSO CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

ADJOURN

➤ THE NEXT REGULAR BOARD MEETING IS OCTOBER 26, 2005.

○ SCHEDULED ITEMS INCLUDE:

- SECOND READ AND ADOPTION OF MANDATORY SEWER ORDINANCE
- INTRODUCTION OF ORDINANCE AMENDING WATER ALLOCATION PROGRAM

NIPOMO COMMUNITY SERVICES DISTRICT WARRANTS OCTOBER 12, 2005

AGENDA ITEM D-1 OCTOBER 12, 2005

HAND WRITTEN CHECKS

10-12-05 18836 KING VENTURES 3,139.00

**TOTAL COMPUTER
CHECKS
\$ 317,127.17**

VOIDED CHECKS

11187, 18834, 18835

COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
11234	09/23/05	AME04	AMERITAS	.00	.00	.00	A50919	VISION INSURANCE
11235	09/23/05	EMP01	EMPLOYMENT DEVELOP DEPT	433.11 3.46	.00 .00	433.11 3.46	A50919 1A50919	STATE INCOME TAX SDI
			Check Total.....	436.57	.00	436.57		
11236	09/23/05	MID01	MIDSTATE BANK-PR TAX DEP	1889.33 39.68 519.62	.00 .00 .00	1889.33 39.68 519.62	A50919 1A50919 2A50919	FEDERAL INCOME TAX FICA MEDICARE (FICA)
			Check Total.....	2448.63	.00	2448.63		
11237	09/23/05	MID02	MIDSTATE BANK - DIRECT DP	15584.57	.00	15584.57	A50919	NET PAY DEDUCTION
11238	09/23/05	PER01	PERS RETIREMENT	5090.69	.00	5090.69	A50919	PERS PAYROLL REMITTANCE
11239	09/23/05	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A50919	WAGE ASSIGNMENT
11240	09/23/05	STA01	STATE STREET GLOBAL	1180.00	.00	1180.00	A50919	DEFERRED COMP
11241	10/07/05	EMP01	EMPLOYMENT DEVELOP DEPT	421.33 1.56	.00 .00	421.33 1.56	A51004 1A51004	STATE INCOME TAX SDI
			Check Total.....	422.89	.00	422.89		
11242	10/07/05	MID01	MIDSTATE BANK-PR TAX DEP	1849.11 17.86 500.34	.00 .00 .00	1849.11 17.86 500.34	A51004 1A51004 2A51004	FEDERAL INCOME TAX FICA MEDICARE (FICA)
			Check Total.....	2367.31	.00	2367.31		
11243	10/07/05	MID02	MIDSTATE BANK - DIRECT DP	14995.72	.00	14995.72	A51004	NET PAY DEDUCTION
11244	10/07/05	PER01	PERS RETIREMENT	5136.29	.00	5136.29	A51004	PERS PAYROLL REMITTANCE
11245	10/07/05	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A51004	WAGE ASSIGNMENT
11246	10/07/05	STA01	STATE STREET GLOBAL	1180.00	.00	1180.00	A51004	DEFERRED COMP
011247	10/12/05	AIM01	A-1 METALS & AUTO SALVAGE	1500.00	.00	1500.00	10725	CAR CRUSHING FOR CLEAN UP
011248	10/12/05	ADV01	ADVANTAGE ANSWERING PLUS	92.95	.00	92.95	71317	ANSWERING SERVICE
011249	10/12/05	ALX01	ALEXANDER'S CONTRACT SERV	1515.00	.00	1515.00	NIP-09-05	METER READING SERVICE
011250	10/12/05	AME02	AMERICAN INDUSTRIAL SUPPL	56.32 36.82	.00 .00	56.32 36.82	0150132 0150801	PAINT PAINT
			Check Total.....	93.14	.00	93.14		
011251	10/12/05	AME03	AMERI PRIDE	60.56 57.56 62.06	.00 .00 .00	60.56 57.56 62.06	B807618 B810752 B81386B	UNIFORMS UNIFORMS UNIFORMS ETC
			Check Total.....	180.18	.00	180.18		
011252	10/12/05	AQU01	AQUA-METRIC SALES CO.	1922.20	.00	1922.20	0010733	WATER METERS
011253	10/12/05	BOB01	BOB'S RUBBER STAMPS	100.21	.00	100.21	26029	DATE STAMPERS
011254	10/12/05	BOY01	BOYLE ENGINEERING CORP	529.20 226.80 226.80	.00 .00 .00	529.20 226.80 226.80	N09-100-1 N09-100-4 N09-100-5	DISTRICT STANDARDS TR 2499 PLAN CHECK CO 04 0342 PLAN CHECK
			Check Total.....	982.80	.00	982.80		

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Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011255	10/12/05	CAL03	CALIFORNIA ELECTRIC SUPPL	-132.79	.00	-132.79	187347C	CREDIT-RETURN LAMPS
				170.49	.00	170.49	615573	SUPPLIES
				142.22	.00	142.22	616116	SUPPLIES
				86.15	.00	86.15	616632	REPAIR SUPPLIES
			Check Total.....:	266.07	.00	266.07		
011256	10/12/05	COM01	COMPUTER NETWORK SERVICES	1655.66	.00	1655.66	NCSD-058a	COMPUTER SERVICES
011257	10/12/05	COM02	COMMUNICATION SOLUTIONS	587.94	.00	587.94	3467	SUNDALE WELL MAINT
				595.88	.00	595.88	3470	STANDPIPE MAINT
			Check Total.....:	1183.82	.00	1183.82		
011258	10/12/05	CON01	CONSOLIDATED ELECTRICAL	70.83	.00	70.83	44494	FUSE-LIFT STATION
011259	10/12/05	COR01	CORBIN WILLITS SYSTEMS	195.00	.00	195.00	A50915	BILLING PROGRAM MAINT
				130.00	.00	130.00	A50930	SUPPORT SERVICES
				694.70	.00	694.70	A509151	BILLING PROGRAM MAINT
			Check Total.....:	1019.70	.00	1019.70		
011260	10/12/05	COU01	COURIER SYSTEMS	67.50	.00	67.50	SEPT	COURIER TO LAB
011261	10/12/05	CRE01	CREEK ENVIRONMENTAL LABS	30.00	.00	30.00	M4564	BL WWTP LAB
				30.00	.00	30.00	M4681	BL WWTP LAB
				30.00	.00	30.00	M4722	BL WWTP LAB
				30.00	.00	30.00	M4840	BL WWTP LAB
				30.00	.00	30.00	M4882	BL WWTP LAB
				30.00	.00	30.00	M4997	BL WWTP LAB TEST
				30.00	.00	30.00	M5043	BL WWTP LAB TEST
			Check Total.....:	210.00	.00	210.00		
011262	10/12/05	CUE01	CUESTA EQUIPMENT	285.63	.00	285.63	154780	TOWN WWTP SUPPLIES
011263	10/12/05	CUL02	CULLIGAN WATER CONDITION	25.94	.00	25.94	092505	DELIVERY
011264	10/12/05	DEP01	DEPARTMENT-HEALTH SERVICE	105.00	.00	105.00	1994	D4 CERTIFICATE RENEWAL-MI
011265	10/12/05	DEW01	J B DEWAR INC	138.13	.00	138.13	356295	OIL
				92.09	.00	92.09	356730	OIL FOR WELLS
			Check Total.....:	230.22	.00	230.22		
011266	10/12/05	EBY01	EBY, ED	100.00	.00	100.00	10/12/05	REGULAR BD MTG 10/12/05
011267	10/12/05	EMP01	EMPLOYMENT DEVELOP DEPT	109.49	.00	109.49	9/30/05	SUI/ETT 9/30/05
011268	10/12/05	FER01	FERGUSON ENTERPRISES INC	10537.31	.00	10537.31	949109	15 FIRE HYDRANTS
011269	10/12/05	FGL01	FGL ENVIRONMENTAL	129.00	.00	129.00	508532A	BL WWTP LAB
				289.00	.00	289.00	508533A	TOWN WWTP LAB
				445.00	.00	445.00	509098A	TOWN WWTP LAB
				122.00	.00	122.00	509099A	BL WWTP LAB
				129.00	.00	129.00	509323A	BL WWTP LAB
				129.00	.00	129.00	509603A	BL WWTP LAB
				18.00	.00	18.00	509612A	DANA SCHOOL WELL LAB
			Check Total.....:	1261.00	.00	1261.00		
011270	10/12/05	FLO01	FLOYD V. WELLS, INC.	3504.82	.00	3504.82	14958	VIA CONCHA REPAIR
011271	10/12/05	GAR01	GARING TAYLOR & ASSOC	932.75	.00	932.75	5440	MARIA VISTA PCI
				2501.35	.00	2501.35	5441	BL BASIN LINER
				206.00	.00	206.00	5442	DANA WELL EASEMENTS
			Check Total.....:	3640.10	.00	3640.10		
011272	10/12/05	GIL01	GLM, INC.	90.00	.00	90.00	092905A	BL LANDSCAPE
				260.00	.00	260.00	092905B	TOWN LANDSCAPE
			Check Total.....:	350.00	.00	350.00		
011273	10/12/05	GRO01	GROENIGER & CO	489.06	.00	489.06	482564SM	METER BOX LIDS
				1026.86	.00	1026.86	483583SM	SUPPLIES
				278.00	.00	278.00	489041SM	FIRE HYDRANT PARTS
				35.56	.00	35.56	490459SM	SUPPLIES
				80.81	.00	80.81	490460SM	SUPPLIES
				1066.73	.00	1066.73	4892692SM	HYDRANT SUPPLIES
			Check Total.....:	2977.02	.00	2977.02		
011274	10/12/05	GWA01	GWA INC	25.00	.00	25.00	50910603	MONTHLY ALARM MONITORING
011275	10/12/05	HER01	HERCULES INDUSTRIES, INC.	456.93	.00	456.93	42105	LOCKS

