



- H. CONSENT AGENDA (continued)
  - H-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]  
Safety meeting February 14, 2006
  - H-4) RE-APPLICATION FOR SERVICE APN 090-143-005/007 [RECOMMEND APPROVAL]  
Re-issue an Intent-to-Serve letter for on-going mixed use development project.
- I. ADMINISTRATIVE ITEMS (The following may be discussed and action may be taken by the Board.)
  - I-1) Draft COUNTY RURAL PLANNED DEVELOPMENT POLICY  
Presentation by San Luis Obispo County Staff. [No action recommended] - 45 minutes.
  - I-2) ANNUAL UPDATE OF BOARD OF DIRECTORS BY-LAWS  
Review and modify current Board of Directors By-Laws. Consider staff recommendation to update By-Laws – 30 min.
  - I-3) CONSERVATION/LANDSCAPE SUB-COMMITTEE ACTIVATION  
Consider staff recommendation to activate the Conservation/Landscape ad-hoc sub-committee – 15 minutes.
  - I-4) NIPOMO/SANTA MARIA WATERLINE INTER-TIE AD HOC SUB-COMMITTEE  
Consider staff recommendation to appoint a Nipomo/Santa Maria waterline inter-tie ad hoc sub-committee – 15 minutes.
- J. MANAGER'S REPORT
- K. COMMITTEE REPORTS
- L. DIRECTOR'S COMMENTS
- M. CLOSED SESSION ANNOUNCEMENTS
  - 1. PUBLIC EMPLOYEE RELEASE/RESIGNATION GOV'T CODE §54957
  - 2. LIABILITY CLAIM GOV'T CODE §54956.95 – CLAIMANT ESTATE OF ROBERTO HERNANDEZ, SR., CLAIM AGAINST NCSD
- N. PUBLIC COMMENT ON CLOSED SESSION ITEMS
- O. ADJOURN TO CLOSED SESSION
- P. OPEN SESSION  
ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION  
  
ADJOURN

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



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ML*  
DATE: FEBRUARY 22, 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.

- H-1) WARRANTS [RECOMMEND APPROVAL]
- H-2) BOARD MEETING MINUTES [RECOMMEND APPROVAL]  
Regular meeting February 8, 2006
- H-3) SAFETY MEETING MINUTES [RECOMMEND APPROVAL]  
Safety meeting February 14, 2006
- H-4) RE-APPLICATION FOR SERVICE APN 090-143-005/007 [RECOMMEND APPROVAL]  
Re-issue an Intent-to-Serve letter for on-going mixed use development project.

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**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS FEBRUARY 22, 2006**

**AGENDA ITEM  
H-1  
FEBRUARY 22, 2006**

**HAND WRITTEN CHECKS**

18854	02-08-06	SLO CSDA	50.00
18855	02-08-06	GREAT WESTERN ALARM	974.70

**TOTAL COMPUTER  
CHECKS  
\$ 164,978.48**

**VOIDED CHECKS**

NONE

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011753	02/22/06	AME02	AMERICAN INDUSTRIAL SUPPL	43.99	.00	43.99	155739	TOOLS
011754	02/22/06	AME03	AMERI PRIDE	57.49 61.99	.00 .00	57.49 61.99	F593970 F599849	UNIFORMS ETC UNIFORMS ETC
Check Total.....:				119.48	.00	119.48		
011755	02/22/06	BNI01	BNI BUILDING NEWS	83.01	.00	83.01	021406	2006 GREENBOOK
011756	02/22/06	CIT01	CITY NATIONAL BANK	22033.50	.00	22033.50	01032-06	DEBT SERVICE-ASSESS DIST
011757	02/22/06	COM01	COMPUTER NETWORK SERVICES	1444.66 1028.50 542.84	.00 .00 .00	1444.66 1028.50 542.84	NCSD-061 NCSD-0511 NCSD00512	INSTALL NEW COMPUTERS ETC COMPUTER SUPPORT NOV 2005 COMPUTER SUPPORT DEC 2005
Check Total.....:				3016.00	.00	3016.00		
011758	02/22/06	COM02	COMMUNICATION SOLUTIONS	1554.19 1260.73	.00 .00	1554.19 1260.73	3526 3528	BEVINGTON WELL MAINT CHURCH WELL MAINT
Check Total.....:				2814.92	.00	2814.92		
011759	02/22/06	CRE01	CREEK ENVIRONMENTAL LABS	24.00 80.00 24.00 180.00 24.00 60.00 24.00 80.00	.00 .00 .00 .00 .00 .00 .00 .00	24.00 80.00 24.00 180.00 24.00 60.00 24.00 80.00	N0446 N0588 N0589 N0590 N0611 N0614 N0642 N0700	BL WWTP LAB WATER SAMPLES BL WWTP LAB WELL SAMPLES BL WWTP LAB BL WWTP LAB BL WWTP LAB TOWN WATER LAB
Check Total.....:				496.00	.00	496.00		
011760	02/22/06	EBY01	EBY, ED	100.00	.00	100.00	022206	REG BD MEETING 022206
011761	02/22/06	FAR01	FARM SUPPLY COMPANY	25.28	.00	25.28	898739	TOOLS
011762	02/22/06	FAR02	FAR WEST EXPRESS	27.50	.00	27.50	E72135	DELIVER BILLS
011763	02/22/06	FED02	FED EX KINKO'S	94.53	.00	94.53	739	UWMP COPIES
011764	02/22/06	FGL01	EGL ENVIRONMENTAL	52.00 645.00	.00 .00	52.00 645.00	600805A 600810A	TOWN WWTP LAB TOWN WWTP LAB
Check Total.....:				697.00	.00	697.00		
011765	02/22/06	GAR01	GARING TAYLOR & ASSOC	960.32 270.00 360.00	.00 .00 .00	960.32 270.00 360.00	5899 5900 5901	MARIA VISTA HERMRECK WELL DANA WELLS
Check Total.....:				1590.32	.00	1590.32		
011766	02/22/06	GRO01	GROENIGER & CO	112.55 477.80	.00 .00	112.55 477.80	532019SM 533312SM	SUPPLIES BL SUPPLIES
Check Total.....:				590.35	.00	590.35		
011767	02/22/06	IND01	INDUSTRIAL MEDICAL GROUP	270.00	.00	270.00	X6NNI000	PHYSICALS FOR NEW EMPLOYE
011768	02/22/06	IND02	INDEPENDENT ELEC SUPPLY	214.55	.00	214.55	9787-01	BL SEWER SUPPLIES
011769	02/22/06	IPA01	IPAAC, INC.	8043.75	.00	8043.75	2006302	IPAAC THE OAKS LIFT STN S



