

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 41 - Years of Service 1965 - 2006*

## AGENDA

**FEBRUARY 8, 2006 9:00 A. M.**

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**  
MICHAEL WINN, **VICE PRESIDENT**  
JUDITH WIRSING, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
ED EBY, **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.*
- *District-prepared staff reports and documents are generally posted on the District's website {[Nipomocsd.com](http://Nipomocsd.com)} on the same date the agenda is posted.*

- |                                  |                          |
|----------------------------------|--------------------------|
| A. CALL TO ORDER AND FLAG SALUTE | NEXT RESOLUTION 2006-965 |
| B. ROLL CALL                     | NEXT ORDINANCE 2006-106  |
| 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 January 25, 2006
- E. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)
- E-1) PRESENTATION: NIPOMO CREEK WATERSHED MANAGEMENT PLAN  
The Land Conservancy of San Luis Obispo County and Central Coast Salmon Enhancement will present the recently completed Nipomo Creek Watershed Management Plan. [No action recommended] – 30 min.

E-2) BOARD BY-LAW AND POLICY REVIEW

Review of relevant changes to community services district law effective January 1, 2006, Government Code §61000 et seq. [No action recommended] – 1.5 hours.

E-3) Draft COUNTY RURAL PLANNED DEVELOPMENT POLICY

Open discussion on the proposed Land Use Ordinance Amendment. [No action recommended] – 1 hour.

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 NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 CITIZENS AGAINST UNLAWFUL FEES vs. NCSD CASE NO. CV 050920
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9 CITIZENS AGAINST NON-NOTIFICATION vs. NCSD, CASE NO. CV 051002

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 FEBRUARY 22, 2006.

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: FEBRUARY 8, 2006



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.

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting January 25, 2006

t:\board matters\board meetings\board letter\board letter 2006\consent 02-08-06.doc

# NIPOMO COMMUNITY SERVICES DISTRICT WARRANTS FEBRUARY 8, 2006

## AGENDA ITEM D-1 FEBRUARY 8, 2006

### HAND WRITTEN CHECKS

18853                      01-25-06              STANDARD INSURANCE                      781.00

**TOTAL COMPUTER  
CHECKS  
\$ 218,961.16**

### VOIDED CHECKS

NONE

### COMPUTER GENERATED CHECKS

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
11685	01/27/06	EMP01	EMPLOYMENT DEVELOP DEPT	426.10	.00	426.10	A60123	STATE INCOME TAX
11686	01/27/06	MID01	MIDSTATE BANK-PR TAX DEP	1914.28 25.80 518.00	.00 .00 .00	1914.28 25.80 518.00	A60123 1A60123 2A60123	FEDERAL INCOME TAX FICA MEDICARE (FICA)
Check Total.....:				2458.08	.00	2458.08		
11687	01/27/06	MID02	MIDSTATE BANK - DIRECT DP	15472.50	.00	15472.50	A60123	NET PAY DEDUCTION
11688	01/27/06	PER01	PERS RETIREMENT	5152.20	.00	5152.20	A60123	PERS PAYROLL REMITTANCE
11689	01/27/06	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A60123	WAGE ASSIGNMENT
11690	01/27/06	STA01	STATE STREET GLOBAL	1230.00	.00	1230.00	A60123	457 DEFERRED COMP
11691	02/10/06	EMP01	EMPLOYMENT DEVELOP DEPT	423.21	.00	423.21	A60206	STATE INCOME TAX
692	02/10/06	MID01	MIDSTATE BANK-PR TAX DEP	1948.80 25.80 520.98	.00 .00 .00	1948.80 25.80 520.98	A60206 1A60206 2A60206	FEDERAL INCOME TAX FICA MEDICARE (FICA)
Check Total.....:				2495.58	.00	2495.58		
11693	02/10/06	MID02	MIDSTATE BANK - DIRECT DP	15542.58	.00	15542.58	A60206	NET PAY DEDUCTION
11694	02/10/06	PER01	PERS RETIREMENT	5152.20	.00	5152.20	A60206	PERS PAYROLL REMITTANCE
11695	02/10/06	SIM01	SIMMONS, DEBRA	150.00	.00	150.00	A60206	WAGE ASSIGNMENT
11696	02/10/06	STA01	STATE STREET GLOBAL	1230.00	.00	1230.00	A60206	457 DEFERRED COMP
011697	02/08/06	ADV01	ADVANTAGE ANSWERING PLUS	129.97	.00	129.97	73806	ANSWERING SERVICE
011698	02/08/06	AME03	AMERI PRIDE	57.49 61.99	.00 .00	57.49 61.99	F582187 F588060	UNIFORMS, ETC UNIFORMS, ETC
Check Total.....:				119.48	.00	119.48		
011699	02/08/06	AQU01	AQUA-METRIC SALES CO.	2695.30	.00	2695.30	11988	METER REPLACEMENTS
011700	02/08/06	BOY01	BOYLE ENGINEERING CORP	113.40 113.40 226.80 283.50 823.50 3591.00	.00 .00 .00 .00 .00 .00	113.40 113.40 226.80 283.50 823.50 3591.00	30056 30057 30058 030054 030055 030059	PCI CO 04-0606 PCI TR 2541 PCI TR 2689 CO 04-0186 PCI CO-04-0342 PLAN CHECK HETRICK WATER LINE UPGRAD
Check Total.....:				5151.60	.00	5151.60		
011701	02/08/06	BUT01	BUTCH POPE CONSTRUCTION	18832.41	.00	18832.41	1191	AVE DE SOCIOS INSTALL WAT
011702	02/08/06	CEN02	CENTRAL COAST FENCE INC	450.00	.00	450.00	2006-37	BL FENCE REPAIRED
011703	02/08/06	COM02	COMMUNICATION SOLUTIONS	507.50 1552.66 1989.57	.00 .00 .00	507.50 1552.66 1989.57	3515 3516 3517	BEVINGTON WELL SIT MAINT EUREKA WELL SITE MAINT EUREKA WELL SITE MAINT
Check Total.....:				4049.73	.00	4049.73		
011704	02/08/06	COR01	CORBIN WILLITS SYSTEMS	694.70	.00	694.70	A60115	BILLING PROGRAM MAINT

**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS FEBRUARY 8, 2006**

**AGENDA ITEM  
D-1  
FEBRUARY 8, 2006  
PAGE THREE**

ck umber	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
011726	02/08/06	PAC01	SBC/MCI	30.22 148.77 116.44	.00 .00 .00	30.22 148.77 116.44	T4639575 T4639577 T4639578	PHONE PHONE PHONE
			Check Total.....:	295.43	.00	295.43		
011727	02/08/06	PGE01	F G & E	27337.24	.00	27337.24	012706	ELECTRICITY
011728	02/08/06	PRE01	PRECISION JANITORIAL	275.00	.00	275.00	146	JANUARY JANATORIAL SERVIC
011729	02/08/06	PUL01	PULITZER CENTRAL COAST NP	36.63	.00	36.63	983025	LEGAL NOTICE UWMP
011730	02/08/06	PWM01	PW MANN ELECTRIC INC	453.60 302.40 226.80 2897.16 1725.65 3621.45	.00 .00 .00 .00 .00 .00	453.60 302.40 226.80 2897.16 1725.65 3621.45	6002 6003 6004 6005 6006 6007	LA MIRADA LIFT STN MAINT VIA CONCHA WELL MAINT OAKGLEN LIFT STN MAINT TOWN WWTP PANELS BL WWTP MAINT PARTS FOR SEWER TP
			Check Total.....:	9227.06	.00	9227.06		
011731	02/08/06	QUI01	QUILL CORPORATION	209.45	.00	209.45	4357713	OFFICE SUPPLIES
011732	02/08/06	QUI03	QUINN RENTAL SERVICES	228.23	.00	228.23	2069745	SUPPLIES
011733	02/08/06	RIC01	RICHARDS, WATSON, GERSHON	9325.41	.00	9325.41	144160	WATER RIGHTS ADJUDICATION
011734	02/08/06	SAN02	SANSONE COMPANY, INC	17000.47	.00	17000.47	113005B	FINAL RETENTION BILLING
011735	02/08/06	SLO01	SAN LUIS OBISPO COUNTY	291.25	.00	291.25	41158	PARCEL MAP REPORTS
011736	02/08/06	SNY01	SNYDER LANDSCAPE MAINT CO	553.00	.00	553.00	55	LANDSCAPE MAINT DIST JANU
011737	02/08/06	SOU01	SOUTH COUNTY SANITARY	331.60 35.33	.00 .00	331.60 35.33	1329114 1331851	OLDE TOWNE (JAN/FEB) TRASH COLLECTION
			Check Total.....:	366.93	.00	366.93		
011738	02/08/06	SPE01	SPECIAL DISTRICT RISK	4816.00	.00	4816.00	15124	3RD QTR-W/C INSURANCE
011739	02/08/06	THE01	THE GAS COMPANY	159.14 11.51	.00 .00	159.14 11.51	012306 012606	OFFICE HEAT 06235160949 GAS ENGINE
			Check Total.....:	170.65	.00	170.65		
011740	02/08/06	TRIO3	THE TRIBUNE	110.16	.00	110.16	6307115	PUBLIC NOTICE
011741	02/08/06	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	020806	REG BD MEETING 020806
011742	02/08/06	UND01	UNDERGROUND SERVICE ALERT	147.00	.00	147.00	60010175	UNDERGROUND NOTIFICATION
011743	02/08/06	VAL01	VALLEY SEPTIC SERVICE	2686.20 3240.90 225.00 225.00 225.00	.00 .00 .00 .00 .00	2686.20 3240.90 225.00 225.00 225.00	2730 2731 2840 2842 2846	JETTING SEWER LINES JETTING SEWER LINES PUMP TEFTT LIFT PUMP N OAKGLEN LIFT PUMPED JUNIPER LIFT STN
			Check Total.....:	6602.10	.00	6602.10		
011744	02/08/06	VER01	VERIZON	29.36 29.57	.00 .00	29.36 29.57	011906A 011906B	BL PHONE 0117301146244207 BL PHONE 0117301146236018
			Check Total.....:	58.93	.00	58.93		
011745	02/08/06	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	020806	REG BD MEETING 020806
011746	02/08/06	WIN01	WINN, MICHAEL	100.00	.00	100.00	020806	REG BD MEETING 020806
011747	02/08/06	WIN02	WINN, MICHAEL	174.71	.00	174.71	012506	TRAVEL TO UCLA
011748	02/08/06	WIR02	WIRSING, JUDY	100.00	.00	100.00	020806	REG BD MEETING 020806
011749	02/08/06	XERO1	XEROX CORPORATION	82.68	.00	82.68	15300457	COPIER MAINT
011750	02/08/06	\N004	NESTER CONSTRUCTION,	422.00	.00	422.00	000A60201	MO CUSTOMER REFUND
011751	02/08/06	\N005	NESTER CONSTRUCTION,	422.00	.00	422.00	000A60201	MO CUSTOMER REFUND
011752	02/08/06	\S003	SANSONE COMPANY,	422.00	.00	422.00	000A60201	MO CUSTOMER REFUND

# NIPOMO COMMUNITY SERVICES DISTRICT

*Celebrating 40 - Years of Service 1965 - 2005*

## MINUTES

JANUARY 25, 2006 9:00 A. M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

**DRAFT**

### BOARD of DIRECTORS

LARRY VIERHEILIG, **PRESIDENT**  
MICHAEL WINN, **VICE PRESIDENT**  
JUDITH WIRSING, **DIRECTOR**  
CLIFFORD TROTTER, **DIRECTOR**  
ED EBY, **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 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.
- 00:01:10 C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT  
The following members of the public spoke:  
Tom Martin, South County Sanitary Manager – reported the following:
- Page 564 of the Yellow Pages has a cardboard fold-out with information on recycling and composting.
  - Garbage bills can now be paid on line at wasteconnections.com
  - Mandatory trash service has progressed well – 65 new starts
  - Clean-Up Week April 10-14 for residential customers
- 00:04:29 D. CONSENT AGENDA .
- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting January 11, 2006
- D-3) CROSS-CONNECTION INSPECTION SERVICES CONTRACT  
[RECOMMEND APPROVAL]
- D-4) LETTER OPPOSING AB 737 [RECOMMEND APPROVAL]
- Item D-3) - Director Eby asked about the indemnification clause in the Cross Connection Inspection Services Contract. Jon Seitz, District Legal Counsel, explained. There were some spelling errors corrected in the Minutes.  
There was no public comment.  
Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda, as amended. Vote 5-0.

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing, Trotter, and Vierheilig	None	None

**MINUTES SUBJECT TO BOARD APPROVAL**

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

00:12:30

E. ADMINISTRATIVE ITEMS

E-1) PUBLIC HEARING-ADOPTION URBAN WATER MANAGEMENT PLAN 2005 UPDATE

Michael LeBrun, District General Manager – reviewed the steps taken up to this date in updating the Urban Water Management Plan. The District has met and exceeded the public notification requirements. The comments received have been outlined in the staff report.

Meredith Clement presented slides which indicated some changes in the draft Urban Water Management Plan 2005 update.

The following members of the public spoke:

Jerry Bunin, Government Affairs Director for the Home Builders Association – asked that the data used to estimate water conservation efforts be made available to the public. Board discussion ensued. The Board made some suggestions for minor changes.

**RESOLUTION NO. 2006-963  
 A RESOLUTION OF THE BOARD OF DIRECTORS  
 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
 ADOPTION BY THE NIPOMO COMMUNITY SERVICES DISTRICT OF  
 ITS URBAN WATER MANAGEMENT PLAN 2005 UPDATE**

Upon motion of Director Winn and seconded by Director Trotter, the Board approved Resolution 2006-963 adopting the Urban Water Management Plan 2005 Update and directed staff to finalize and file the approved document consistent with the California Urban Water Management Planning Act. Vote 4-1 with Director Eby abstaining.

YES VOTES	NO VOTES	ABSTAIN	ABSENT
Directors Winn, Trotter, Wirsing, Vierheilig	None	Director Eby	None

01:01:30

E-2) HOLLOWAY ANNEXATION AGREEMENT

The Board discussed an agreement to annex approximately 20 acres of land, located within the NCSO Sphere of Influence for water and sewer services. The property is located on South Oakglen Avenue and is also known as Tract 2642.

Carl Holloway, annexation applicant, spoke to the Board concerning his project. He handed a document to the Board that he had prepared for LAFCo comparing the amount of water pumped from the well on his property to the trees he watered for his business with the amount of water projected to be used for the 18-unit residential development within the area proposed to be annexed. There was much Board discussion. There was no public comment.

Upon motion of Director Trotter and seconded by Director Winn, the Board approved the Annexation Agreement. Vote 3-2

YES VOTES	NO VOTES	ABSENT
Directors Trotter, Winn, and Vierheilig	Directors Wirsing and Eby	None

**MINUTES SUBJECT TO BOARD APPROVAL**

What is in the best interest of our District?

1. The job description is too broad. This overlaps with current staff job duties and the new position of conservation manager.
2. As per our conversations the main job description is the Santa Maria Supplemental Water Project, the other job descriptions are minor and it is my opinion this does not justify hiring an assistant General Manager.
3. What was the plan for overseeing the Santa Maria Supplemental Water Project before Mr. Buel became available? Are you saying there were none?
4. The Supplemental Water Inter-tie pipeline, participation in the selection of design and construction bid documentation preparation; CEQA process, exploring grant funding, etc. is a 4-5 year project, I'm asking why would we only contract for 2 years for a 4-5 year project? I believe this is not in the best interest of our District due to the fact that this is poor planning and simply doesn't make sense and is risking the investment in the hiring of a person for \$226,000 for 2 years when it is clearly a 4-5 year project and there is no guarantee that Mr. Buel would remain in employment.
5. Another question: after the 2 years I need to know the exact cost of Mr. Buel's retirement costs to this District, or are we saying there are none?

I also need to know what the hurry is in hiring Mr. Buel? Mr. Buel is under potential criminal liability, the SLO Deputy District Attorney said his office would conduct a preliminary inquiry this month to determine if a full investigation is required.

There are too many unknown's with this stressful investigation and possible criminal liability that would distract Mr. Buel from doing his job for this District. This is clearly not in the best interest of this District. Mr. Buel could be away for days at a time in preparation for this investigation, this is why I ask again "what is the hurry?" Mr. Buel is currently receiving \$94,000 from the Los Oso CSD to carry him over. It is definitely not that Mr. Buel is going to go without a paycheck anytime soon. \*N: Contract: Sec. 12 #B, Pg 6 of 7

7. Mr. Seitz is legal council to Mr. LeBrun and he was also legal council to Mr. Buel, they worked very closely for approx. 7 years, what my thoughts are at this time is very serious and it is my opinion that Mr. Buel's contract has been purposely crafted to accommodate his hiring into our District. I believe this 2 year contract for a 4-5 year project is a bridge to allow Mr. Buel to collect his full retirement, as we were told Mr. Buel currently will only be able to collect \$65,000 a year if he retired now. ~~The~~ employment would add 2 years to his 28 years of governmental service to allow Mr. Buel to retire with his full 30 year retirement plan at the expense of Nipomo CSD and its ratepayers.

