

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 5, 2008

**AGENDA ITEM
D-3
DECEMBER 10, 2008**

CONFIRM CANCELLATION OF 12/24/08 REGULAR BOARD MEETING

ITEM

Confirm cancellation of 12/24/08 regular Board Meeting

BACKGROUND

The next regular Board Meeting is scheduled to be on Wednesday, December 24, 2008 which is Christmas Eve Day. The Office will be closed December 24, 25 and 26, 2008 and will re-open on Monday, December 29, 2008.

The next regular Board Meeting will be held on Wednesday, January 14, 2009.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the Board confirm the cancellation of the 12/24/08 regular Board Meeting and direct Staff to properly notice the cancellation.

ATTACHMENTS

- None

t:\board matters\board meetings\board letter\2008\cancel 12-24-08 meeting.doc

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 5, 2008

AGENDA ITEM
D-4
DECEMBER 10, 2008

RESPONSE TO LAFCO SPHERE OF INFLUENCE QUESTIONNAIRE

ITEM

Ratify staff's response to LAFCO Sphere of Influence Questionnaire [AUTHORIZE SUBMITTAL].

BACKGROUND

SLO County LAFCO has submitted the attached questionnaire and requested a response from NCSO by January 9, 2009. Also attached is staff's draft response.

FISCAL IMPACT

Response to the questionnaire involves the expenditure of previously budgeted staff time.

RECOMMENDATION

Staff recommends that the Board ratify staff's draft responses and authorize submittal to LAFCO. Should the Board wish to edit the responses, this item should be pulled from the Consent Agenda for separate consideration.

ATTACHMENTS

- LAFCO Questionnaire
- Draft Staff Response

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2008\LAFCO Survey.DOC

LAFCO • The Local Agency Formation Commission
Serving the Area of San Luis Obispo County



COMMISSIONERS

RICHARD ROBERTS
CHAIR, Public Member

DAVID BROOKS
Vice-Chair,
Special District Member

K.H. ACHADJIAN
County Member

BRUCE GIBSON
County Member

BARBARA MANN
Special District Member

Duane Picanco
City Member

ALLEN SETTLE
City Member

ALTERNATES

ED EBY
Special District Member

TOM MURRAY
Public Member

GARY NEMETH
City Member

JAMES R. PATTERSON
County Member

STAFF

PAUL L. HOOD
Executive Officer

RAYMOND A. BIERING
Legal Counsel

DAVID CHURCH
Deputy Executive Officer

DONNA J. BLOYD
Commission Clerk

To: District Manager
From: Paul Hood, LAFCO Executive Officer *PH*
Date: November 25, 2008
Re: Sphere of Influence Update Questionnaire

Enclosed is a questionnaire regarding the possible update of the Sphere of Influence for your jurisdiction. The Cortese/Knox/Hertzberg Act requires LAFCO to update the Sphere of Influence for each jurisdiction every five years, if necessary. The Commission directed LAFCO staff to send out this questionnaire that will help determine if an update of the Sphere of Influence is needed for your jurisdiction.

Also, LAFCO would like to take this opportunity to update key parts of the Municipal Service Review that was previously completed for the jurisdiction. This information base helps LAFCO in making decisions regarding services and boundary changes. In particular, information about the key services provided by the District are important to this process.

Please return the questionnaire, with any documentation to support the responses by January 9, 2009.

Thank you for your help and if you have any questions please contact David Church at (805) 781-5795.

cc. Members, Formation Commission

RECEIVED

NOV 26 2008

NIPOMO COMMUNITY
SERVICES DISTRICT

1042 Pacific Street, Suite A • San Luis Obispo, California 93401
Tel: 805.781.5795 Fax: 805.788.2072
www.slolafco.com



SPHERE OF INFLUENCE UPDATE QUESTIONNAIRE

LAFCO is required by the Cortese-Knox-Hertzberg act of 2000 to update the Spheres of Influence for local agencies every five years, if necessary. This questionnaire will be used by LAFCO to help determine if an update of Sphere of Influence is necessary for a jurisdiction. The Sphere of Influence is a plan for the probable service area of a jurisdiction over a 20-year planning horizon. Please provide any documentation to support responses to the questions below.