**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS FEBRUARY 22, 2006**

**AGENDA ITEM  
H-1  
FEBRUARY 22, 2006  
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
011769	02/22/06	IPA01	IPAAC, INC.	9491.63	.00	9491.63	2006303	IPAAC SOUTHLAND WWTP SET
				3271.13	.00	3271.13	2006304	IPAAC SOUTHLAND BLOWER BL
				8043.75	.00	8043.75	2006305	IPAAC TEFT ST LIFT STN SE
				8043.75	.00	8043.75	2006306	IPAAC OAK GLEN LIFT STN S
				8043.75	.00	8043.75	2006307	IPAAC NIPOMO PALMS SET UP
				8043.75	.00	8043.75	2006308	IPAAC BRACKEN LIFT STN SE
				8043.75	.00	8043.75	2006309	IPAAC JUNIPER LIFT STN SE
				8043.75	.00	8043.75	2006310	IPAAC GARDENIA LIFT STN S
				8043.75	.00	8043.75	2006311	IPAAC HONEY GROVE LIFT ST
				8043.75	.00	8043.75	2006312	IPAAC LA MIRADA LIFT STN
				8043.75	.00	8043.75	2006313	IPAAC HAZEL LIFT STN SET
				8043.75	.00	8043.75	2006314	IPAAC EUREKA WELL SET UP
				3271.13	.00	3271.13	2006301	IPAAC WOODGREEN LIFT STN
			Check Total.....:	104515.14	.00	104515.14		
011770	02/22/06	JOH01	JOHNSON, DONNA	37.69	.00	37.69	021406	SUPPLIES
011771	02/22/06	LAC01	LA CHEMICAL	878.88	.00	878.88	40765	CHLORINE
011772	02/22/06	MAN01	MANAGER'S EDGE	97.00	.00	97.00	021406	SUBSCRIPTION TO MANAGER'S
011773	02/22/06	NIC01	NICKSON'S MACHINE SHOP	5770.01	.00	5770.01	23805	REPAIR LOADER
				2255.00	.00	2255.00	71499	SUNDALE WELL REPAIR
				4790.93	.00	4790.93	71499A	SUNDALE WELL REPAIR
			Check Total.....:	12815.94	.00	12815.94		
011774	02/22/06	NIP01	NIPOMO ACE HARDWARE INC	551.17	.00	551.17	559452+	MISC SUPPLIES
011775	02/22/06	POS02	FRANCOTYP-POSTALIA, INC.	8.31	.00	8.31	M42299	POSTAGE METER RESET
011776	02/22/06	QUI01	QUILL CORPORATION	107.24	.00	107.24	4399640	OFFICE MACHINE
				86.83	.00	86.83	4612337	OFFICE SUPPLIES
			Check Total.....:	194.07	.00	194.07		
011777	02/22/06	QUI03	QUINN RENTAL SERVICES	14.99	.00	14.99	2069980	SUPPLIES
				17.11	.00	17.11	2070342	SUPPLIES
			Check Total.....:	32.10	.00	32.10		
011778	02/22/06	SAN01	SANTA MARIA TIRE INC	83.61	.00	83.61	434676	MAINT 04 F150 TRUCK
011779	02/22/06	SAN09	SAN LUIS MAILING SERVICE	38.92	.00	38.92	29993	MAILING LATE NOTICES
				84.25	.00	84.25	30007	MAILING BILLS
				226.98	.00	226.98	29993B	POSTAGE FOR LATE NOTICES
				570.23	.00	570.23	30007B	POSTAGE FOR BILLS
			Check Total.....:	920.38	.00	920.38		
011780	02/22/06	SLO02	DIV OF ENVIRON HEALTH	1230.34	.00	1230.34	43807	CROSS CONNECTION
011781	02/22/06	SOF01	SOFTWARE SOLUTIONS TEAM	85.00	.00	85.00	06-4206	ON-SITE TRAINING
011782	02/22/06	STA03	STATEWIDE SAFETY & SIGNS	49.87	.00	49.87	46985	SUPPLIES
011783	02/22/06	STA09	STANDARD INSURANCE	781.00	.00	781.00	MAR 06	INSURANCE MARCH 136914
011784	02/22/06	STA10	STATE DEPT OF HEALTH SERV	50.00	.00	50.00	GERMAN, S	GRADE 1 EXAM SCOTT GERMAN
011785	02/22/06	THE01	THE GAS COMPANY	50.00	.00	50.00	020106	GAS ENGINE 05028175
011786	02/22/06	TRO01	TROTTER, CLIFFORD	100.00	.00	100.00	022206	REG BD MEETING 022206
011787	02/22/06	TRO02	CLIFF TROTTER	75.81	.00	75.81	013106	TRAVEL AND FEE FOR SLO SE
011788	02/22/06	VAL01	VALLEY SEPTIC SERVICE	3022.50	.00	3022.50	2732	SEWER LINE JETTING
				2506.50	.00	2506.50	2733	SEWER LINE JETTING
			Check Total.....:	5529.00	.00	5529.00		
011789	02/22/06	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	022206	REG BD MEETING 022206
011790	02/22/06	WIN01	WINN, MICHAEL	100.00	.00	100.00	022206	REG BD MEETING 022206
011791	02/22/06	WIN02	WINN, MICHAEL	14.44	.00	14.44	012006	CORRECTED MILEAGE TO UCLA
011792	02/22/06	WIRO2	WIRSING, JUDY	100.00	.00	100.00	022206	REG BD MEETING 022206
011793	02/22/06	WOO01	DOUGLAS WOOD & ASSOCIATES	4362.30	.00	4362.30	020106	EIR FOR SANTA MARIA WATER

**NIPOMO COMMUNITY SERVICES DISTRICT**

*Celebrating 41 - Years of Service 1965 - 2006*

**MINUTES**

**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.**

- 00:00:01 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 directors were present
- 00:01:14 General Manager, Michael LeBrun introduced the newest member of the staff to the rest of the Board. Madonna Dunbar stated that she was looking forward to working at the District.
- 00:03:50 C. PUBLIC COMMENT PERIOD  
PUBLIC COMMENT  
C-1) COMMANDER MARTIN BASTI OF SOUTH COUNTY SHERIFF STATION  
Commander Martin Basti recapped provided a data sheet that contained statistics for the previous two years of sheriff calls and arrests. He stated that there is a five-year plan for the Sheriff Department needs before the Board of Supervisors. He complimented the NCSB Board for bringing Bruce Buel on staff. The Board thanked Commander Basti for his report.
- 00:09:31 C-2) DAN ANDERSON, CDF BATTALION CHIEF, CALIFORNIA DEPARTMENT OF FORESTRY (CDF)  
Captain Felix Camacho presented CDF activities in the Nipomo area. He recapped the calls from the Pioneer station (1191) and the Mesa station (533). In January there were 115 calls with 24 being flood related. Several Nipomo crew members have been dispatched to a fire in Southern California. He introduced two new members of the crew, John Denner and Rick Baer. Because of the increase in population in Nipomo, there has been an increase in medical and traffic incidents. The Board asked Captain Camacho for a copy of the year-end report and thanked him for his presentation.
- 00:16:30 D. CONSENT AGENDA  
D-1) WARRANTS [  
D-2) BOARD MEETING MINUTES  
Regular meeting January 25, 2006  
There was no public comment. Upon motion of Director Winn and seconded by Director Eby, the Board unanimously approved the Consent Agenda. Vote 5-0

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



## 00:18:07 E. ADMINISTRATIVE ITEMS

## E-1) PRESENTATION: NIPOMO CREEK WATERSHED MANAGEMENT PLAN

Steph Wald, Water Shed Project Manager for the Central Coast Salmon Enhancement, presented a brief overview of the recently completed Nipomo Creek Watershed Management Plan.

Bob Hill, Conservation Director of the Land Conservancy of San Luis Obispo County, presented slides detailing the Plan. The Plan is available for viewing in PDF format on the Land Conservancy website <http://www.special-places.org/ecm/Home.html>, under Conservation Planning.

The Board discussed the Plan with Mr. Hill.

There was no public comment. The Board thanked Ms. Wald and Mr. Hill for their presentation.

**THE BOARD TOOK A BREAK AT 10:00 A.M. AND RETURNED AT 10:10 A.M.**

## 00:59:45 E-2) BOARD BY-LAW AND POLICY REVIEW

Jon Seitz, District Legal Counsel, reviewed the relevant changes to community services district law effective January 1, 2006, Government Code §61000 et seq.

The Board discussed some of the changes. There was no public comment. The Board directed staff to return to a future meeting with a draft update to the District By-Laws.

## 02:57:17 E-3) Draft COUNTY RURAL PLANNED DEVELOPMENT POLICY

Director Winn outlined the proposed Land Use Ordinance Amendment to be presented by Mr. John Nall of the San Luis Obispo County Planning Department at the next NCSO Board meeting. There was some Board discussion. There was no public comment.

**THE BOARD TOOK A BREAK AT 12:10 P.M. AND RETURNED AT 12:17 P.M.**

Director Wirsing left the meeting at 12:10 p.m.

## 03:22:03 F. MANAGER'S REPORT

Michael LeBrun, District General Manager, reviewed the Manager's Report as presented in the Board packet. The Board discussed some of the items on the report. There was no public comment.

## 03:39:00 G. COMMITTEE REPORTS

There was no committee report.

## 03:39:55 H. DIRECTOR'S COMMENTS

Director Trotter

- Expressed his displeasure with the three men from Los Osos who spoke during the public comment period on Item E-3 (Contract Approval for Mr. Buel) at the January 25, 2006, Board meeting. He stated that it was inappropriate for the speakers to be here.