*This*

I cannot support this at this time. I'm also disturbed that Mr. Buel has already signed his contract while out of the country on vacation. I ask again what is the hurry?

*Joanna*

*Judith Worsing*



Nipomo Community Services District  
REGULAR MEETING  
MINUTES

01:35:23

E-3) CONTRACT APPROVAL

The Board considered approval of a two (2) year contract with Bruce Buel for the position of Projects Assistant to the Manager.

The following members of the public spoke:

Richard Margetson, resident of Los Osos – cited several items of discontent with Mr. Buel while Mr. Buel was working as General Manager at Los Osos CSD. He noted some recommendations Mr. Buel made to the LOCSD Board that were not good.

Keith Swanson, resident of Los Osos – cited several complaints he had about actions of Mr. Buel during his management at Los Osos CSD.

Chris Allebe, resident of Los Osos – stated his concerns that this District might hire Mr. Buel. He cited several incidents that he felt were unacceptable. He urged the Board to do more investigation before hiring Mr. Buel.

Director Wirsing read a statement to the Board and staff and asked that her statement, as well as answers to her questions, be put on the record. The statement is attached to these Minutes.

Mr. Seitz and Mr. LeBrun answered Director Wirsing's concerns.

#7 – Mr. Seitz stated that he does not represent Mr. LeBrun; he represents the Board – not the General Manager. The term of the contract was reached by this Board and staff without Mr. Seitz' input. Mr. Seitz had this contract independently reviewed to make sure NCSD was protected.

#1 – Mr. LeBrun stated that the job description is broad. There are other areas of this District which can use Mr. Buel's expertise beyond the Projects Manager.

#6 – Mr. Seitz explained that each District is obligated to defend its employees.

#7 paragraph 2 Mr. LeBrun stated that this was discussed with the Board, explaining that Mr. Buel signed before the issue came to the Board to show that it will not be renegotiated after the Board meeting.

#6 – What is the hurry? Mr. LeBrun stated that there are projects this District needs to be working more aggressively toward. The termination clause in the contract is such that Mr. Buel can be let go very easily, if the Board desires his termination.

#5 – NCSD commitment to pay toward Mr. Buel's 30-year retirement would be 1/15<sup>th</sup> or 2/30<sup>th</sup> for the two years employed at this District. There is a benefit to Mr. Buel for working toward his retirement.

Director Eby stated that time is of an essence with the supplemental water project. There needs to be *someone* to get the project moving. The process for termination is simple if the Board or Mr. LeBrun sees that termination is necessary.

Upon motion of Director Winn and seconded by Director Trotter, the Board approved the contract and directed staff to complete the hiring process. Vote 3-2

YES VOTES	NO VOTES	ABSENT
Directors Winn, Trotter, Eby	Directors Wirsing and Vierheilig	None

The Board took a break at 11:45 a.m. and reconvened at 12:00 p.m.

**MINUTES SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

02:42:34

E-4) INVESTMENT POLICY - FOURTH QUARTER REPORT

Mr. LeBrun presented the Fourth Quarter Report – District Investment Policy. There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board agreed to accept and file the Fourth Quarter Report – District Investment Policy. Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing, Trotter and Vierheilig	None	None

02:46:39

E-5) DISTRICT INVESTMENT POLICY 2006

Mr. LeBrun presented the current year 2006 District Investment Policy. There was no public comment.

Upon motion of Director Winn and seconded by Director Eby, the Board approved Resolution 2006-964 adopting the 2006 District Investment Policy. Vote 5-0.

**RESOLUTION NO. 2006-964**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE**  
**NIPOMO COMMUNITY SERVICES DISTRICT**  
**ADOPTING THE YEAR 2006 DISTRICT INVESTMENT POLICY**

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing, Trotter and Vierheilig	None	None

00:04:29

E-6) SECOND QUARTER FINANCIAL STATEMENTS

Mr. LeBrun presented the Second Quarter Financial Statements.

Lisa Bognuda, Assistant Administrator, answered questions from the Board.

There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board agreed to accept and file the quarterly financial report for the second quarter of fiscal year 2005-2006. Vote 5-0

YES VOTES	NO VOTES	ABSENT
Directors Winn, Eby, Wirsing, Trotter and Vierheilig	None	None

03:10:00

F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reviewed the Manager's Report

He plans to meet with Supervisor Achadjian February 1<sup>st</sup> concerning Flood Control in the Nipomo area.

Dana Elementary School is now receiving District water and is in planning to connect to the District sewer system.

There was no public comment.

**MINUTES SUBJECT TO BOARD APPROVAL**

## 03:20:27 G. COMMITTEE REPORTS

Director Eby stated that at the NCAC meeting, January 23, 2006, he gave a brief overview of NCSD activities.

## 00:04:29 H. DIRECTOR'S COMMENTS

Director Wirsing – thanked staff for taking care of the light at Willow. She asked about the trash can on Tefft Street with the name Ace on it.

Director Winn

- Article in SLO Tribune about Ron Munds, City of San Luis Obispo, Water Conservation Officer. The article shows that they have been able to save 20-30%.
- Went to UCLA classes Friday, January 20, 2006. Materials will be distributed to the Board later.
  - Land Use and Planning information very useful.
  - Conflict of interest laws
  - Eminent domain
  - Mediating CEQA disputes
  - Legislation about fees for housing
- February 1, Wednesday – WRAC meeting
  - Commended Director Eby (alternate member to WRAC) for regular attendance
  - Would like to have letter sent to Board of Supervisors indicating the continuance of the representative and alternate to WRAC.

Director Vierheilig

- Safe Drinking Water Act book available from AWWA
- CSDA News
- Review of NCSD Board By-Laws in February

## 00:04:29 I. CLOSED SESSION ANNOUNCEMENTS

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

1. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
SMVWCD VS NCSD SANTA CLARA COUNTY CASE NO. CV 770214 AND  
ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
MARIA VISTA VS. NCSD CASE NO. CV 040877
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
NCSD vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND  
USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC§54956.9  
CITIZENS AGAINST UNLAWFUL FEES vs. NCSD CASE NO. CV 050920

## J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There was no public comment on the Closed Session items.

**MINUTES SUBJECT TO BOARD APPROVAL**

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

- 03:35:50 K. ADJOURN TO CLOSED SESSION  
The Board adjourned to Closed Session at 12:36 p.m.
- 03:35:59 L. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION  
The Board came back into Open Session: Jon Seitz, District Legal Counsel,  
Announced that the Board heard an update on the items above and had no reportable  
action.
- 03:36:31 ADJOURN  
President Vierheilig adjourned the meeting at 1:10 a.m.

➤ THE NEXT REGULAR BOARD MEETING IS FEBRUARY 8, 2006.

**MINUTES SUBJECT TO BOARD APPROVAL**

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: FEBRUARY 8, 2006



PRESENTATION: NIPOMO CREEK WATERSHED MANAGEMENT PLAN

**ITEM**

The Land Conservancy of San Luis Obispo County and Central Coast Salmon Enhancement will present the recently completed Nipomo Creek Watershed Management Plan. [No action recommended] – 30 min.

**BACKGROUND**

The Land Conservancy of San Luis Obispo County, in partnership with Central Coast Salmon Enhancement, obtained a grant from the Guadalupe - Nipomo Dunes Restoration subcommittee to create Nipomo Creek Watershed Program.

The program was developed with community and landowner input. It has three main elements:

1. Water quality and biological monitoring,
2. Riparian restoration,
3. Protection of land with important natural resources.

The plan was co-written by Salmon Enhancement and the Land Conservancy. It contains the following work products:

1. Summary/details of Nipomo Watershed Forum,
2. Summary of volunteer water quality monitoring,
3. Riparian habitat assessment,
4. Existing data for watershed characterization,
5. Recommendations for short-term project implementation.

The plan also contains information about the history and prehistory of the watershed.

A complete copy of the plan is available at [www.special-places.org](http://www.special-places.org). The Table of Contents, Executive Summary, Introduction and Background, Drainage Projects discussion, summary of NCSD, and Conclusion are attached to this staff report.

**RECOMMENDATION**

Consider the presentation; invite public comment; direct staff as appropriate.

**ATTACHMENTS**

Excerpts from the Nipomo Creek Watershed Management Plan

---

## **Nipomo Creek Watershed Management Plan**



*Prepared for*

**The Guadalupe-Nipomo Dunes Restoration Subcommittee**

*Prepared by*

**Central Coast Salmon Enhancement**

**The Land Conservancy of San Luis Obispo County**

*On Behalf of*

**The Nipomo Creek Watershed Forum**

**December 2005**

---

## Table of Contents

<b>Executive Summary.....</b>	<b>3</b>
<b>Introduction and Background.....</b>	<b>4</b>
Summary of the Nipomo Creek Watershed Forum	
Nipomo Creek Watershed Management Plan	
<b>Overview of the Watershed.....</b>	<b>9</b>
<b>History of Nipomo Creek.....</b>	<b>13</b>
Pre-History	
History	
<b>Existing Conditions.....</b>	<b>21</b>
Climate	
Geographic Boundaries	
Geologic Setting	
Soil Types	
Hydrology	
<b>Land Ownership.....</b>	<b>44</b>
<b>Biology.....</b>	<b>48</b>
<b>Water Quality.....</b>	<b>57</b>
<b>Demographics.....</b>	<b>63</b>
<b>Approach to Implementing the Plan.....</b>	<b>64</b>
<b>Benefits to Landowners and Community.....</b>	<b>65</b>
<b>Recommended Projects .....</b>	<b>66</b>
<b>Relationship to Other Existing Plans.....</b>	<b>82</b>
<b>Regulatory Setting/Agency Jurisdiction.....</b>	<b>91</b>
<b>Resource Agencies/Non-Regulatory .....</b>	<b>96</b>
<b>Conclusion.....</b>	<b>99</b>
<b>Resources.....</b>	<b>100</b>
<b>Acknowledgements.....</b>	<b>104</b>
<b>References.....</b>	<b>107</b>

---

## Figures

Figure 1: Main Stem of Nipomo Creek.....	8
Figure 2: Regional Context for Nipomo Creek Watershed.....	10
Figure 3: Nipomo Creek Watershed Delineation.....	11
Figure 4: Overhead View of Nipomo Creek Watershed.....	12
Figure 5: Portrait of Captain William Dana.....	16
Figure 6: Early Photograph of the Pacific Coast Railroad.....	17
Figure 7: Dorthea Lange's <i>Migrant Mother</i> .....	19
Figure 8: Nipomo Creek Watershed, 12,000 BP.....	23
Figure 9: Nipomo Creek Watershed, 7,500 BP.....	24
Figure 10: Nipomo Creek Watershed, Present Day.....	25
Figure 11: Map of Soil Types in Nipomo Creek Watershed.....	27
Figure 12: Stream Reach Demarcations.....	29
Figure 13: Flooding in Olde Towne Nipomo on Mallagh Street.....	41
Figure 14: Parcel Map within Nipomo Creek Watershed.....	46
Figure 15: Map of the Subdivisions of Rancho Nipomo, 1878.....	47
Figure 16: Bank Stabilization Efforts at Adobe Plaza.....	50
Figure 17: The Dana Adobe Cultural Landscape.....	68
Figure 18: Recent Flooding at the Site.....	70
Figure 19: A Small Eared Owl Foraging in the Lower Watershed.....	99

---

## Appendices

- I. Soil Types
- II. Precipitation Data Nipomo 2NW
- III. Species Lists
- IV. CCAMP Data
- V. Ranch and Farm Management Practices Checklist



---

## Executive Summary

A legal settlement was reached to resolve a case involving many years of slow discharge of diluent (an oil/kerosene mix) in the Guadalupe Nipomo Dunes which resulted in funds being allocated for restoring or replacing lost natural resources that had been damaged.

The Guadalupe-Nipomo Dunes Restoration Subcommittee, comprised of representatives from the Department of Fish and Game, Office of Spill Prevention and Response, and the State Coastal Conservancy, was established to facilitate identifying and funding projects that would restore or replace lost resources in the Guadalupe-Nipomo Dunes area.

The Land Conservancy of San Luis Obispo, in partnership with Central Coast Salmon Enhancement, secured a grant from the Restoration Subcommittee in 2002 to create the Nipomo Creek Watershed Program. Through a comprehensive community and landowner outreach program, the Nipomo Creek Watershed Program was developed to establish water quality and biological monitoring programs, pursue riparian restoration projects, and permanent protection of land areas containing important natural resources. This report represents the culmination of the tasks specified in the approved work plan. The following work products are integrated into this watershed management plan:

- Summary/Details of Nipomo Watershed Forum
- Summary of Volunteer Water Quality Monitoring
- Report on Riparian Habitat Assessment
- Existing Data on the Watershed (Watershed Characterization Report)
- Nipomo Creek Watershed Program Final Report of Concept Recommendations for Short-term Project Implementation

The original approved work plan included fisheries related assessment and monitoring tasks. Following start up of the project it was decided to modify the work plan to reduce fisheries related tasks. While there are fisheries issues within the watershed, there was a lack of sufficient perennial flow to support an extensive habitat assessment for salmonids in the Nipomo Creek Watershed. This report does, however, address historical accounts of salmonids in the watershed based on limited written records and anecdotal evidence.

---

## **Introduction and Background**

### **Summary of Nipomo Creek Watershed Forum**

In 1999 the Nipomo Creek Committee, a subcommittee of the Nipomo Community Advisory Council (NCAC), was established with a mission of educating and involving the community on issues of flood and erosion control, scenic protection, and habitat protection within the Nipomo Creek watershed. When the County of San Luis Obispo's Public Works Department developed the Drainage and Flood Control Study for the Community of Nipomo in 2001, the Creek Committee was assigned by the NCAC to be the official liaison.

When the Land Conservancy of San Luis Obispo County (LC) and Central Coast Salmon Enhancement (CCSE) received the grant for the Nipomo Creek Watershed Program, the Creek Committee and the Nipomo Creek Watershed Forum Steering Committee combined efforts to provide public forums and education in the aftermath of the March 2001 urban area flooding in Nipomo.

The Nipomo Creek Watershed Forum Steering Committee began meeting in 2003 and continued during 2004 and 2005. The Steering Committee's work involved:

- Development of goals, objectives, and a group mission.
- Determination of watershed stakeholder sectors and establishing contact through outreach.
- Engaging stakeholders within the watershed and requesting their direct participation. If a stakeholder did not wish to participate, s/he was kept abreast of progress via mailed minutes.
- Development of the Table of Contents for the Plan.
- Planning and conducting community-wide meetings.
- Planning and conducting annual Creek Day Clean Up event.
- Periodic reports to the Nipomo Community Advisory Council.
- On-site meetings with landowners documenting watershed issues.
- Obtaining a multi-year permit for vegetation maintenance for flood control and erosion prevention.
- Collaborating with the Farm Bureau and UC Cooperative Extension to promote Water Quality Short Courses for landowners.

- Providing leadership for the NCAC's revision to the Nipomo Drainage and Flood Control Study.
- Monitoring water quality through volunteer efforts.
- Generating a list of projects that meet the mission.
- Identification of potential restoration sites and projects.
- Reviewing drafts of the Plan.

The participants in the group varied over time. Total attendance recorded on sign-in sheets for the Creek Committee meetings, Watershed Forum Steering Committee meetings, and community-wide forums totaled over 450. Public meetings included guest speakers, agency representatives, and watershed experts. The process yielded direct benefits by introducing residents and landowners to the watershed program. At least two landowners have agreed to develop projects on their properties. Longer-term benefits will be accrued as additional projects are completed from the prioritized project list.

The stakeholder driven process for the watershed was met with particular successes and challenges.

- The Nipomo Creek Committee response to the 2001 flood provided three years of public meetings, articles, and forums that helped to raise the community's awareness on watershed issues, paving the way for the Nipomo Creek Watershed Forum. The flooding issues brought large numbers of community members to the meetings in 2001 and 2002.
- In 2003 when the Forum began its meetings, the meetings drew smaller numbers, but comprised a core group of stakeholders looking at a wider range of watershed issues.
- The relatively small size of the watershed and the majority of land being held by a small group of landowners meant that landowner participation would be limited to a small group of voluntary participants (30.6% of the watershed is owned by one family and 72.6% of the watershed is owned by fourteen families). Almost every major landowner, farmer or rancher in the watershed is on record as having attended meetings over the three-year period.
- New water quality regulations rallied many landowners to take Farm Water Quality Short courses in 2003. The timing of the formation of the Forum and the new regulations established trust issues for some landowners that saw the Forum as an allied agency of the regulatory action.
- While flooding was a major concern for the community, and the reason some participants were involved, there were no impending regulatory implications

such as threatened or endangered species, Habitat Conservation Plans, or large-scale developments along Nipomo Creek to spur interest and participation by residents and regulatory agencies.

