

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BBB*
DATE: NOVEMBER 9, 2007

**AGENDA ITEM
E-3
NOV. 14, 2007**

RECORDATION OF LIEN NOTICE ON TITLES OF LOTS AT 781 W. TEFFT STREET

ITEM

Authorize recordation of Lien Notice on title of the 16 lots within Tract 2494 (Owner: DLG Development) at 781 W Tefft Street regarding obligation to pay capacity charges [ADOPT RESOLUTION].

BACKGROUND

Your Honorable Board approved an Intent-To-Serve Application from Bob Shannon for development of a 16 lot residential subdivision at Tract 2496 (781 W Tefft Street) in July 2004. Subsequent to this approval, Mr. Shannon sold the property to DLG Development. DLG Development produced plans that satisfied NCSD's Standard Specifications and installed the water and sewer works to staff's satisfaction, however, DLG Development did not pay any capacity charges and these works have never been accepted by the Board. Staff did erroneously issue a will serve letter without securing the required fees from the developer. Recently, the County finalized DLG's subdivision without NCSD Board acceptance and DLG has been actively marketing the resultant lots. On October 10, 2007 staff sent to DLG the attached letter advising DLG of the requirement to pay fees; advising DLG to secure Board acceptance of the works (DLG has resolved the problems with the As-Built plans set forth in the letter); and providing notice of this hearing. Staff has also sent Mr. Graves a copy of this staff note and further notice of this hearing.

Attached is a draft resolution that would authorize recordation of lien notice on the title of each of the lots within Tract 2494 to notify potential buyers that NCSD will not set water meters on any of the lots until all fees have been paid and the water and sewer works have been accepted by the NCSD Board of Directors.

RECOMMENDATION

Staff recommends that your Honorable Board open the public hearing, receive public input, close the hearing and then adopt the attached resolution.

ATTACHMENTS

- October 10, 2007 Notice letter to DLG Development
- Draft Resolution

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2007\DLG Hearing.DOC

NIPOMO COMMUNITY

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
CLIFFORD TROTTER, DIRECTOR
ED EBY, DIRECTOR
JAMES HARRISON, DIRECTOR



SERVICES DISTRICT

STAFF

BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL

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

October 10, 2007

CERTIFIED MAIL 7006 3450 0002 9823 3536

David Graves
DLG Development
4155 Carrizo Road
Atascadero, CA 93422

Re: Tract 2494 – Setting of Water Meters
Attachment: July 22, 2004 Plan Check & Inspection Agreement

Dear Mr. Graves:

As you are aware, the public water and sewer improvements that will provide service to the above referenced Tract have not been accepted by the District pursuant to paragraph 7 of the Plan Check and Inspection Agreement that is attached to this letter as a reference.

The purpose of this letter is to advise you that the District will not set water meters on any of the lots in the above referenced Tract until such time as:

- A. All water and sewer improvements have been accepted by the District pursuant to the attached Agreement; and
- B. All capacity charges and connection fees have been paid pursuant to the attached Agreement and District Code Section 4.16.050 that provides:
 - A. The district will only set water meters when all off-site improvements are dedicated and accepted by the district.
 - B. District water and sewer service will only be provided to the project if the applicant and/or the owner of the project has complied with the terms, conditions, rules and regulations of the district.

Prior to acceptance of the water and sewer improvements the following must be completed as referenced in the attached Plan Check & Inspection Agreement:

David Graves
October 10, 2007
Page 2

1. Record drawings and specifications must be submitted and approved by the District in compliance with paragraph 7(d).
2. Payment of District fees and charges (including water and sewer capacity charges and connection fees) in compliance with paragraph 7(e).
3. Submittal of Assessor Parcel Numbers and service addresses pursuant to Paragraph 7(g).

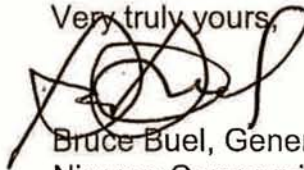
The District has conducted its review of the previously submitted record drawings referenced in subparagraph 1, above, and has forwarded comments to Terry Orton, the Project Engineer to facilitate revisions to the record drawings and specifications.

Until such time as the water and sewer improvements have been accepted by the District, the District expects that prior to the sale of any of the lots in the above referenced Tract, that either you or your real estate broker will provide the future property owner(s) with a copy of this letter so that the new owner will be aware of the District's position regarding the setting of water meters as outlined above.

The District has tentatively scheduled a hearing on November 14, 2007, to further review your project. You should reserve this date on your calendar and plan to attend the meeting. Further notice of the proposed November 14, 2007, meeting will be provided.

In the meantime, if you should have questions, please do not hesitate to contact me.

Very truly yours,



Bruce Buel, General Manager
Nipomo Community Services District

cc: San Luis Obispo County Planning & Building Department w/enclosures
San Luis Obispo County Public Works Department w/enclosures
District Legal Counsel w/enclosures
Terry Orton, Project Engineer w/enclosures

**NIPOMO COMMUNITY SERVICES DISTRICT
AGREEMENT
PLAN CHECK AND INSPECTION**

THIS AGREEMENT is made this 22 day of July, 2004, by and between the Nipomo Community Services District, hereinafter referred to as "District", and Bob Shannon, hereinafter referred to as "Applicant" in reference to the following recitals.

RECITALS:

A. Applicant is proposing to design and construct the following facilities that are referred to as the "Project" in this Agreement:

Project Description: TRACT 2494

B. The purpose of this Agreement is to state the obligations of the parties in regard to the Project and the District's acceptance of the Project.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Construction

(a) The applicant, at its sole cost and expense, shall design, prepare plans and specifications, and construct/install the Project. Applicant agrees to construct the project in accordance with District's Standard Improvement Specifications and Drawings. The Project shall be constructed by a licensed contractor. Prior to the start of construction, District shall approve the plans and specifications and Applicant shall deposit with the District:

- A. Two complete sets of the approved plans;
- B. A copy of the contractor's license; and
- C. A copy of the Applicant's contract with the contractor.
- D. Proof of insurance, as required by Paragraph 13, below.

(b) Applicant shall be responsible for determining whether the construction of the Project requires the payment of prevailing wages and if so, Applicant shall to the extent required by the California Labor Code, pay no less than the applicable prevailing wage rates to workers and professionals as determined by the Director of Industrial Relations of the State of California pursuant to California Labor Code, Part 7, Chapter 1, Article 2. Copies of the wage determination are on file at the District's office or are otherwise available on the Web at www.csib.ca.gov.

2. Payment

The Applicant agrees to pay the District a non-refundable water and sewer Plan Check and Inspection Fee in the amount of \$ 1500⁰⁰ for District activities related to the Project.

3. Permits

Applicant shall obtain all necessary local, County and State permits and approvals, including but not limited to County Encroachments Permits, and shall comply with all requirements thereof.