JURISDICTION: _____		DATE: _____	
QUESTION	YES	NO	DISCUSSION/EXPLANATION
1. Should certain areas be studied for inclusion into the Sphere of Influence?			
2. Has the General Plan been recently updated or will it be in the near future?			
3. Are there future development projects being considered for annexation?			
4. Is the water supply adequate to serve existing residents and future annexations?			
5. Has the Urban Water Management Plan been recently updated?			
6. Is the infrastructure for providing water service in good condition? Please document			
7. Is the sewer capacity adequate to serve existing residents and future annexations?			
8. Is the infrastructure for providing sewer service in good condition?			
9. Are there plans to expand water and sewer services to areas outside the service boundary?			
10. Are police and fire services adequate to serve existing and future residents?			
11. Does the financial condition of the jurisdiction support an expansion of the SOI? Please explain			
12. Should the Sphere of Influence be studied for a reduction in certain areas?			
13. Other considerations/requests-Please provide			

SPHERE OF INFLUENCE UPDATE QUESTIONNAIRE

Nipomo CSD – 1/9/09

DISCUSSION/EXPLANATION

1. Should certain areas be studied for inclusion in the Sphere of Influence?
No. NCSD is not seeking to add additional SOI areas.
2. Has the General Plan been recently updated or will it be in the near future?
No, SLO County has not made any major changes to the South County Area Plan in our existing service area or our Sphere of Influence.
3. Are there future development projects being considered for annexation?
No, the only pending annexations (Holloway and Craig) have previously been reviewed by LAFCO.
4. Is the water supply adequate to serve existing residents and future annexations?
TBD. Current NMMA production exceeds average recharge and NCSD has proposed to import supplemental water from the City of Santa Maria via the Waterline Intertie Project (See DEIR previously forwarded). However, the initial phase of the Waterline Intertie Project will provide up to 3,000 acre feet per year and the NCSD Board has determined that none of this yield will be available to lands in NCSD's Sphere of Influence.
5. Has the Urban Water Management Plan been recently updated?
No. The last update was the 2005 Update adopted in January 2006.
6. Is the infrastructure for providing water service in good condition?
TBD. NCSD adopted its Water and Sewer Master Plan in January 2008 that documents the status of our water systems. Although, this Master Plan confirms that the existing Town distribution system satisfies State requirements, it proposes numerous upgrades and acknowledges the need for supplemental supply. The Master Plan further documents that the Blacklake Water System does not satisfy State standards. NCSD has proposed to merge the two systems to resolve these deficiencies.

7. Is the sewer capacity adequate to serve existing residents and future annexations?

In regards to the Blacklake sewer system, Yes. According to the Water and Sewer Master Plan, the existing system is adequate to serve the existing customers and NCSD is not aware of any proposed annexations.

In regards to the Southland sewer system (serving the Town Area), No. According to the Water and Sewer Master Plan, the existing system has collection system deficiencies, treatment system deficiencies and disposal deficiencies. NCSD has just published the Southland WWTF Master Plan Update and has initiated the process to plan, design and construct works to remedy these problems. The existing system has limited additional capacity to serve future annexations.

8. Is the infrastructure for providing sewer service in good condition?

See above.

9. Are there plans to expand water and sewer services to areas outside the service boundary?

Yes. The upgrades described above would provide capacity for development in the adopted Sphere of Influence area.

10. Are police and fire services adequate to serve existing and future residents?

TBD. NCSD respectfully requests that LAFCO consult with the SLO County Sheriff's Office and CALFIRE to answer this question.