Director Eby

- Board of Supervisors meeting February 7, 2006 – There seems to be differing opinions about the outcome of the meeting with Supervisor Achadjian concerning supplemental water fees. Language will come out in the March meeting.
- Cypress Ridge was turned down for a proposal to expand the Nipomo Mesa.

Director Winn

- WRAC meeting Feb. 1 in the Ag. Commissioners Auditorium. Mr. Nall was not at the



meeting.

- The County needs to be reminded of commitment to increase groundwater monitoring efforts in Nipomo.
- Cypress Ridge – many people showed up at the meeting and some were surprised that the project was turned down.
- February 23, 2006 – Meeting with President Vierheilg, Supervisor Achadjian and others concerning parking lots, street sweeping, etc.
- February 24, 2006 – Tour of California bicycle race comes through SLO and Nipomo
- March 1, 2006 – WRAC will meet. John Nall will make a presentation.
- Land behind Chevron has been put up for sale.
- Nipomo Creek Watershed Report can be downloaded.

President Vierheilg

- Stated that a sign or two is needed pointing the way to the front office.
- Central Coast Orchid Show – March 10, 11, and 12
- Noted the article sent to Board members about pharmaceuticals in water systems.

00:58:20 I. CLOSED SESSION ANNOUNCEMENTS

Jon Seitz, District Legal Counsel, noted that there was no public in the audience and 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 NCSO SANTA CLARA COUNTY CASE NO. CV 770214 AND ALL CONSOLIDATED CASES.
2. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9  
NCSO vs. COUNTY OF SAN LUIS OBISPO (SUMMIT STATION LAND USE ORDINANCE AND ENVIRONMENTAL IMPACT REPORT)
3. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9  
CITIZENS AGAINST UNLAWFUL FEES vs. NCSO CASE NO. CV 050920
4. CONFERENCE WITH LEGAL COUNSEL Pending Litigation GC\$54956.9  
CITIZENS AGAINST NON-NOTIFICATION vs. NCSO, CASE NO. CV 051002

03:59:25 J. PUBLIC COMMENT ON CLOSED SESSION ITEMS  
There was no public comment on the Closed Session items.

03:59:30 K. ADJOURN TO CLOSED SESSION  
The Board adjourned to Closed Session at 1:22 p.m.

03:59:35 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 Items 1-3 above and had no reportable action. Item 4 - On a motion by Director Trotter and second by Director Winn, the Board directed legal counsel to defend the lawsuit and acquire services of the Law Firm of McDonald, Holland, and Allen to assist in the defense. Vote 4-0. Director Wirsing was absent.

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

04:01:00 ADJOURN  
President Vierheilg adjourned the meeting at 2:00 p.m.



# NIPOMO COMMUNITY

## BOARD MEMBERS

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



# SERVICES DISTRICT

## STAFF

MICHAEL LeBRUN, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
JON SEITZ, GENERAL COUNSEL

# H3

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

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## **NCSD ALL-STAFF MEETING AND SAFETY MEETING MINUTES FEBRUARY 14, 2006, 1:30 P.M. DISTRICT OFFICE**

### Manager's Report

Welcome to our newest employee, Madonna Dunbar.

Michael LeBrun, District Manager, reviewed the February 8, 2006, Board meeting and how it affects the District and employees.

### Questions and Answers

### Field Update/Administrative update

### Safety Item

Ernie Thompson, Safety Manager, reviewed the safe use of tools.

### PRESENT AT MEETING

Dan Migliazzo, Ernie Thompson, Butch Simmons, Rick Motley, Scott German, Rigo Rodriguez, Donna Johnson, Kathy Beltran, Lisa Bognuda, Madonna Dunbar, and Michael LeBrun

Meeting ended at 2:30 p.m.

### Next Meeting:

March 2006

ADJOURN

T:\ADMINISTRATIVE\SAFETY\MEETINGS\MINUTES\02-14-06.DOC

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ml*  
DATE: FEBRUARY 22, 2006



RE-APPLICATION FOR SERVICE APN 090-135-006

**ITEM**

Re-issue an Intent-to-Serve letter for an on-going mixed-use development.

**BACKGROUND**

On March 24, 2004, your Honorable Board issued an Intent-to-Serve letter to a multi-use development planned for the corner of Dana and Sparks Street. The project consists of four residential units, two of which would have commercial use on the ground floor.

The Applicant continues to pursue the project with the County and recently entered into a Plan Check and Inspection Agreement with the District, paid a \$4,000.00 deposit and submitted development plans.

On February 14, 2006, the Applicant re-applied for the project and paid a \$50.00 administrative fee. The Applicant requests an extension of the Intent-to-Serve letter in order to continue with the project.

**RECOMMENDATION**

Staff recommends your Honorable Board direct staff re-issue the Intent-to-Serve (ITS) letter for the project with the following conditions:

- A Will-Serve letter for the project will be issued after improvement plans are approved and signed by General Manager.
- Make a non-refundable deposit ("Deposit") at the time the District issues a Will-Serve letter in an amount equal to the then calculated Fees for Connection.
- Fees for Connection shall be calculated and owing as of the date the District sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the District, if applicable.
- Intent-to-Serve letters shall automatically terminate on the first to occur:
  - Failure of the applicant to provide District with written verification that County application for the project has been deemed complete within two hundred forty (240) calendar days of the date the Intent-to-Serve letter is issued; or
  - Two (2) years. However, applicant shall be entitled to a one-year extension upon proof of reasonable due diligence in processing the project.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.

**ATTACHMENT**

March 24, 2004 Intent-to-Serve letter



# NIPOMO COMMUNITY



# SERVICES DISTRICT

## BOARD MEMBERS

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

## STAFF

DOUGLAS JONES, GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT ADMINISTRATOR  
DAN MIGLIAZZO, UTILITY SUPERVISOR  
JON SEITZ, GENERAL COUNSEL

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

March 24, 2004

Ryan Jenkins  
Leonard Grant Architects  
Agent for Peter & Chris Burtness  
649 Dolliver  
Pismo Beach, CA 93449



SUBJECT: INTENT-TO-SERVE WATER AND SEWER SERVICE - BURTNESSE  
APN 090-143-05/07  
MIXED-USE DEVELOPMENT AT DANA & SPARKS STREETS IN NIPOMO, CA

At their Regular Meeting on March 24, 2004, the Board of Directors of the Nipomo Community Services District considered your request for water and sewer service for APN 090-143-05/07, a mixed-use development at the corner of Dana and Sparks Streets in Nipomo. The Intent-to-Serve letter for your development was granted subject to the following conditions:

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

As required by Section 19.20.238 Title 19 of the San Luis Obispo County Code, the Nipomo Community Services District certifies that it will provide potable water and sewer service to APN 090-143-05/07, and that it has sufficient water resources and system capacity to provide such service. Notwithstanding any other language in this letter, the District certifies that (1) it will provide new service to the parcel(s) within the development on the same basis as it provides new service to any other legal parcel within the District's service area; and (2) once new service is established for a parcel(s) within the development, the District will provide service to said parcel on the same basis as it provides service to other customers within the same land use designation.

Ryan Jenkins  
Intent-to-Serve  
APN 090-143-05/07 BURTNESS  
March 24, 2004  
Page 2

This is NOT a Will-Serve Letter

Notwithstanding to the above paragraph, notice is provided that Nipomo Community Services District has been made a party to that lawsuit entitled Santa Maria Valley Water Conservation District, et al. v. City of Santa Maria, et al., Santa Clara Superior Court Case No. CV 770214. The case involves competing claims to the right to produce water from and/or store water in the Santa Maria Valley Groundwater Basin, the water source from which Nipomo Community Services District derives the water, which it serves. The District is now unable to predict with any certainty the outcome of the above-referenced litigation. However, the litigation conceivably could result in a limitation on the availability of groundwater for the District's production and/or an increase in the cost of water, which the District serves to its water customers.