4. Project Completion

The Applicant agrees to complete the Project to the satisfaction of the District within two (2) years from the date of this agreement. If not completed by this time, another Plan Check and

NIPOMO COMMUNITY SERVICES DISTRICT
PLAN CHECK AND INSPECTION
AGREEMENT

Inspection Fee and Agreement shall be required

5. Right of Entry

Permission is hereby granted by the Applicant to the District, or its authorized agent, to enter upon the land which is the subject of the Project for the purpose of inspecting the improvements to be constructed under this agreement.

6. Final Inspection and Testing

Upon completion of construction of the Project and prior to District acceptance Applicant shall notify the District thereof and request a final inspection of the Project. All facilities in the Project shall be tested to meet District requirements as required by District Standards and Specifications. The Applicant shall supply and pay for the necessary equipment, services and devices to inspect and test the improvements installed. This shall include TV inspection of sewer lines, pressure testing equipment, cleaning devices, etc.

7. Notice of Acceptance

The District shall not provide service and a written notice of acceptance of the Project until all of the following have occurred:

- (a) The Project is finally inspected, tested and approved by the District as provided in Paragraph 6, above;
- (b) An engineer's certification that the Project is constructed in substantial conformance with the plans and specifications submitted to the District;
- (c) All real property, easements required to provide service through the Project, rights-of-way, permits, licenses, and other approvals to be obtained and delivered to the District have been so obtained and delivered to the District;
- (d) The record drawings (reproducible as-builts), specifications, accounting, operation manuals and instructions, CAD disk and warranties have been provided to the District;
- (e) Applicant has paid the District all applicable fees and charges of the District, all in accordance with the rules and regulations for the District;
- (f) A detailed accounting of amounts expended for improvements (water and sewer improvements accounted for separately); and
- (g) A list of assessor parcel numbers and service addresses to be served by the Project.

8. Transfer of the Project

Upon receipt of the notice of acceptance from the District, the Applicant shall deliver conveyance documents satisfactory in form and content to the District, transferring absolute and unencumbered ownership of the completed Project to the District (Offer of Dedication). The transfer shall not be completed until the conveyance documents transferring the Project have been formally accepted by the District Board of Directors.

9. Ownership

Upon transfer pursuant to Paragraph 8, above, the Project shall become the property of the District. The District shall own and be free in every respect to operate, manage, expand, and improve the Project as it deems appropriate.

NIPOMO COMMUNITY SERVICES DISTRICT
PLAN CHECK AND INSPECTION
AGREEMENT

10. District Service

The District shall not provide service through the Project until the transfer has been completed in accordance with Paragraph 8, above. All such service shall be supplied in accordance with the District's rates, ordinances, rules and regulations as the same may be amended from time-to-time. The applicant shall not allow any person to use or commence operation of any part of the Project prior to District's acceptance of the transfer without the express written consent of the District.

11. Maintenance of Facilities

The District assumes no obligation as to maintenance and operation of the Project until such time as the transfer has been completed pursuant to Paragraph 8, above.

12. Applicant's Guaranty

12.1 Maintenance Applicant warrants and guaranties all materials and workmanship furnished pursuant to this Agreement for a one (1) year period from the date of the transfer of the Project, as provided in Paragraph 8, above. This guarantee does not excuse the Applicant or Applicant's agents from breaches of contract causing defects that occur or are discovered more than one year after the transfer of the Project.

12.2 Applicant's Obligation Applicant shall repair or replace to the satisfaction of the District any or all such work that may prove defective in workmanship or materials, ordinary wear and tear excepted, together with any other work which may be damaged or displaced in so doing.

12.3 District Remedies In the event of the Applicant failing to perform the obligations referenced in Paragraphs 12.1 and 12.2 within a reasonable time, the District is authorized to have the defect repaired and made good. The Applicant shall be liable to the District for such costs of repair, including, but not limited to, management and administrative costs, engineering, legal and other costs incurred relating to the repair.

13. Insurance

The Applicant, or any contractor carrying out the construction of the Project shall carry commercial, general and automobile liability insurance. The insurance shall include but shall not be limited to protection against claims arising from death, bodily or personal injury, or damage to property resulting from operations, equipment or products of Applicant or its contractor, or by their employees, agents, consultants, or anyone directly or indirectly employed by the foregoing. The amount of the insurance shall not be less than \$500,000.00 single limit coverage applying to bodily and personal injury and property damage, or a combination of both. A certificate of insurance shall be lodged with the District and shall designate the District, its Directors, Officers and Employees as additional insureds. The Applicant or its contractor shall furnish the District with certificates of insurance prior to commencing construction.

14. Indemnification and Hold Harmless.

The Applicant recognizes and hereby agrees that the District and its directors, officers, employees and agents shall not be liable for any injury or death to any person or damage to any property arising from the performance of any work required hereunder by the Applicant, its officers, employees, independent contractors or agents. The Applicant shall protect, indemnify and hold the District harmless from any and all claims, causes of actions, demands or charges and from any loss or liability, including all costs, penalties, expenses, attorney's fees, litigation costs, and other fees arising out of or in any way

NIPOMO COMMUNITY SERVICES DISTRICT
PLAN CHECK AND INSPECTION
AGREEMENT

connected with the performance or with the failure to perform under this Agreement by Applicant, its officers, employees, independent contractors or agents, including, but not limited to, the construction of the Project. In addition, if the District, its directors, officers, employees or agents should be sued as a result of such performance, the District may notify the Applicant which then shall have the duty to defend the District, its directors, officers, employees or agents, or, at the District's option, pay for such defense including, but not limited to, payment of all reasonable attorney's fees and expenses incurred by the District, its directors, officers, employees or agents. This Indemnity and hold harmless shall survive the transfer of the Project.

15. Amendments

Any amendments to this Agreement shall be of no force and effect unless it is in writing and signed by the Applicant and the District.

16. Notices.

All notices, statements, reports, approvals, requests, bills or other communications that are required either expressly or by implication to be given by either party to the other under this Agreement shall be in writing and signed for each party by such officers as each may, from time to time, be authorized in writing to so act. All such notices shall be deemed to have been received on the date of delivery if delivered personally or three (3) days after mailing if enclosed in a properly addressed and stamped envelope and deposited in a United States Post Office for delivery. Unless and until formally notified otherwise, all notices shall be addressed to the parties at their addresses as shown below:

District

Nipomo Community Services District
P O Box 326
Nipomo, CA 93444

Applicant

ROBERT SHANNON
P.O. Box 2612
ATASCADERO, CA 93423

17. Venue

This Agreement has been executed and delivered in the State of California and the validity, enforceability and interpretation of any of the clauses of this Agreement shall be determined and governed by the laws of the State of California. The duties and obligations of the parties created hereunder are performable in San Luis Obispo County and such County shall be the venue for any action or proceeding that may be brought or arise out of, in connection with or by reason of this Agreement.

18. Agreement Binding

This Agreement shall apply to and be binding upon the successors, grantees, and assigns of the

NIPOMO COMMUNITY SERVICES DISTRICT
PLAN CHECK AND INSPECTION
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respective parties, provided, however, that Applicant may not assign any of its rights or obligations under this Agreement without the prior written consent of District.