11. Does the financial condition of the jurisdiction support the expansion of the SOI?

TBD. NCSD is in excellent fiscal health as set forth in the latest (FY07-08) NCSD Audit, and sewer rates have been adopted to fund the expansion of the Southland WWTF. However, property owner approval is required before NCSD can construct the Waterline Intertie Project and to provide the minimum required level of service for the Blacklake Sewer System.

12. Should the Sphere of Influence be studied for a reduction in certain areas?

NCSO would prefer to retain its existing Sphere. The Board has agreed to develop water supplies beyond the 3,000 acre feet projected for the Waterline Intertie Project; we believe that we are the logical entity to provide future services to the current sphere area; and we want to avoid a proliferation of smaller purveyors that increase the difficulty of managing the basin.

13. Other considerations/requests –

NCSO is concerned regarding the expansion of Mutual Water Companies on the Nipomo Mesa and would like LAFCO assistance in securing review of such proposals and/or requiring that growth supported by Mutual Water Companies be subject to Groundwater Management restrictions and monitoring.

T:\STAFF FOLDERS-OFFICE\BRUCE\LAFCO\SOI QUESTIONNAIRE 2008.DOC

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 5, 2008

**AGENDA ITEM
D-5
DECEMBER 10 2008**

**AMEND PERSONNEL POLICY DESIGNATING CERTAIN POSITIONS
WITH SENSITIVE POSITION DESIGNATION**

ITEM

Amend Personnel Policy designating certain positions with Sensitive Position designation

BACKGROUND

NCSD Personnel Policy currently requires a pre-employment drug screening for all positions.

A recent court decision *Lanier v City of Woodburn* case by the Federal Ninth Circuit Court of Appeal found that mandatory pre-employment drug testing may be unconstitutional for many positions (See attached article for complete details). A pre-employment drug test can be given if a public employer can demonstrate that the position involves public safety or poses a significant danger to public safety. All other positions are exempt from pre-employment drug testing.

District Legal Counsel, Jon Seitz, has reviewed this information and has recommended NCSD edit the Personnel Policy to designate certain positions with the sensitive position designation and require pre-employment drug testing for those positions.

At the November 12, 2008, Board Meeting, the Board of Directors reviewed the proposed amendments and directed Staff to circulate the amendments to the District employees for comment. Staff did not receive any comments back from the District Employees.

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends that the Board adopt the attached Resolution.

ATTACHMENTS

- Resolution 2008-Sensitive

t:\board matters\board meetings\board letter\2008\sensitive position definition adoption.doc

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-xxx sensitive position**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY
FOR SENSITIVE POSITIONS**

WHEREAS, pursuant to the Nipomo Community Services District (District) Resolution 2007-1018, the District Board of Directors adopted amended and restated District Personnel Policies and Procedures (District Personnel Policies); and

WHEREAS, on Wednesday November 12, 2008, as part of its regular Agenda, the District Board of Directors considered the Staff Report and reviewed recommended changes to the District's Personnel Policies related to pre-employment drug screening for positions designated as "sensitive positions"; and thereon:

- a) Ordered the proposed Amendments to be circulated to District employees and District Directors for further comment; and
- b) Set December 10, 2008 for further consideration and adoption of the proposed revisions to the District's Personnel Policies; and

WHEREAS, the proposed Amendments to the District's Personnel Policies have been circulated to District employees and Directors for comment; and

WHEREAS, on December 10, 2008, the District Board of Directors conducted a Public Hearing to further consider the adoption of the proposed Amendments to the District Personnel Policies; and

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

- 1) The amendments to the District's Personnel Policies and Procedures related to pre-employment drug screening for "sensitive positions" attached hereto as Exhibit "A" are hereby approved and adopted;
- 2) The District's Personnel Policies and Procedures, as amended, are hereby restated and adopted as the District's Personnel Policies and Procedures. The General Manager is hereby authorized to collate the District Personnel Policies and Procedures and this amendment into a single document to be published as the District's Personnel Policies and Procedures;
- 3) Severability. If any section, subsection, clause, or phrase of the District 's Personnel Policies and Procedures, as adopted by this Resolution is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of the Personnel Policies and Procedures.
- 4) Effective Date. This Resolution and the Amended and Restated District Personnel Policies and Procedures shall take effect immediately.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-xxx sensitive position**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING THE DISTRICT PERSONNEL POLICY
FOR SENSITIVE POSITIONS**

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

AYES:

NOES:

ABSENT:

CONFLICTS:

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 10th day of December, 2008.