**The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.**

This "Intent-to-Serve" letter shall be subject to the current and future rules, regulations, fees, resolutions and ordinances of the Nipomo Community Services District. This "Intent-to-Serve" letter may be revoked as a result of conditions imposed upon the District by a Court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors for the protection of the health, safety, and welfare of the District. The District reserves the right to revoke this "Intent-to-Serve" letter at any time.

**A TWO YEAR EXPIRATION DATE IS IN EFFECT**

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

  
Doug Jones  
General Manager

Will-Serve\Intent\ APN 090-143-05/07 Burtness 04.doc

THIS IS NOT A WILL-SERVE LETTER



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: FEBRUARY 22, 2006

**AGENDA ITEM**  
**I-1**  
**FEBRUARY 22, 2006**

DRAFT COUNTY RURAL PLANNED DEVELOPMENT POLICY

**ITEM**

Presentation by San Luis Obispo County staff. [No action recommended] – 45 minutes

**BACKGROUND**

County staff will provide a presentation on the status of San Luis Obispo County's proposed Rural Planned Development Ordinance.

County staff's June 28, 2005 Staff Report on the subject matter, less exhibits, was provided to your Honorable Board as part of the February 8, 2006 meeting packet. The County's complete staff report and exhibits 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**

Consider presentation and public comment, direct staff accordingly.

**ATTACHMENTS**

No Attachments

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TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *MSL*  
DATE: FEBRUARY 22, 2006



ANNUAL UPDATE OF BOARD BY-LAWS

**ITEM**

Review and modify current Board of Director By-Laws.

**BACKGROUND**

The Board of Directors By-Laws is established to give Directors guidance in conducting meetings and being a member of the Board. Incorporated into the By-Laws is an annual review and update scheduled each February.

At the February 8, 2006, Regular Meeting, staff reviewed a number of changes to community services district law Government Code §61000 et seq., that became effective January 1, 2006. As a result of the review, public comment, and direction from your Honorable Board, staff drafted a proposed change to the By-Laws.

The changes are reflected in the attached "red-lined" version of the proposed Resolution. A "clean" version of the proposed Resolution is also attached.

**RECOMMENDATION**

It is recommended that your Honorable Board review, consider public comment, revise as desired, and adopt:

**RESOLUTION NO. 2006-by-laws  
A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2006 UPDATE)**

**ATTACHMENTS**

Proposed Resolution 2006 - By-Laws Update, red-lined  
Proposed Resolution 2006 - By-Laws Update

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**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2006-\_\_\_\_\_**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2006 UPDATE)**

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**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**, Government Code §61054 provides that the Board of Directors shall adopt rules or bylaws for its proceedings; and

**WHEREAS**, on February 8, 2006, the District Board of Directors did review the District's previously adopted Board By-Laws and directed District Staff to return with an edited version for Board adoption.

Deleted: February 9, 2005  
Deleted: 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 (2006 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 (2006 update) attached hereto as Exhibit "A" are hereby repealed.

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

AYES:

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NOES:

ABSENT:  
ABSTAIN:

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the foregoing resolution is hereby passed and adopted this \_\_\_\_\_ day of February, 2006.

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Deleted: 2005

\_\_\_\_\_  
LAWRENCE VIERHEILIG  
President of the Board

ATTEST:

APPROVED:

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

\_\_\_\_\_  
JON S. SEITZ  
District Legal Counsel

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTOR**  
**2006 UPDATE**  
**BY-LAWS**  
(ATTACHMENT "A" TO RESOLUTION 2006-\_\_\_\_)

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**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.



NIPOMO 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 total membership of the Board of Directors, (61045(c)).
- 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.

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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 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. ~~Members~~ 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.

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(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 on a particular item without discussion. ~~The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote in the minutes on the item identified by the Director.~~

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#### 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 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 or denial of all ordinances, resolutions or motions. (61045(d)).~~

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4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person;

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4.4 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.

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4.5 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.

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4.6 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.

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~~4.7~~ 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.

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5. **DIRECTORS**

5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.

~~5.2~~ Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole (61042(c)).

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5.3 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.

5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.

~~5.5~~ 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.

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~~5.6~~ 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.

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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. **AUTHORITY OF THE GENERAL MANAGER**

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The General Manager shall be responsible for all of the following:

~~7.1~~ The implementation of the policies established by the Board of Directors for the operation of the District.

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~~7.2~~ The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.

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~~7.3~~ The supervision of the District's facilities and services.

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~~7.4~~ The supervision of the District's finances.

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**8. DIRECTOR GUIDELINES**

~~8.1~~ 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.

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~~8.2~~ 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.

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~~8.3~~ 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.

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~~8.4~~ When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Assistant Administrator. The chain of 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.

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~~8.5~~ Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

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~~8.6~~ 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.

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~~8.7~~ Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

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**9. DIRECTOR COMPENSATION**

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~~9.1~~ Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board of Directors attended by him/her.

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~~9.2~~ Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each standing committee or ad hoc committee meeting of the District attended by him/her.

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~~9.3~~ Each Directors is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or 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 Director's meeting and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.

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~~9.4~~ In no event shall Director compensation exceed \$100 per day.



9.5 Director compensation shall not exceed six full days in any one calendar month.

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**10. DIRECTOR REIMBURSEMENT**

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10.1 Each Director is entitled to reimbursement for their actual and necessary expenses, including the cost of programs and seminars, incurred in the performance of the duties required or authorized by the Board.

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- (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.

Lodging costs, shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at group rate is available to the member of the Board of Directors at the time of booking (Govt Code §53232.2(d)).

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Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

- (b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. (53232.2(e)). Directors using his/her private vehicle on District business, shall be compensated at the prevailing IRS per diem mileage rate.

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- (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.

10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred (53232.3(c)).

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10.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense except for per diem allowances (53232.3(d)).

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10.4 Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors.

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**11 COMMITTEES**

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**11.1 Ad Hoc Committees**

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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.

**11.2 Standing Committees**

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(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.

**12. CORRESPONDENCE DISTRIBUTION POLICY**

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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.

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

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

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**13. CONFLICTS AND RELATED POLICY**

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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.

**13.1 Conflict of Interest**

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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.

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

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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.

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**13.3 Incompatible Office**

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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.

**14. EVALUATION OF CONSULTANTS**

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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.

**15. CONTINUING EDUCATION**

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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.

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

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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.

**17. RESTRICTIONS ON RULES**

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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.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2006-\_\_\_\_\_**  
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AMENDED BY-LAWS (2006 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**, Government Code §61054 provides that the Board of Directors shall adopt rules or bylaws for its proceedings; and

**WHEREAS**, on February 8, 2006, the District Board of Directors did review the District's previously adopted Board By-Laws and directed District Staff to return with an edited version for Board adoption. .

**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 (2006 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 (2006 update) attached hereto as Exhibit "A" are hereby repealed.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this \_\_\_\_ day of February,, 2006.

\_\_\_\_\_  
LAWRENCE VIERHEILIG  
President of the Board

ATTEST:

APPROVED:

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

\_\_\_\_\_  
JON S. SEITZ  
District Legal Counsel



**NIPOMO COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTOR**  
**2006 UPDATE**  
**BY-LAWS**  
(ATTACHMENT "A" TO RESOLUTION 2006-\_\_\_\_)

**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.



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- 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 total membership of the Board of Directors. (61045(c)).
- 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



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example, approval of Minutes, approval of Warrants, various Resolutions accepting 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. Members 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 on a particular item without discussion. The item will be handled along with the rest of the Consent Agenda, and the District Secretary shall register a "no" vote in the minutes on the item identified by the Director.

**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 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 or denial of all ordinances, resolutions or motions. (61045(d))
- 4.3 The District Secretary shall be required to make a record only of such business as was actually considered by a vote of the Board and, except as provided in Sections 4.4 and 4.6 below, shall not be required to record any remarks of Directors or any other person;
- 4.4 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.
- 4.5 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.
- 4.6 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.

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- 4.7 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.