19. Authority to Execute Agreement.

The parties hereby represent that the parties executing this agreement are expressly authorized to do so for and on behalf of the parties.

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

APPLICANT:

Robert Shannon
(Signature)

ROBERT SHANNON
(Name typed)

owner
(Title)

7/22/04
(Date)

NIPOMO COMMUNITY SERVICES DISTRICT

(Signature)

(Title)

(Date)

Attest:

Board Secretary

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-DLG LIEN HEARING**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DIRECTING STAFF TO RECORD LIEN NOTICES ON THE TITLE OF EACH OF THE 16 LOTS
IN TRACT 2494 REGARDING OBLIGATION TO PAY FEES BEFORE METERS ARE SET**

WHEREAS, NCSD issued an Intent-To-Serve Letter in July 2004 for the installation of water and sewer facilities (hereinafter called works) to the 16 residential lots in Tract 2494; and

WHEREAS, the developer signed a Plan Check and Inspection Agreement in which the developer agreed to pay all required NCSD fees and to secure Board acceptance of the works prior to setting water meters; and

WHEREAS, the developer has not paid the fees or secured Board acceptance of the works; and

WHEREAS, prospective buyers of the lots should be provided notice of the deficiency in the process and the District must be paid all fees prior to setting of meters.

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

1. Staff shall record a lien notice on the title of each of the 16 lots providing notice that NCSD will not set meters until all required fees have been paid for the subdivision and the Board has accepted the works.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 14th day of November, 2007.

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: NOVEMBER 9, 2007

AGENDA ITEM
E-4
NOV. 14, 2007

PREVIEW STRATEGIC PLAN WORKSHOP

ITEM

Preview 11/30/07 and 12/01/07 Strategic Plan Workshop [No Action Requested].

BACKGROUND

The Board has scheduled the 2007 Strategic Plan Workshop for the afternoon of Friday 11/30/07 at the NCSD Office and all day on Saturday 12/1/07 at the NCSD Office with a holiday social the evening of Friday 11/30/07 at the Edwards Barn. Attached is an agenda for the two days prepared by the facilitator Chuck Beesley. It should be noted that Paavo Ogren (Zone 1a Finances), Chuck Stevenson (Land Use Planning and Tefft Street Maintenance), Pete Jenny (Parks Funding), Mike Nunley (Salt Management) and Jon Seitz (Salt Management and Groundwater Rights) are scheduled to make presentations from 1:30pm to 4:15pm on Friday 11/30/07.

Attached for reference is a copy of the Final Report from last year's workshop.

RECOMMENDATION

Staff recommends that your Honorable Board discuss the Workshop.

ATTACHMENTS

- Agenda
- 2006 Final Report

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NIPOMO COMMUNITY SERVICES DISTRICT

PLANNING WORKSHOP

148 So. Wilson Street
Nipomo, CA 93444

November 30-December1, 2007

AGENDA

Friday November 30

<u>Time</u>	<u>Item</u>	<u>Description</u>	<u>Person</u>
1:00 PM	1	Welcome and introductions	Board President, GM
1:05	2	Workshop format and process	Facilitator
1:10	3	Board and staff expectations	“ “
1:30	4	Outside presentations	
3:00	5	BREAK	
3:15	6	Outside presentations	
4:15	7	Review 2006/07 Progress	General Manager
5:00	8	Adjourn	Board President

Saturday December 1

<u>Time</u>	<u>Item</u>	<u>Description</u>	<u>Person</u>
8:30 AM	9	Identify Planning &/or Strategic issues	Facilitator
9:00	10	Develop priorities and action plans	“ “
10:30	11	BREAK	
10:45	12	Continue developing action plans	“ “
12:00 PM	13	Lunch	
12:30	14	Continue developing action plans	“ “
3:00	15	BREAK	
3:15	16	Finalize action plans, clarify agreements	“ “
4:00	17	Review Board and staff expectations	“ “
4:15	18	Closing statements, Adjourn	Board President, General Manager
4:30	19	Post Workshop review	Board President, General Manager, Facilitator

SPECIAL DISTRICT CONSULTING

620 Timberleaf Court
Walnut Creek, CA 94598

cbeesley2001@yahoo.com

Phone/Fax 925-935-1270
Cell: 925-348-2198

February 28, 2007

Bruce Buel, General Manager
Nipomo Community Services District
148 S. Wilson Street
Nipomo
CA 93444-5320

SUBJECT: FINAL REPORT

Dear Bruce:

Enclosed please find a copy of the Final Strategic Planning Workshop Report (Final Report), minus Attachment D, the PowerPoint Handout on the Nipomo Area Update by the County Senior Planner, Chuck Stevenson. As you will recall, his handout was not readily transferable to a word processing document, thus I will rely on you to attach the Nipomo Area Update to this Final Report. I have incorporated the suggested changes submitted by Board President Vierheilig and yourself, and reformatted the Final Report to distinguish it from the Draft Report previously sent to you for comments.

In closing, I would like to express my appreciation to you and your Board for the opportunity to work with you. They were an engaged and enthusiastic group to work with; I trust the Final Report will be of value to them in the coming year. In the event I can be of further assistance, please feel free to contact me.

Sincerely,



Charles Beesley
Special District Consulting

RECEIVED
MAR 07 2007
NIPOMO COMMUNITY
SERVICES DISTRICT

NIPOMO COMMUNITY SERVICES DISTRICT

STRATEGIC PLANNING WORKSHOP

REPORT

CHARLES BEESLEY
SPECIAL DISTRICT CONSULTING

February 26, 2007

NIPOMO COMMUNITY SERVICES DISTRICT

STRATEGIC PLANNING WORKSHOP REPORT

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NIPOMO COMMUNITY SERVICES DISTRICT

STRATEGIC PLANNING WORKSHOP REPORT

INTRODUCTION

PROFESSIONAL SERVICES

The Nipomo Community Services District (District) conducted a one-day Planning Workshop with the Board of Directors (Board) and Management of the District on December 9, 2006 at Blacklake Community Center, 498 Colonial Place, Nipomo, California. The District retained an outside Facilitator who conducted Pre-Workshop telephone interviews with the Board President, Vice President and General Manager; prepared advance materials; facilitated the Workshop; and wrote this report. Participants received an Agenda and Strategic Planning Principles (Attachments A and B). The purpose of the Workshop was to develop consensus on Board and Management priorities and action plans for the current year and foreseeable future. This report summarizes the discussions and agreements reached during the Workshop.

WORKSHOP FORMAT

The Workshop was conducted in accordance with the Ralph M. Brown Act (Attachment A). A total of eight people from the District were present. Board members in attendance included President Larry Vierheilig, Vice President Mike Winn, Directors Cliff Trotter, Ed Eby and Jim Harrison; Management and staff attendance included General Manager Bruce Buel, Assistant Administrator Lisa Bognuda and Utilities Supervisor Dan Migliazzo. San Louis County was represented by Senior Planner Chuck Stevenson. Although the Workshop was posted, no members of the public attended.