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011276	10/12/05	IKO01	IKON OFFICE SOLUTIONS	120.75 57.12	.00 .00	120.75 57.12	1666368A 16698310	FAX CARTRIDGE MAINTENANCE CONTRACT
Check Total.....:				177.87	.00	177.87		
011277	10/12/05	IMP02	IMPAC GOVERNMENT SERVICES	835.00 380.55 5124.38	.00 .00 .00	835.00 380.55 5124.38	3530922-1 3530922-2 3530922-3	CSDA CONFERENCE OPERATING SUPPLIES DELL SERVER/EQUIPMENT
Check Total.....:				6339.93	.00	6339.93		
011278	10/12/05	IND02	INDEPENDENT ELEC SUPPLY	232.74	.00	232.74	310006876	ELECTRICAL SUPPLIES
011279	10/12/05	IPA01	IPAAC, INC.	24131.25 21450.00 21450.00 12172.88 3271.13 9491.63 3271.13 8043.75 8043.75	.00 .00 .00 .00 .00 .00 .00 .00 .00	24131.25 21450.00 21450.00 12172.88 3271.13 9491.63 3271.13 8043.75 8043.75	20050701 20050703 20050704 20050901 20050902 20050903 20050904 20050905 20050906	IPAAC STANDPIPE SET UP IPAAC SERVER SET UP(OFFIC IPAAC SERVER SET UP(YARD) IPAAC BL WATER PLANT SETU IPPAC BL WWTP SET UP IPAAC BL WELL #4 SETUP IPAAC BL WELL #3 SET UP IPAAC VIA CONCHA SET UP IPAAC BEVINGTON WELL SET
Check Total.....:				111325.52	.00	111325.52		
011280	10/12/05	IRO01	IRON MOUNTAIN RECORDS MGT	24.00	.00	24.00	93185	SHREDDING
011281	10/12/05	JAC01	JACK'S REPAIR & SALES	83.18 40.30	.00 .00	83.18 40.30	553162 553163	REPAIR TRIMMER REPAIR
Check Total.....:				123.48	.00	123.48		
011282	10/12/05	JPE01	J PERRY AUTO SUPPLY	25.27	.00	25.27	91165	BATTERY FOR VAC MACHINE
011283	10/12/05	KER01	KORNREICH ARCHITECTS	526.00	.00	526.00	1	SHOP DESIGN CONCEPTS
011284	10/12/05	LAC01	LA CHEMICAL	900.10	.00	900.10	341508	CHLORINE
011285	10/12/05	LEX01	LEXIS NEXIS	495.00	.00	495.00	839057400	WEBSITE CODIFICATION SERV
011286	10/12/05	MOR02	MORE OFFICE SOLUTIONS	19294.28	.00	19294.28	227234	CANON C5800 COPIER
011287	10/12/05	NEX01	NEXTEL COMMUNICATIONS	352.10	.00	352.10	809087317	CELL PHONES
011288	10/12/05	NIC01	NICKSON'S MACHINE SHOP	744.61	.00	744.61	71190	SUNDALE MAINTENANCE
011289	10/12/05	NIP01	NIPOMO ACE HARDWARE INC	338.90	.00	338.90	SEPT 2005	SUPPLIES
011290	10/12/05	NIP03	NIPOMO SHELL	1884.83	.00	1884.83	47548	GASOLINE FOR SEPT
011291	10/12/05	NIP08	NIPOMO CSD	344.28	.00	344.28	090905	NCSO LANDSCAPE METER TR 2
011292	10/12/05	NOB01	NOBEL SYSTEMS	200.00	.00	200.00	8930	GIS PROHIBITION ZONE
011293	10/12/05	NUT01	NU TECH PEST MGMT	265.00	.00	265.00	0053349	PEST CONTROL
011294	10/12/05	PAC01	SBC/MCI	115.61 .10	.00 .00	115.61 .10	T4077552 T4117225	PHONE 929-1341 PHONE
Check Total.....:				115.71	.00	115.71		
011295	10/12/05	PGE01	P G & E	39668.84	.00	39668.84	SEPT 2005	ELECTRICITY
011296	10/12/05	PIO01	PIONEER EQUIPMENT CO	23.21	.00	23.21	53257	PARTS
011297	10/12/05	PRE01	PRECISION JANITORIAL	323.48	.00	323.48	142	SEPTEMBER JANITORIAL
011298	10/12/05	PUL01	PULITZER CENTRAL COAST NP	146.05	.00	146.05	973594	NOTICE OF BID-BL LAGOON
011299	10/12/05	QUI03	QUINN RENTAL SERVICES	42.04 65.50 235.84 52.26	.00 .00 .00 .00	42.04 65.50 235.84 52.26	2066410 2066591 2066598 2066770	SUPPLIES SUPPLIES SUPPLIES ADAPTOR
Check Total.....:				395.64	.00	395.64		
011300	10/12/05	REL01	RELIABLE	109.52	.00	109.52	XLD70100	OFFICE SUPPLIES
011300	10/12/05	REL01	RELIABLE	49.11 -42.58 29.28	.00 .00 .00	49.11 -42.58 29.28	XLFO4600 XLFO4600C XLG16300	OFFICE SUPPLIES CREDIT MEMO-RETURN SUPPLI OFFICE SUPPLIES
Check Total.....:				145.33	.00	145.33		
011301	10/12/05	RIC01	RICHARDS, WATSON, GERSHON	4869.60	.00	4869.60	141497	GROUNDWATER LITIGATION
011302	10/12/05	SAN01	SANTA MARIA TIRE INC	33.54 34.36 131.54 56.31 33.54	.00 .00 .00 .00 .00	33.54 34.36 131.54 56.31 33.54	432008 432020 432030 432043 432045	CHEVY MAINTENANCE CHEVY MAINTENANCE DODGE MAINTENANCE FORD MAINTENANCE FORD MAINTENANCE
Check Total.....:				320.48	.00	320.48	1.19	TOYOTA MAINTENANCE