- Removal of Steelhead Trout from the Work Plan took pressure off an issue many landowners were concerned about, but also reduced the number of stakeholders attracted to the process.
- Concurrent and perhaps competing issues such as groundwater litigation and drought, pursuance of city-hood, and very rapid development in the community outside watershed boundaries may have impeded more widespread participation in the process. The Steering Committee and CCSE attempted to leverage interest in groundwater issues and therefore engage landowners by providing educational forums on the relationship among groundwater, surface water, and recharge within the watershed.
- Some stakeholders such as public agencies, schools, and landowners who did not regularly attend evening steering committee meetings evidenced their support by attending the annual Creek Day educational event and creek clean-up. This event has significantly reduced the amount of dumping into the creek. Similarly, landowners and public agencies that have participated in the vegetation maintenance program have become part of the working team for the Nipomo Creek Watershed Forum.

### **The Nipomo Creek Watershed Management Plan**

The Nipomo Watershed Management Plan is a community devised plan of action to address resource conservation within the Nipomo Creek Watershed. The mission statement developed by the stakeholders is: *To develop a watershed management plan with an emphasis on habitat management, flood management and long-term agricultural viability for the benefit of the community.* A community-wide stakeholders group developed the plan with guidance from the Steering Committee. The management plan identifies a set of actions that could improve habitat and flood management, and better ensure agricultural viability for the community. Recently related published documents include the Nipomo Drainage and Flood Control Study which focused on County Public Works projects in the urban area of Nipomo both inside and outside of the Nipomo Creek Watershed, and the Water Supply in the Nipomo Mesa Area Resource Capacity Study which focused on groundwater supplies in the Nipomo area both inside and outside the Nipomo Creek Watershed. The Nipomo Creek Watershed Management

Plan differs from the aforementioned in that this plan concentrates on surface waterways of the Nipomo Creek Watershed.

### **Why develop a management plan?**

The Steering Committee considered methods of communicating community-wide land management concerns that address habitat, flooding, and agricultural viability. They decided that a written plan with specific recommended actions would best address accomplishing the watershed organization's mission. The Steering Committee determined that securing funding for projects that are part of a community wide stakeholder based plan may be more productive than seeking funds for individual projects. There is also the potential for securing permits for multiple projects as an efficiency tool and perhaps eventually seeking to pursue a stream-lined permit process whereby conservation practices are authorized by permitting agencies in advance through watershed-based permits, as has been accomplished in the Salinas and Morro Bay watersheds.

### **How and by whom will the plan be used?**

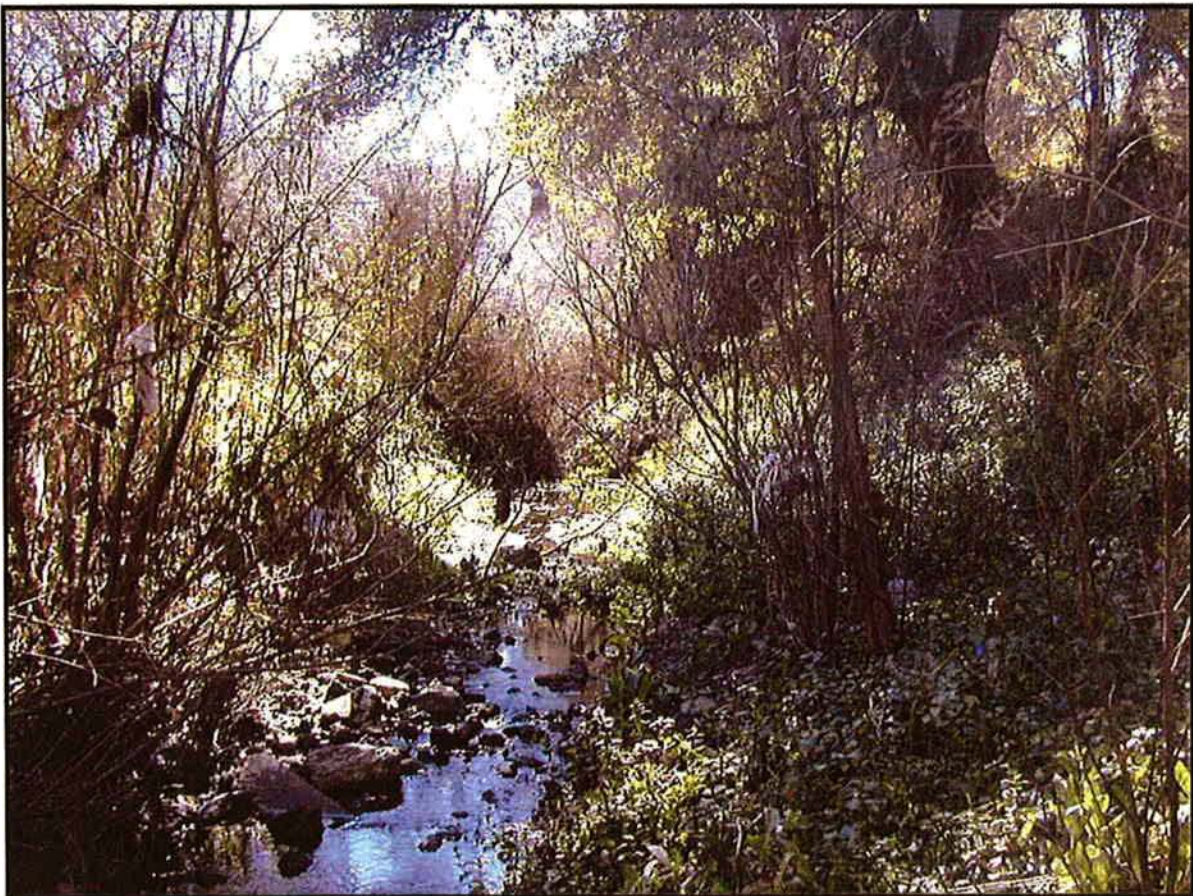
It is envisioned that community advisory committees, homeowners, landowners, public agencies, and nonprofits that served allied purposes would use the plan. The Steering Committee determined that by identifying projects of the following nature and documenting the need for implementing the projects, the plan would help to achieve the watershed forum's mission.

**Creek maintenance:** Annual clearing of trash, debris and in-channel vegetation management would reduce flooding potential during the rainy season. Having an established protocol and volunteer group to plan and implement Annual Creek Clean-up Days is seen by the Steering Committee to be essential for success in this relatively low cost, high impact activity.

**Sediment Control:** Locating areas where erosion is contributing to an increased sediment load to the creek and finding low-tech and engineered solutions is seen as an important reason to develop and implement the plan. It also facilitates education within

the community about using accepted (and in some cases, permissible) practices and methods.

**Collection of Data:** In order to identify problems and projects to address the problems, the Steering Committee determined the need to conduct a preliminary assessment of current conditions within the watershed. The preliminary assessment includes a baseline hydrologic study, land use characterization, habitat evaluation, water quality data collection and analysis, and identification of soil types and bank stability. In addition, the committee decided to collect historical information from residents via a direct mail survey.



*Figure 1: Main Stem of Nipomo Creek*

**NIPOMO CREEK WATERSHED MANAGEMENT PLAN**

**DRAINAGE PROJECT SUMMARY  
PAGES 71-76**

placed under a permanent conservation easement donated by the landowner; the benefit to them being the ability to engage in farming on the outside of the berm, and perhaps more importantly, allowing them to drive to the rear of the property where they plan to construct a residence in the future. The Land Conservancy would then endeavor to plant a variety of wetland vegetation in the established wetland area, including willows, rushes, reeds, and cattails. The overall goals of the project are to increase wetland habitat for birds and aquatic wildlife, increase the property's ability to capture and filter sediment, and to contribute to agricultural viability in the area by addressing the on going flooding that occurs at this site. This project has also generated interest by the adjacent landowner whose property is also subject to flooding.

### **Drainage Projects**

The Nipomo Drainage and Flood Control Study was conducted for the Community of Nipomo following heavy rainfalls in March, 2001. A report was prepared under the direction of the County of San Luis Obispo Public Works Department, released in February 2004, and summarized below. The Nipomo Community Advisory Council (NCAC) then led a public input process to solicit comments on the report. In addition, during 2004, an NCAC task force prioritized projects recommended in the study and generated additional project ideas, depicted in the table on the following page. The study does not include the entire Nipomo Creek watershed, but focuses on Olde Towne and the Mesa. Much of Olde Towne is located within a 100-year flood hazard zone. These areas have been identified by FEMA as subject to flooding during a 100-year rainfall event. The lower lying areas near the creek and tributary channels may also be subject to flooding from more frequent rainfall events due to inadequate local drainage facilities to convey urban runoff from homes and streets to the creeks. The major flooding problems in Olde Towne result from flood flows breaking out of one of the five creeks flowing through the urban areas of Olde Towne. A majority of the culvert crossings in Olde Towne do not meet the current minimum County standard. The culverts within Olde Towne are generally not sufficient to pass the 10-year flow rate without surcharge, although some can pass higher return period storms with surcharge. The culverts and



crossings along Haystack Creek, with exception of the newly installed arch at the Tefft Street crossing, are generally insufficient to carry the 10-year flow, when the minimum standard requires sufficient capacity to pass the 25-year flow. If the channels and culverts were designed per the County's standards for Major and Secondary waterways, then the threat and frequency of flooding from large storms would be reduced because the facilities would have sufficient capacity to convey the peak storms. Maintenance of existing drainage structures is lacking in Olde Towne. The creek channels, culvert crossings, and roadside ditches need restorative and periodic annual vegetation management and sediment removal. Conducting necessary maintenance on creeks in Olde Towne is complicated not only by the regulatory permit approval process, but also by the location of most creeks within private property. The County was not granted a drainage easement on any of the creeks in Olde Towne and therefore cannot perform routine maintenance or channel clearing on any reach of creek outside of public right-of-way.

The proposed projects for Olde Towne are typically culvert replacement projects to raise the design standard of most street crossings and conform to the County's current standards for minor, secondary and major waterways. The community can also pursue projects that provide 100-year level of flood protection and could potentially remap the FEMA flood hazard zone, removing homes and businesses from the 100-year floodplain. The proposed Deleissigues Creek vegetative management and sediment removal project and the proposed detention basins could potentially impact jurisdictional waters and sensitive species habitat. Mitigation would likely be required by the resource agencies to offset any impacts to habitat.

The potential for habitat impacts presents permitting challenges and increases the level of complexity that must be addressed during the environmental documentation and permitting phase, and with the appropriate design features and mitigation, these impacts can be reduced to a less than significant level. Constant communication with the resource agencies during the design and permitting phase will be necessary to ensure that their concerns are addressed and that appropriate features required by the permits are designed into the project. Just as important as the structural improvements, the community should form a drainage facility maintenance department. Routine

maintenance of the roadside drainage ditches and culverts would minimize flooding problems associated with the more frequent moderate storms. The community's maintenance department would also be responsible for implementing a long-term maintenance program for the creeks to remove sediment, manage vegetation and ensure that the natural resources are protected during routine maintenance. The community should also implement a community awareness campaign to educate residents living alongside creeks on preserving the creeks' conveyance capacity by not disposing of trash or storing household items in the channel. Informing and educating the community on the benefits of maintaining clean creeks will help Nipomo achieve multiple objectives from flood protection to creek restoration. The educational programs could also assist the community on how to prepare for the rainy season. Much like annual maintenance, awareness and preparedness are on-going activities.

The desirability of linking projects in the upper watershed to retain and detain water to protect Old Towne is high. This action is further implicated as new development further increases impervious surfaces and adds to runoff from roads and roofs. For example, according to the Environmental Impact Report (EIR) conducted for the Nipomo High School construction project, runoff from the property would nearly double from its pre-construction quantity of 62 cubic feet per second (cfs) to post-construction flow of 112 cfs during a 10 year storm (David Foote, 1998). Impervious cover fundamentally alters the hydrology of urban watersheds by generating increased storm water runoff and reducing the amount of rainfall that soaks into the ground (CWP, 2004). Impervious cover is also the best indicator to measure the intensity of development and predict the severity of impacts to the remaining stream network (CWP, 2003).

According to Booth and Jackson ("Urbanization of Aquatic Systems, Degradation Thresholds, Storm water Detention, and the Limits of Mitigation", 1997), in relation to impervious area in a watershed and observable aquatic-system degradation, typically about ten percent effective impervious area can cause significant degradation in sensitive water bodies and a reduced, but less well quantified, level of function throughout the system as a whole. While Environmental Impact Reports (EIR) address cumulative impacts on a project by project basis, there appears to be lacking a data collection system which permits inspection of cumulative impacts of development occurring within a

watershed, which would, in turn allow decision-makers to make better informed decisions about development policy and projects. As the impervious surface area in the Nipomo Creek Watershed increases with increased upstream development, it is increasingly important to link planning functions with drainage needs to be able to handle increased peak flows during storm events.

Funds to implement drainage projects could be attained by leveraging development mitigation monies and directing them to prioritized projects depicted above.

*Nipomo Drainage and Flood Control Study:*

Location	Project Description	Project Type	Estimated Cost	Proposed by
Deleissigues Creek	Vegetation Management	Vegetation Management	\$387,000	County of SLO
Tributary 1 (current standards)	Install new culverts	Roadway Crossings in Public Right of Way to Meet County Standards	\$171,000	County of SLO
Tributary 1 (100 year protection)	Install new culverts	Roadway Crossings in Public Right of Way to Meet County Standards	\$253,000	County of SLO
Hermrick Creek (current standards)	Install new culverts	Roadway Crossings in Public Right of Way to Meet County Standards	\$108,000	County of SLO
Hermrick Creek (100 year protection)	Install new culverts	Roadway Crossings in Public Right of Way to Meet County Standards	\$412,000	County of SLO
Haystack Creek	Install New Arch Culverts	County Standard Improvements and Erosion Protection	\$1,746,000	County of SLO
Haystack Creek	Install Detention Facility	Optional Storm Detention Facilities	\$2,267,000	County of SLO
Knotts Street Concrete Ditch	Remove and Replace Ditch with Strom Drain	Knotts Street Roadway Hazard Improvement	\$669,000	County of SLO
Men's Club - Mallagh Street	Culvert Repair/Extension with redirection and bank stabilization	Re-engineering, sediment removal and re-vegetation	Unknown	NCAC Task Force
Deleissigues Creek at Mallagh & Eve Streets to Sea Street		Sediment removal, re-vegetation and bank stabilization	Unknown	NCAC Task Force

Haystack Creeks; north and south (priority) fork	License agreement to create detention basin (same as County project without purchasing the property)	Lower cost	Unknown	NCAC Task Force
Fairview Track	Improve detention basin maintenance	Stabilization of sediment	Unknown	NCAC Task Force
Deleissigues Creek up stream of Thompson Ave	Detention basin		Unknown	NCAC Task Force
Deleissigues Creek down stream of Thompson Ave near undeveloped area between High School and Day Street	Development requirements that require element to slow water; bioswell, widened channel, vegetation		Unknown	NCAC Task Force

## **Low Impact Development Projects**

There is a growing cadre of development professionals and officials nation-wide who are integrating Low Impact Development (LID) into new infrastructure and redevelopment projects. LID principles are a set of technologies based on ideas/concepts that can potentially recreate pre-development hydrologic regimes of watersheds and thereby reduce impacts to soils, water and natural systems integrity as the community experiences growth. LID ideas were originally instituted to meet resource protection regulations, but in the past fifteen years LID has become economically efficient for both new development projects and redevelopment retrofits. Specifically, LID design features and practices distributed throughout urban development can:

- Disconnect impervious surfaces
- Mimic natural hydrologic processes
- Reduce runoff rates and volumes
- Reduce pollutant loads

The Nipomo Creek Watershed would be an ideal locale to pilot LID for the County of San Luis Obispo. It is therefore recommended that funding be sought to work with a developer to institute these practices as a way to initiate their more wide-spread use throughout the region.

**NIPOMO CREEK WATERSHED MANAGEMENT PLAN**

CONCLUSION  
PAGES 98-99

the CSLRCD is responsible for soil and water conservation work within its boundaries. The Directors of the Coastal San Luis RCD are elected by district voters or appointed by the County Board of Supervisors, and they are not compensated for their work. The Board of Directors can make legal agreements with county, state and federal governments for work in the district. Associate directors may be appointed by the CSLRCD to assist in special areas of interest. Consultants and other individuals with special expertise may be called upon to achieve conservation goals. A characteristic unique to Resource Conservation Districts is their ability to work directly with landowners on private lands.

#### *Nipomo Community Services District*

Nipomo, as part of the unincorporated area of the county, elects residents to the NCSD board of directors. NCSD is responsible for providing water and sewer to residents within its boundaries and not jurisdictionally responsible for drainage, flood control, or storm water management. The Community of Nipomo has been establishing a plan to incorporate as a city. The City of Nipomo would then have authority to integrate its planning functions, which it does not currently have, with watershed management planning and address drainage and flood control issues as a part of the development process.

---

## Conclusion

This document represents the accumulated efforts of the community to articulate their concerns about the Nipomo Creek watershed and an attempt at a comprehensive review of what has transpired in the last decade regarding creek and watershed conservation activities. As this report is circulated, and as short-term projects are implemented, it is hoped these successes will bring additional interest in creek enhancement by additional landowners. We are already seeing the fruit of our labor ripen as adjoining landowners to the proposed slate of project proponents contact our offices wishing to participate. We hope that the recommended projects will serve as a blue print for the community for the future of the watershed.