President Vierheilig welcomed everyone and commented this Workshop should be a good opportunity to catch up on District issues for the coming year and beyond. His comments were supported by the General Manager who expressed his support for the Workshop and appreciation for the Board's willingness to spend the time and energy to develop District goals and priorities and perhaps a long range plan. The Facilitator then explained the Workshop format and process and described his role: to listen and guide discussions, keep the group on time as the meeting progressed through the agenda, and to challenge their assumptions, if needed. He discussed the ground rules for the Workshop: to maintain open discussions and allow disagreements.

The small number of participants allowed for continuous, open dialogue between themselves and the Facilitator. Key thoughts were recorded on a flip chart by the Facilitator and utilized to develop this report. The Workshop began with General

Manager Buel's presentation on SB135 (Attachment C), followed by an update on Nipomo Area growth by Senior Planner Chuck Stevenson.

EXPECTATIONS

Participants were asked to list their expectations for the workshop, what they would like to discuss and resolve. The following items were identified.

- Set achievable goals for the District (identify projects and improvements in 3-5-7 or more years).
- Review policies for possible revisions or additions.
- Identify problems, establish priorities and work on the most pressing issues.
- Look at what the District is doing and how well it is performing its services.
- Develop big, long term projects over a 10-20 year profile.
- Look at latent powers and discuss future incorporation regarding what the District could do, and could afford to do.
- Determine whether the Board wants to spearhead incorporation.
- Review existing resources, for instance the current water and sewer infrastructure are felt to adequate but not for the long term.
- Examine the financial impact of any decisions made.

After some discussion the above list was consolidated to seven key issues, in the following order of importance:

1. Discuss achievable goals for the next 3-5-7 years.
2. Develop the big picture for the next 10-30 years.
3. Assess current programs.
4. Review latent powers.
5. Discuss incorporation.
6. Summarize current policies.
7. Review finances.

STRATEGIC PLANNING PRINCIPLES

The Facilitator reviewed the purpose and value of Vision and Mission Statements, how they set direction and enable the District to connect with its constituents and customers (Attachment B). He explained that these identity statements can be motivational tools for existing employees, and an effective tool for recruiting and retaining prospective employees, and serve as a daily reminder of every employee's purpose while they are at work. The discussion on strategic planning principles focused on the Mission and Vision of the District, to determine if they still accurately represent the District's purpose and plans for ensuring the current and future delivery of its services. It was agreed that the first order of business was to review and modify (if appropriate) the District's current Mission Statement, and develop a Vision Statement prior to discussing the above seven issues. As a result, the above list was expanded to nine issues, beginning with the following discussions on Mission and Vision Statements.

ISSUES

1. MISSION STATEMENT

ISSUE: The District's Mission Statement has not been reviewed for several years and needs to be reassessed to ensure it is still relevant to the community served by the District.

DISCUSSION: The Facilitator emphasized that a Mission Statement should state why the District exists, what values it offers its customers and if practical it should also include an example of the District's efforts. More importantly, the Mission Statement should be short, to the point, with some "punch" to it, to ensure people remember it, and ultimately, truly believe in the Mission of the District. If employees believe in the Mission, it can have a positive effect on their enthusiasm and their work performance.

There was a brief discussion on the District's history leading up to its current programs. The District currently performs four services: (1) water treatment and delivery/distribution; (2) sewer collection/treatment; (3) solid waste management (recycling) and (4) maintains limited street lighting, street landscaping and drainage. Both water treatment and wastewater treatment operations meet industry standards and comply with regulatory requirements but are reaching their operational limits. Discussion about the Mission Statement emphasized the following service components.

- Reliability.
- Quality.
- Cost effectiveness.

AGREEMENT: After considerable discussion the following Mission Statement was agreed upon and will be submitted to the Board for approval.

THE DISTRICT'S MISSION IS TO PROVIDE THE COMMUNITY WITH RELIABLE, QUALITY AND COST EFFECTIVE SERVICES.

2. VISION STATEMENT

ISSUE: The District does not have a Vision Statement indicating what the District's plans or potential future services are.

DISCUSSION: A discussion regarding the Vision of the District was initiated with the emphasis that a Vision Statement should describe the program and its potential impact in the future. A Vision should complement the Mission Statement. Of the two statements, the Mission Statement is practical and "down to earth," with a sense of value to the community. The Vision Statement reflects on the future and should be guided by

potential or foreseeable events, not financial or logistical constraints. The Vision Statement tries to anticipate the community's future and becomes the driving force for the District's growth and development, which like the Mission Statement, can be motivational and an effective recruitment and retention tool. A Vision Statement needs to be broad in scope yet relevant to the District's Mission and its customers.

The following comments regarding the emphasis of a Vision Statement were taken into consideration.

- Preserving the rural quality of life.
- Planning for community growth.
- Managing the growth of the community.

Participants felt the community did not want to support large retail development, and that it preferred smaller, more pedestrian-oriented retail and/or business development. It was also expressed that the community has little control over the process. Planning and design is processed through the County of San Luis Obispo, which may or may not take the community's concerns into consideration. Nevertheless, local development is predicated on the District's ability to service these new developments with no oversight or role in their design or approval. Additionally, the District has no planning authority and must approve applications for sewer and/or water hookups.

AGREEMENT: After some discussion, the following Vision Statement was agreed upon and will be submitted to the Board for approval.

**THE DISTRICT'S VISION IS TO MANAGE THE RESOURCES AND
FUTURE GROWTH OF THE COMMUNITY.**

3. ACHIEVABLE GOALS

The following eight issues were identified that would need attention over the next 3-5-7 year timeframe.

A. Immediate Water Supply Problems

ISSUE: The local underground trough of depression (water table) gets deeper with time.

DISCUSSION: Pumping water from local wells continues to deplete the underground aquifer. The District has been aware of this issue for some time and is in a retooling mode to prevent further depletion of the water table. Work is in progress to resolve this issue within the next three to five years.

AGREEMENT: Participants are satisfied with work in progress; no further discussion is needed at this time.

B. Blacklake Water System Resolution

ISSUE: There is only one well drawing water from the local aquifer and it has limited gallon per minute (gpm) output. The problem is aggravated by water quality problems such as a low pH, a broken water delivery system and water storage limitations.

DISCUSSION: The proposed solution came in 40 % over budget which was not acceptable to the District. Two consultants have recently been hired to conduct a peer-review design and cost-analysis to determine whether to keep or abandon the stand alone system versus designing a new water treatment system.

AGREEMENT: Participants felt that progress was being made to address these concerns; no further discussion is warranted at the Workshop.

C. Funding for Blacklake Sewer

ISSUE: Wastewater quality is suffering due to an unacceptably high biological oxygen demand (BOD) and does not meet regulatory requirements.