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011303	10/12/05	SAN09	SAN LUIS MAILING SERVICE	106.14 833.54	.00 .00	106.14 833.54	29430 29430A	BILL MAILING POSTAGE FOR BILLS
			Check Total.....:	939.68	.00	939.68		
011304	10/12/05	SHI01	SHIPSEY & SEITZ, INC	3259.00	.00	3259.00	8/15/05	LEGAL SERVICES THRU 8/15/
011305	10/12/05	SLO02	DIV OF ENVIRON HEALTH	616.00 1466.54	.00 .00	616.00 1466.54	39491 39528	LAB TESTS CROSS CONNECTION ADMIN
			Check Total.....:	2082.54	.00	2082.54		
011306	10/12/05	SNY01	SNYDER LANDSCAPE MAINT CO	553.00	.00	553.00	A51005	LANDSCAPE MAINT DISTRICT
011307	10/12/05	SOU01	SOUTH COUNTY SANITARY	25.49	.00	25.49	1197976	GARBAGE SERVICE
011308	10/12/05	SPA01	SPANGO VOICE COMM	134.49	.00	134.49	5248	DATA/PHONE WIRING
011309	10/12/05	SPE02	SPECIAL DISTRICT FINANCIN	1500.00	.00	1500.00	05357	ANNUAL A/D ADMINISTRATION
011310	10/12/05	STA03	STATEWIDE SAFETY & SIGNS	85.20	.00	85.20	44556	BLUE MARKING PAINT
011311	10/12/05	THE01	THE GAS COMPANY	14.53 11255.58 9.86	.00 .00 .00	14.53 11255.58 9.86	A50930 A51005 SOUTHLAND	OFFICE GAS SUNDALE NATURAL GAS GAS SOUTHLAND
			Check Total.....:	11279.97	.00	11279.97		
011312	10/12/05	THO01	THOMPSON, ERNIE	35.42	.00	35.42	A50930	SAFETY BOOT REIMBURSEMENT
011313	10/12/05	TRO01	TROTTER, CLIFFORD	50.00 100.00	.00 .00	50.00 100.00	10/05/05 10/12/05	SUBCOMMITTEE MTG 10/5/05 REGULAR BD MTG 10/12/05
			Check Total.....:	150.00	.00	150.00		
011314	10/12/05	TRO02	CLIFF TROTTER	451.73 20.00 162.81	.00 .00 .00	451.73 20.00 162.81	CSDA-1 CSDA-2 CSDA-3	HOTEL-CSDA CONFERENCE PER DIEM (2 LUNCHESES)-CSDA MILEAGE TO CSDA CONFERENC
			Check Total.....:	634.54	.00	634.54		
011315	10/12/05	UND01	UNDERGROUND SERVICE ALERT	181.50	.00	181.50	50090064	UNDERGROUND ALERTS
011316	10/12/05	UNI03	UNITED RENTALS	861.81 -672.36	.00 .00	861.81 -672.36	50609568 506095682C	MOWER RENTAL CREDIT FOR MOWER RETURN
			Check Total.....:	189.45	.00	189.45		
011317	10/12/05	VAL01	VALLEY SEPTIC SERVICE	300.00 1375.00 437.50 312.50	.00 .00 .00 .00	300.00 1375.00 437.50 312.50	2542 2543 2562 2564	SOUTHLAND WWTP SOUTHLAND WWTP SOUTHLAND WWTP SOUTHLAND WWTP
			Check Total.....:	2425.00	.00	2425.00		
011318	10/12/05	VER01	VERIZON	29.40 29.26	.00 .00	29.40 29.26	091905A 091905B	BL PHONE 3432397 BL PHONE 3436061
			Check Total.....:	58.66	.00	58.66		
011319	10/12/05	VIC01	VICTOR BACKHOE, INC.	1220.96 1220.96 839.42 915.72 1220.96 1068.34	.00 .00 .00 .00 .00 .00	1220.96 1220.96 839.42 915.72 1220.96 1068.34	1799 1800 1807 1808 1809 1810	FIRE HYDRANT REPLACEMENT- FIRE HYDRANT REPLACEMENT- HYDRANT REPLACEMENT-FRONT HYDRANT REPLACEMENT-GLENH HYDRANT REPLACEMENT-GLENH HYDRANT REPLACEMENT-RIDGE
			Check Total.....:	6486.36	.00	6486.36		
011320	10/12/05	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	10/12/05	REGULAR BD MTG 10/12/05
011321	10/12/05	WAL01	WALLACE GROUP	397.65	.00	397.65	17354	PCI FOR CO 03-0301
011322	10/12/05	WIN01	WINN, MICHAEL	50.00 100.00	.00 .00	50.00 100.00	10/5/05 10/12/05	SUBCOMMITTEE MTG 10/15/05 REGULAR BD MTG 10/12/05
			Check Total.....:	150.00	.00	150.00		
011323	10/12/05	WIN02	WINN, MICHAEL	44.35	.00	44.35	A50930	REIMBURSE-TRASH BAGS FOR
011324	10/12/05	WIR02	WIRSING, JUDY	100.00	.00	100.00	10/12/05	REGULAR BD MTG 10/12/05
011325	10/12/05	WOO01	DOUGLAS WOOD & ASSOCIATES	11490.00	.00	11490.00	A51006	EIR PREPARATION
011326	10/12/05	XER01	XEROX CORPORATION	82.68	.00	82.68	12742747	COPIER MAINTENANCE
011327	10/12/05	ZIM01	ZIMMER & MARCUS, LLP	682.50	.00	682.50	12128	LEGAL SERVICES
011328	10/12/05	\L002	LIGHTHOUSE CHRISTIAN,	333.92	.00	333.92	000A51001	MQ CUSTOMER REFUND
011329	10/12/05	\N003	NIPOMO PROJECT,	75.21	.00	75.21	000A51001	MQ CUSTOMER REFUND
011330	10/12/05	\P006	PETIT, KEVIN & MICHELLE	25.51	.00	25.51	000A51001	MQ CUSTOMER REFUND
011331	10/12/05	\P007	BUTCH POPE CONSTRUCTION,	411.61	.00	411.61	000A51001	MQ CUSTOMER REFUND

NIPOMO COMMUNITY SERVICES DISTRICT

Celebrating 40 - Years of Service 1965 - 2005

MINUTES

REGULAR MEETING

SEPTEMBER 14, 2005 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**
ED EBY, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**

PRINCIPAL STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSIST. ADMINISTRATOR**
DONNA JOHNSON, **BOARD SECRETARY**
JON SEITZ, **GENERAL COUNSEL**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**

Mission Statement: 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.

- 00:00:00 A. CALL TO ORDER AND FLAG SALUTE
President Vierheilig called the September 14, 2005, meeting to order at 9:00 a.m. and led the flag salute.
- 00:00:50 B. ROLL CALL
At Roll Call, all Board members were present.
- 00:01:00 C. PUBLIC COMMENT PERIOD
PUBLIC COMMENT
- C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION
Presentation of sheriff activities in the Nipomo area.

Commander Basti reviewed some of the activities which occurred for the past month. There was an arrest in Ventura in connection with the commercial burglaries being committed all over the state. There were 27,000 items in the possession of those arrested. Funding has allowed a third officer in the South County, providing better coverage for the South County area. A Records Management System has been implemented with bar coding for evidence as one of the many helpful features.
- C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF)

Chief Anderson was not in attendance today.

There was no other public comment.
- 00:11:00 D. CONSENT AGENDA
- D-1) WARRANTS
- D-2) BOARD MEETING MINUTES
Regular meeting August 24, 2005
- D-3) TRACT 2619 WATER LINE EASEMENT
RESOLUTION NO. 2005-951
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER EASEMENTS FOR THE
TRACT 2619 (22 AMIGOS, LLC)
- D-4) EXTEND STUDENT INTERN CONTRACT (pulled for separate vote)

MINUTES SUBJECT TO BOARD APPROVAL

Copy of document found at www.NoNewWipTax.com

MINUTES

D. CONSENT AGENDA (CONTINUED)

D-5) APPROVAL OF JOB DESCRIPTION AND AUTHORIZATION TO ADVERTISE

D-6) SUPPORT AB 1234 [RECOMMEND APPROVAL]

There was some Board discussion. Director Wirsing asked for clarification of the easement issue in D-3 above. There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, with corrections in the 8-24-05 Minutes in D-4, E-5 and H, and excluding Item D-4 which was pulled for a separate vote.

D-4) Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the instructions to staff to amend the proposed contract for the student intern position, as discussed. Vote 5-0

00:11:40

E. ADMINISTRATIVE ITEMS

E-1) COUNTY PARKING PROPOSAL

Chuck Stevenson, San Luis Obispo County staff - described the proposed plan to establish a parking zone of benefit in Olde Towne Nipomo. He reviewed the packet of information given to the Board.

The Board discussed the matter with Mr. Stevenson.

The following members of the public spoke:

Peg Miller, NCSD customer - spoke in favor of the parking zone concept and asked Mr. Stevenson about how this would affect the on-going projects.

Kathy Kubiak, Olde Towne President – stated she was in favor of the concept. Director Winn thanked Mr. Stevenson for his presentation. Director Trotter suggested a committee. The Board directed staff to get further information and to agendize the item to form a committee.

01:00:50

E-2) MANDATORY SEWER CONNECTION

Jon Seitz, District Legal Counsel, reviewed the proposed Ordinance to:

- Require mandatory connection to District sewer for properties within State-mandated prohibition zone.
- Clarify District connection fee assignment and collection.
- Carry forward service policy as stated in Urban Water Management Plan

There was no public comment.

The Board discussed the proposed ordinance. Upon motion of Director Eby and seconded by Director Trotter, the Board unanimously agreed to have the ordinance read in title only. Vote 5-0. Jon Seitz, District Legal Counsel, read the title of the proposed ordinance.

Upon motion of Director Eby and seconded by Director Trotter, the Board agreed to accept the ordinance as written but with the clerical amended. Vote 3-2 with Director Winn and President Vierheilig voting no.

NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 2005-PROHIBITION ZONE CONNECTION FEE PROCEDURES
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING TITLE 3 AND TITLE 4 OF THE NIPOMO COMMUNITY SERVICES DISTRICT CODE TO ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE

MINUTES

- 01:57:31 The Board took a short break.
- 01:58:02 E-3) FEE CONSIDERATION TRACT 2513 (NEWDOLL) AND TRACT 2514 (COOL)
Mr. LeBrun reviewed the request from Mr. Robert Newdoll and Mr. Steve Cool to reconsider water capacity charges.
The following members of the public spoke:
Steve Cool, developer of Tract 2514 – speaking for himself and Mr. Newdoll (Tract 2513), reviewed the protest of fees.
Lori Newdoll, developer of Tract 2513 – spoke from the audience.
Jon Seitz, District Legal Counsel, reviewed the situation. Board discussion ensued.
Director Winn made a motion to direct staff to make findings in support of denial of the appeal. Director Wirsing seconded the motion. Vote 5-0.
- 02:45:11 *The Board elected to move Item E-7, E-8, and E-9 here.*
- 02:45:11 E-7) SERVICE REQUEST – APN 092-130-053
Mr. LeBrun, District Manager, reviewed the request from Rob Marinai for sewer and water service to a proposed 71-room hotel commercial development at 549 Hill Street.
The following members of the public spoke:
Bob Richmond, R2L Architects – discussed the project with the Board.
Upon motion of Director Winn and seconded by Director Trotter, the Board approved an Intent-to-Serve letter with the conditions outlined in the Board letter. Vote 3-2 with Directors Wirsing and Eby voting no.
- 03:04:20 E-8) SERVICE REQUEST – APN 092-451-048
Mr. LeBrun, District Manager, reviewed the request from Mid-Pacific Investments LLC for sewer only service to a proposed mixed-use development at the northwest corner of Hazel and Division.
The following members of the public spoke:
Scott Lathrop, developer of the project – discussed the project with the Board.
Upon motion of Director Winn and seconded by Director Trotter, the Board approved an Intent-to-Serve letter with the conditions outlined in the Board letter. Vote 4-1 with Director Wirsing voting no.
- 03:24:28 E-9) SERVICE REQUEST – APN 092-572-035
Mr. LeBrun, District Manager, reviewed the request from Mr. Raul Hernandez for water and sewer service to a 4-lot sub-division at 782 West Tefft Street.
The following members of the public spoke:
Raul A. Hernandez, developer of the project – discussed the project with the Board.
Upon motion of Director Winn and seconded by Director Vierheilig, the Board approved an Intent-to-Serve letter with the conditions outlined in the Board letter. Vote 5-0.

MINUTES

03:34:50

E-4) REVIEW WATER ALLOCATION ORDINANCE

Mr. LeBrun, District General Manager, reviewed the information in the Board letter regarding the allocation ordinance for possible options for revision. There was much Board discussion. The Board directed staff to revisit the numbers for water allocation with hotels included. There was no public comment.

04:19:23

E-5) ADMINISTRATIVE VEHICLE PROPOSAL

Mr. LeBrun reviewed the information in the Board letter for administrative vehicle. There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously agreed to direct staff to send out a proposal for a purchase and lease-option to at least three auto dealers and return to the Board of Directors with the results. Vote 5-0

04:20:40

E-6) BLACKLAKE LAGOON LINER BID APPROVAL

Mr. LeBrun reviewed the results of the proposals received for the replacement of the Blacklake Lagoon liner. There was no public comment. Upon motion of Director Trotter and seconded by Director Eby, the Board unanimously approved Resolution 2005-952. Vote 5-0.

RESOLUTION 2005-952

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDING A CONTRACT TO SANSONE COMPANY INC. FOR REPLACING BLACKLAKE LAGOON #1 LINER

04:22:00

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reported on the following items:

- Sewer Commercial Rate – The customers most affected by the rate increase were contacted by phone. No customers attended the meeting scheduled to explain the changes.
- Blacklake salts issue – residents have been informed of the problem. Mr. Seitz will be sending a letter to the Blacklake Village Council.
- Inter-tie pipeline with Santa Maria – meeting with Cannon; they will be creating a schedule soon.
- Urban Water Management Plan Update with SAIC
- Mutual water companies – a letter will be sent to LAFCO and the County
- CEQA work – administrative draft upcoming
- New server is being configured for the District computers.
- Hurricane Katrina – offered to have one of our employees aid in the rebuilding of the water and sewer lines.
- Next Board meeting is October 12. Director Trotter and Mr. LeBrun will be at the CSDA conference in Long Beach during the week of September 26th.

04:34:20

G. COMMITTEE REPORTS

There was no Committee Report.

04:34:35

H. DIRECTOR'S COMMENTS

Director Winn

- Nipomo Creek Clean-up Saturday Sept. 17.
Olde Towne Nipomo, Land Conservancy and Salmon Enhancement working well together. Tom Martin of South County Sanitary has been very helpful.

MINUTES

H. DIRECTOR'S COMMENTS (continued)

- Chamber of Commerce discussed the sewer rates. They were very pleased with the explanation by Mr. LeBrun.
- Asked about the Summit Station litigation.
- Would like more information from Mr. Markman about the Santa Maria groundwater litigation.

President Vierheilig

- October 2 – Nipomo Native Garden Plant Sale at Mid State Bank 9:00-3:00
- September 14 - Department of Agriculture and the Ag tourism meeting - South County Regional Center.
- September 15 - Nipomo Creek Watershed Steering Committee meets at the Senior Center at 6:00 p.m.

04:39:40

I. CLOSED SESSION ANNOUNCEMENTS

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

3. CONFERENCE WITH LEGAL COUNSEL
Pending Litigation GC§54956.9
NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND
USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
4. GENERAL MANAGER ANNUAL EVALUATION

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Jon Seitz, District Legal Counsel, reported that the Board heard an update on Items 3 and 4 above and had no reportable action.

ADJOURN

President Vierheilig adjourned the meeting at 2:30 p.m.

- THE SEPTEMBER 28, 2005 REGULAR BOARD MEETING IS CANCELLED
- THE NEXT REGULAR BOARD MEETING IS OCTOBER 12, 2005

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

LARRY VIERHEILIG, **PRESIDENT**
ED EBY, **VICE PRESIDENT**
MICHAEL WINN, **DIRECTOR**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**

STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**
JON SEITZ, **GENERAL COUNSEL**

Celebrating 40 Years of Service 1965-2005

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NipomoCSD.com

MINUTES OF SAFETY MEETING

SEPTEMBER 15, 2005, 9:00 A.M.
DISTRICT OFFICES

Michael LeBrun, District Manager, reviewed the September 14, 2005, Board meeting and how it affects the District and employees.

- Conservation Compliance Specialist
- Extend Student Intern
- Proposed parking district
- Rate increase ordinance

Ernie Thompson, Safety Manager, reviewed the booklet "DEFENSIVE DRIVING." The quiz at the end of booklet was reviewed.

PRESENT AT MEETING

Dan Migliazzo, Ernie Thompson, Rick Motley, Scott German, Rigo Rodriguez, Lisa Bognuda, Donna Johnson and Michael LeBrun

Meeting ended at 9:38 a.m.

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TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *LSB*
DATE: OCTOBER 12, 2005



COOL/NEWDOLL FEE REQUEST RESOLUTION

ITEM

Resolution denying the request of Mr. Steve Cool and Mr. Robert Newdoll for reconsideration of water and sewer capacity charges for Tracts 2514 and 2513.

BACKGROUND

On September 14, 2005, your Honorable Board of Directors heard testimony of Mr. Steve Cool, representing himself and Mr. Robert Newdoll, requesting reconsideration of water and sewer capacity charges for Tracts 2513 and 2514.

At the conclusion of the hearing, the Board of Directors instructed staff, on a vote of 5-0, to come back with a resolution supporting denial of the appeal for fee reduction.

RECOMMENDATION

Adopt attached Resolution.