**5. DIRECTORS**

- 5.1 Directors shall prepare themselves to discuss agenda items at meetings of the Board of Directors.
- 5.2 Members of the Board of Directors shall exercise their independent judgment on behalf of the interest of the entire District, including the residents, property owners and the public as a whole (61042(c)).
- 5.3 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.
- 5.4 Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- 5.5 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.
- 5.6 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. AUTHORITY OF THE GENERAL MANAGER**

The General Manager shall be responsible for all of the following:

- 7.1. The implementation of the policies established by the Board of Directors for the operation of the District.
- 7.2 The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.
- 7.3 The supervision of the District's facilities and services.



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7.4 The supervision of the District's finances.

**8. DIRECTOR GUIDELINES**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager or Assistant Administrator. The chain of 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.
- 8.5 Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.
- 8.6 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.
- 8.7 Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

**9. DIRECTOR COMPENSATION**

- 9.1 Each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular, adjourned or special meeting of the Board of Directors attended by him/her.
- 9.2 Each Director is authorized to receive fifty dollars (\$50.00) as a compensation for each standing committee or ad hoc committee meeting of the District attended by him/her.
- 9.3 Each Directors is authorized to receive one hundred dollars (\$100) per day as compensation for representation of the District at a public meeting or public hearing conducted by another public agency and/or 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 Director's meeting and the member delivers a written report to the Board of Directors at the District's next regular meeting regarding the member's participation.
- 9.4 In no event shall Director compensation exceed \$100 per day.

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9.5 Director compensation shall not exceed six full days in any one calendar month.

**10. DIRECTOR REIMBURSEMENT**

10.1 Each Director is entitled to reimbursement for their actual and necessary expenses, including the cost of programs and seminars, 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.

Lodging costs shall not exceed the maximum group rate published by the conference or activity sponser, provided that lodging at group rate is available to the member of the Board of Directors at the time of booking (Govt Code §53232.2(d)).

Personal phone calls, room service, and other discretionary expenditures are not reimbursable.

(b) Members of the Board of Directors shall use government and group rates offered by a provider of transportation for travel when available. (53232.2(e)). Directors 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.

10.2 All expenses that do not fall within the reimbursement policy set forth in 10.1, above, shall be approved by the Board of Directors, at a public meeting, before the expense is incurred (53232.3(c)).

10.3 Board members shall submit an expense report on the District form within ten (10) calendar days after incurring the expense. The expense report shall be accompanied by receipts documenting each expense except for per diem allowances (53232.3(d)).

10.4 Members of the Board of Directors shall provide brief reports on meetings attended at the expense of the District at the next regular meeting of the Board of Directors.

**11 COMMITTEES**



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**11.1 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.

**11.2 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 NCS D Board of Directors as a public record.

**12. 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.

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

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

**13. 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.

**13.1 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.

**13.2 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.

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**13.3 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.

**14. 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.

**15. 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.

**16. 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.

**17. 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 *ML*  
DATE: FEBRUARY 22, 2006

**AGENDA ITEM**  
**I-3**  
**FEBRUARY 22, 2006**

CONSERVATION/LANDSCAPE SUB-COMMITTEE ACTIVATION

**ITEM**

Consider staff recommendation to activate the Conservation/Landscape sub-committee – 15 minutes.

**BACKGROUND**

The District's Conservation/Landscape Design Sub-Committee is an Ad-Hoc committee and therefore must receive formal direction from your Honorable Board to meet and take action. The District's Conservation Coordinator desires to meet with the Conservation/Landscape Sub-Committee to discuss creation of a District water conservation program.

At a future meeting, a formal Water Conservation Program and Water Conservation Policy will be brought before your Honorable Board for consideration and adoption.

**RECOMMENDATION**

Activate the Conservation/Landscape Sub-Committee. Direct the Sub-committee to meet with staff and return to the Board with a status update at the April 12, 2006 Regular Meeting.

**ATTACHMENTS**

No Attachments

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\CONSERVATION SUB-COMMITTEE.DOC

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ML*  
DATE: FEBRUARY 22, 2006

**AGENDA ITEM**  
**I-4**  
**FEBRUARY 22, 2006**

NIPOMO/SANTA MARIA WATERLINE INTERTIE AD-HOC SUB-COMMITTEE

**ITEM**

Consider staff recommendation to appoint a Nipomo/Santa Maria waterline intertie ad-hoc sub-committee – 15 minutes.

**BACKGROUND**

The District is in the process of reviewing the administrative draft environmental impact report for the Nipomo/Santa Maria Waterline intertie project. Staff desires to meet with a sub-committee of your Honorable Board in order to assist in preparing a public draft of the document.

**RECOMMENDATION**

President Vierheilig consider appointing a Nipomo/Santa Maria waterline intertie ad-hoc sub-committee and direct the committee to meet with staff and return to the Board with a status update within 45 days.

**ATTACHMENTS**

No Attachments

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2006\WATERLINE INTERTIE SUB COMM.DOC



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LeBRUN *ML*  
DATE: FEBRUARY 22, 2006

**AGENDA ITEM**  
**F**  
**FEBRUARY 22, 2006**

**MANAGER'S REPORT**

**ITEM**

Standing report to your Honorable Board  
*Period covered by this report February 4, 2006 through February 17, 2006.*

**DISTRICT BUSINESS**

**Administrative**

*Water Service Requests/Allocation Accounting:* Updated allocation accounting sheet is attached (**Attachment 1**). With the water-year 37.5% complete, total allotments to residential development are at 32.5%. It should be noted that 50% of this year's allotment (8.3 AF) is phased allotment approved in the prior water year. Allocation to a single lot subdivision (one lot split into two lots) was approved by the General Manager on February 15, 2006.

*Monthly Accounting Summary:*

**NIPOMO COMMUNITY SERVICES DISTRICT  
REPORT OF INVESTMENTS MADE OR RETIRED  
MONTH OF JANUARY 2006**

	DEPOSITS	TRANSFERS IN	TRANSFERS OUT
CHECKING	433,131.99	56,000.00	(285,000.00)
SAVINGS	0.00	0.00	0.00
LAIF	0.00	285,000.00	(56,000.00)

Pursuant to Section 7 of the 2006 Investment Policy-Resolution 2006-964

*Meetings/Training:*

General Manager attended the following meetings:  
**February 10:** CSDA – SLO County Chapter luncheon meeting with a presentation by SLO County Tax collector.

**Rainfall totals:** The Tribune is reporting Nipomo's seasonal rainfall total to date as 10.52 inches. NO NEW RAINFALL DURING THE PAST TWO REPORTING PERIODS – however, rain is in the forecast!

**Safety Program**

No injury reports during the period.  
An all staff safety meeting was held on February 14, 2006.

**Administrative Other**

On February 14, 2006, the District received a Request for Budget Augmentation from SAIC for the Urban Water Management Plan Update contract. The amount of augmentation requested is \$3,500.00. The original contract amount with SAIC is \$56,814.00. The reason for the augmentation is an expanded scope of work to include a second Administrative draft version of the document and estimation for water demands outside the District's Sphere of Influence (remainder of mesa area). The General Manager approved the Request.

On February 14, 2006, the District received multiple Public Records Requests from Mr. Harold Snyder. The Requests are enclosed (**Attachment 2**). Staff is processing the request and will respond to Mr. Snyder within the required 10-day timeframe.

On February 16, 2006, the District received a Notice of Preparation from San Luis Obispo County. The County is planning on preparing an Environmental Impact Report for an affordable housing Ordinance. The Notice is enclosed (**Attachment 3**).

### **Field Activity**

#### **Wastewater**

*Blacklake Salt Violations:* Efforts continue to address salt violations at Blacklake sewer plant discharge. The Blacklake Village Council has adopted 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. The new code language is enclosed along with a copy of the notice (**Attachment 4**) sent to all Blacklake residents. 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.

*Southland Notice of Violation:* On February 10, 2006, the District received a Notice of Violations from the Regional Water Quality Control. The Notice is in response to concentrations of Biochemical Oxygen Demand at the District's Southland Plant exceeding Regional Board defined limitations. The Notice is enclosed (**Attachment 5**) and staff will respond within the time limit set by the Notice.

#### **Water**

##### *Santa Maria Pipeline*

Administrative draft EIR was received on February 9, 2006. Formation of an Ad Hoc sub-committee is recommended to facilitate review of this document.