DISCUSSION: The pond liner has deteriorated due to age, is considered no longer functional and needs to be replaced. The aerators have been refurbished, but are no longer operationally efficient due to normal wear and tear over the years. The District should hire a professional consultant to determine how much air to inject into the ponds. At this point the system has become a patchwork operation and needs to be redesigned and upgraded as was done at Southland. Unfortunately, there are insufficient funds in the sewer reserves to cover the costs of redesign and construction, and annual expenses exceed revenues. The District needs a new Master Plan for Blacklake Sewer, which would include a rate study in order to successfully upgrade the system.

AGREEMENT: This item will be returned to the Board for further action. The General Manager will submit a report to the Board the first meeting in February 2007.

D. Southland Waste Water Treatment Facility (WWTF)

ISSUE: The District continues to experience aeration problems at this facility.

DISCUSSION: A consultant has been hired to redesign the current plant. A Master Plan for the WWTF will be submitted to the Board in two phases: the first phase on December 13, 2006 and the second phase on January 24, 2007. The District has a reasonably healthy town sewer reserve to accommodate the new design.

AGREEMENT: Participants felt that the necessary studies were underway to resolve the WWTF problems and that no further discussion was warranted at this time.

E. Plumbing Upgrades (Water & Sewer, Town & Village)

ISSUE: The Old Master Plan identified thirty infrastructure problems that needed repairs and/or upgrades.

DISCUSSION: The problems were serious enough to warrant a second study prior to making upgrades. This New Master Plan report by Cannon and Associates (Cannon) is now in progress and will be reported to the Board in June 2007. It is anticipated that the old 8" sewer lines will have to be replaced with 12" lines which will be a major undertaking.

AGREEMENT: In recognition of the complexity and difficulty of this upgrade, the Board authorized the retention of a District Engineer to oversee the project. This position has been advertised and is in progress.

F. Potential Locations for Groundwater Percolation

ISSUE: Participants wanted to know if it is feasible to recharge the local groundwater. Although the question has been brought up in the past it has not been specifically addressed.

DISCUSSION: The Water Sewer Master Plan calls for Cannon to identify potential sites for groundwater recharge. The District wants to recharge local groundwater to bolster the underground trough. However, it is not readily apparent how the District can procure this recharged water. The District could feasibly use released (treated) water which is considered distinct from recharged water by the California Department of Health Services but it is uncertain whether this option would be available to the District.

AGREEMENT: The District will explore potential percolation sites in the Fall of 2007 if Cannon and Associates say it is feasible. In the event it is feasible, the District would expect additional work over the next three to five years.

G. Annexations

ISSUE: The Local Agency Formation Commission (LAFCO) has identified areas for District service annexation without consideration for the District's ability to adequately provide services.

DISCUSSION: The Board is concerned whether or not the District should continue to process annexations and whether they should commit additional water delivery to these annexations. Concern centers on the District's ability to balance its available resources and ability to deliver services. The Board of Supervisors indicated they will not amend the General Plan for development unless a source of water delivery is identified. If the District does not supply the water, it is likely that a local water company would be formed to do so. Participants expressed that a decision regarding water service should be

based on engineering, not local politics, but acknowledged that politics cannot be ignored. Participants acknowledged that the District needs to match service demand within the entire sphere of influence and anticipated build out of dwelling units. The District does not know what the total water demand will be from the annexations but it is committed to providing water for the existing service area.

AGREEMENT: This issue is being addressed by the Board. The District is committed to importing 2,500 acre/feet of water pursuant to settlements and will process the annexations. The District will also conduct an analysis of the total water demand. A policy determination hearing on the annexation issue is scheduled for December 13, 2006.

H. Activation of Park Authority

ISSUE: Participants discussed whether the District should activate its authority to provide parks as per the Community Services District Enabling Act.

DISCUSSION: The Board has already approved the Jim O. Miller Park and has authorized the General Manager to negotiate a Memorandum of Understanding (MOU) with the County for a transfer of land to provide the necessary park facilities and improvements. Partial funding will probably come from an assessment district which will require a special election for voter approval. At the request of County Planning, Cal Poly San Luis Obispo professor Gary Clark has a horticultural architecture class that is preparing several designs for potential park sites. The District wants the County to initially allocate funds to establish the park as well as contribute annual funds for park maintenance. The District needs LAFCO approval to activate its latent powers to provide park services.

AGREEMENT: Participants felt this issue was being addressed and no further action was necessary at this time.

4. THE BIG PICTURE

The following services and/or issues were identified for consideration in the foreseeable future.

- A. Cemetery
- B. Library and/or expansion of services.
- C. Desalination.
- D. Reclaimed wastewater.
- E. Incorporation.
- F. Expansion of sewer service area.
- G. Septic system management.
- H. Woodlands assimilation.
- I. Zone 1A.
- J. Golden State Water Company/Rural Water system consolidation.

A. Cemetery

ISSUE: Nipomo does not have a cemetery. Residents must travel elsewhere for these services.

DISCUSSION: The nearest cemetery, at Arroyo Grande, is now closed to new burials; there is a clear need for this community service. Participants felt residents would identify with a local cemetery. If the District elects to initiate this service it needs to set aside money for the purchase of adequate land as soon as possible. It was suggested there might be local donors willing to provide financial support and/or donate land for a cemetery. The question was asked about the economics of maintaining a cemetery. Other questions included whether the District could partner with Arroyo Grande to provide burial services and if the District would have to get LAFCO approval to initiate this service.

AGREEMENT: Director Mike Winn will discuss the subject with Arroyo Grande and report back to the Board.

B. Library

ISSUE: The County has a local library for residents of Nipomo but it currently has limited hours and service. Residents would like to see the District take over the library and expand the hours of operation and improve overall services.

DISCUSSION: The library does not receive all the funds that are collected in the name of the library. Funds are redirected for administrative fees or other County programs. Participants felt the County Librarian would object to the District absorbing library services. However, the general consensus is that the current library is deficient and needs improvement. The District is the only viable local entity to make improvements. The library currently has adequate land for expansion. It was suggested that the funding allocation for the library could be adjusted to facilitate this change of service. In light of the recent vote to reject a \$.0025 County-wide library tax surcharge, it was questioned whether there was sufficient community support to dedicate local property taxes for a library. Participants responded that community support might be feasible, but only if the District could demonstrate significantly better service. At present, there seems to be no desire by the County to improve community library services.

AGREEMENT: The Board will discuss this issue at a later date.

C. Desalination

ISSUE: The current supply of water is insufficient for long term community needs. Additional sources of water are needed.

DISCUSSION: Desalination is believed to be a viable long term option for water supply and the District has been considering this for some time. The District is evaluating

different concepts or options to deliver water and has scheduled a presentation on this issue for January 17, 2007. A partnership with Conoco Phillips was mentioned as a possibility. Participants felt there was much to consider before initiating such a program, including issues such as technological feasibility and cost effectiveness, property acquisition and right of way for a desalination plant. It was noted that Woodlands has a 5-acre parcel available and an 80-acre parcel immediately south of Woodland, outside the jurisdiction of the Coastal Commission, from which they could donate five acres to the District toward desalination efforts. To date, Director Mike Winn has been conducting informal discussions with Woodlands on this issue.