*Figure 19: A Small Eared Owl Foraging in the Lower Watershed*



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MLB*  
DATE: FEBRUARY 8, 2006



BOARD BY-LAW AND POLICY REVIEW

**ITEM**

Review of relevant changes to community services district law effective January 1, 2006, Government Code §61000 et seq. [No action recommended] – 1.5 hours.

**BACKGROUND**

A substantial update to community services district law became effective on January 1, 2006. To initiate the annual review and update of Board By-Laws, District Counsel will review and summarize the changes to services district law.

Attached are a summary of the relevant law changes and the District's current By-Laws. Staff is seeking direction from your Honorable Board on desired changes to District Policy and By-Laws.

**RECOMMENDATION**

Following staff presentation, public comment, and Board discussion, direct staff to return to a future meeting with a draft update to District By-Laws.

**ATTACHMENTS**

Title 6 excerpts  
Resolution 2005-927, 2005 By-Laws Update

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\BOARD BY LAWS REVIEW.DOC

# NIPOMO COMMUNITY SERVICES DISTRICT 2006 BOARD BYLAW AND POLICY UPDATE

## REVIEW OF RELEVANT CHANGES TO COMMUNITY SERVICES DISTRICT LAW EFFECTIVE JANUARY 1, 2006 GOV'T CODE §61000 ET SEQ.

### GOVERNMENT CODE

### TITLE 6. DISTRICTS

#### Division 3. Community Services Districts

#### Part 1. General Provisions

#### Chapter 1. Introductory Provisions

---

##### § 61008. Elections; law governing

- (a) Except as otherwise provided in this division, districts are subject to the Uniform District Election Law, Part 4 (commencing with Section 10500) of Division 10 of the Elections Code.
- (b) A board of directors may require that the election of members to the board of directors shall be held on the same day as the statewide general election pursuant to Section 10404 of the Elections Code.
- (c) A district may conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000) of the Elections Code.**
- (d) A district may hold advisory elections pursuant to Section 9603 of the Elections Code.**

#### Part 2. Internal Organization

#### Chapter 3. Board Of Directors

---

##### § 61040. Members; duties; eligibility; representation of interests; dual officeholding

- (a) A legislative body of five members known as the board of directors shall govern each district. **The board of directors shall establish policies for the operation of the district. The board of directors shall provide for the implementation of those policies which is the responsibility of the district's general manager.**

(b) No person shall be a candidate for the board of directors unless he or she is a voter of the district or the proposed district. No person shall be a candidate for the board of directors that is elected by divisions or from divisions unless he or she is a voter of that division or proposed division.

**(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the entire district, including the residents, property owners, and the public as a whole in furthering the purposes and intent of this division. Where the members of the board of directors have been elected by divisions or from divisions, they shall represent the interests of the entire district and not solely the interests of the residents and property owners in their divisions.**

(d) Service on a municipal advisory council established pursuant to Section 31010 or service on an area planning commission established pursuant to Section 65101 shall not be considered an incompatible office with service as a member of a board of directors.

**(e) A member of the board of directors shall not be the general manager, the district treasurer, or any other compensated employee of the district, except for volunteer firefighters as provided by Section 53227.**

#### § 61043. Officers; elections

(a) Within 45 days after the effective date of the formation of a district, the board of directors shall meet and elect its officers. Thereafter, within 45 days after each general district or unopposed election, the board of directors shall meet and elect the officers of the board of directors. A board of directors may elect the officers of the board of directors annually.

**(b) The officers of a board of directors are a president and a vice president. The president shall preside over meetings of the board of directors and the vice president shall serve in the president's absence or inability to serve.**

**(c) A board of directors may create additional offices and elect members to those offices, provided that no member of a board of directors shall hold more than one office.**

#### § 61045. Quorum; methods of action; majority vote; records; rules and bylaws; policies

(a) A majority of the total membership of the board of directors shall constitute a quorum for the transaction of business.

(b) The board of directors shall act only by ordinance, resolution, or motion.

**(c) Except as otherwise specifically provided by law, a majority vote of the total membership of the board of directors is required for the board of directors to take action.**

**(d) The minutes of the board of directors shall record the aye and no votes taken by the members of the board of directors for the passage of all ordinances, resolutions, or motions.**

**(e) The board of directors shall keep a record of all its actions, including financial transactions.**

**(f) The board of directors shall adopt rules or bylaws for its proceedings.**

**(g) The board of directors shall adopt policies for the operation of the district, including, but not limited to, administrative policies, fiscal policies, personnel policies, and the purchasing policies required by this division.**

**§ 61047. Compensation; expenses**

**(a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for each day of service. A member of the board of directors shall not receive compensation for more than six days of service in a month.**

**(b) The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation that may be received by members of the board of directors.**

**(c) The board of directors may provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.**

**(d) A member of the board of directors may waive any or all of the payments permitted by this section.**

**(e) For the purposes of this section, a "day of service" means any of the following:**

**(1) A meeting conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5.**

**(2) Representation of the district at a public event, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public event.**

**(3) Representation of the district at a public meeting or a public hearing conducted by another public agency, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and that the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the public meeting or public hearing.**

**(4) Representation of the district at a meeting of a public benefit nonprofit corporation on whose board the district has membership, provided that the board of directors has previously approved the member's representation at a board of directors' meeting and the member delivers a written report to the board of directors regarding the member's representation at the next board of directors' meeting following the corporation's meeting.**

**(5) Participation in a training program on a topic that is directly related to the district, provided that the board of directors has previously approved the member's participation at a board of directors' meeting, and that the member delivers a written report to the board of directors regarding the**

member's participation at the next board of directors' meeting following the training program.

#### Chapter 4. District Officers

---

**§ 61050. General manager and treasurer; appointment; compensation; bonding**

- (a) The board of directors shall appoint a general manager.
- (b) The county treasurer of the principal county shall serve as the treasurer of the district. If the board of directors designates an alternative depository pursuant to Section 61053, the board of directors shall appoint a district treasurer who shall serve in place of the county treasurer.
- (c) The board of directors may appoint the same person to be the general manager and the district treasurer.**
- (d) The general manager and the district treasurer, if any, shall serve at the pleasure of the board of directors.**
- (e) The board of directors shall set the compensation, if any, for the general manager and the district treasurer, if any.
- (f) The board of directors may require the general manager to be bonded. The board of directors shall require the district treasurer, if any, to be bonded. The district shall pay the cost of the bonds.

**§ 61051. General manager's duties**

**The general manager shall be responsible for all of the following:**

- (a) The implementation of the policies established by the board of directors for the operation of the district.**
- (b) The appointment, supervision, discipline, and dismissal of the district's employees, consistent with the employee relations system established by the board of directors.**
- (c) The supervision of the district's facilities and services.**
- (d) The supervision of the district's finances.**

**§ 61052. County treasurer as district treasurer**

- (a) Except as provided by Section 61053, the county treasurer of the principal county shall be treasurer of the district and shall be the depository and have the custody of all of the district's money.
- (b) All claims against a district shall be audited, allowed, and paid by the board of directors by warrants drawn on the county treasurer.
- (c) As an alternative to subdivision (b), the board of directors may instruct the county treasurer to audit, allow, and draw his or her warrant on the county treasury for all legal claims presented to him or her and authorized by the board of directors.

(d) The county treasurer shall pay the warrants in the order in which they are presented.

(e) If a warrant is presented for payment and the county treasurer cannot pay it for want of funds in the account on which it is drawn, the treasurer shall endorse the warrant, "NOT PAID BECAUSE OF INSUFFICIENT FUNDS" and sign his or her name and the date and time the warrant was presented. From that time until it is paid, the warrant bears interest at the maximum rate permitted pursuant to Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2.

**§ 61053. Alternative district treasurer and depository**

(a) Notwithstanding Section 61052, a district may establish an alternative depository pursuant to this section.

(b) The board of directors shall appoint a district treasurer who shall serve in the place of the county treasurer.

(c) The board of directors shall adopt a resolution that does each of the following:

(1) State its intention to withdraw its money from the county treasury.

(2) Fix the amount of the bond for the district treasurer and other district employees who will be responsible for handling the district's finances. The district shall pay the cost of the bonds.

**(3) Adopt a system of accounting and auditing that shall completely and at all times show the district's financial condition. The system of accounting and auditing shall adhere to generally accepted accounting principles.**

**(4) Adopt a procedure for drawing and signing checks, provided that the procedure adheres to generally accepted accounting principles. The procedure shall provide that bond principal and salaries shall be paid when due. The procedure may provide that checks to pay claims and demands need not be approved by the board of directors before payment if the district treasurer determines that the claims and demands conform to the district's approved budget.**

(5) Designate a bank, a savings and loan association, or a credit union as the depository of the district's money. A bank, savings and loan association, or credit union may act as a depository, paying agent, or fiscal agency for the holding or handling of the district's money, notwithstanding the fact that a member of the board of directors, whose funds are on deposit in that bank or savings and loan association is an officer, employee, or stockholder of that bank or savings and loan association, or of a holding company that owns any of the stock of that bank or savings and loan association.

(d) The board of directors and the board of supervisors of the principal county shall determine a mutually acceptable date for the withdrawal of the district's money from the county treasury, not to exceed 15 months from the date on which the board of directors adopts its resolution.

**(e) In implementing this section, the district shall comply with Article 1 (commencing with Section 53600) and Article 2 (commencing with Section 53630) of Chapter 4 of Part 1 of Division 2 of Title 5. Nothing in this section shall preclude the district treasurer from depositing the district's money in the county treasury of the principal county or the State Treasury pursuant**

to Article 11 (commencing with Section 16429.1) of Chapter 2 of Part 2 of Division 4 of Title 2.

**(f) The district treasurer shall make quarterly or more frequent written reports to the board of directors, as the board of directors shall determine, regarding the receipts and disbursements and balances in the accounts controlled by the district treasurer. The district treasurer shall sign the reports and file them with the general manager.**

## **Chapter 5. General Powers**

---

### **§ 61060. General powers of district**

**A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:**

**(a) To adopt ordinances following the procedures of Article 7 (commencing with Section 25120) of Chapter 1 of Part 2 of Division 2 of Title 3.**

**(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100).**

(c) To sue and be sued in its own name.

(d) To acquire any real or personal property within or outside the district, by contract or otherwise, to hold, manage, occupy, dispose of, convey, and encumber the property, and to create a leasehold interest in the property for the benefit of the district.

(e) To acquire by eminent domain any real or personal property within or outside the district. If a district acquires real or personal property of a public utility by eminent domain, the district shall also pay for the cost of the removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles that must be moved to a new location.

(f) To appoint employees, to define their qualifications and duties, and to provide a schedule of compensation for performance of their duties.

(g) To engage counsel and other professional services.

**(h) To enter into and perform all contracts, including, but not limited to, contracts pursuant to Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code.**

(i) To adopt a seal and alter it.

**(j) To enter joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1.**

(k) To provide insurance pursuant to Part 6 (commencing with Section 989) of Division 3.6 of Title 1.

**(l) To provide training that will assist the members of the board of directors in the governance of the district.**

**(m) To construct any works along, under, or across any street, road, or highway, subject to the consent of the governing body in charge, and along, under, or across any other property devoted to a public use.**

**(n) To take any and all actions necessary for, or incidental to, the powers expressed or implied by this division.**

**§ 61062. Land transactions**

**(a) When acquiring, improving, or using any real property, a district shall comply with Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5, and Article 7 (commencing with Section 65400) of Chapter 1 of Division 1 of Title 7.**

**(b) When disposing of surplus land, a district shall comply with Article 7 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5.**

**§ 61063. Purchasing of supplies and equipment**

**(a) Each district shall adopt policies and procedures, including bidding regulations, governing the purchasing of supplies and equipment NOT governed by Article 43 (commencing with Section 20680) of Chapter 1 of Part 3 of the Public Contract Code. Each district shall adopt these policies and procedures by rule or regulation pursuant to Article 7 (commencing with Section 54201) of Chapter 5 of Division 2 of Title 5.**

**(b) A district may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf pursuant to Section 10298 of the Public Contract Code.**

**(c) A district may request the purchasing agent of the principal county to make purchases of materials, equipment, or supplies on its behalf pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.**

**(d) A district may request the purchasing agent of the principal county to contract with persons to provide projects, services, and programs authorized by this division pursuant to Article 7 (commencing with Section 25500) of Chapter 5 of Division 2 of Title 3.**

**§ 61064. Enforcement of rules, regulations, and ordinances**

**(a) Violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.**

**(b) Any citation issued by a district for violation of a rule, regulation, or ordinance adopted by a board of directors may be processed as an infraction pursuant to subdivision (d) of Section 17 of the Penal Code.**

**(c) To protect property and to preserve the peace at facilities owned or managed by a district, a board of directors may confer on designated uniformed district employees the power to issue citations for misdemeanor**



and infraction violations of state law, city or county ordinances, or district rules, regulations, or ordinances when the violation is committed within a facility and in the presence of the employee issuing the citation. District employees shall issue citations pursuant to Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

**§ 61067. Employee benefits program**

**A board of directors may provide for any program for the benefit of its employees and members of the board of directors pursuant to Chapter 2 (commencing with Section 53200) of Part 1 of Division 2 of Title 5.**

**§ 61069. Inspections; abatement of public nuisances**

(a) A district may request an inspection warrant pursuant to Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure. The warrant shall state the location which it covers and shall state its purposes. A warrant may authorize district employees to enter property only to do one or more of the following:

- (1) Inspect to determine the presence of public nuisances that the district has the authority to abate.
- (2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.
- (3) Determine if a notice to abate a public nuisance has been complied with.

**(b) Where there is no reasonable expectation of privacy and subject to the limitations of the United States Constitution and the California Constitution, employees of a district may enter any property within the district for any of the following purposes:**

- (1) Inspect the property to determine the presence of public nuisances that the district has the authority to abate.**
- (2) Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.**
- (3) Determine if a notice to abate a public nuisance has been complied with.**

**Part 3. Purposes, Services, And Facilities**

**Chapter 1. Authorized Services And Facilities**

---

**§ 61100. Authorized services and facilities within district boundaries**

Within its boundaries, a district may do any of the following:

- (a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of

any conflict between that division and this division, the provisions of this division shall prevail.

(b) Collect, treat, or dispose of sewage, waste water, recycled water, and storm water, in the same manner as a sanitary district, formed pursuant to the Sanitary District Act of 1923, Division 6 (commencing with Section 6400) of the Health and Safety Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

(c) Collect, transfer, and dispose of solid waste, and provide solid waste handling services, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

(d) Provide fire protection services, rescue services, hazardous material emergency response services, and ambulance services in the same manner as a fire protection district, formed pursuant to the Fire Protection District Law, Part 2.7 (commencing with Section 13800) of Division 12 of the Health and Safety Code.

(e) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

(f) Organize, promote, conduct, and advertise programs of community recreation, in the same manner as a recreation and park district formed pursuant to the Recreation and Park District Law, Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code.

**(g) Acquire, construct, improve, maintain, and operate street lighting and landscaping on public property, public rights-of-way, and public easements.**

(h) Provide for the surveillance, prevention, abatement, and control of vectors and vectorborne diseases in the same manner as a mosquito abatement and vector control district formed pursuant to the Mosquito Abatement and Vector Control District Law, Chapter 1 (commencing with Section 2000) of Division 3 of the Health and Safety Code.

(i) Provide police protection and law enforcement services by establishing and operating a police department that employs peace officers pursuant to Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code.

**(j) Provide security services, including, but not limited to, burglar and fire alarm services, to protect lives and property.**

(k) Provide library services, in the same manner as a library district formed pursuant to either Chapter 8 (commencing with Section 19400) or Chapter 9 (commencing with Section 19600) of Part 11 of the Education Code.

(l) Acquire, construct, improve, and maintain streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works. A district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.

**(m) Convert existing overhead electric and communications facilities, with the consent of the public agency or public utility that owns the facilities, to underground locations pursuant to Chapter 28 (commencing with Section 5896.1) of Part 3 of Division 7 of the Streets and Highways Code.**

(n) Provide emergency medical services pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(o) Provide and maintain public airports and landing places for aerial traffic, in the same manner as an airport district formed pursuant to the California Airport District Act, Part 2 (commencing with Section 22001) of Division 9 of the Public Utilities Code.

**(p) Provide transportation services.**

**(q) Abate graffiti.**

**(r) Plan, design, construct, improve, maintain, and operate flood protection facilities. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within the boundaries of another special district that provides those facilities unless the other special district gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities in unincorporated territory unless the board of supervisors gives its written consent. A district shall not plan, design, construct, improve, maintain, or operate flood protection facilities within a city unless the city council gives its written consent.**

**(s) Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities.**

**(t) Abate weeds and rubbish pursuant to Part 5 (commencing Section 14875) of the Health and Safety Code. For that purpose, the board of directors shall be deemed to be a "board of supervisors" and district employees shall be deemed to be the "persons" designated by Section 14890 of the Health and Safety Code.**

(u) Acquire, construct, improve, maintain, and operate hydroelectric power generating facilities and transmission lines, consistent with the district's water supply and waste water operations. The power generated shall be used for district purposes, or sold to a public utility or another public agency that generates, uses, or sells electrical power. A district shall not acquire hydroelectric power generating facilities unless the facilities' owner agrees.