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

##### *San Luis Obispo County Well Level Data*

A graphical summary of County collected well data, some records dating back 30 years, is enclosed (**Attachment 6**). The data will be reviewed by staff during the meeting, time permitting. Well locations are generalized to protect well owner privacy. Of the ten wells summarized, two show downward trends. This data is NOT exhaustive. No information is known regarding the construction of the wells. County staff does make an effort to ensure wells are not pumping during or prior to readings.

### **RECOMMENDATION**

Staff seeks direction and input from your Honorable Board.

### **ATTACHMENTS**

1. Allocation Summary
2. Public Records Request
3. Notice of Preparation
4. Blacklake Water Softener Code
5. Notice of Violations
6. Well Data Summary



Nipomo Community Services District  
Water Allocation Accounting Summary

Water Year 2005-2006													Notes:			
Project	NUMBER OF UNITS					ACRE-FEET OF ALLOTTED WATER						Total	Tally			
	SFR > 10	SFR 4.5 - 10	SFR < 4.5/DUP	SEC	MF	Low I	SFR/DUP	SEC	MF	Low I						
							32.5	5	10.2	3.3			51		Low I (low income) pulls from SFR/DUP and MF, proportional to their allotment.	
APN 092-083-009/010 - PHASED (year 2 of 4)					11		0.0	0.0	(2.0)	0.0		(2.0)	49.0		Phased, 4- years, Board approved 5/25/05	
092-130-019, Hill Street - Phased (year 2 of 2)			21				(6.3)	0.0	0.0	0.0		(6.3)	42.7		Phased, 2- years, Board approved on 5/11/05	
APN 092-572-046, 852 PRIMROSE	3						(1.7)	0.0	0.0	0.0		(1.7)	41.1		Issued by GM on 10/24/05	
APN 091-311-010, Haanpaa	3			3			(1.7)	(0.9)	0.0	0.0		(2.6)	38.5		BOD approved 10/26/05	
APN 092-130-043, GRANDE, PEARSON, Phased					11	4	0.0	0.0	(2.0)	(0.7)		(2.7)	35.8		BOD approved 10/26/05	
APN 090-135-006, W. TEFFT, SPENSER					3		0.0	0.0	(0.5)	0.0		(0.5)	35.3		BOD approved 11/28/05	
APN 092-138-013, 759 JUNIPER	1			1			(0.6)	(0.3)	0.0	0.0		(0.9)	34.4		GM approved 2/15/06	
							0.0	0.0	0.0	0.0		0.0	34.4			
							0.0	0.0	0.0	0.0		0.0	34.4			
Totals	7	0	21	4	25	4	(10.2)	(1.2)	(4.5)	(0.7)		(16.6)				
Percent of annual allotment:							31.2%	24.0%	44.1%	21.8%		32.5%				
Phasing Limit Check (Max 50% of annual allocation or 25.5 AF)																
Phased allocation =							8.3									
Updated:							2/17/06									
Percent Water-Year over:							37.5%									
Abbreviations:																
SFR = single family residence																
SEC = secondary dwelling (a.k.a. Granny Unit)																
DUP = Duplex																
MF = multi-family development (e.g. mutiple dwelling units sharing a common roof)																

2/22/06 - F -  
ATTACHMENT 1

Harold Snyder  
P.O. Box 926  
Nipomo, CA 93444  
(805) 929-2455 H

February 10, 2006

Nipomo Community Services District  
148 Wilson Street  
P.O. Box 326  
Nipomo, CA 93444

(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear Michael LeBrun:

I am requesting an copy of NCS D's well levels from the SCADA (or what ever the current name of the data acquisition system that NCS D uses to contenusly electronicly monitor water leveles, pump runtimes etc). I request a copy in electronic/computer format.

I will pay for the cost of the "electronic media" (CD or DVD) needed to make the copies if needed.

Thank You



Harold Snyder

Hand Delivered.

RECEIVED

FEB 10 2006

NIPOMO COMMUNITY  
SERVICES DISTRICT

2122106 - F - ATTACHMENT 2



Harold Snyder  
P.O. Box 926  
Nipomo, CA 93444  
(805) 929-2455 H

February 10, 2006

Nipomo Community Services District  
148 Wilson Street  
P.O. Box 326  
Nipomo, CA 93444

(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear Michael LeBrun:

I am requesting a current copy of NCSD's Pumping amounts and well standing water levels for January 1<sup>st</sup> 2001 to February 10, 2006. (the last copies of the reports I received were titled Nipomo Community Services District Gross Well Production and Nipomo Community Services District Well Report Static Water Depth)

Thank You



Harold Snyder

Hand Delivered.

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**SERVICES DISTRICT**

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February 10, 2006

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148 Wilson Street  
P.O. Box 326  
Nipomo, CA 93444

(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear Michael LeBrun:

I am requesting a current paper copy of NCS D's UWMP described in the following email. Please let me know when it can be picked up.

Thank You



Harold Snyder

Hand Delivered.

From: "Donna Johnson" <djohnson@nipomocsd.com>  
Date: February 9, 2006 10:51:26 AM PST  
To: <glane@hatchparent.com>, <gmitchell@lawwmf.com>,  
Subject: NIPOMO CSD UWMP 2005 UPDATE  
>

The Nipomo Community Service District is pleased to announce the adoption, on January 25, 2006, of Nipomo CSD's Urban Water Management Plan 2005 Update. The Plan was adopted in compliance with the California Urban Water Management Planning Act and consistent with that Act, the adopted plan is hereby being distributed within 30-days of adoption. The District coordinated development of the Plan with local land use agencies and made an effort to get public input to the Plan. The Plan was adopted after a hearing that was advertised in local newspapers per Section 6066 of the Government Code. A specific invitation to the hearing on the Plan was extended to San Luis Obispo County and the San Luis Obispo Local Agency Formation Commission.

Copies of the final plan are now available for public review on the District's website (Nipomocsd.com) and at the District office (hardcopy) during normal business hours.

Thank you for your interest in our water planning efforts.

Michael LeBrun  
General Manager  
805-929-1133  
mlebrun@nipomocsd.com

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SERVICES DISTRICT



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February 10, 2006

Nipomo Community Services District  
148 Wilson Street  
P.O. Box 326  
Nipomo, CA 93444

(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear Michael LeBrun:

I am requesting to be placed on the request for public notice on Environmental Matters for 2006 as referenced in the attached letter. If any such matters have been noticed from 1/1/2006 to 1/10/2006 I would request notice of them.

Thank You



Harold Snyder

Hand Delivered.

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**FEB 10 2006**  
**NIPOMO COMMUNITY**  
**SERVICES DISTRICT**

Harold Snyder  
P.O. Box 926  
Nipomo, CA 93444  
(805) 929-2455 H

February 10, 2006

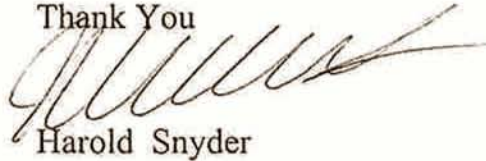
Nipomo Community Services District  
148 Wilson Street  
P.O. Box 326  
Nipomo, CA 93444

(805) 929-1133 Phone  
(805) 929-1932 Fax

Dear Michael LeBrun:

I am requesting an copy of NCSD's current board members Oath of office like attached past oath

Thank You



Harold Snyder

Hand Delivered.

**RECEIVED**  
**FEB 10 2006**  
**NIPOMO COMMUNITY**  
**SERVICES DISTRICT**





COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
DIVISION OF ENVIRONMENTAL AND RESOURCE MANAGEMENT

RECEIVED

FEB 10 2006

NIPOMO COMMUNITY  
SERVICES DISTRICT

**NOTICE OF PREPARATION**

**DATE:** February 9, 2006

**TO:**

NIPOMO CSD  
PO BOX 326  
NIPOMO CA 93444-0326

**FROM:**

Environmental Division  
Department of Planning and Building  
County Government Center, Room 310  
San Luis Obispo, CA 93408

**SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE COUNTY OF SAN LUIS OBISPO AFFORDABLE HOUSING ORDINANCES.**

San Luis Obispo County will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information that is pertinent to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period which will begin with your agency's receipt of the NOP.