AGREEMENT: The District has two consultants analyzing water issues (Cannon and Boyle). The Boyle Report to be presented on January 17, 2007, will provide a comparison of all possible supplemental water supplies, including desalination. Upon receipt of the reports the Board will make a determination if one of two land sites should be pursued. If not the Board will look at other options for land purchase. In the meantime, the General Manager will monitor Cambria's efforts.

D. AB 885

ISSUE: It is anticipated that the State Board of Health will hold hearings on this important legislative bill which will impact local wastewater systems.

DISCUSSION: The bill, as currently written, will designate the District as a local Wastewater Treatment Authority and mandate that all parcel owners hook up to sewer treatment or create a mini-wastewater treatment plant on each site. The District estimates there are approximately 100 parcels that would be affected by this legislation. In essence, this bill creates a prohibition zone by the Water Resources Control Board that landowners can no longer rely on septic systems. The key issue for the District will be to install collection lines to allow parcel owners to hook up to the sewer system. At present, not all 100 parcels known as "orphan lots," have ready access to collection lines. The General Manager indicated the Sewer Capacity Fund was sufficient but felt the District may need to create an assessment district to pay for the additional lines to these orphan lots

AGREEMENT: The District needs to continue to monitor this legislative bill. The General Manager will research home septic management systems and report back to the Board.

E. Expansion of Sewer Service Area

ISSUE: The District anticipates that the sewer service area will need to increase in the near future.

DISCUSSION: The West Side of the District does not percolate well unless septic system lines are installed 10-20' deep, which property owners tend not to do. The cost to hook up to sewer collection lines is about \$200 per month which is often prohibitive for property owners. The eventual development of this low density community will require

increasing the sewer service capacity. Technical issues such as the cost to increase capacity; where to treat the wastewater; where to put the aeration ponds; and how to deal with the added flow to the existing treatment system, would have to be addressed before expanding capabilities. Resolution of these issues would require considerable effort and expense by the District. It was felt the District should not prematurely rush into expanding its services given the many unanswered questions about growth and development and their impact to the wastewater treatment system.

AGREEMENT: The General Manager recommended the District wait until the community approaches the Board before taking action. When the State Wastewater Resources Control Board adopts AB 885 with its new discharge requirements, the Board should make a determination if an expansion study is needed.

F. Zone 1A

ISSUE: The County currently funds the operation of Zone 1A and has requested the District to take over this operation.

DISCUSSION: The County would like to dissolve their wastewater treatment agency and transfer all responsibility to the District. A subdivision on the South side of town is currently failing wastewater treatment. The agency serving this community will probably attempt to have the raw waste from South side treated at the District, but there is a limit on how much wastewater can be transported (pushed) through the line because the line is already at capacity. The District has made a series of agreements with the County which includes providing sewer service to Zone 1A customers, but does not include water delivery. LAFCO has recommended resolving this issue by transferring all wastewater and water delivery services to the District.

AGREEMENT: The General Manager recommends closely monitoring the new subdivision. If the County requests changes to Zone 1A, the District should analyze both Zone 1A and the new subdivision, with the intent that either new or existing parties pay for any and all costs for new services. Participants felt there was no justifiable reason for their ratepayers to subsidize new developments or new services. Participants agreed the General Manager should continue to monitor development in both zones.

G. Incorporation

ISSUE: The District funded the original study by Mike Davis. His report indicated incorporation could not be adequately funded by known revenues at the time of the report. Participants questioned whether circumstances have changed sufficiently to warrant revisiting this issue.

DISCUSSION: The move to incorporate hinges on projected revenues exceeding projected expenses. In the long run, revenues should increase at a faster pace than expenses to allow for reserve buildup and unanticipated expenses. Some participants thought the initial study by Davis underestimated original expenses but all agreed that a

more accurate forecast of revenues versus expenses was needed before submitting the issue to voters for their approval. There was concern that unless the District began reviewing this issue it will be too late. Nevertheless, participants felt that the bulk of the work regarding incorporation should be done by those with a specific interest in this matter, the Incorporation Committee.

AGREEMENT: The Board will appoint a director to serve as a liaison to the Incorporation Committee. An informational presentation will be presented to the Board at the January Board meeting. Participants also expressed that LAFCO should participate in discussions on incorporation and should have representation at the Board's January meeting. A decision on whether to revisit incorporation will be made at a later date.

H. Water System Consolidation

1. ISSUE: The local water supply is insufficient for long term growth and development.

DISCUSSION: There are three other agencies delivering water to the local community in addition to the District, but none of them can independently provide adequate water for the long term. The other agencies are Woodland, Golden State Water Company, and Rural Water Company, the latter two which are privately owned. Consolidation of one or more agencies would seem to be warranted at some point in time to improve economies of scale and water delivery efficiencies. The issue is complicated by a recent State Public Utilities Commission ruling on Sweetwater that requires amortization of investment costs over 30 years in the event of consolidation or merger with a public agency. The amortization costs essentially undermine economic feasibility of such mergers. As a result, the General Manager recommends the District not pursue consolidation or merger with the two private companies. He feels they will eventually approach the District for help because of their failing water supply and recommends structuring an action plan for that eventuality.

AGREEMENT: The General Manager will continue to monitor this issue but will take no action at this time.

2. ISSUE: The Mutual Water Company (Mutual) has requested they be absorbed by the District.

DISCUSSION: It appears Mutual will have to abandon their well due to contamination, which would create an unnecessary liability for the District in the event Mutual was absorbed. The District has limited water supply available, but is optimistic it will procure additional water to supply the community. The issue is further complicated by the Pudwill Proposal, a related test case which could affect any District move toward absorbing Mutual.

AGREEMENT: The Board and management are monitoring this complex issue,. It was agreed there are many unknowns, thus no action will be taken at this time.

I. Assess Current Programs

ISSUE: There is no formal matrix to assess District overall service performance.

DISCUSSION: The District has an informal preventive maintenance program. For instance, water meters are replaced every 10 years and the newer water motors and pumps are much more efficient than the older ones. District vehicles are monitored for their maintenance history. However, the preventive maintenance program does not measure effectiveness of the various programs, nor compare their programs to so-called industry standards. The new Water/Sewer Master Plan by Canon is expected to include performance measurements. It was suggested that the new Mission Statement ("*reliable, quality and cost effective services*") could be utilized to develop performance criteria. The District's water quality meets State and Federal regulations, but it doesn't always meet aesthetic standards of taste and smell. This problem is associated with the Blacklake Wastewater Treatment Facility discharge and is associated with the use of self-regenerating water softeners by homeowners. The use of these water softeners is not in concert with the Blacklake CC & R's. The District previously received a notice of violation of wastewater treatment standards which resulted in increased regulatory oversight. In response, the District increased internal efforts to monitor and treat sewage.

AGREEMENT: The Water/Sewer Master Plan Report due in May or June 2007 will address these issues and will include recommendations for preventive maintenance, coupled with a staffing analysis, for District consideration.

5. FINANCES

ISSUE: The District has multiple services and functions, many of which require substantial reserves for long term maintenance and improvements. These services and estimated long term costs are itemized below.