Michael Winn, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

1010 - DEFINITIONS

1. Anniversary Date: The annual date established as the month and day an employee successfully completes the introductory period of one year. Employee's anniversary date is not affected by authorized leave of absence.
2. Confidential Position: A position so designated by the Board of Directors that has access to privileged and confidential information relating to District Administration, employer-employee relations and other personnel matters. The employee's access to such confidential matters shall be strictly limited to the areas of work in which each individual position is normally engaged.
3. Sensitive Position: Sensitive Positions are employment positions in which drug or alcohol affected performance could clearly endanger the health and safety of the individual employee, the community and/or others. These positions have the following general characteristics:
 - A. Their duties involve a greater-than-normal level of trust, responsibility for impact on the health and safety of the community and other employees; and
 - B. Errors in judgment in a tentative or diminished coordination, dexterity or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of the individual, the community and/or other employees; and
 - C. Employees in these positions work with such independence, or perform such tasks that it cannot be safely assumed that mistakes such as those described in (B) could be prevented by a supervisor or another employee.

Due to the type of responsibilities, such as supervision of (1) utility maintenance programs and projects, (2) District maintenance employees, (3) the development of maintenance programs and (4) enforcement of District disciplinary procedures including substance abuse, Sensitive Positions include District Management and Supervisor Positions.

Sensitive Positions include (but are not limited to) the District Manager, the District Finance Director/Assistant District Manager, the District Engineer, the District Utility Superintendent, the District Utilities Supervisor, District Inspectors, District Utility Operators, District Utility Workers and District Maintenance Workers.

- 3-4. Contract Employee: Employee hired as specified in an employment contract. Any persons employed on a substitute or temporary basis shall be employed by contract.
- 4-5. Corrective Counseling Plan: Plan approved by the General Manager to rectify or improve substandard performance as indicated by evaluation.
- 5-6. Elected Positions: Those positions filled by popular vote or by appointment pending the next scheduled election.
- 6-7. Employee: Any person legally occupying a position in the District service.

7.8. Exempt Employee: Employee designated as Executive, Administrative or Professional are exempt employees, as defined by the Fair Labor Standards Act. An exempt employee is expected to complete his/her assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime or compensatory time will be provided for working beyond a forty-hour work-week.

8.9. Immediate Family: Is defined as being spouse and the following, if living in the employee's household: parents, grandparents, child, step child, brother or sister, grandchild or corresponding relatives by marriage or any other person who is a legal dependent of employee.

9.10. Introductory Employees: An introductory period regarded as part of the examination process which provides the General Manager the opportunity to observe and evaluate an employee's competence and ability to perform assigned duties. A new and/or returning employee shall be regarded as an introductory employee for the first 365 calendar days of employment. Introductory employees serve entirely at the will and pleasure of the General Manager and may be terminated by the General Manager without cause and without right of appeal or hearing at any time.

10.11. Leave of Absence: Permission to be absent from duty without pay for a specified period and purpose.

11.12. Step-Merit Increase: That periodic increase in salary that is based on performance and duration of employment in any given position.

12.13. Part-Time Position: A position, approved by the District Board, in which an employee works a continuing, year-round shift averaging 20 hours or more per week. All such employees are entitled to vacation and sick leave according to a formula adopted by the Board of Directors.

13.14. Reclassification: As approved by the Board, a significant change in the duties and responsibilities of a position. A reclassification downward does not affect an employee's anniversary date. In a reclassification upward, the anniversary date is changed to the date the Board approves the reclassification.