1. **NAME OF CONTACT PERSON.** (Address and telephone number)
2. **PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. **ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the EIR to enable your agency to use this documentation as a basis for your permit issuance or approval?
4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there others that have a high likelihood of being applied to a permit or approval for this project? If so, please list and describe.
5. **ALTERNATIVES.** What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed below?

2122106

ITEM - F

ATTACHMENT-3

(4 PAGES)

**COUNTY OF SAN LUIS OBISPO**  
**NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT**

-----  
**COUNTY OF SAN LUIS OBISPO**  
**AFFORDABLE HOUSING ORDINANCES**

---

**1. PROJECT OBJECTIVES**

The County's Housing Element (amended July 20, 2004) describes an area-wide shortage of affordable housing and contains several programs that would encourage the development and retention of the County's affordable housing stock. Three of these programs are as follows:

- Program HE 1.4: Revise Residential Development Standards
- Program HE 1.9: Require Development of Affordable Housing
- Program HE 1.10: Establish Minimum Residential Multi-Family Densities

The County Department of Planning and Building has issued concept papers describing new ordinances that could help implement the three programs. *These proposed affordable housing ordinances are the subject of the EIR.* Please refer to the San Luis Obispo County Housing Element (amended July 20, 2004), the Concept Paper entitled "Residential Development Standards" (dated October, 2005), the Concept Paper entitled "Proposed Inclusionary Housing Program, Housing Linkage Program and Revisions to Affordable Housing Standards" (dated May 13, 2005), and the Concept Paper entitled "Establish Minimum Residential Multi-Family Densities" (dated January, 2006).

The Housing Element and the concept papers are posted on the website of the County's Department of Planning and Building, at: [www.sloplanning.org/housing](http://www.sloplanning.org/housing).

**2. PROJECT LOCATION**

The project site includes all of the unincorporated areas of San Luis Obispo County. None of the incorporated cities are participating in this environmental assessment. The County jurisdiction includes large rural areas of low intensity development and several urban communities. In 2000 the population sizes of the ten urban communities ranged from 14,154 in Los Osos to 1,497 in San Miguel. (Population information source: San Luis Obispo County Housing Element, July 20, 2004.)

**3. PROJECT COMPONENTS**

The EIR will assess the potential impact of the proposed County ordinances, in conformance with all applicable provisions of the California Environmental Quality Act (CEQA). A description of the primary components of the proposed/revised ordinances is provided below. *Please note that this section describes only the ordinance components that will be addressed in the EIR. Although the concept papers provide a full description of the three proposed/revised ordinances, not all of the ordinance components will be addressed in the EIR.*

- Residential Development Standards (revisions to existing County ordinances)

Setbacks:

Revise the Land Use Ordinance (and Coastal Zone Land Use Ordinance) to allow a 20 foot front setback on properties that are less than one acre and are designated Residential Single Family or Residential Multi-Family. This could result in additional density in the multi-family land use category.

Parking:

Revise the Land Use Ordinance (and Coastal Zone Land Use Ordinance) to reduce the number of required



subsequent development of affordable housing.

Amount of in-lieu fees (2 levels):

The intent of the fees is to enable the County to cause the affordable housing units to be built off-site through a nonprofit or for-profit group. In-lieu fees for very low-income units and lower-income units would be set at an amount equal to the current estimated financing “gap” for local affordable housing developments using state or federal financing (currently estimated at approximately \$100,000 per affordable unit). Fees for moderate -income housing units and workforce housing units would be set at an amount equal to the median sales price of condominiums minus a profit of 15% since these units would need to be built without subsidies. As a result, the in-lieu fees for moderate-income housing and workforce housing will be significantly higher than the in-lieu fees for very low-income or lower income housing (i.e., \$300,000 compared to \$100,000).

Density bonus for affordable units:

Projects subject to the 20% inclusionary requirement will be eligible for a 20% increase in density if the affordable housing units are provided on-site. (1:1 bonus of market rate units for affordable units)

Linkage program requirement for commercial/industrial development:

An affordable housing in-lieu fee equal to 5 percent of the estimated valuation of new nonresidential development is proposed. Developers could build affordable housing instead, but few are expected to choose this option. Affordable housing units could be built on-site (mixed-use project) or off-site (employee housing). The amount of the fee per square foot of new development can be adjusted through the subsequent nexus and financial feasibility study to be prepared concurrently with an environmental impact report. *(Additional Note: A “linkage program” would collect fees from new commercial and industrial development. The establishment of a linkage program must be evaluated by the environmental impact report, and also by a nexus study and a financial feasibility study. The nexus study and financial feasibility study **WILL NOT BE** included within the scope of work for the EIR, they will be prepared and evaluated separately from the environmental impact report.)*

Standards ensuring that affordable housing remains affordable:

*(Note: this component will not be included in EIR – no significant impact is anticipated.)*

Rents and initial sales prices would be adjusted to more accurately reflect what households can afford and to achieve more consistency with the standards of local cities. As an example, a moderate-income, 3-bedroom condominium could sell for about \$260,000 instead of \$300,000 as the existing ordinances allows. Rental housing units would remain affordable for at least 55 years and ownership housing units would remain affordable for at least 45 years. Rents and resale prices would be adjusted according to median income changes. If a housing unit subject to these standards is sold before 45 or 55 years, then it must be sold or rented to an income-eligible buyer and the requirement would be renewed for a second 45- or 55-year period. A “community land trust” could improve and extend this model beyond 45 or 55 years by owning the land under the affordable housing and leasing it to the home buyer.

Subsequent uses of in-lieu fees:

Affordable housing in-lieu fees would be paid into a trust fund and held for later use in subsidizing affordable housing. These fees would be used to support development of new affordable housing in the same general housing market area as the development that resulted in payment of the in-lieu fee (not yet mapped).

- **Minimum Density Requirement for Residential Multi-Family Zoned Land (revisions to existing County ordinances)**

A minimum density of 15 to 25 units per acre shall be required for new development on specific parcels



pertinent information, the consultant shall prepare an Alternative Ordinance Analysis. This analysis shall have both the “20-year program horizon” and “Build out” analyses. This would include quantitative assessments for air quality and traffic, and qualitative assessments for other planning and environmental issues (e.g. public services, water, biological, land use consistency), based on an analysis of existing documents, data and other pertinent information. Issues shall be identified and addressed.

As part of this analysis, the consultant shall suggest possible strategies for County staff to consider that might reduce or eliminate the impacts that could result from County adoption/implementation of the ordinances. These alternative ordinances shall be evaluated for their adverse and beneficial impacts. Include at least four alternatives, such as the following:

Stand-Alone Ordinances. Include an initial assessment of the impacts of each individual ordinance by itself, as if none of the other ordinances were to be adopted. This alternative would need to qualitatively consider any cumulatively significant impacts.

Combination of Any Two Ordinances. Include an initial assessment of the impacts if any combination of the two proposed/revised ordinances were to be adopted/implemented by the County. This alternative would need to qualitatively consider any cumulatively significant impacts.

Adoption/Implementation of All Proposed/Revised Ordinances. Include an initial assessment of the impacts if all three of the proposed/revised ordinances were to be adopted/implemented by the County. This alternative would need to qualitatively consider any cumulatively significant impacts.

No Project Alternative. Include an initial assessment of the impact(s) that may occur if the County did not adopt any of the proposed affordable housing ordinances. This analysis shall discuss the loss of potential benefits, as well as the potentially significant and insignificant adverse impacts that may be avoided.

Consultant Generated Alternatives. This alternative would incorporate any combination of components from the proposed/revised ordinances, plus any additional components or ordinances that the consultant and County staff agree should be considered.