ATTACHMENT

Resolution 2005-COOL

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RESOLUTION NO. 2005-COOL

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT DENYING THE REQUEST OF STEPHEN COOL AND ROBERT NEWDOLL FOR RECONSIDERATION OF WATER AND SEWER CAPACITY CHARGES FOR TRACTS 2513 (NEWDOLL) AND 2514 (COOL)

WHEREAS, the following documents are incorporated herein by reference:

1. November 22, 2002, Intent to Serve Water and Sewer Service for Tract 2513 (seven-unit apartment on South Frontage Road);
2. November 22, 2002, Intent to Serve Letter for Tract 2514 (eight-unit apartment on South Frontage Road);
3. Nipomo Community Services District Resolution 2005-933 adopted by the Board of Directors on April 13, 2005;
4. June 9, 2005, letter from Loma Vista de Nipomo, LLC to District Manager, Michael LeBrun regarding Tract 2513;
5. June 20, 2005, letter from District Legal Counsel, Jon Seitz to Stephen N. Cool regarding response to June 9, 2005, letter regarding Tract 2513;
6. June 24, 2005, letter from District Manager, Michael LeBrun, regarding estimate of Fees;
7. August 4, 2005, letter of protest by Loma Vista de Nipomo, LLC (Tract 2513);
8. August 15, 2005, email transmittal from District Legal Counsel to Steve and Karla Cool and Robert and Lori Newdollar, with attached documents;
9. August 15, 2005, letter from District Legal Counsel, Jon Seitz to Stephen N. Cool regarding Tract 2513;
10. August 19, 2005, letter from District Legal Counsel, Jon S. Seitz, to Stephen N. Cool regarding fire system capacity charges for Tract 2513;
11. September 8, 2005, letter from Loma Vista de Nipomo, LLC (Tract 2513);
12. September 13, 2005, e-mail to Steven N. Cool and Robert Newdollar from District Legal Counsel, Jon Seitz regarding CC&R's and Shared Easement Agreement;
13. September 14, 2005, Staff Report – Agenda Item E-3;
14. September 14, 2005 Regular Board Meeting Minutes (excerpts)
15. The Rules, Regulations, Resolutions, Ordinances and supporting documentation of the Nipomo Community Services District ("District"); and

WHEREAS, on September 14, 2005, the District Board of Directors did consider the request of Tract 2513 (Newdollar) and Tract 2514 (Cool) for reconsideration of capacity charges, the audio-recording for Agenda Item E-3 is incorporated herein by reference; and

WHEREAS, at the hearing Mr. Stephen Cool and Ms. Lori Newdollar, gave testimony to the Board; and

WHEREAS, having heard the testimony of Mr. Stephen Cool and Ms. Lori Newdollar and Staff's response, and reviewed the relevant documents, the Nipomo Community Services District Board of Directors makes partial findings as follows:

1. That Tracts 2513 and 2514 are under separate ownership;
2. That the two (2) tracts will be managed and conditioned by separate homeowners' associations pursuant to separate covenants, conditions and restrictions ("CC&R's");

RESOLUTION NO. 2005-COOL

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
DENYING THE REQUEST OF STEPHEN COOL AND ROBERT NEWDOLL
FOR RECONSIDERATION OF WATER AND SEWER CAPACITY CHARGES
FOR TRACTS 2513 (NEWDOLL) AND 2514 (COOL)

3. That the plans submitted to the District in June, 2005, depicted a single sewer lateral to provide sewer service to the two (2) separate tracts;
4. That the District Code requires that individual lots under separate ownership be provided sewer service through separate connections to the District's sewer main. Therefore, the plans and specifications submitted in June, 2005 were not complete and were not subject to approval.
5. That the Applicants are not requesting revocation of the Intent to Serve Letter;
6. The District's Intent to Serve Letter provides that District service shall be subject to current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District.

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

1. Request of Tract 2513 (Newdoll) and Tract 2514 (Cool) for reconsideration is hereby denied;
2. The above Recitals and documents and testimony referenced therein constitute the findings of the Board in support of the Board's denial for reconsideration.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 12th day of October, 2005, on the following roll call vote:

AYES: Directors

NOES:

ABSENT:

CONFLICTS:

Lawrence Vierheilig, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

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TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *MLB*
DATE: OCTOBER 12, 2005



SURPLUS EQUIPMENT

ITEM

Authorization to surplus District equipment

BACKGROUND

Government agencies that wish to dispose of obsolete equipment and other items need to declare that these items are surplus by the governing board prior to disposing of these items. The District has established the item below as equipment that is surplus which is to be disposed by sale or other means.

- Mita DC2556 Copier

RECOMMENDATION

It is recommended that your Honorable Board approve the equipment list as surplus and authorize staff to dispose of the item.

ATTACHMENTS

None

T:\DOCUMENTS\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER 2005\SURPLUS COPIER.DOC

TO: BOARD OF DIRECTORS
FROM: MICHAEL LeBRUN *LSB*
DATE: OCTOBER 12, 2005



ACCEPTANCE OF WATER AND SEWER IMPROVEMENTS
TRACT 2530 (LOS PADRES CONSTRUCTION, INC.)

ITEM

Acceptance of water and sewer improvements for Tract 2530 on South Oakglen

BACKGROUND

Upon completion of a developer's project, the District accepts improvements of the project after all requirements have been met. The developer (Los Padres Construction, Inc.) for Tract 2530, a 23-lot development on South Oakglen 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 2005-Accept 2530, accepting the water and sewer improvements for Tract 2530.

ATTACHMENT

Resolution 2005-Accept Tr 2530

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2005-Accept Tr 2530**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR THE FOR TRACT 2530 (LOS PADRES CONSTRUCTION, INC.)**

WHEREAS, the District approved the construction plans on May 17, 2004, 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 June 29, 2005, 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 Tract 2530 (Los Padres Construction, Inc.).

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 to serve the twenty-three lots created by Tract 2530 in Nipomo are accepted by this District.

On the motion by 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 12th day of October, 2005.

Lawrence Vierheilig, 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: MICHAEL LeBRUN *LSB*
DATE: OCTOBER 12, 2005



INTEGRATED REGIONAL WATER MANAGEMENT PLAN

ITEM

Endorse the Integrated Regional Water Management Plan prepared by the San Luis Obispo County Flood Control and Water Conservation District (County)

BACKGROUND

The State Water Resources Control Board and the State Department of Water Resources are administering the Proposition 50 Integrated Regional Water Management (IRWM) Grant Program. The grant program will provide up to \$50,000,000 for qualifying proposals that are designed to increase water supply reliability, foster regional water management, reduce pollution, and enhance or restore the environment.

The guidelines for applying for IRWM grant funding requires that the lead agency prepare and adopt an Integrated Regional Water Management Plan (Regional Plan). The County, in cooperation with the agencies directly involved with grant projects and the Water Resources Advisory Committee ("WRAC"), has prepared a Regional Plan for San Luis Obispo County.

The Plan covers broad aspects of regional water planning and includes discussion on several projects in the region, including our Nipomo/Santa Maria Water Line Inter-tie pipeline. The other projects in the Plan include: the Nacimiento Water Supply Project, the Los Osos Sewer and Wastewater Treatment Facility, and the Lopez Water Treatment Plant Upgrade.

Each responsible agency involved in the associated projects is encouraged to endorse the plan and the County cooperation.

RECOMMENDATION

Receive a presentation from County staff.
Approve the attached letter of support for President Vierheilg's signature.

ATTACHMENTS

Draft letter
IRWM Table of Contents (complete report is available at <http://www.slocountywater.org>)
Power Point Presentation Slides

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2005\IRWM PLAN SUPPORT.DOC

NIPOMO COMMUNITY

BOARD MEMBERS

LARRY VIERHEILIG, **PRESIDENT**
ED EBY, **VICE PRESIDENT**
JUDITH WIRSING, **DIRECTOR**
CLIFFORD TROTTER, **DIRECTOR**
MICHAEL WINN, **DIRECTOR**



Celebrating 40 Years of Service 1965-2005

SERVICES DISTRICT

STAFF

MICHAEL LeBRUN, **GENERAL MANAGER**
LISA BOGNUDA, **ASSISTANT ADMINISTRATOR**
DAN MIGLIAZZO, **UTILITY SUPERVISOR**
JON SEITZ, **GENERAL COUNSEL**

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

October 12, 1005

DRAFT

Board of Supervisors
San Luis Obispo County
County Government Center, Room 207
San Luis Obispo, CA 93406

**SUBJECT: NIPOMO COMMUNITY SERVICES DISTRICT ENDORSEMENT OF THE
INTEGRATED REGIONAL WATER MANAGEMENT PLAN**

Honorable Board Members:

At our regular meeting of October 12, 2005, the Nipomo Community Services District Board of Directors passed a motion endorsing the County Flood Control and Water Conservation District Integrated Regional Water Management (IRWM) Plan. The presentation of the plan by County staff was very informative and thorough.

We sincerely appreciate the substantial effort put forth by County staff in the preparation of the IRWM Plan.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

DRAFT

Lawrence Vierheilig
Board President

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San Luis Obispo County Integrated Regional Water Management Plan DRAFT

Please send any comments on this draft document to:

IRWM@slocountywater.org

Or mail your comments to:

Frank Honeycutt, PE

Room 207

County Government Center

San Luis Obispo, CA 93408

Cover Sheet and Table of Contents (211 kb)

Introduction (201 kb)

Section A. Regional Agency (111 kb)

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Exhibit A-2 Responsibilities for Water Related Functions in San Luis Obispo County	

Section B. Region Description (2.6 mb)

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Social and Cultural Makeup of San Luis Obispo.....	B-24
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Exhibit B-3 Quantity of Water Resources	
Exhibit B-4 Federal FY 2004 Public Water System Inventory	
Exhibit B-5 Quality of Water Resources	
Exhibit B-6 303(d) Listed Water Bodies and TMDL Priority	
Exhibit B-7 Water Supply and Projected Demand Summary for the Region	
Exhibit B-8 Water Demands for Environmental Needs By Water Planning Area	
Exhibit B-9 Profile of Social Characteristics: San Luis Obispo County, 2000 Census	
Exhibit B-10 Profile of Selected Economic Characteristics, 2000 Census	
Exhibit B-11 Summary of Important Environmental Resources in the Region	

Section C. IRWM Goals and Objectives (265 kb)

How the IRWM Plan Goals and Objectives Were Determined.....	C-1
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Water Quality Goals and Objectives.....	C-12
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Groundwater Monitoring and Management Goals and Objectives.....	C-44
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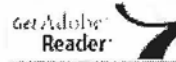
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**San Luis Obispo County Flood Control and Water
Conservation District**

**Integrated Regional Water
Management Plan**

for the

San Luis Region

California Water Plan Vision

California's water resource management preserves and enhances public health and the standard of living for Californians; strengthens economic growth, business vitality, and the agricultural industry; and restores and protects California's unique environmental diversity.