1. Blacklake Sewer: A new liner will cost approximately \$350,000. The District has approximately \$50,000 in reserves.
2. Blacklake Water: Anticipated expenses include a new booster (\$650,000), repairs (\$160,000) and new well #3 (\$700,000). The District has about \$40,000 in reserves.
3. Supplemental Water Delivery: This will require approximately \$15-20 Million in expenditures. The District has approximately \$2M in reserves at this time.
4. Franchise Fee Uses: The District has approximately \$350,000 in reserves for this purpose.
5. Park Funds: Park maintenance expenses are unknown at this time. The District has no reserves for park maintenance, replacements or upgrades.

DISCUSSION: The District has other sources of revenue such as: property taxes for debt service, undedicated property taxes for the highest and best use, and undedicated

franchise fees. In the event the District expands any and/all services, additional revenue or reserves will still be needed. The current Blacklake Water/Sewer study will address many of these expansion funding issues. The District has also contracted out for a report on supplemental water use and projected finances. Participants recognized there will always be uncertainty about what levels of reserves are appropriate and concern regarding appropriate use of competing uses for local property taxes.

AGREEMENT: The Board will wait for the aforementioned reports before taking any further action.

6. CURRENT POLICIES

ISSUE: There are several large-scale policy issues being addressed by the Finance Committee which will require Board review and consideration in the near future.

DISCUSSION: The Board, as a committee, has been addressing four key issues: water conservation, water supply for emergencies, annexation, and allocation of supplemental water.

AGREEMENT: These policies will continue to be addressed until the Board has reached resolution.

SUMMARY

The Facilitator reviewed the initial list of expectations to ensure all topics were addressed and that there was no unfinished business. The participants indicated that the identified issues were important and warranted discussion. Board President Vierheilig and General Manager Buel expressed their appreciation for everyone's participation and input, and for the Facilitator's efforts. Although some items warranted considerably more discussion than others, the participants felt the Workshop successfully balanced the diverse range of issues and met their expectations. Participants recognized that Supplemental Water, Blacklake Sewer/Water costs, and District understaffing, were their top priorities for future Board consideration and action. Overall, the scheduled follow-through by Management and the Board should ensure that the Workshop achieved its goal of setting direction for the District in the foreseeable future.

NIPOMO COMMUNITY SERVICES DISTRICT

Saturday, December 9, 2006

8:30 A. M.

SPECIAL MEETING NOTICE

BOARD of DIRECTORS

LARRY VIERHEILIG, PRESIDENT
MICHAEL WINN, VICE PRESIDENT
CLIFFORD TROTTER, DIRECTOR
ED EBY, DIRECTOR
JAMES HARRISON, DIRECTOR

PRINCIPAL STAFF

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

MEETING LOCATION

Blacklake Community Center
498 Colonial Place
Nipomo, California

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- A. CALL TO ORDER, FLAG SALUTE, AND ROLL CALL**
- B. STRATEGIC PLAN WORKSHOP (No Final Action to Be Taken)**

<u>Time</u>	<u>Item</u>	<u>Description</u>	<u>Person</u>
8:30 AM	1	Welcome and Introductions	Board President, GM
8:35	2	Workshop Format and Process	Facilitator
8:40	3	Board and Staff Expectations	“ “
9:00	4	Public Comments on Workshop	“ “
9:20	5	South County Land Use & Development	County Planner
9:50	6	Review of SB 135	General Manager
10:05		BREAK	Facilitator
10:20	7	Review Strategic Planning Principles	
10:30	8	Identify Issues, Priorities	“ “
11:00	9	Develop Action Plan Proposals	“ “

12:00 PM		LUNCH		
12:30	10	Finalize Action Plan Proposals	“	“
3:30	11	Review any Outstanding Issues	“	“
3:45	12	Summarize Consensus Points	“	“
4:00	13	Review Board & Staff Expectations	“	“
4:15	14	Adjourn		Board President

C. ADJOURNMENT

***** End Special Meeting Notice *****

STRATEGIC PLANNING PRINCIPLES

Vision – describes the *program and its potential impact in the future*. A vision should be guided by dreams, not constraints. Is there a big hairy aggressive goal out there for you (BHAG)? It is what an organization hopes will happen if its dreams are realized. A vision is in a sense a philosophical view or statement that becomes the driving force to motivate an organization and its component programs into the future, through its strategic action plan(s).

Mission – a mission has two elements: *the philosophical expression of why the organization exists, what values it meets for the community, and a brief summary of what the organization does to meet that need*. For instance, Vector Health Programs of Eureka, California, a medical services organization that works only with hands, developed this mission statement: “Next to the human face, hands are our most expressive feature. We talk with them. An injury to the hand affects a person professionally and personally. At Vector Health Programs, *we give people back the use of their hands.*”

Goals – goals summarize the *principal program, development, administrative, or other major accomplishments* the organization hopes to *achieve* in order to realize its vision and fulfill its mission. They are general and not quantifiable, can be short or long term, and evaluated annually.

Objectives – *support the goals and provide more details – they answer the question: who will do what by when? A good rule of thumb when developing objectives is to apply the acronym “SMART.”*

Specific – to a certain task or program

Measurable – quantifiable by date, outcomes, responsibility

Attainable – doable within the time prescribed and with existing conditions

Results-oriented – focused on short-term activities to gain longer term goals; and

Time-determined – a time frame for completion is established

Action Steps – outline the *exact activities necessary to develop and/or complete the objectives*. They can be set up as a spreadsheet time line (like a construction project) or by using other appropriate methods. These action plans should be distributed to all those who are responsible for the successful completion of that particular task. *A basic action plan must list the task, the responsibility of the person(s), and the date the task will be completed.*

Summary – In general, for volunteer organizations such as boards of directors, the board develops the vision and mission and perhaps the qualitative goals. Specific objectives

and action plans are then developed by staff (or committees when there is limited staff) for follow up, completion and subsequent reports to the board, for board approval.

SB 135

PART 3. PURPOSES, SERVICES, AND FACILITIES

CHAPTER 1. AUTHORIZED SERVICES AND FACILITIES

61100. Within its boundaries, a district may do any of the following:

(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) Provide transportation services.

(q) Abate graffiti.

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

gives its written consent.

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

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

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

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

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

(x) Provide animal control services pursuant to Section 30501 of the Food and Agricultural Code. Whenever the term "board of supervisors," "county," "county clerk," or "animal control officer" is used in Division 14 (commencing with Section 30501) of the Food and Agricultural Code, those terms shall also be deemed to include the board of directors of a district, a district, the general manager of the district, or the animal control officer of a district, respectively. A district shall not provide animal control services in unincorporated territory unless the county board of supervisors gives its written consent. A district shall not provide animal control services within a city unless the city council gives its written consent.

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

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

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

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

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

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

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

61101. A district may provide the facilities and services authorized by Section 61100 outside its boundaries, subject to Section 56133.