### **Section 3: Background Information**

The following materials and documents contain information and standards applicable to the project (the three proposed affordable housing ordinances). All of the documents are available at the County’s Environmental Division, and should be reviewed:

- A. County of San Luis Obispo Framework for Planning (both Inland and Coastal Zone).
- B. County of San Luis Obispo General Plan (both Inland and Coastal Zone). This includes several pertinent general plan elements, such as the Agriculture & Open Space Element, Energy Element, Environmental Plan (Conservation, Historic & Esthetic Elements), Noise Element, Parks & Recreation Element and Safety Element.
- C. County of San Luis Obispo Land Use Element (both Inland and Coastal Zone).
- D. County of San Luis Obispo Housing Element (amended July 20, 2004).
- E. County of San Luis Obispo Land Use Ordinance (both Inland and Coastal Zone).
- F. Concept Paper entitled “Proposed Inclusionary Housing Program, Housing Linkage Program and Revisions to Affordable Housing Standards” (dated May 13, 2005).
- G. Concept Paper entitled “Residential Development Standards” (dated October, 2005)
- H. Concept Paper entitled “Establish Minimum Residential Multi-Family Densities” (dated January, 2006).
- I. County of San Luis Obispo Growth Management Ordinance (Title 26)



***Black Lake Village Master Association***  
*C/o Goetz Manderley*  
*2429 Professional Parkway Suite 102 Santa Maria, CA*  
*Tel: (805) 938-3131 Fax: (805) 938-1366*

**WATER SOFTENER RULE CHANGE**

For the past year, your Council and the Community, along with the Nipomo Community Service District (NCSD), have been attempting to resolve the serious issues related to the quality of our wastewater effluent. Blacklake wastewater effluent exceeds the State of California discharge standards for one or all-salt constituents as established by the Regional Water Quality Control Board (RQCB). Continuing to exceed the discharge limits at our sewer plant may subject us to the \$5000 per day fine, retroactive, as established by the RQCB. Should this fine be assessed, it is likely that all Blacklake residents will share in the cost.

In October of last year we put in place a Rule Change designed to eliminate Regenerating Water Softeners (RWS) throughout Blacklake. Some of our associations already have in place CC&R provisions that exclude RWS. This enforcement effort was based in part on NCSD Ordinances that were later found to have been vacated by the Courts. The Rule Change was therefore invalid and unenforceable.

The enclosed new Rule represents our second formal effort to eliminate or at least reduce the negative effect RWS have on our water quality. Some Associations in Blacklake already prohibit the use of RWS.

For this effort to be successful, we need the cooperation of the entire community. A positive result primarily depends on immediate voluntary compliance by those who have and operate RWS. We have therefore included a financial incentive to assist them with that decision.

NCSD has suggested that the elimination of as few as seven RWS will bring our effluent into standard. If we get compliance with the new Rule and we still exceed the related effluent standard, NCSD has assured us that our proactive approach will go a long way in our favor as NCSD argues on our behalf with RQCB for a higher standard. NCSD is also working on additional plans to provide stronger enforcement capability in the future.

This Rule Change will go into effect in 30 days and will be a subject of discussion at the Board of Directors Meeting directly following the annual meeting held on March 11, 2006 at 11:00 am.

If you have questions, please contact NCSD or members of the Council.

Sincerely,

Dave Weitzel  
Black Lake Village  
Board President

***Black Lake Village Master Association***  
*C/o Goetz Manderley*  
*2429 Professional Parkway Suite 102 Santa Maria, CA*  
*Tel: (805) 938-3131 Fax: (805) 938-1366*

Date: 12-09-05 Proposed Black Lake Master Association Rule Change:

The installation and maintenance of self-regenerating water softeners is prohibited within the boundaries of Black Lake Village.

a. Effective this date, no person shall install, repair, or replace a self-regenerating water softener (RGS) that uses sodium or potassium chloride.

b. Any fee owner of certain real property located within the Village of Black Lake, located within the unincorporated area of the County of San Luis Obispo who are members of the Black Lake Village Management Association (BLMA) are bound by the following condition:

The property owner who sells, rents and/or leases subject property with or without a formal agreement or who transfers or inherits rights thereto shall remove any self-regenerating water softeners that use sodium or potassium chloride upon the execution of said event.

c. Individuals who presently own a self-regenerating water softener that discharge into a sump on their landscaping, unless exempted by NCSD, shall also be subject to these rules.

Within the ninety (90) day period following the effective date of this Rule, any resident/owner operating a self-regenerating water softener within Black Lake Village and members of BLMA, who removes such equipment and provides appropriate evidence of such removal, shall be entitled to reimbursement of all costs associated with the removal up to a maximum of \$200.





# California Regional Water Quality Control Board Central Coast Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

Internet Address: <http://www.waterboards.ca.gov/centralcoast>  
895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-7906  
Phone (805) 549-3147 • FAX (805) 543-0397

Arnold Schwarzenegger  
Governor

February 7, 2006

Michael LeBrun, General Manager  
Nipomo Community Services District  
P. O. Box 326  
Nipomo, CA 93444-0326

RECEIVED

FEB 10 2006

NIPOMO COMMUNITY  
SERVICES DISTRICT

Dear Mr. LeBrun:

## NOTICE OF VIOLATIONS – NIPOMO COMMUNITY SERVICES DISTRICT SOUTHLAND WASTEWATER FACILITY, SAN LUIS OBISPO COUNTY

Our review of your monthly monitoring reports indicates your facility is having ongoing difficulty in complying with requirements specified in Waste Discharge/Water Reclamation Requirements Order No. 97-75. Specifically, the following violations were reported during 2005.

January - BOD maximum and monthly average violations, no corrective actions plan.

February - BOD maximum and monthly average violations, no corrective actions plan.

March - Suspended solids violation (lab error suspected)

April - no violations, significant BOD and suspended solids improvement

May, June and July - no violations

August - BOD maximum and monthly average violations, no corrective actions plan.

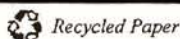
September - BOD maximum and monthly average violations, no corrective actions plan.

October - BOD maximum and monthly average violations, no corrective actions plan.

November - BOD maximum and monthly average violations, no corrective actions plan.

Your reports include brief explanation of temporary corrective actions or concerns, but do not adequately address long-term compliance, implementation schedules or success of past actions. Laboratory reports submitted with your November monitoring report indicate significant variation in sample results from the two contract laboratories, making compliance evaluation or effectiveness of process alterations extremely difficult. We recommend you investigate the dependability of analytical results in conjunction with your investigation of treatment facility improvements.

*California Environmental Protection Agency*



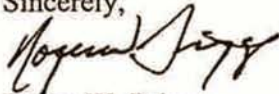
You must immediately take actions necessary to ensure compliance with Order No. 97-75. As soon as possible, but not later than March 6, 2006, submit a report of actions needed to correct wastewater treatment facility deficiencies and discharge violations. The report shall include, but not be limited to; 1) a summary of actions needed to maintain compliance; 2) design of facility improvements; and 3) schedule for completing necessary corrective actions.

The Regional Board's requirement for the compliance report described above is made pursuant to Section 13267 of the California Water Code. Pursuant to Section 13268 of the Water Code, a violation of a requirement made pursuant to Water Code Section 13267 may subject you to civil liability of up to \$1,000 per day for each day in which the violation occurs. The Regional Board needs the required information in order to ensure compliance with discharge requirements and protection of water quality. You are required to submit this information because your self-monitoring reports demonstrate ongoing violations of requirements, and based on the available data you are responsible for the discharge. The requirement that the Discharger submit a report of waste discharge is also pursuant to Section 13260 of the California Water Code. Section 13261 of the Water Code states that a violation of a request made pursuant to Water Code Section 13260 may subject the Discharger to administrative civil liability of up to \$1,000 per day. More detailed information is available in the Regional Board's public file on this matter.

Any person affected by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board, Office of Chief Counsel, P. O. Box 100 Sacramento, 95812 within 30 days of the date of this order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

If you have questions, please call **Sorrel Marks at 805/549-3695** or Harvey Packard at 805/542-4639.

Sincerely,



Roger W. Briggs  
Executive Officer

S:/wdr/wdr facilities/san luis obispo co/Nipomo/BOD NOV  
Task: 126-01  
File: Nipomo CSD Southland Plant

*California Environmental Protection Agency*