The San Luis Region's IRWM Plan Vision Statement:

The San Luis Integrated Regional Water Management Plan seeks to:

*..... enhance regional cooperation and
promote sustainable water resource
management*

The San Luis Region's IRWM Plan Vision Statement:

..... while balancing economic, environmental and cultural values, and property rights;

..... recognizing the role of regulatory agencies and the autonomy of individual jurisdictions.

PROPOSITION 50

- Approved by Voters in 2002
- Provides \$3.4 Billion for:
 - *Water Security*
 - *Contaminant And Salt Removal Technologies*
 - *CalFed Bay-delta Program*
 - **INTEGRATED REGIONAL WATER MANAGEMENT**
 - *Colorado River*
 - *Coastal Watershed And Wetland Protection*
 - *and Others*

San Luis IRWM Plan

- Plan Development
 - Consistent with Historical Efforts
 - Plan Development is the logical “next step” for water management in San Luis Obispo County – not a “new way” of thinking
 - Utilizing staff resources – Not consultants
 - Promote Institutional Knowledge – cost effectively
 - Relationship to Countywide Water Master Plan
 - Opportunity for Fiscal Assistance

IRWM PLANNING GRANT

■ PLANNING GRANT PROCESS

- \$500k Max
- Application Submitted in May 2005
- Tentative Results Just Announced
 - SLO Application is COMPETITIVE!
- Approval is scheduled in late October 2005

■ APPLICATION INCLUDES

- GROUNDWATER BANKING PLAN (\$250k)
- REGIONAL PERMITTING PLAN (\$250k)
- DATA ENHANCEMENT PLAN (\$100k)
- FLOOD MANAGEMENT PLAN (\$75k)

IRWM IMPLEMENTATION GRANT

■ IMPLEMENTATION GRANT PROCESS

- \$50 Mil Max
- Application Submitted in July 2005
- TWO STEP APPLICATION PROCESS
 - Step One – Conceptual Proposal
 - Results in December 2005
 - Step Two - Detailed Proposal
 - Due Date = TBD

■ REQUIRES IRWM ADOPTION BY 2005

- Board of Supervisors – December 6, 2005

IRWM IMPLEMENTATION GRANT

FOUR HIGH PRIORITY PROJECTS :

- **NIPOMO SUPPLEMENTAL WATER PROJECT**
 - *Grant Request \$0.8 million*
- **LOPEZ WTP UPGRADE**
 - *Grant Request \$2.6 million*
- **NACIMIENTO WATER PROJECT**
 - *Grant Request \$26.8 million*
- **LOS OSOS WASTEWATER PROJECT**
 - *Grant Request \$19.8 million*

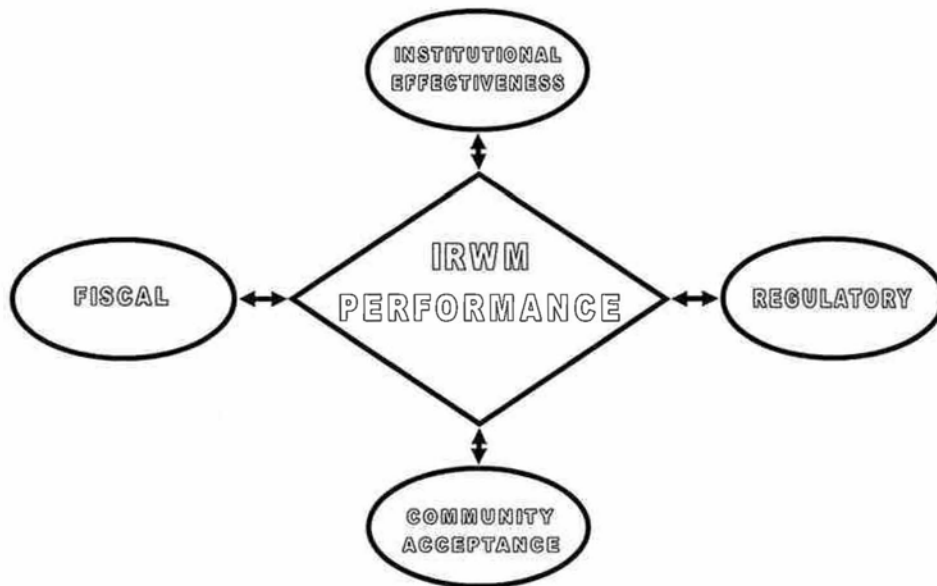
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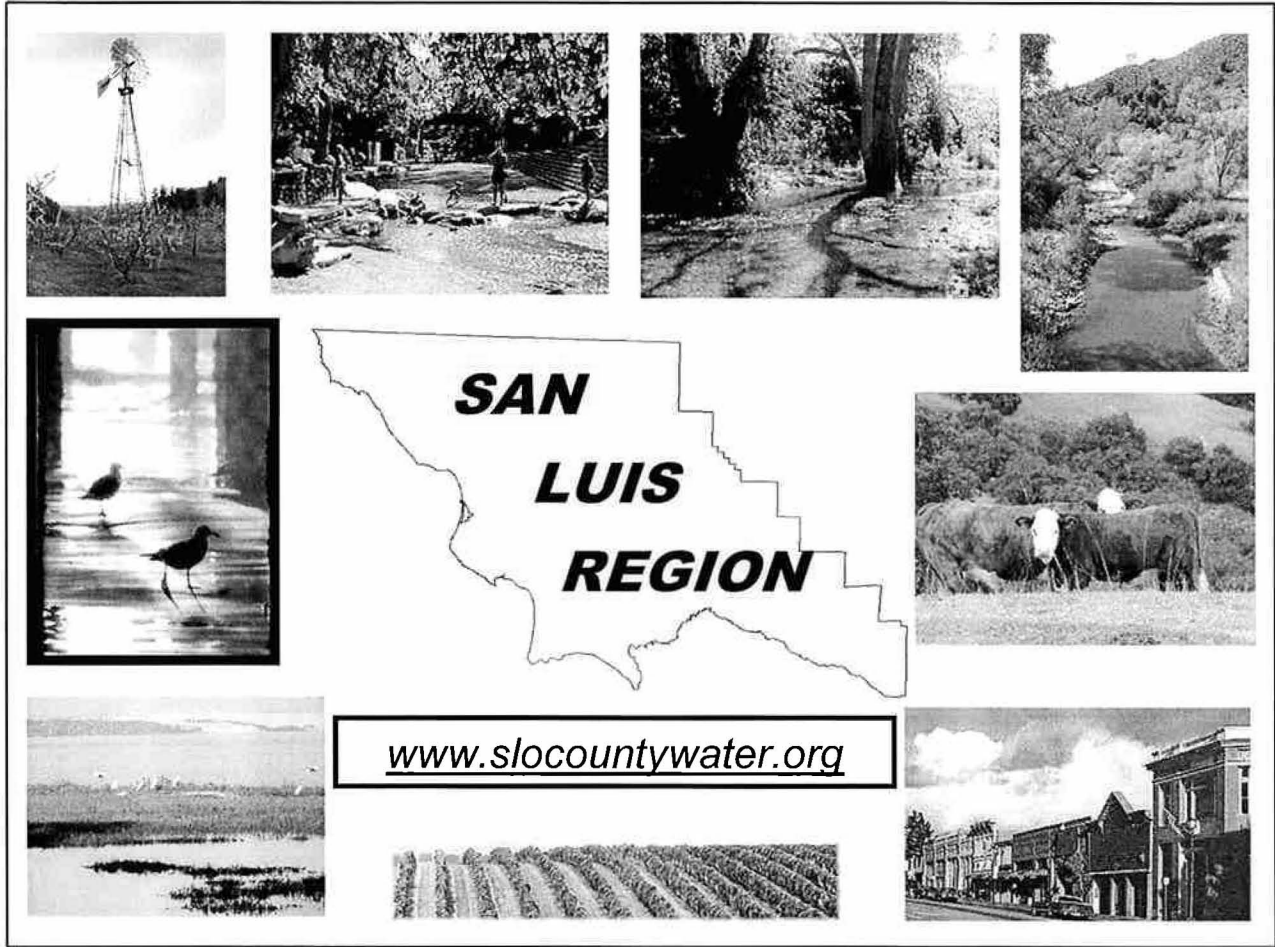
	NACIMIENTO	LOS OSOS	LOPEZ	NIPOMO
CEQA Complete by July 2006?	PASS	PASS	PASS	PASS
10% Matching?	PASS	PASS	PASS	PASS
Number of Water Elements Included?	9	10.5	4.5	3
Fiscal Impact?	5	4	4	4
Readiness to Proceed?	1	3	2	4
Regional Benefit?	8	4	6	6
Disadvantaged Community?	2.5	2.5	2.5	0
Meet State Programs Preferences?	4	5	4	3
Total Points	29.5	29	23	20