(v) Acquire, construct, improve, maintain, and operate television translator facilities.

(w) Remove snow from public streets, roads, easements, and rights-of-way. A district may remove snow from public streets, roads, easements, and rights-of-way owned by another public agency, only with the written consent of that other public agency.

(x) Provide animal control services pursuant to Section 30501 of the Food and Agricultural Code. Whenever the term "board of supervisors," "county," "county clerk," or "animal control officer" is used in Division 14 (commencing with Section 30501) of the Food and Agricultural Code, those terms shall also be deemed to

include the board of directors of a district, a district, the general manager of the district, or the animal control officer of a district, respectively. A district shall not provide animal control services in unincorporated territory unless the county board of supervisors gives its written consent. A district shall not provide animal control services within a city unless the city council gives its written consent.

(y) Control, abate, and eradicate pests, in the same manner as a pest abatement district, formed pursuant to Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code. A district's program to control, abate, or eradicate local pine bark beetle infestations shall be consistent with any required plan or program approved by the Department of Forestry and Fire Protection.

(z) Construct, maintain, and operate mailboxes on a district's property or rights-of-way.

(aa) Provide mail delivery service under contract to the United States Postal Service.

**(ab) Own, operate, improve, and maintain cemeteries and provide interment services, in the same manner as a public cemetery district, formed pursuant to the Public Cemetery District Law, Part 4 (commencing with Section 9000) of Division 8 of the Health and Safety Code.**

**(ac) Finance the operations of area planning commissions formed pursuant to Section 65101.**

**(ad) Finance the operations of municipal advisory councils formed pursuant to Section 31010.**

(ae) Acquire, own, improve, maintain, and operate land within or without the district for habitat mitigation or other environmental protection purposes to mitigate the effects of projects undertaken by the district.

## Chapter 2. Finance

---

### § 61110. Budget; notice and hearing; adoption

(a) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors may adopt a preliminary budget that conforms to generally accepted accounting and budgeting procedures for special districts.

(b) The board of directors may divide the preliminary budget into categories, including, but not limited to, the following:

- (1) Maintenance and operation.
- (2) Services and supplies.
- (3) Employee compensation.
- (4) Capital outlay.
- (5) Interest and redemption for indebtedness.
- (6) Designated reserve for capital outlay.
- (7) Designated reserve for contingencies.

(c) On or before July 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors shall publish a notice stating all of the following:

- (1) Either that it has adopted a preliminary budget or that the general manager has prepared a proposed final budget which is available for inspection at a time and place within the district specified in the notice.
- (2) The date, time, and place when the board of directors will meet to adopt the final budget and that any person may appear and be heard regarding any item in the budget or regarding the addition of other items.**
- (d) The board of directors shall publish the notice at least two weeks before the hearing in at least one newspaper of general circulation in the district pursuant to Section 6061.**
- (e) At the time and place specified for the hearing, any person may appear and be heard regarding any item in the budget or regarding the addition of other items. The hearing on the budget may be continued from time to time.**
- (f) On or before September 1 of each year or, for districts using two one-year budgets or a biennial budget, every other year, the board of directors shall adopt a final budget that conforms to generally accepted accounting and budgeting procedures for special districts. The general manager shall forward a copy of the final budget to the auditor of each county in which the district is located.**

**§ 61111. Budget; amendment; transfer of funds**

- (a) At any regular meeting or properly noticed special meeting after the adoption of its final budget, the board of directors may adopt a resolution amending the budget and ordering the transfer of funds between categories, other than transfers from the designated reserve for capital outlay and the designated reserve for contingencies.**
- (b) The board of directors may authorize the general manager to transfer funds between budget categories, other than transfers from the designated reserve for capital outlay and the designated reserve for contingencies.**

**§ 61113. Appropriations limit**

- (a) On or before July 1 of each year, the board of directors shall adopt a resolution establishing its appropriations limit, if any, and make other necessary determinations for the following fiscal year pursuant to Article XIII B of the California Constitution and Division 9 (commencing with Section 7900).**
- (b) Pursuant to subdivision (c) of Section 9 of Article XIII B of the California Constitution, this section shall not apply to a district which existed on January 1, 1978, and which did not as of the 1977-78 fiscal year levy an ad valorem tax on property in excess of 12<sup>1</sup>/<sub>2</sub> cents per one hundred dollars (\$100) of assessed value.**
- (c) This section shall not apply to any district that has previously transferred services and all of the property tax revenue allocation associated with those services to another local agency.**

## Chapter 2. Finance

---

### § 61115. Collection and enforcement of rates and charges

**(a) The board of directors may, by resolution or ordinance, do the following:**

**(1) Establish rates or other charges for services and facilities that the district provides.**

(2) Provide for the collection and enforcement of those rates or other charges.

(3) Among the permissible methods for collection and enforcement are:

(A) To provide that the charges for any of these services and facilities may be collected with the rates or charges for any other services and facilities provided by the district, and that all charges may be billed on the same bill and collected as one item.

**(B) To provide that if all or part of a bill is not paid, the district may discontinue any or all services.**

(C) To provide for a basic penalty for the nonpayment of charges of not more than 10 percent, plus an additional penalty of not more than 1 percent per month for the nonpayment of the charges and the basic penalty. The board of directors may provide for the collection of these penalties.

(b) The board of directors may provide that any charges and penalties may be collected on the tax roll in the same manner as property taxes. The general manager shall prepare and file with the board of directors a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. The general manager shall give notice of the filing of the report and of the time and place for a public hearing by publishing the notice pursuant to Section 6066 in a newspaper of general circulation, and by mailing the notice to the owner of each affected parcel. At the public hearing, the board of directors shall hear and consider any objections or protests to the report. At the conclusion of the public hearing, the board of directors may adopt or revise the charges and penalties. The board of directors shall make its determination on each affected parcel and its determinations shall be final. On or before August 10 of each year following these determinations, the general manager shall file with the county auditor a copy of the final report adopted by the board of directors. The county auditor shall enter the amount of the charges and penalties against each of the affected parcels of real property as they appear on the current assessment roll. The county tax collector shall include the amount of the charges and penalties on the tax bills for each affected parcel of real property and collect the charges and penalties in the same manner as property taxes.

**(c) The board of directors may recover any charges and penalties by recording in the office of the county recorder of the county in which the affected parcel is located, a certificate declaring the amount of the charges and penalties due, the name and last known address of the person liable for those charges and penalties. From the time of recordation of the certificate, the amount of the charges and penalties constitutes a lien against all real property of the delinquent property owner in that county.**

**This lien shall have the force, effect, and priority of a judgment lien. Within 30 days of receipt of payment for all amounts due, including the recordation fees paid by the district, the district shall record a release of the lien. In filing any instrument for recordation, the district shall pay the fees required by Article 5 (commencing with Section 27360) of Chapter 6 of Part 3 of Title 3.**

**(d) A district shall reimburse the county for the reasonable expenses incurred by the county pursuant to this section.**

**(e) Any remedies for the collection and enforcement of rates or other charges are cumulative and the district may pursue remedies alternatively or consecutively.**

**§ 61118. Audits; annual reports**

**(a) The board of directors shall provide for regular audits of the district's accounts and records pursuant to Section 26909.**

**(b) The board of directors shall provide for the annual financial reports to the Controller pursuant to Article 9 (commencing with Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5.**

---

**Chapter 3. Alternative Revenues**

---

**§ 61123. Service fees**

**(a) A board of directors may charge a fee to cover the cost of any service which the district provides or the cost of enforcing any regulation for which the fee is charged. No fee shall exceed the costs reasonably borne by the district in providing the service or enforcing the regulation for which the fee is charged.**

**(b) Before imposing or increasing any fee for property-related services, a board of directors shall follow the procedures in Section 6 of Article XIII D of the California Constitution.**

**(c) A board of directors may charge residents or taxpayers of the district a fee authorized by this section that is less than the fee which it charges nonresidents or nontaxpayers.**

**(d) A board of directors may authorize district employees to waive the payment, in whole or in part, of a fee authorized by this section when the board of directors determines that payment would not be in the public interest. Before authorizing any waiver, a board of directors shall adopt a resolution that specifies the policies and procedures governing waivers.**

NIPOMO COMMUNITY SERVICE DISTRICT  
LAW REVIEW AND BY-LAW UPDATE

RESOLUTION NO. 2005-927  
2005 BY-LAWS



**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2005-927**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2005 UPDATE)**

**WHEREAS**, the Board of Directors of Nipomo Community Services District (District) is committed to providing excellence in legislative leadership; and

**WHEREAS**, the District is a member of the Special District Risk Management Authority (SDRMA); and

**WHEREAS**, SDRMA has adopted a Credit Incentive Program whereby the District can receive a one point credit for the adoption of Board Policies and Procedures (Director By-Laws); and

**WHEREAS**, the District can receive an annual one point credit for the annual review and re-adoption of the Director By-Laws; and

**WHEREAS**, on February 9, 2004, the District Board of Directors did review the District's previously adopted Board By-Laws and took action to amend the By-Laws (2005 Update).

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

1. The Nipomo Community Services District Board of Directors By-Laws (2005 update) attached hereto as Exhibit "A" are hereby approved and adopted.
2. All prior Director By-Laws, Resolutions and Policies of the District that are inconsistent with the Board of Director By-Laws (2005 update) attached hereto as Exhibit "A" are hereby repealed.

Upon motion by Director Winn, seconded by Director Trotter on the following roll call vote, to wit:

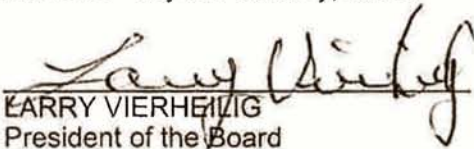
AYES: Directors Winn, Trotter, Wirsing, Eby and Vierheilig

NOES: None

ABSENT: None

ABSTAIN: None

the foregoing resolution is hereby passed and adopted this 9<sup>th</sup> day of February, 2005.

  
LARRY VIERHEILIG  
President of the Board

ATTEST:

  
DONNA K. JOHNSON  
Secretary to the Board

APPROVED:  
  
JON S. SEITZ  
District Legal Counsel

T:\DOCUMENTS\BOARD MATTERS\RESOLUTIONS\RESOLUTIONS 2005\2005-927 BY-LAWS.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTOR**  
**2005 UPDATE**  
**BY-LAWS**  
**(ATTACHMENT "A" TO RESOLUTION 2005-927)**

**1. OFFICERS OF THE BOARD OF DIRECTORS**

- 1.1 The officers of the Board of Directors are the President and Vice President.
- 1.2 The President of the Board of Directors shall serve as chairperson at all Board meetings. He/She shall have the same rights as the other Directors of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- 1.3 In the absence of the President, the Vice President of the Board of Directors or his/her designee shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining Directors present shall select one of themselves to act as chairperson of the meeting.
- 1.4 The President and Vice President of the Board shall be elected annually at the last regular meeting of each calendar year.
- 1.5 The term of office for the President and Vice President of the Board shall commence on January 1 of the year immediately following their election.

**2. MEETINGS**

- 2.1 Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel or designate other dates, places, and times for Director meetings due to scheduling conflicts and holidays.
- 2.2 Special Meetings.  

Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice. Special meeting agenda shall be prepared and distributed pursuant to the procedures of the Brown Act by the General Manager or the Assistant Administrator in consultation with the President or in his or her absence, the Vice president or those Directors calling the meeting;
- 2.3 Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.
- 2.4 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:
  - (a) Directors may briefly respond to statements or questions from the public;
  - (b) Directors may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting;
  - (c) A Director or the Board itself may take action to direct staff to place a matter on a future agenda;
  - (d) Directors may make brief announcements or make a brief report on his/her own activities under the Director Comment portion of the Agenda.

NORWICH COMMUNITY SERVICES DISTRICT  
DIRECTOR BY-LAWS  
2005 UPDATE  
PAGE 2

- 2.5 The President, or in his/her absence the Vice President (or his/her designee), shall be the presiding officer at District Board meetings. He/She shall conduct all meetings in a manner consistent with the policies of the District. He/She shall determine the order in which agenda items shall be considered for discussion and/or actions taken by the Board. He/She shall announce the Board's decision on all subjects. He/She shall vote on all questions and on roll call his/her name shall be called last.
- 2.6 Three (3) Directors of the Board shall constitute a quorum for the transaction of business. When a quorum is lacking for a regular, adjourned, or special meeting, the President, Vice President, or any Director shall adjourn such meeting; or, if no Director is present, the District Secretary shall adjourn the meeting.
- 2.7 No ordinance, resolution or motion shall be passed or become effective without the affirmative vote of at least a majority of the Directors of the Board.
- 2.8 A roll call vote shall be taken upon the passage of all ordinances and resolutions, and shall be entered in the minutes of the Board, showing those Directors voting aye, those voting no, those abstaining, those not voting because of a conflict of interest, and absent. A roll call vote shall be taken and recorded on any motion not passed unanimously by the Board. Silence shall be recorded as an affirmative vote.
- 2.9 Votes of abstention shall be counted as a no vote.
- 2.10 Any person attending a meeting of the Board of Directors may record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding that the recording cannot continue without disruptive noise, illumination, or obstruction of view that constitutes or would constitute a disruption of the proceedings.
- 2.11 All video tape recorders, still and/or motion picture cameras shall remain stationary and shall be located and operated from behind the public speakers podium once the meeting begins. The President retains the discretion to alter these guidelines, including the authority to require that all video tape recorders, still and/or motion picture cameras be located in the back of the room.

3. **AGENDAS**

- 3.1. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meeting of the Board of Directors. Any Director may call the General Manager and request an item to be placed on the regular meeting agenda no later than 4:30 p.m. one week prior to the meeting date. Such a request must be also submitted in writing either at the time of communication with the General Manager or delivered to the office within the next working day.
- 3.2 A block of 20 minutes time shall be set aside to receive general public comment. Comments on agendized items should be held until the appropriate item is called. Unless otherwise directed by the President, public comment shall be presented from the podium. The person giving public comment shall state his/her name and whether or not he/she lives within the District boundary prior to giving his/her comment. Public comment shall be directed to the President of the Board and limited to three minutes unless extended or shortened by the President at his/her discretion.
- 3.3 Those items on the District Agenda which are considered to be of a routine and non-controversial nature are placed on the "Consent Agenda". These items shall be approved, adopted, and accepted, etc. by one motion of the Board of Directors; for example, approval of Minutes, approval of Warrants, various Resolutions accepting

NORWICH COMMUNITY SERVICES DISTRICT  
DIRECTOR BY-LAWS  
2005 UPDATE  
PAGE 3

developer improvements, minor budgetary items, status reports, and routine District operations.

- (a) Directors may request that any item listed under "Consent Agenda" be removed from the "Consent Agenda", and the Board will then take action separately on that item. A member of the public will be given an opportunity to comment on the "Consent Agenda"; however, only a member of the Board of Directors can remove an item from the "Consent Agenda". Items which are removed ("pulled") by Directors of the Board for discussion will typically be heard after other "Consent Agenda" items are approved unless a majority of the Board chooses an earlier or later time.
- (b) A Director may ask questions on any item on the "Consent Agenda". When a Director has a minor question for clarification concerning a consent item which will not involve extended discussion, the item may be discussed for clarification and the questions will be addressed along with the rest of the "Consent Agenda". Directors are encouraged to seek clarifications prior to the meeting if possible.
- (c) When a Director wishes to consider/"pull" an item simply to register a dissenting vote, the Director shall inform the presiding officer that he/she wishes to register a dissenting vote without discussion. These items will be handled along with the rest of the Consent Agenda, and the District Secretary will register a "no" vote in the minutes.

**4. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES**

- 4.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheads;
- 4.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Sections 4.3 and 4.5 below, shall not be required to record any remarks of Directors or any other person;
- 4.3 Any Director may request for inclusion into the minutes brief comments pertinent to an agenda item, only at the meeting in which the item is discussed. In addition, the minutes shall include brief summaries of public comment, the General Manager's report, matters of concern to District legal counsel, District committee reports, and Directors' reports. Materials submitted with such comments shall be appended to the minutes at the request of the General Manager, District Counsel, the Board President, or any Director.
- 4.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.
- 4.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.
- 4.6 Any record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act. District electronic records may be retained indefinitely, pursuant to the discretion of the Board.

N.. OMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BY-LAWS  
2005 UPDATE  
PAGE 4

**5. DIRECTORS**

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.
- 5.2 Information may be requested from staff or exchanged between Directors before meetings, within such limitations as required by the Brown Act. Information that is requested or exchanged shall be distributed through the General Manager, and all Directors will receive a copy of all information being distributed.
- 5.3 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.4 Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.
- 5.5 Except during open and public meetings the use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the Directors to develop a collective concurrence as to action to be taken on an item by the Board of Directors is prohibited.