61102. A district may provide electricity within its boundaries if the local agency formation commission designated the district as the successor to another special district that was extinguished as the result of any change of organization or reorganization, and that other special district had provided electricity pursuant to the principal act under which that other special district had operated.

61103. (a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental works pursuant to subdivision (l) of Section 61100 shall have the powers, duties, and authority of a county for those works, including, but not limited to, the following:

(1) Chapter 2 (commencing with Section 940), Chapter 5.5 (commencing with Section 1450), and Chapter 6 (commencing with Section 1480) of Division 2 of the Streets and Highways Code.

(2) Part 3 (commencing with Section 8300) of the Streets and Highways Code.

(3) Division 11 (commencing with Section 21000) of the Vehicle Code.

(4) Article 4 (commencing with Section 35700) of Chapter 5 of Division 15 of the Vehicle Code.

(b) A district shall not exercise those powers, duties, and authority for any of those works if it is owned by another public agency unless that other public agency gives its written consent.

61104. (a) A district that acquires, constructs, improves, and maintains streets, roads, rights-of-way, bridges, culverts, drains, curbs, gutters, sidewalks, and any incidental work pursuant to subdivision (l) of Section 61100 may grant franchises pursuant to any of the following:

(1) Section 53066.

(2) Chapter 6 (commencing with Section 49500) of Part 8 of Division 30 of the Public Resources Code.

(3) Division 3 (commencing with Section 6001) of the Public Utilities Code.

(b) A district shall not grant a franchise over any work owned by another public agency unless that other public agency gives its consent.

61105. (a) The Legislature finds and declares that the unique circumstances that exist in certain communities justify the enactment of special statutes for specific districts. In enacting this section, the Legislature intends to provide specific districts with special statutory powers to provide special services and facilities that are not available to other districts.

(b) The Los Osos Community Services District may borrow money from public or private lenders and loan those funds to property owners within the district to pay for the costs of decommissioning septic systems and constructing lateral connections on private property to facilitate the connection of those properties to the district's wastewater treatment system. The district shall lend money for this purpose at rates not to exceed its cost of borrowing and the district's cost of making the loans. The district may require that the borrower pay the district's reasonable attorney's fees and administrative costs in the event that the district is required to take legal action to enforce the provisions of the contract or note securing the loan. The district may elect to have the debt payments or any delinquency collected on the tax roll pursuant to Section 61116. To secure the loan as a lien on real property, the district shall follow the procedures for the creation of special tax liens in Section 53328.3 of this code and Section 3114.5 of the Streets and Highways Code.

(c) The Heritage Ranch Community Services District may acquire, construct, improve, maintain, and operate petroleum storage tanks and related facilities for its own use, and sell those petroleum products to the district's property owners, residents, and visitors. The authority granted by this subdivision shall expire when a private person or entity is ready, willing, and able to acquire, construct, improve, maintain, and operate petroleum storage tanks and related facilities, and sell those petroleum products to the district and its property owners, residents, and visitors. At that time, the district shall either (1) diligently transfer its title, ownership, maintenance, control, and operation of those petroleum tanks and related facilities at a fair market value to that private person or entity, or (2) lease the operation of those petroleum tanks and related facilities at a fair market value to that private person or entity.

(d) The Wallace Community Services District may acquire, own, maintain, control, or operate the underground gas distribution pipeline system located and to be located within Wallace Lake Estates for the purpose of allowing a privately owned provider of liquefied petroleum gas to use the underground gas distribution system pursuant to a mutual agreement between the private provider and the district or the district's predecessor in interest. The district shall require and receive payment from the private provider for the use of that system. The authority granted by this subdivision shall expire when the Pacific Gas and Electric Company is ready, willing, and able to provide natural gas service to the residents of Wallace Lake Estates. At that time, the district shall diligently transfer its title, ownership, maintenance, control, and operation of the system to the Pacific Gas and Electric Company.

(e) The Cameron Park Community Services District, the El Dorado Hills Community Services District, the Golden Hills Community Services District, the Mountain House Community Services District, the Rancho Murieta Community Services District, the Salton Community Services District, the Stallion Springs Community Services District, and the Tenaja Meadows Community Services District, which enforced covenants, conditions, and restrictions prior to January 1, 2006, pursuant to the former Section 61601.7 and former Section 61601.10, may continue to exercise the powers set forth in the former Section 61601.7 and the former Section 61601.10.

(f) The Bear Valley Community Services District, the Bell Canyon Community Services District, the Cameron Estates Community Services District, the Lake Sherwood Community Services District, the Saddle Creek Community Services District, and the Wallace Community Services District may, for roads owned by the district and that are not formally dedicated to or kept open for use by the public for the purpose of vehicular travel, by ordinance, limit access to and the use of those roads to the landowners and residents of that district.

(g) Notwithstanding any other provision of law, the transfer of the assets of the Stonehouse Mutual Water Company, including its lands, easements, rights, and obligations to act as sole agent of the stockholders in exercising the riparian rights of the stockholders, and rights relating to the ownership, operation, and maintenance of those facilities serving the customers of the company, to the Hidden Valley Community Services District is not a transfer subject to taxes imposed by Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

(h) The El Dorado Hills Community Services District and the Rancho Murieta Community Services District may each acquire, construct, improve, maintain, and operate television receiving, translating, or distribution facilities, provide television and television-related

services to the district and its residents, or authorize the construction and operation of a cable television system to serve the district and its residents by franchise or license. In authorizing the construction and operation of a cable television system by franchise or license, the district shall have the same powers as a city or a county under Section 53066.

(i) The Mountain House Community Services District may provide facilities for television and telecommunications systems, including the installation of wires, cables, conduits, fiber optic lines, terminal panels, service space, and appurtenances required to provide television, telecommunication, and data transfer services to the district and its residents, and provide facilities for a cable television system, including the installation of wires, cables, conduits, and appurtenances to service the district and its residents by franchise or license, except that the district may not provide or install any facilities pursuant to this subdivision unless one or more cable franchises or licenses have been awarded under Section 53066 and the franchised or licensed cable television and telecommunications services providers are permitted equal access to the utility trenches, conduits, service spaces, easements, utility poles, and rights-of-way in the district necessary to construct their facilities concurrently with the construction of the district's facilities. The district shall not have the authority to operate television, cable, or telecommunications systems. The district shall have the same powers as a city or county under Section 53066 in granting a franchise or license for the operation of a cable television system.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: NOVEMBER 9, 2007



PCAS APPOINTMENT

ITEM

Accept replacement member to the Parks Citizen's Advisory Sub-Committee (PCAS) [Appoint Nominee].

BACKGROUND

Your Honorable Board previously accepted Peg Miller's letter of resignation from the PCAS. As set forth in the attached nomination, Director Vierheilig has nominated Clyde Cruise as the replacement member for Board ratification.

RECOMMENDATION

Staff recommends that your Honorable Board ratify Director Vierheilig's nominee.

ATTACHMENTS

- Larry Vierheilig's nomination of Clyde Cruise to serve on PCAS

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Larry's Nominee to PCAS:

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