10

IRWM UPDATE PROCESS

- This is a “first generation” Plan
- Update IRWM over Five Years





AGENDA ITEM
E-2
OCTOBER 12, 2005

STAFF REPORT

TO: NIPOMO COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS

FROM: JON S. SEITZ, DISTRICT LEGAL COUNSEL

DATE: October 12, 2005

RE: Amend Title 3 and Title 4 to the District Code

Attachment: Amended Ordinance 2005-XX amending Title 3 and Title 4 to the District Code

BACKGROUND

At its regular meeting of August 24, 2005, the District Board of Directors, as a regular Agenda Item, reviewed and edited an administrative draft of the attached Ordinance.

At its regular meeting of September 14, 2005, the District Board of Directors introduced the attached Ordinance. Since the Ordinance introduction, District Staff has reanalyzed Section 4 (Page 4 of the attached Ordinance) that adds Section 3.04.051 (timing and calculation of fees for connections) to the District Code. Section 3.04.051 provides that final calculation of fees and charges will occur when the water meters are set. As originally drafted, the new Section 3.04.051 would apply to all projects where the water meters have not been set. This would include all projects where the District has signed off on development plans and all fees and charges have been paid. Staff recommends that the exception portion of 3.04.051 be redrafted to include projects where the District has signed off on the final plans and where the applicant has paid all fees and charges related to District services. The new exception language would be edited as follows:

“Except where the Applicant has completed well improvements to be dedicated to the District **and/or has development plans that are approved by the District**, paid all fees and charges, and has been issued a Will-Serve Letter, the calculation of payment of “Fees for Connection” referenced in Section B, above, shall apply to all properties where a water meter has not been set by the District.”

If the Board agrees to make the edit, then Staff recommends that the attached Ordinance be reintroduced at its meeting of October 12, 2005, and set the meeting of October 26, 2005, for final adoption.

The remainder of this Staff Report incorporates the Staff Report for the September 14, 2005, meeting.

As the Board is aware, there are a number of reports that are on file with the District office that opine that the groundwater basin that underlies the District is not capable of supporting growth. These reports and studies are referenced in the Recitals in the attached Ordinance and include:

- The Nipomo Mesa Groundwater Resource Capacity Study prepared by S.S. Papadopoulos, Inc. for the San Luis Obispo County Board of Supervisors.
- The Resource Capacity Study Water Supply in the Nipomo Mesa Area prepared by the San Luis Obispo County Department of Planning and Building.
- The Summit Station Environmental Impact Report.
- The Nipomo Community Services District Local Agency Formation Commission EIR regarding the Sphere of Influence and the Municipal Service Review.
- The San Luis Obispo County Craig Project DEIR.
- The San Luis Obispo County Growth Management Ordinance DEIR.

On April 27, 2005, the District adopted Ordinance 2005-101 establishing capacity charges that would provide partial financing for the District to acquire supplemental water. The importation of supplemental water will provide a new source of water that will assist in balancing the underlying groundwater basin.

ORDINANCE SUMMARY

The attached Ordinance is presented to the Board for introduction and is summarized as follows:

- **Section 2.** That upon the "Change of Ownership", the new owner must apply for District service as a condition of receiving District service. This will assist the District in tracking actual customers of the District and that all fees and charges owing at the time of the "Change of Ownership" are paid by the previous owner.
- **Section 3.** Incorporates the District's policies adopted in the current Urban Water Management Plan.

- **Section 4.** Provides that the final capacity charges for water service are calculated and payable at the date the District sets water meters. The purposes of this Section includes:

- Avoiding speculation on the payment of District capacity charges (i.e. pay early to avoid the true costs associated with water service that will not be used until sometime into the future)
- Assurance that resource demands of new development, that is not currently receiving District service, will not exceed existing and planned capacities or service levels.
- Balancing the capacity for growth with sustained availability of resources.

- **Section 5.** Clarifies that District Intent to Serve Letters may not only be revoked but may be “further conditioned” as a result of conditions imposed upon the District by a Court or availability of resources or by a change in Ordinance, Resolution, Rules, Fees or Regulations adopted by the Board of Directors.

- **Section 6.** Provides that all parcels within the Prohibition Zone that are within fifty (50) feet of a District sewer main will be required to connect prior to the “Change of Ownership”. This provision will assist in obtaining compliance with the Basin Plan adopted by the Regional Water Quality Control Board that prohibits the use of septic systems within the Prohibition Zone.

- **Section 7.** Revises Section 3.24.20 of the District Code to delete prohibitions that the District is not currently enforcing.

RECOMMENDATION

That after presentation by Staff, public comment, the Board may consider final edits to the attached Ordinance, then:

- Reintroduce the Ordinance and set the meeting of October 26, 2005, for final adoption; or
- Amend or modify Staff Recommendation.

ATTACHMENTS

Ordinance No. 2005-Prohibition Zone Connection Fee Procedure

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 2005-PROHIBITION ZONE CONNECTION FEE PROCEDURES**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 3 AND TITLE 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO
ESTABLISH NEW PROCEDURES FOR PAYMENT OF DISTRICT
WATER CONNECTION FEES AND PROCEDURES FOR CONNECTING TO
DISTRICT SEWER MAINS WITHIN THE PROHIBITION ZONE**

WHEREAS, it is a major responsibility of the Nipomo Community Services District ("District") to:

- A. Operate and maintain its water production and distribution facilities so as to provide adequate water service and fire protection to District water customers;
- B. Maintain adequate levels of revenue, equitably collected from District water customers and future customers, to meet the District's financial commitments including acquiring supplemental water to augment the District's current water production facilities to prevent impairment to the Groundwater Basin;
- C. Operate and maintain its wastewater distribution facilities to facilitate sewer connections within the Prohibition Zone as established by the Regional Water Quality Control Board; and

WHEREAS, District has reviewed and has on file at the District office a report titled "*Nipomo Mesa Groundwater Resource Capacity Study, San Luis Obispo, California*" prepared by S.S. Papadopoulos, Inc. for the San Luis Obispo County Board of Supervisors. That report included following opinions and findings:

1. That groundwater pumping in the Nipomo Mesa area is in excess of the dependable yield. Since current and projected pumping beneath Nipomo Mesa exceeds inflow (natural recharge plus subsurface inflow), the Nipomo Mesa portion of the Santa Maria Groundwater Basin is currently in overdraft and projections of future demand indicate increasing overdraft.
2. DWR's findings for groundwater beneath the Nipomo Mesa Area are consistent with the County's Resource Management System Water Supply Criterion, Level of Severity III—existing demand equals or exceeds the dependable supply.
3. Management response to these findings could include increased use of recycled water, increased importation of supplemental water, implementation of additional conservation measures, and appropriate limits on development; and

WHEREAS, the District has reviewed and has on file a report titled Resource Capacity Study Water Supply Nipomo Mesa Area August 2004, prepared by the San Luis Obispo County Department of Planning and Building. Said report confirms that current water demand presently equals or exceeds the dependable yield of the Groundwater Basin and further concludes that in order to address the projected deficits a combination of conservation and additional supply totaling four thousand two hundred forty-nine (4,249) AFY should be in place by the year 2010; and

WHEREAS, the District has reviewed and has on file the County of San Luis Obispo Environmental Impact Report ("EIR") for the Summit Station Land Use Ordinance Amendment ("LUO") where the County concludes that the additional draw of one hundred eleven (111) AFY per year from the Groundwater Basin creates a cumulative, significant, unmitigable, unavoidable adverse impact on water resources; and

WHEREAS, there are a number of draft environmental impact reports ("DEIR") for the for the County's Growth Management Ordinance and the Craig Project that reach similar conclusions that the Groundwater Basin exceeds the dependable yield; and

WHEREAS, the above Studies, Reports, EIRs and DEIRS are incorporated herein by this reference; and

WHEREAS, the District has entered into a Memorandum of Understanding with the City of Santa Maria that provides for the construction of necessary facilities and the delivery of supplemental water; and

WHEREAS, the District has recently adopted Ordinance 2005-101 that enacts new supplemental water capacity charges for the purposes of funding supplemental water projects; and

WHEREAS, Section 3.28.040 (A) of the District Code and the District Will-Serve Letters provides:

"A. This will-serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the district. This will-serve letter may be revoked as a result of conditions imposed upon the district by a court or by a change in ordinance, resolution, rules, or regulations adopted by the board of directors for the protection of health, safety, and welfare of the district and its residents.; and

WHEREAS, the general goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.
- Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.