**6. AUTHORITY OF DIRECTORS**

- 6.1 The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act or expenditure.
- 6.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body which represents and acts for the community as a whole.
- 6.3 The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.

**7. DIRECTOR GUIDELINES**

- 7.1 Directors, by making a request to the General Manager or Assistant Administrator, shall have access to information relative to the operation of the District, including but not limited to statistical information, information serving as the basis for certain actions of Staff, justification for Staff recommendations, etc. If the General Manager or the Assistant Administrator cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, work loads, and priorities, then the General Manager or Assistant Administrator shall inform the individual Director why the information is not or cannot be made available.
- 7.2 In handling complaints from residents or property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.
- 7.3 Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, should refer said concerns directly to the General Manager.
- 7.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Assistant Administrator. The chain of

1... OMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BY-LAWS  
2005 UPDATE  
PAGE 5

command should be followed. If a Director concludes that a personnel issue is not being adequately addressed in this manner, he/she should refer it to the Board's personnel committee for further consideration, in accordance with District Personnel Policy.

- 7.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 7.6 When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager, or in his/her absence, to the Assistant Administrator.
- 7.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

**8. DIRECTOR COMPENSATION**

- 8.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board attended by him/her and for each day's service rendered as a Director by request of the Board.
- 8.2 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each meeting other than regular, adjourned or special meetings or other function attended by him/her and each half day's service rendered as a Director at the request of the Board.
- 8.3 In no event shall Director compensation exceed \$100 per day.
- 8.4 Director compensation shall not exceed six full days in any one calendar month.
- 8.5 Each Director is entitled to reimbursement for their expenses incurred in the performance of the duties required or authorized by the Board.
  - (a) It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Directors and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible. Actual hotel/motel costs shall be reimbursed. Personal phone calls, room service, and other discretionary expenditures are not reimbursable.
  - (b) Any Director using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.
  - (c) Any Director traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and tips. The amount set for per diem shall be considered fair reimbursement, and the Director shall neither be required to account for use of the per diem, return the unused portions, nor claim additional expenses for these items. The per diem shall include \$10.00 for breakfast, \$10.00 for lunch, and \$20.00 for dinner, for a daily total of \$40.00.
  - (d) All travel and other expenses for District business, conferences, or seminars outside of the State of California shall require separate Board authorization, with specific accountability as to how the District shall benefit by such expenditure.

9. **COMMITTEES**

9.1 Ad Hoc Committees

The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

9.2 Standing Committees

(a) The Board may create standing committees at its discretion. Standing committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each standing committee may consider District-related issues, on a continuing basis, assigned to it by the Board of Directors. Members of the standing committees shall be appointed by the Board of Directors.

(b) All standing committee meetings shall be conducted as public meetings in accordance with the Brown Act and Sections 2, 3 and 4 of these By-Laws. Summary notes for each meeting of each committee shall be forwarded to the NCSB Board of Directors as a public record.

10. **CORRESPONDENCE DISTRIBUTION POLICY**

Time permitting, the following letters and other documents shall be accumulated and delivered to the Board of Directors on Monday of each week and/or with agenda packet.

10.1 All letters approved by the Board of Directors and/or signed by the President on behalf of the District; and

10.2 All letters and other documents received by the District that are of District-wide concern, as determined by District staff.

11. **CONFLICTS AND RELATED POLICY**

State laws are in place which attempt to eliminate any action by a Director or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. Laws which regulate conflicts are very complicated. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with District Legal Counsel and/or the FPPC at 1-800-ASK-FPPC (1-800-275-3772), prior to the day of the meeting, if they have questions about a particular agenda item.

11.1 Conflict of Interest

Each Director is encouraged to review the District Conflict Code on an annual basis. The general rule is that an official may not participate in the making of a governmental decision if it is: reasonably foreseeable that the decision will have a material financial effect on the official or a member of his or her immediate family or on an economic interest of the official, and the effect is distinguishable from the effect on the public generally. Additionally, the FPPC regulations relating to interests in real property have recently been changed. If the real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is now deemed to be directly involved in the decision.

N...OMO COMMUNITY SERVICES DISTRICT  
DIRECTOR BY-LAWS  
2005 UPDATE  
PAGE 7

**11.2 Interest in Contracts, Government Codes Section 1090**

The prohibitions of Government Code Section 1090 provide that the Board of Directors may not contract with any business in which another Director has a financial interest.

**11.3 Incompatible Office**

The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment to the other public interest, their discharge by one person is incompatible with that interest. When a Director is sworn in for such a second office, he/she is simultaneously terminated from holding the first office.

**12. EVALUATION OF CONSULTANTS**

The District's legal counsel shall be evaluated by the Board of Directors annually during the months of May and June of each year. The District's consulting engineer shall be evaluated by the General Manager during the months of May and June of each year and reported to the Board of Directors during the month of July of each year.

**13. CONTINUING EDUCATION**

Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Subject to budgetary constraints, there is no limit to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District, except as noted in 8.5 (c) above.

**14. BOARD BY-LAWS REVIEW POLICY**

**Subject to 3.1** the Board By-Laws Policy shall be reviewed annually at the first regular meeting in February. The review shall be provided by District Counsel and ratified by Board action.

**15. RESTRICTIONS ON RULES**

The rules contained herein shall govern the Board in all cases to which they are applicable, and in which they are not inconsistent with State or Federal laws.



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: FEBRUARY 8, 2006



DRAFT COUNTY RURAL PLANNED DEVELOPMENT POLICY

**ITEM**

Open discussion on the proposed Land Use Ordinance Amendment. [No action recommended] – 1 hour

**BACKGROUND**

On June 28, 2005, the Board of Supervisors considered a recommendation to hire a consultant to prepare and Environmental Impact Report on the proposed Rural Planned Development Ordinance. At that meeting, the Board of Supervisors directed County staff to present the proposed Ordinance to several constituent groups. County staff is currently undertaking this effort and has been contacted by District staff in the hopes of scheduling a presentation for a future District meeting.

At today's meeting, Director Winn will outline the proposed Ordinance. County staff's June 28, 2005 Staff Report, less exhibits, is attached as a background for this item. The exhibits for the County Staff Report are available on the County's website ([www.co.slo.ca.us](http://www.co.slo.ca.us)).

The proposed Land Use Ordinance amendment could increase allowed development within the District's service boundary and Sphere of Influence and thereby increase demands on District services.

**RECOMMENDATION**

Staff seeks direction from your Honorable Board

**ATTACHMENTS**

June 28, 2005, County Staff Report (less exhibits)

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\RURAL PLN DEVEL.DOC

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE June 28, 2005	(3) CONTACT/PHONE John Nall, Planning Dept. (805) 805 781-5027	
(4) SUBJECT Recommendation to require an environmental impact report for the proposed Rural Planned Development Ordinance				
(5) SUMMARY OF REQUEST A proposal by the Board appointed TDC Subcommittee to amend the Land Use Ordinance by adding a section relating to Rural Planned Development. The ordinance amendment would apply to underlying lots in the Agriculture, Residential Rural and Rural Lands land use categories. Implementation of the ordinance would provide the option to decrease parcel sizes to less than what would otherwise be permitted by the Land Use Ordinance and reconfigure existing lots into cluster-type projects with an open space parcel. Both tentative map and Conditional Use Permit approval would be required for projects approved under the ordinance. The Initial Study prepared for the proposed Ordinance has identified potential significant impacts and preparation of an EIR is recommended.				
(6) RECOMMENDED ACTION The Environmental Coordinator recommends that your Board require that an environmental Impact Report be prepared for the Rural Planned Development Ordinance because the proposal has the potential to result in significant impacts on the environment.				
(7) FUNDING SOURCE(S) General Fund	(8) CURRENT YEAR COST If EIR required - \$200,000 - \$250,000	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> YES <input type="checkbox"/> N/A <input checked="" type="checkbox"/> NO	
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): County Dept. Of Agriculture, Public Works, Air Pollution Control District, CDF				
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____				
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, 4th, 5th (All)		(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Board Business (Time Est. 1 hr) <input type="checkbox"/> Presentation		(16) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		

G:\Current\GEO TEAMSA\All Forms\Board

Reports\BOS\_transmittal.form.wpd

(19) ADMINISTRATIVE OFFICE REVIEW	<p><i>OK Leslie Brown</i></p>	<p><i>D-2 (6.28.05)</i></p>
-----------------------------------	-----------------------------------	---------------------------------



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS

**FROM:** JOHN NALL, PRINCIPAL ENVIRONMENTAL SPECIALIST *JN*

**VIA:** ELLEN CARROLL, ENVIRONMENTAL COORDINATOR

**DATE:** JUNE 28, 2005

**SUBJECT:** RECOMMENDATION TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED RURAL PLANNED DEVELOPMENT ORDINANCE

**RECOMMENDATION**

The Environmental Coordinator recommends that your Board require that an Environmental Impact Report be prepared for the Rural Planned Development Ordinance because the proposal has the potential to result in significant impacts on the environment.

**DISCUSSION**

**Summary**

The proposed Rural Planned Development Ordinance has the potential to result in significant impacts on the environment because it will decrease allowable parcel sizes, result in more lots than a conventional subdivision would under today's rules and in some areas will result in twice as many lots as currently exist. The ordinance will affect properties in agricultural and rural areas. Development allowed by the ordinance could adversely affect: agriculture, aesthetics, air quality, biological resources, geology, water availability, traffic and public services.

**Background**

On April 9, 2002, the Board of Supervisors acted to establish the Transfer Development Credit (TDC) Subcommittee to work with staff and discuss any modifications to the TDC program and/or any additional programs such as planned development and report back to the Board. The subcommittee originally had six representatives: a Sending Site applicant from North County (Donn Bonnheim), a receiving Site applicant from South *DO*

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: [planning@co.slo.ca.us](mailto:planning@co.slo.ca.us) • FAX: (805) 781-1242 • WEBSITE: <http://www.sloplanning.org>

County (John Martin), a developer's representative from North County (Tom Vaughn), a community representative from South County (Jesse Hill) and Supervisors Achadjian and Ovitt. The full subcommittee met six times while focusing their efforts on the TDC program. A reduced version of the subcommittee continued to meet to discuss Planned Development Ordinances.

On February 4, 2003, the Board of Supervisors acted to authorize the processing of amendments to the Land Use Ordinance regarding a Rural Planned Development Ordinance as proposed by the TDC Subcommittee. According to the discussion in the February 4, 2003 staff report, "A Rural Planned Development Ordinance would encourage the provision of lasting, high quality, aesthetically pleasing development having increased amenities for residents of the development in return for greater flexibility in land use planning and design. It does this through maximizing the creativity in land use design by allowing deviation from conventional development and subdivision standards".

The Rural Planned Development Ordinance that was authorized by the Board of Supervisors would allow a land division applicant to decrease the parcel sizes established by Chapter 22.22 for the Rural Lands, Recreation, Residential Rural and Residential Suburban categories. The provisions would only apply in the Agriculture land use category where existing underlying legal lots of record exist. Where there are underlying existing legal lots of record, the allowable density would be the number of primary residences that would otherwise be allowed on the legal lots of record.

Staff met several times during the last two years with the TDC Subcommittee in order to discuss issues associated with the original proposal, as well as several revisions that were made. At each of the meetings with the subcommittee, staff recommended that the allowable density equal to the number of allowed primary residences (density bonus) be removed from the proposed ordinance because it had the potential to result in significant impacts on the environment.

After several revisions to the proposed ordinance, the TDC Subcommittee determined that they wanted to go forward with an ordinance that would allow a reduction in parcel sizes established by Chapter 22.22 for the Agriculture, Residential Rural and Rural Lands land use categories. The proposed ordinance would allow the reconfiguration of underlying legal lots of record resulting in cluster-type projects that would provide an open space parcel that could provide protection to resources. No additional lots (beyond the number of existing lots) could be created in the Agriculture and Residential Rural land use categories. However, lots could be created in the Rural Lands land use category where the existing lots are within the range of the minimum parcel sizes (20 to 320 acres) equivalent to the number of primary residences that would otherwise be allowed on the existing lots. Required processing would include approval of a tentative map and a Conditional Use Permit for all projects qualifying to be processed under the proposed ordinance. *A detailed project description is provided, below.*

D-2  
3

## Project Description

Proposal by the County of San Luis Obispo to amend Title 22 of the San Luis Obispo County Code, the Land Use Ordinance, Chapter 22 by adding Section 22.22.160 relating to Rural Planned Development. The Ordinance applies in the Agriculture, Residential Rural and Rural Lands land use categories. The proposed ordinance would only apply to project sites that have underlying legal lots of record, and to the areas of a project site located outside of an Agricultural Preserve and/or Williamson Act Contract (unless a Notice of Non-Renewal has been filed and the contract would expire prior to recordation of the final map). Implementation of the proposed ordinance would provide the option to decrease parcel sizes to less than what would otherwise be permitted by the Land Use Ordinance. Permit requirements include approval of both a tentative map and Conditional Use Permit. The maximum number of parcels and minimum parcel size would be determined as follows:

1. Agriculture and Residential Rural categories: The allowable density shall be equal to the number of existing underlying legal lots of record. New parcels would be allowed the number of single family dwellings otherwise permitted by the ordinance (one primary and one second primary per lot).
2. Rural Lands category: Where the underlying existing legal lots of record are within the range of minimum parcel sizes, the allowable density shall be equal to the number of primary residences that would otherwise be allowed on the legal lots of record. New parcels would be allowed only one primary residence.
3. Existing substandard sized lots in the Rural Lands category. Where the underlying legal lots of record are below the range of minimum parcel sizes, the allowable density shall be equal to the number of existing underlying legal lots of record. New parcels would be allowed the number of single family dwellings otherwise permitted by ordinance (one primary and one second primary per lot).
4. Open space parcel. At least one open space parcel is required. The size of the open space parcel is not regulated by the proposed ordinance. One building envelope (maximum size of 20,000 square feet) for the construction of residential development would be allowed.
5. Minimum Parcel Size. There are no predetermined minimum parcel sizes, except that the minimum parcel size shall be as follows:
  - A. Well and septic. For lots served by on-site well and individual on-site sewage disposal systems, proposed parcels may be no smaller than 2.5 acres.

D-2  
4

- B. Community Water. For lots served by community water and individual sewage disposal systems, proposed parcels may be no smaller than one acre.

*Please see the complete text of the proposed ordinance which is attached as Exhibit A.*

### **Current Ordinance Standards vs. Rural Planned Development Ordinance**

Under existing standards in the Agriculture, Residential Rural and Rural Lands land use categories, an applicant can process a map which requires meeting minimum parcel sizes per the Land Use Ordinance or do a lot line adjustment of 4 or fewer parcels. If a lot line adjustment is processed, the resulting parcels must be "equal to or better than" the original configuration.

Using the proposed ordinance, parcels as small as 2.5 acres could be configured (as small as one acre with community water) in the Agriculture, Residential Rural and Rural Lands categories. No finding that the resulting parcels are equal to or better than the original configuration is required, although there is a finding that states that the reconfiguration will provide a more desirable and liveable place to live than does the existing configuration.

Using the proposed ordinance in the Agriculture and Residential Rural land use categories, an unlimited number of existing underlying legal parcels, that are below minimum size for the category, could be used to create the same number of 2.5 acre parcels including a buildable open space parcel. This could result in a greater number of smaller parcels in agricultural areas than are currently allowed, in exchange for an open space parcel. The number of lots would not increase.

Using the proposed ordinance in the Rural Lands category, an unlimited number of existing underlying 20 acre parcels could be used to create **twice** as many parcels as the original configuration, although each parcel would be limited to one residence. This could result in a greater number of smaller parcels in rural areas and double the number of lots in areas where these are approved.

*The following examples show the effect of the proposed ordinance on several hypothetical projects, (exhibits are attached that conceptually show what they would look like):*

1. Ten existing underlying legal parcels of 10-acre each in the Agriculture land use category. The proposed ordinance could allow nine parcels of 2.5 acre each and a buildable open space parcel of 77.5 acres. (Please see Exhibit C).
2. Ten existing underlying legal parcels of 4.5 acres each in the Residential Rural category. The proposed ordinance could allow nine 2.5 acre parcels and a buildable 22.5 acre open space parcel. (Please see Exhibit D).

D-2  
5/5

3. Ten existing parcels of 20 acres each in the Rural Lands land use category. The proposed ordinance could allow 19 parcels of 2.5 acres each and one buildable open space parcel of 152.5 acres. (Please see Exhibit E).

### Environmental Setting

The proposed Rural Planned Development Ordinance would apply in all of the Inland Planning Areas. It would apply to land in the Rural Lands, Residential Rural and Agriculture land use categories.

The Environmental Setting is also referred to as the "baseline". Choosing the proper baseline is critical to the assessment of environmental impacts because the concept of a significant effect on the environment focuses on changes to the environment. Proper analysis of environmental effects describes the appropriate baseline so that changes to the environment can be seen in context.

Staff and the TDC Subcommittee have discussed the concept of baseline at length. The discussion focused around the argument that the density bonus that a Rural Lands subdivider would receive is no different than what would be allowed by current ordinance standards because the ordinance allows two primary residences on each parcel.

However, CEQA requires that the existing level of actual physical development "on the ground" be used as the baseline for comparative analysis. The analysis can reference the current ordinance standards but the baseline does not include what is allowed by the ordinance. Rather, the baseline consists of the actual physical development on the ground at the time environmental review is done.

Existing information developed by the department indicates that few landowners build a second residence on a parcel in the Rural Lands land use category. Within the entire inland area of the county, 27% of properties in the Rural Lands land use category are developed with either a primary or secondary residence. Given this information, allowing projects under the proposed ordinance to develop the same number of lots equal to the number of primary residences that would otherwise be allowed would increase the existing inventory in terms of the number of existing lots.

Once the baseline is established, the proposed project or ordinance is compared with the baseline. The changes to the baseline are considered impacts that could occur as a result of project development. The "changes" or impacts that could occur as a result of approval of the proposed Rural Planned Development Ordinance are considered substantial and could result in significant impacts on the environment. *These significant impacts are summarized in the next section.*

D-2  
6

## Environmental Analysis

An Initial Study was prepared for the proposed ordinance, (please see Exhibit B). An Initial Study is a preliminary analysis prepared by a Lead Agency (such as the County), in consultation with other relevant agencies, to determine whether an EIR or a Negative Declaration is needed. If the Initial Study concludes that the project, without mitigation, may have a significant impact on the environment, an EIR should be prepared regardless of whether the overall effect of the project is adverse or beneficial.

There was also discussion between staff and the subcommittee regarding the need for an EIR on the ordinance since any project resulting from approval of the ordinance could be required to prepare an EIR. However, the courts have determined that even though ordinance amendments do not directly effect a physical change on the environment, they do have an ultimate effect upon physical changes. Thus, changes to an ordinance are subject to CEQA and the ultimate effect of a proposed ordinance needs to be quantified and the appropriate environmental determination must then be prepared.

The Initial Study prepared for the proposed Rural Planned Development Ordinance concludes that the "change" or impacts that could occur as a result of the proposed ordinance are substantial and may have significant impacts on the environment and an EIR should be prepared. The following is a summary of the Initial Study's conclusions with regard to various issue areas. *(For a detailed discussion of the environmental effects of the proposed ordinance, please see the Initial Study, Exhibit B):*

### Aesthetics

Increased development in the rural areas of the county could result in sprawl and increase isolated development. The resulting development could significantly impact the character of rural views from public roads.

### Agriculture

Based on consultation with the County Agriculture Department, the Initial Study concludes the proposed ordinance would have the potential to result in significant impacts on agricultural resources because of direct and indirect effects of incompatible development, conversion of agricultural and rural land to non-rural uses, and increasing the potential for fire hazards and interference with agricultural operations.

### Air Quality

Based on consultation with the Air Pollution Control District, the Initial Study concludes that implementation of the proposed ordinance would be inconsistent with the Clean Air Plan and related land use planning documents, and may result in urban sprawl, increased single-occupant trip generation and increased air pollutant emissions. Potential significant impacts could affect air quality, infrastructure demands, land use circulation and the job/housing balance.

D-2  
7



### Biology

The potential increase in development within habitat for special-status species including San Joaquin kit fox, special-status plant species and oak woodland may significantly reduce the overall habitat available for these species. In addition, increased potential development within rural areas would result in direct impacts to habitat areas, sources of water, riparian and wetland habitat and wildlife migration corridors as a result of increased human activity.

### Population/Housing

The ordinance has the potential to increase development in rural areas and could induce growth in these areas promoting the expansion of services, utilities, and roads to serve new residential development.

### Public Services

Implementation of the proposed ordinance would eliminate the existing tests for determining minimum parcel size, including the "fire hazard and emergency response test". The potential for increased development in rural areas located over 15 minutes from emergency response facilities poses an increased threat to life and property.

Cumulative impacts resulting from development that would be allowed under the proposed ordinance could significantly impact fire and police protection in rural areas.

### Traffic and Circulation

Increased development that could occur as a result of the proposed ordinance may result in increased traffic trips and the cumulative effect could exceed the capability of rural roads and require improvements at a regional level. Funding is not readily available for regional road improvements in rural areas, and the potential for a reduction in the level of service, substandard roads, inadequate emergency access, and traffic hazards due to increased number of access driveways may be significant.

### Land Use

The intent of the Rural Lands land use category is to encourage low density rural development, retain large parcel sizes and to maintain low population densities in rural areas while preserving open space. The proposed ordinance would increase the number of lots allowable in the Rural Lands land use category.

It was determined through the Initial Study that the project is inconsistent with the Agriculture and Open Space Element. Agriculture Policy #15 addresses Transfer of Development Credits which were specifically designed to address the problems associated with substandard size parcels. The TDC tool is aimed at relocating residential development on substandard parcels to urban areas and thus reducing impacts to agriculture. Also, the proposed ordinance conflicts with Agriculture Policy #4 which addresses the agricultural use of small parcels. This policy encourages agricultural uses on smaller parcels and discourages rural residences in agricultural areas due to inherent incompatibilities.

D-2  
8

In addition, the proposed ordinance does not define whether an "underlying legal lot of record" is required to be buildable (minimum area for septic system and septic/well separation) in order to qualify for reconfiguration. Also, there are no requirements in the proposed ordinance for a mandated size of the open space parcel.

### **Other Staff Comments**

There are many lots in the rural areas of the county that are the result of antiquated subdivisions. The lotting pattern of these old subdivisions often does not coincide with topography or other features of the landscape and the parcels are often substandard in size (i.e., do not meet current minimum parcel sizes). Permit requirements for developing these underlying lots can be as minimal as pulling a building permit and thus there is the tendency for these lots to develop "as is".

The Rural Planned Development Ordinance is an attempt to offer landowners a different approach to reconfiguring underlying legal lots, in some cases providing incentive through a density bonus (Rural Lands land use category). The proposed ordinance could be beneficial in changing an antiquated lotting pattern and protecting resources such as agriculture and oak woodland. However, it is staff's opinion that although the proposed ordinance maximizes creativity, it does it in a fashion which substantially deviates from conventional development and subdivision standards. In doing so, the proposed ordinance has the potential to result in significant impacts as summarized in this report and discussed in detail in the attached Initial Study, (please see Exhibit B).

### **Conclusion**

Based on consultation with other agencies and as a result of the Initial Study process, it can be fairly argued that there is substantial evidence that the proposed ordinance may have significant environmental impacts because it could facilitate additional residential development in the agricultural and rural areas of the inland portion of the county. Therefore, staff is recommending that the Board of Supervisors require an EIR be prepared to address the impacts of the proposed ordinance.

### **OTHER AGENCY INVOLVEMENT/IMPACTS**

Various County Departments and other agencies have been involved in the review of the proposed Rural Planned Development Ordinance. These include: Agricultural Liaison Board, County Agriculture Department, County Public Works, CDF, and the Air Pollution Control District.

### **FINANCIAL CONSIDERATIONS**

If your Board requires the preparation of an EIR, the Board will need to allocate funds to prepare the EIR.

D-2  
9

## INTENDED RESULTS

Requiring an Environmental Impact Report for the proposed Rural Planned Development Ordinance will ensure that potentially significant impacts and appropriate mitigation measures are analyzed and fully disclosed so that an informed decision can be when considering the merits of the ordinance.

## EXHIBITS

EXHIBIT A - Proposed Rural Planned Development Ordinance

EXHIBIT B - Initial Study Prepared For Rural Planned Development Ordinance  
(including responses from various agencies that were consulted)

EXHIBIT C - Conceptual Existing Lot Configuration vs. Revised Lot Configuration in the  
Agriculture Land Use Category

EXHIBIT D - Conceptual Existing Lot Configuration vs. Revised Lot Configuration in the  
Residential Rural Land Use Category

EXHIBIT E - Conceptual Existing Lot Configuration Vs. Revised Lot Configuration in the  
Rural Lands Land Use Category

EXHIBIT F - June 10, 2005, Letter form County Department of Agriculture

EXHIBIT G - June 14, 2005, Letter form CDF

jnall/hdrive/rpd-boardcoverletter

D-2  
10

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MLB*  
DATE: FEBRUARY 8, 2006



**MANAGER'S REPORT**

**ITEM**

Standing report to your Honorable Board  
*Period covered by this report: January 21, 2006 through February 3, 2006.*

**DISTRICT BUSINESS**

**Administrative**

*Water Service Requests/Allocation Accounting:* No update. No new water services granted during the reporting period.

*Conservation Position:* Ms. Madonna Dunbar began employment with the District on February 6, 2006, and following orientation will be immediately focused on establishing a Water Conservation Program. Ms. Dunbar will also be trained in all District administrative functionS to provide back-up to current administrative staff.

*Limited-term Project Manager:* On January 25, 2006, your Honorable Board approved a contract to hire Mr. Bruce Buel as the "Projects Assistant to the Manager". Mr. Buel begins work for the District on February 27, 2006.

*Meetings/Training:*

General Manager attended the following meetings:

January 24: With District Counsel Mike Seitz, Mr. Yun and his engineer, Jim Garing, to discuss issues surrounding claims against the District in relationship to a waterline Mr. Yun constructed in Widow Lane.

January 27: With District Counsel Jon Seitz to discuss recent Board meeting and plan subsequent Board meeting.

January 30: With President Vierheilig to review draft agenda.

February 1: With President Vierheilig, Supervisor Achadjian, and County Engineer Glenn Priddy to discuss flooding issues in the Olde Towne area.

February 2: With President Vierheilig, Vice-President Winn, Supervisor Achadjian, and representatives of the Home Builders Association to discuss recent actions by Board of Supervisors relating to Supplemental Water.

***Rainfall totals:*** The Tribune is reporting Nipomo's seasonal rainfall total to date as 10.52 inches. NO NEW RAINFALL DURING THE REPORTING PERIOD.

**Safety Program**

No injury reports during the period.

### Field Activity

#### Wastewater

*Blacklake Salt Violations:* Efforts continue to address salt violations at Blacklake sewer plant discharge. The Blacklake Village Council is in the process of adopting a revision to the Master Covenants Codes and Restrictions for the community which will include a prohibition against the installation and repair of self-regenerating water softeners.

Staff is reviewing procedure for establishment of an incentive program that would provide a monetary incentive to individuals within the Blacklake community who voluntarily remove existing self-regenerating water softeners which use sodium or potassium chloride. Funding for the program would come from Blacklake Division reserves. An item will be brought before the Board for consideration.

#### Water

##### *Santa Maria Pipeline*

Administrative draft EIR is expected on February 10, 2006.

A pre-application for Proposition 50 grant monies has been completed (Attached). On February 1, 2006 the District receive confirmation from the Department of Health Services that our pre-application was received.

Mr. Bruce Buel will begin work on February 27, 2006 and be assigned project management duties for the District's Pipeline project.

##### *Telemetry system*

Staff will be calibrating this information and bringing additional well data on line over the next 30 days. A meeting to review final contract details is pending.

### RECOMMENDATION

Staff seeks direction and input from your Honorable Board.

### ATTACHMENTS

Proposition 50 Pre-Application

**California Department of Health Services**  
**Division of Drinking Water and Environmental Management**  
**Proposition 50 Pre-Application for Grant Funds**

**General Instructions**

The California Department of Health Services (DHS) is administering 9 new grant programs with funding from Prop 50. This software program will guide you through the process of completing the pre-application for a DHS Proposition 50 grant. The Pre-application is divided into two parts.

Part 1 contains general questions regarding the applicant and the project.

Part 2 contains specific questions for each grant program.

After answering the questions in Part 1, you will specify the grant program you are applying for. You will then be automatically directed to the appropriate Part 2 pre-application questions.

Press the **Right Arrow** button above to start entering data into the application. Answer each question and then press the **Right Arrow** button to go forward to the next question, or **Left Arrow** to go back a question. **It is recommended that you print a copy of your answers as you go**, using the **Print** button on each page. The **Quit** button allows you to exit the program at any time. Your answers will NOT be lost if you quit before completing all the questions. You can then return to the application at another time if necessary.

When you have finished the pre-application, press the **Export** button at the end. This button will create a small text file named "**Prop50PreApp.tab**" which will be placed **inside the program folder (Prop 50 Preapp Folder) you created on your hard drive**. After exporting the file, quit the program, connect to the Internet, and start up your e-mail program. Attach the "**Prop50PreApp.tab**" file and other attachments (see note on next page) to an e-mail message and send to:

**[dwemcomm@dhs.ca.gov](mailto:dwemcomm@dhs.ca.gov)**

Instructions for completing the pre-application are available in the "Instructions" folder on the CD. Instructions can also be downloaded from the DHS web site at <http://www.dhs.ca.gov/ps/ddwem/Prop50>. Read and/or print the instructions for the Introduction, Part 1, and Part 2 for your grant program. You should review the entire instructions before starting the pre-application process.

Should you have questions regarding the process, contact [dwemcomm@dhs.ca.gov](mailto:dwemcomm@dhs.ca.gov) or contact your local DHS district office (a list of DHS offices is on the CD).

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**General Instructions, continued...**

Notes:

**Preparing Other Attachments**

Prepare other attachments required or allowed for the particular grant program. These attachments may be created in any word processing program or as Adobe Acrobat (pdf) files.

If you submit your pre-application via this software program, you will meet all page limits for the application itself. Refer to each section for page limits on attachments

**Multiple Pre-Applications Using This Software Program**

If you use the same computer to create multiple pre-applications, you must install the software from the CD multiple times. Note that you must install the software into folders with different names. For example, if you are applying for 2 grants, create 2 folders, "Grant 1" and "Grant 2", anywhere on your hard drive. Then install from the CD a copy of the software in "Grant 1" folder, and another copy in "Grant 2" folder. Be sure to follow the installation instructions for making these folders "writable".

**"Copy / Paste" Function**

Once you are running this software application you will NOT be able to use the "copy/paste" commands. All text must be entered from the keyboard.

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**A. Project Title (10 words or less)**

(Use a unique title for each pre-application submitted by a water system)

**Nipomo/Santa Maria Water Line Intertie  
Project**



**California Department of Health Services**  
**Division of Drinking Water and Environmental Management**  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**B. Applicant Water System**

Check this box if you do NOT have a  
Public Water System ID Number AND  
you are applying for a Chapter 6b grant.

DHS Public Water System ID No.

4010026

DHS Public Water System Name\*

Nipomo Community Services District

Legal Name of Applicant

Nipomo Community Services District

County (counties) where service provided or project located.

First (Primary)

Second

Third

San Luis Obispo

Number of Service Connections\*

3,934

Population Served\*

12,000

Regulating Entity \*

SANTA BARBARA DISTRICT

Type of public water system \*

C

Community Water System

Water System Ownership \*

Public Entity

\* Fields not applicable to Chapter 6b applicants that are not public water systems.

Fields colored light blue are automatically filled in for you based on the DHS database. If the information needs to be changed for this pre-application, type over the incorrect information. This will not change the DHS database.

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**C. Applicant Contact**

Name (First)	(Last)	Title and/or Company Name
Michael	LeBrun	General Manager

**Mailing Address**

P.O. Box 326		
City	State	Zip (5 digits only)
Nipomo	CA	93444

**Street Address (if different from mailing address)**

148 South Wilson Street		
City	State	Zip (5 digits only)
Nipomo	CA	93444

Area Code	Phone (e.g. 555-5555)
805	929-1133

Fax (e.g. 555-5555)
929-1932

**E-mail address:**

mlebrun@nipomocsd.com
-----------------------

**Date**

1/27/2006
-----------

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**D. Disadvantaged Communities**

Refer to the description of disadvantaged communities in the instructions. If you believe that this project will serve one or more disadvantaged communities as specified in the instructions, check the box below and attach a list of census tracts in the project service area. Census tract information can be found at

<http://www.census.gov/main/www/cen2000.html>

*(Not applicable to Chapter 6b applicants.)*

- The proposed Project is believed to serve a disadvantaged community
- A list of census tracts in the service area is shown attached.  
*(not included in the page limit for pre-application).*

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**E. Other Information**

Anticipated date of start of project, if funding is available.

Month Year

Could this project be considered a CALFED Drinking Water Quality Program project?

Refer to instructions for more information  Yes  No  Not Sure

Does the applicant have a 20-year planning document for water demand? Specify the type of document:

No document  Urban Water Management Plan  Other comparable document

Is the proposed project in conformance with the planning document specified above?

No document  Yes  No

Does this project include multiple public water systems as applicants? (If so, include name(s) of co-applicant(s) in Section F.)

Yes  No

Applicant understands that any entity awarding a public works contract under this grant program must adopt and enforce a labor compliance program.

Yes

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**F. Additional Co-Applicant Water System(s)** (if applicable)

If there are more than 2 co-applicants, provide a list in attachments.