WHEREAS, based upon the Staff Report, this Ordinance, Staff Presentation and, and public testimony received, the Board of Directors finds:

- A. The public meetings adopting this Ordinance have been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act);
- B. The Rules and Regulations adopted by this Ordinance will protect the health, safety and general well fare of the District and its residents by:
 1. Balancing the capacity for growth allowed by the Land Use Element of the South County Area Plan with the sustained availability of resources.
 2. Providing a funding source to obtain supplemental water in sufficient time to avoid overburdening existing resources, services and facilities that provide water service to existing District customers.
 3. Avoiding the use of public resources, services and facilities beyond their renewable capacity and monitor new development to insure that resource demands of new development will not exceed existing and planned capacities or service levels.
 4. Providing financing for additional services and facilities from those who will benefit.
- C. It is in the interest of the District, District residents and for the protection of the groundwater basin and to avoid speculation, that the District recover supplemental water charges from

all projects that are not currently connected, by District installed water meters, to District water facilities.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the District as follows:

Section 1. Authority.

This Ordinance is enacted pursuant to Government Code Sections 61600(a) and (b), 61621, 61621.5, and 61623.

Section 2. Section 3.03.020 of the District Code is hereby amended as follows:

3.03.020 Application for Service

- A. Applications for service shall be made by the property owner or a bona fide nonresident property manager (authorized agent), in writing on a form provided by the District. All applications shall include a ten dollar (\$10) nonrefundable account set up fee and payment of accrued fees and charges, if applicable.
- B. Applications for service are non-transferable and upon change of ownership, as defined in subsection C, below, the new owner, as a condition to District service, shall apply for District services prior to close of escrow and/or recording a deed acknowledging a transfer of ownership.
- C. "Change of Ownership" means a transfer of a present interest in real property. Every transfer of property shall qualify as a "change of ownership", except transfer of title from one spouse to another, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. "Change of Ownership" affected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title.
- D. The General Manager or his/her designee is authorized to record notice on all parcels of real property located within the District of the requirements of this Section.

Section 3. Section 3.04.021 is added to the District Code as follows:

3.04.021 Service limitations on LUO Amendments and other County approved density increases*

- A. The District will not approve Intent-to-Serve letters or Will-Serve letters for water service to projects that require water demand beyond that required to serve the project consistent with the maximum zoning densities without consideration of density increases, as approved by the South County Area Plan – Inland (SCAP) as amended May, 2002 or any land use changes after May 2002 that creates a parcel less than five (5) acres in size. For example, the District will not approve water service within its boundaries for projects whose water demands are increased due to General Plan Amendments, transfer density credits (TDC's), density bonuses, planning ordinance changes, or other discretionary increases in density.
- B. The restrictions on water service shall be in effect until such time that supplemental water is delivered to the District or the court finds that the District is not restricted in pumping ground water to serve District residents.

*This is not implementing new policies but reaffirming those policies established by the District in its Urban Water Management Plan.

Section 4. Section 3.04.050 (D) of the District Code is deleted and Section 3.04.051, Payment of Connection Fees, is added to the District Code as follows:

Section 3.04.051 Payment of Connection Fees and Capacity Charges.

The applicant shall pay the water capacity charges, sewer capacity charges, supplemental charge (if applicable), meter fee and account set-up fee, collectively "Fees for Connection" as follows:

- A. The Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.
- B. The Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- C. The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.

"Except where the Applicant has completed well improvements to be dedicated to the District and/or has development plans that are approved by the District, paid all fees and charges, and has been issued a Will-Serve Letter, the calculation of payment of "Fees for Connection" referenced in Section B, above, shall apply to all properties where a water meter has not been set by the District."

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Deleted: Except where the Applicant has constructed wells to be dedicated to the District, paid all fees and charges and has been issued a Will Serve Letter, the calculation of payment of "Fees for Connection" referenced in Section B, above, shall apply to all properties where a water meter has not been set by the District.

Section 5. Section 3.28.020 (7) is amended to read as follows:

7. This Intent to Serve Letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District. This Intent to Serve Letter may be revoked or further conditioned as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors;

Section 6. Chapter 4.07, Mandatory Connection to District Sewer System is added to the Nipomo Community Services District Code as follows:

Chapter 4.07

Mandatory Connection to District Sewer System Within the Prohibition Zone.

4.07.010 Definitions

- A. "Change of Ownership" means a transfer of a present interest in real property. Every transfer of property shall qualify as a "change of ownership", except transfer of title from one spouse to another, whether the transfer is voluntary, involuntary, by operation of law, by grant, gift, devise, inheritance, trust, contract of sale, addition or deletion of an owner, property settlement, or any other means. "Change of Ownership" effected other than by a contract of sale shall be deemed to occur at the time of actual transfer of title.
- B. "Basin Plan" means the Water Quality Control Plan adopted by the California Regional Water Quality Control Board Central Coast Region.
- C. "Prohibition Zone" means that area within the District described in Appendix A-27 of the Basin Plan where the discharge from individual sewage disposal systems are prohibited.

4.07.020 Connection on Change of Ownership.

All parcels within the Prohibition Zone where any part of the parcel is within fifty (50) feet of the District sewer main shall connect to the District sewer main prior to the "Change of Ownership".

4.07.030 District Plans and Specifications.

All connections to the District sewer system as required by Section 4.07.020 shall be in accordance

with District's standard plans, specifications and engineering standards.

4.07.040 District Fees and Charges.

All District fees and charges including connection and capacity charges shall be paid prior to connection.

4.07.050 Certification.

The Seller, prior to the "Change of Ownership", shall obtain from the District Utility Department a connection certification, in accordance with the administrative procedures established by the Department verifying that the property has been connected to the District sewer system and all fees and charges have been paid. The Seller shall allow an inspection of the property by District Staff.

4.07.060 Application for Service.

- A. No change in application, or new application, for District service as required by Section 3.03.020 of the District Code, shall be accepted by District until a Certification has been completed and deposited with the District.
- B. The General Manager or his/her designee is authorized to record a notice on all parcels of property within the Prohibition Zone of the requirements of this Section.

Section 7. Section 3.24.020 is amended to read as follows:

- A. No customer shall waste water. As used herein the term "waste water" means:
 - 1. Allow potable water to escape from breaks within the customers plumbing system for more than four hours after the customer is notified or discovers the break.
 - 2. Use of potable water for sewer system maintenance or fire protection training without prior approval by the District.

Section 8. Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Ordinance.

Section 9. Effect of Repeal on Past Actions and Obligations.

This Ordinance does not affect prosecutions for Ordinance violations committed prior to the effective date of this Ordinance, does not waive any fee or penalty due and unpaid on the effective date of this Ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any Ordinance.

Section 10. CEQA Findings

The Board of Directors of the District finds that the revisions of the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such amendments constitute general policy and procedure making. The Board of Directors further finds that the amendment of the existing Rules and Regulations established by this Ordinance fall within the activities described in CEQA Guideline 152734 for obtaining funds for capital projects necessary to maintain service within the existing service areas. Further, the Board of Directors finds that the adoption of the Rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen with certainty that the revisions will not result in either a direct physical change in the environment, nor is there a reasonable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 11. Severance Clause.

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

Section 12. Effect of Headings in Ordinance.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 13. Effective Date.

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the Five Cities Times Press Recorder.

Reintroduced at its regular meeting of the Board of Directors held on October 12, 2005, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the ____ day of _____, 2005 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

Lawrence Vierheilig, President
Nipomo Community Services District
Board of Directors

ATTEST:

APPROVED AS TO FORM:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MICHAEL LEBRUN *ML*
DATE: OCTOBER 12, 2005



FORMATION OF SUB-COMMITTEE

ITEM

Formation of Sub-Committee to work on County in-lieu parking proposal

BACKGROUND

At the September 14, 2005 Board Meeting, Chuck Stevenson of San Luis Obispo County presented a proposed plan to establish a parking zone of benefit in Olde Towne Nipomo.

After review and discussion, Director Trotter suggested a sub-committee be formed.

RECOMMENDATION

Appoint Sub-Committee.

ATTACHMENTS

None

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