Legal Name of Co-Applicant:

**1** DHS Public Water System ID No.:

DHS Public Water System Name:

Legal Name of Co-Applicant:

**2** DHS Public Water System ID No.:

DHS Public Water System Name:

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

**Part 1 (Same for all Grant Programs)**

Refer to Instructions in the "Part 1 - Instructions.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**G. Funding Program**

Select one Funding Program for this application (see instructions for program descriptions)

**Construction Projects**

Funding Program (Prop 50 Section)

- 3 Water Security
- 4a.1 Small Community Water System Facilities <sup>1</sup>
- 4a.3 Community Water System Monitoring Facilities
- 4a.4 Drinking Water Source Protection
- 4a.5 Disinfection Byproduct Treatment Facilities
- 4b Southern California Projects to Reduce Demand on Colorado River <sup>2</sup>
- 6c UV and Ozone Treatment

**Demonstration Projects and Pilot Studies**

- 4a.2 Contaminant Treatment and Removal
- 6b Contaminant Removal

**Notes:**

1. Community water systems serving < 1,000 service connections or 3,300 population
2. Water systems with service area entirely or partly within San Diego, Imperial, Riverside, Orange, Los Angeles, San Bernardino, Santa Barbara, or Ventura counties.

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**  
Chapter 4a.4: Drinking Water Source Protection

**Part 2**

Refer to Instructions in the "Part 2 - Chapter 4a.4.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**C. Funding**

Prop 50 Grant Funds Requested \$2,000,000  
(Maximum Grant: \$2 million Minimum Grant: \$50,000)

Amount of Matching Funds to be provided \$9,000,000  
(A 1-to-1 match of non-state funds is required for  
all grant awards, except for those to disadvantaged  
communities and small water systems)

Anticipated source of matching funds

List the source and amount of matching funds later in this program.





California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**  
Chapter 4a.4: Drinking Water Source Protection

**Part 2**

Refer to Instructions in the "Part 2 - Chapter 4a.4.pdf" file on the CD or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**E. Problem Description**

Briefly describe the type of contaminant(s) to be addressed by this project, identify the Possible Contaminating Activities (PCAs) the contaminant(s) are associated with, and specify the drinking water source(s) that would be addressed by this source water protection project. Describe the size, shape, and location of the source water assessment zones for this source, and the approximate location within the zones of the PCAs to be addressed by this project. *Use additional pages as necessary (refer to instructions)*

---

Current word count is **388**. Word count limit is 420.  
(Click outside text field below to update current count).

---

The proposed Nipomo/Santa Maria Water Line Intertie Project seeks to prevent potential contamination to the Nipomo Mesa Hydrologic Sub-Area of the Santa Maria Groundwater Basin (Sub-Basin) from septic systems, agricultural/golf course irrigation and other agricultural/animal operations. The project would also help to minimize potential risk of seawater intrusion resulting from urban extractions exceeding safe yield (existing overdraft conditions in the Sub-Basin).

The Source Water Assessments prepared by the Department of Health Services (DHS) for each of the NCSD's ten wells have identified the radius of Zone A as 1,496 feet, the radius of Zone B5 as 2,365 feet, and the radius of Zone B10 as 3,344 feet. The SWAs indicate definite potential for contamination to all Zones from: 1) septic systems (high density); 2) Other Animal Operations; and 3) Wells-Agricultural. Unknown potential sources of contamination to all Zones identified in the SWAs include: 1) Irrigated and Non-irrigated Crops, 2) Fertilizer/Pesticide/Herbicide Applications; and 3) Grazing. The NCSD's groundwater data indicates upward trends in TDS, Na, and Cl supporting the conclusions made by the SWAs with TDS in source wells reported as high as 1000 ppm.

The increase in salts is attributed to the use of water softener systems by water customers which introduces new salts into the water supply. These salts are not removed during the wastewater treatment process; thus the salts are added to the groundwater during disposal of the wastewater in percolation basins. Wastewater disposed by individual septic systems also percolates the added salts into the groundwater basin.

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**  
Chapter 4a.4: Drinking Water Source Protection

**Part 2**

Refer to Instructions in the "Part 2 - Chapter 4a.4.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**F. Project Description**

Describe the project in sufficient detail to allow reviewers to determine project eligibility, and to categorize and rank the project. Describe how the project will address the contaminant(s) described in Question E.

*Use additional pages if necessary (refer to instructions).*

---

Current word count is **500**. Word count limit is 500.  
(Click outside text field below to update current count).

---

The goal of the Nipomo/Santa Maria Water Line Intertie Project is to increase the water quality and reliability of the Nipomo Mesa Hydrologic Sub-Area of the Santa Maria Groundwater Basin (Sub-Basin) by providing higher quality water as an additional water source for current and future use demands AND to balance the Sub-Basin preventing potential seawater intrusion.

All water supplies in the Nipomo Mesa Management Area are groundwater derived (from the Sub-Basin). The proposed project would provide the NCSD with a new source of higher quality water by installing a water pipeline to connect the NCSD's water distribution system with the City of Santa Maria's water distribution system. The Santa Maria's water entitlements currently exceed their build out requirements enabling transfer of water resources to the NCSD. The project will provide up to 6,500 acre-feet of water annually from the City of Santa Maria to the District. The project will include construction of approximately 8,000 linear feet of 16-inch pipeline (crossing Santa Maria River), two one-million gallon storage tanks, and two booster stations (one at the supply side of the line; one at the tank facilities) to deliver water from Santa Maria to the NCSD. Project efforts prior to start of construction include feasibility studies and planning, engineering design, environmental review and permitting, and acquisition of permanent waterline easements.

A portion of the acquired water will be directed to the Nipomo Mesa Management Area to benefit and sustain groundwater resources, the remainder of the water will be used by the NCSD. The increased water supply to the Nipomo Mesa Management Area will help to balance and maintain the Sub-Basin by equalizing inflow and outflow volumes. The Santa Maria water is of significantly higher quality with TDS approximately 450 ppm, thus the district's

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**  
Chapter 4a.4: Drinking Water Source Protection

**Part 2**

Refer to Instructions in the "Part 2 - Chapter 4a.4.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**G. Additional Information**

1. Has a local task force, committee, or group been organized that can develop and implement a source water protection program?

Yes  No If "Yes", describe in attachments

2. Has the water system or an associated organization developed a written Source Water Protection plan (or equivalent) that identifies possible management measures?

Yes  No If "Yes", describe in attachments

3. Has the contaminant(s) that the project proposes to address been released, and is the direction of movement towards the drinking water source?

Yes  No If "Yes", describe in attachments

4. Does the project address a water supply that is used by multiple public water systems that are participating in this project?

Yes (list other participating water systems in attachments)

No the supply is used only by applicant or no other water systems are participating in project.

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**  
Chapter 4a.4: Drinking Water Source Protection

**Part 2**

Refer to Instructions in the "Part 2 - Chapter 4a.4.pdf" file on the CD  
or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**H. Attachments**

You may attach up to 5 pages maximum of additional information to this pre-application. Prepare the attachments in any word processing program or as an Adobe Acrobat (pdf) file. Include the information listed below as necessary.

1. Proposed Project Budget **REQUIRED**. Include costs of major project components. Identify anticipated funding sources. Note: Project budget is on the next screen in this program. **You do not have to attach a separate budget to this pre-application.**
2. Additional detail for Problem Description in Question E.
3. Additional detail for Project Description in Question F.
4. Detail for additional information in Question G (refer to instructions).

**Note:**

Attachments must be in 10 point or larger type, on 8-1/2 x 11 inch paper, with 1/2-inch margins.

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**  
Chapter 4a.4: Drinking Water Source Protection

**Part 2**

Refer to Instructions in the "Part 2 - Chapter 4a.4.pdf" file on the CD or on the Web at <http://dhs.ca.gov/ps/ddwem/Prop50>

**H. Attachments**

You may attach up to 5 pages maximum of additional information to this pre-application. Prepare the attachments in any word processing program or as an Adobe Acrobat (pdf) file. Include the information listed below as necessary.

1. Proposed Project Budget **REQUIRED**. Include costs of major project components. Identify anticipated funding sources. Note: Project budget is on the next screen in this program. **You do not have to attach a separate budget to this pre-application.**
2. Additional detail for Problem Description in Question E.
3. Additional detail for Project Description in Question F.
4. Detail for additional information in Question G (refer to instructions).

**Note:**

Attachments must be in 10 point or larger type, on 8-1/2 x 11 inch paper, with 1/2-inch margins.

California Department of Health Services  
 Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

Proposed Project Budget

Note:

By completing this budget form (and the next screen on Matching Funds) you do not have to attach a separate budget to the pre-application.

Enter fields colored yellow

Budget Category	Total Funds	Matching Funds NOT required for Small Water Systems or Disadvantaged Communities		Prop 50 Funds Requested
		Applicant Funds	Other Funds	
A. Preliminary Costs (Planning, design, engineering, environmental documentation, permits, project administration)	\$2,000,000	\$2,000,000		
B. Construction Costs	\$8,000,000	\$6,000,000		\$2,000,000
C. Study Costs (for Grant Programs 4a.2 & 6b)				
D. Other Costs – (describe below)	\$1,000,000	\$1,000,000		
<b>Total Funding Requirements</b>	<b>\$11,000,000</b>	<b>\$9,000,000</b>		<b>\$2,000,000</b>

Other Costs, Description:

Other costs not yet quantified include land and/or easement acquisitions for construction of the water pipeline across private property. At this time a cost estimate of \$1 million has been included in this pre-application, however this cost is subject to change based on pipeline design and location.

**California Department of Health Services**  
**Division of Drinking Water and Environmental Management**  
**Proposition 50 Pre-Application for Grant Funds**

**Sources of Matching Funds**

**Not required for Small Water Systems or Disadvantaged Communities.**

Fund Source	Type of Funds	Amount
Development Capacity Fees		\$9,000,000
<b>Total - All Sources</b>		<b>\$9,000,000</b>

California Department of Health Services  
Division of Drinking Water and Environmental Management  
**Proposition 50 Pre-Application for Grant Funds**

Export Pre-Application

**You have now completed the Pre-Application.**

If you are satisfied that your pre-application is ready to submit to DHS, click the Export button below. This will create a small text file on your hard drive named Prop50PreApp.tab. The file will be automatically stored in the same folder as the application

At some time when you are connected to your e-mail server, send a message with "Prop 50 Pre-App" in the subject line to:

**dwemcomm@dhs.ca.gov**

**Attach the file Prop50PreApp.tab  
and all other attachments  
to your e-mail.**

**Export**



**California Department of Health Services**  
**Division of Drinking Water and Environmental Management**

**PROPOSITION 50 PRE-APPLICATION FOR GRANT FUNDS**

**SECTION H. ATTACHMENTS**

PROJECT TITLE: Nipomo/Santa Maria Water Line Intertie Project  
APPLICANT WATER SYSTEM: Nipomo Community Services District  
APPLICANT CONTACT: Michael LeBrun  
APPLICANT PHONE: (805) 929-1133

***Attachment for Question E***

***Problem Description (Continued from pre-application form)***

Various capacity studies analyzing the Nipomo Mesa groundwater resources have concluded that the Sub-Basin is currently in overdraft. This overdraft condition, with outflow exceeding inflow, is thought to have begun around 1980. Projections to the year 2025 indicate that there will be an increase in the current water deficit with outflow exceeding inflow by up to 20%. A potential effect of long-term overdraft in coastal areas is seawater intrusion into the fresh water aquifer. While there is currently no evidence of seawater intrusion in the Sub-Basin, current overdraft conditions could eventually lead to seawater intrusion and degradation of water quality, if corrective measures are not addressed.

***Attachment for Question G***

***Description of source water protection task force***

As a stipulation of ongoing adjudication over Nipomo Mesa groundwater rights, a management committee is being formed to monitor and manage the Sub-Basin groundwater. This committee, identified as the Nipomo Mesa Management Area Technical Group, will develop a Basin Monitoring Plan. The Basin Monitoring Plan will collect data on groundwater conditions including groundwater levels and groundwater quality and also track the amount and disposition of water supplies in the Nipomo Mesa Area sub-basin and uses of these supplies.

## **Nipomo CSD – Intertie Project**

Proposition 50, Chapter 4 pre-application

### ***Problem Description***

The proposed Nipomo/Santa Maria Water Line Intertie Project seeks to prevent potential contamination to the Nipomo Mesa Hydrologic Sub-Area of the Santa Maria Groundwater Basin (Sub-Basin) from septic systems, agricultural/golf course irrigation and other agricultural/animal operations. The project would also help to minimize potential risk of seawater intrusion resulting from urban extractions exceeding safe yield (existing overdraft conditions in the Sub-Basin)

The Source Water Assessments prepared by the Department of Health Services (DHS) for each of the NCSA's ten wells have identified the radius of Zone A as 1,496 feet, the radius of Zone 5 as 2,365 feet, and the radius of Zone B10 as 3,344 feet. The SWAs indicate definite potential for contamination to all zones from: 1) septic systems (high density); 2) Other Animal Operations; and 3) Wells-agricultural. Unknown potential sources of contamination to all zones identified in the SWAs include: 1) irrigated and non-irrigated crops, 2) fertilizer/pesticide/herbicide application and 3) grazing. The NCSA's groundwater data indicates upward trends in TDS, Na, and Cl which support the conclusions made by the Source Water Assessments with TDS in source wells reported as high as 1,000 ppm.

The increase in salts is attributed to the use of water softener systems by water customers which introduces new salts into the water supply. These salts are not removed during the wastewater treatment process; thus the salts are added to the groundwater basin during disposal of wastewater in percolation basins. Wastewater disposed by individual septic systems also percolates the added salts into the groundwater basin.

The Water Quality Control Plan for the Central Coastal Basin (Basin Plan) prepared by the Region 3 Regional Water Quality Control Board includes a subsection discussing "Individual, Alternative and Community Systems" (Section VIII.D, Chapter 4). This report documents that "If on-site sewage treatment facilities are not carefully managed, problems can occur, including...pollution of...ground waters." The report also states that typical groundwater pollution problems from discharge of on-site systems include "total dissolved solids, phosphates, nitrates, heavy metals, bacteria, and viruses" (Basin Plan, Section VIII.D). In 1978 State Water Resources Control Board Resolution 78-27 amended the Basin Plan to include an Individual Disposal System Prohibition Area in portions of the community of Nipomo. This action suggests groundwater contamination risk from septic systems has been of concern for the past 25 years.

Various capacity studies analyzing the Nipomo Mesa groundwater resources have concluded that the Sub-Basin is currently in overdraft. This overdraft condition, with outflow exceeding inflow, is thought to have begun around 1980. Projections to the year 2025 indicate that there will be an increase in the current water deficit with outflow exceeding inflow by up to 20%. A potential effect of long-term overdraft in coastal areas is seawater intrusion into the fresh water aquifer. While there is currently no evidence of seawater intrusion in the Sub-Basin, current overdraft conditions could eventually lead to seawater intrusion and degradation of water quality, if corrective measures are not addressed.

### *Project Description*

The goal of the Nipomo/Santa Maria Water Line Intertie Project is to increase the water quality and reliability of the Nipomo Mesa Hydrologic Sub-Area of the Santa Maria Groundwater Basin (Sub-Basin) by providing higher quality water as an additional water source for current and future use demands and to balance the Nipomo Mesa Hydrologic Sub-Area groundwater basin.

All water supplies in the Nipomo Mesa Management Area are groundwater derived (from the Sub-Basin). The proposed project would provide the NCSD with a new source of higher quality water by installing a water pipeline connecting the NCSD's water distribution system with the City of Santa Maria's distribution system. The City of Santa Maria's water entitlements currently exceed their build-out requirements enabling transfer of water resources to the NCSD. The project will provide up to 6,500 acre-feet of water annually from the City of Santa Maria to the District. The project will include construction of approximately 8,000 feet of 16-inch pipeline, two one-million gallon storage tanks, and two booster stations (one at the supply side of the line; one at the storage tank facility).

A portion of the acquired water will be directed to the Nipomo Mesa Management Area to benefit and sustain groundwater resources, the remainder of the water will be used by the NCSD. The increased water supply to the delivery area will help to balance and maintain the Sub-Basin area by equalizing inflow and outflow volumes. The Santa Maria water is of significantly higher quality with TDS approximately 450 ppm, thus the District's water quality will be improved by blending the Sub-Basin groundwater currently used by NCSD with the high quality Santa Maria source water. The project will enable the NCSD to reduce dependence on its lowest quality wells, which will further reduce supply system TDS concentrations. Improved water quality will minimize the need for water softeners which ultimately results in a long term reduction in salts added to the groundwater basin.

Project benefits, in addition to increased water quality, are increased supply reliability and decreased demand on the Sub-Basin. Balancing the Sub-Basin and correcting overdraft will also help to minimize risk to groundwater quality from salt water intrusion. Use of Santa Maria water will lessen the urban demand on the basin and add increased return flow to the basin from the imported water. The project will increase supply reliability by providing water purveyors in the community of Nipomo with their first absolute water rights (currently purveyor rights are junior to over-lying landowners).

A preliminary feasibility study was prepared with Santa Maria River crossing design analysis. Environmental review is underway based on preliminary pipeline alignments. Full engineering design and planning/permit coordination is not yet started. Acquisition of property rights will start following design determination of pipeline location.