14.15. Regular Employees: A regular employee is one who has been hired to fill a regular position in any job classification and has completed his/her introductory period and works 30 or more hours per week on a regular and continuous basis.

15.16. Regular Pay Rate: The hourly rate actually paid an employee for the normal work time performing the duties for which that employee has been employed by the District.

16.17. Transfer: At the General Manager's discretion, a change of an employee from one position to another with the same or comparable duties.

CHAPTER TWO - EMPLOYMENT

2000 - RECRUITMENT

1. Employment – Hiring

An applicant for employment shall be evaluated on the basis of his/her submitted material(s), personal interview(s), and demonstrated ability. This District may retain all employment applications for a period of one year, where upon they shall be discarded. The District will only solicit applications when position openings exist, when employees have tendered letters of resignation or retirement, or when vacancies or new position openings are anticipated. Upon completion of such evaluation, the Board needs to be notified of final applicants, and the General Manager, or designee, shall select the applicant to be employed to fill the position opening, and shall promptly notify the Board of Directors of the name of the person selected. The Board of Directors may, but need not, review and approve such selection. If two people are hired on the same day for jobs that have the same rate of pay, it must be determined who was hired first. If two people are hired on the same day for different rates of pay, the employee with the higher pay rate will be deemed the employee hired first.

2. Employment - Philosophy

It is the philosophy of the District to promote from within the District, unless it would be in the District's best interest to hire from the outside. For this reason, most employment openings as they occur will be announced to all departments. There may be however, instances where the General Manager will fill a position without announcing it. All interested employees will be considered for the announced employment opening.

3. Employment of Relatives

The District may disqualify from competition any applicant for employment or transfer request where the result of a positive hiring or transfer decision would put an employee in direct supervision of (or under the direct supervision of) a close family relative or otherwise create a security, safety, or morale problem for the District. For purposes of this section only, excluded relations would include parent, child, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, sibling, spouse, cohabitants, or in-law relations.

4. Pre-Employment Physical Examination

All offers of employment for regular, part-time and contract positions shall be made contingent upon the respective applicant's successfully passing a physician's examination and drug test, to be provided at District expense.

An applicant shall not be employed until a ~~negative drug screen result is obtained and a~~ qualified physician has certified the applicant is qualified to do the type of work required by the position being applied for.

Prior to conducting the exam, the physician will be supplied with a specification/description of the position for which the applicant is applying, which shall include the description of the physical requirements and working environment of the position.

Applicants who refuse to cooperate in the examination and testing shall not be considered for employment. ~~Applicants who have a positive drug test shall be denied employment.~~

Re-testing of an individual who was previously employed by the District will be required if more than three (3) months have elapsed since said individual's last day of work for the District.

Appointments with the medical facility providing the examination and drug testing shall be made at least one day prior to ~~testing the examination~~, if possible, with the applicant provided minimal advance notice (no more than one day, if practical).

When the applicant reports to the medical facility for the scheduled examination and drug testing, identification shall be provided to said facility in the form of a photograph and verifiable signature (e.g. vehicle operator's license).

All ~~test examination~~ results shall be kept confidential. ~~The applicant may be told he/she failed to pass the test, but only the General Manager and Assistant Administrator shall have access to the actual test results.~~

District employment application forms shall contain a notice to applicants as follows:

~~A. Nipomo Community Services District has a policy that any offer of employment shall be contingent upon the applicant successfully passing a physician's exam examination and a urine and blood test for illicit drugs pursuant to Section 5070. Persons who do not receive refuse to cooperate in the examination or do not receive a physician's certification of said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in his/her body will not be considered further. for employment. If an applicant has reason to believe that he/she will not pass a physician's examination or will register positive on a drug test, or if an applicant is unwilling to consent to such a test or examination, it is recommended that he/she not submit an application.~~

~~B. Immediately prior to reporting for drug testing, all applicants shall complete a Consent and Release Form to be kept on file in the District office which shall conform to the format in Appendix B.~~

5. Pre-Employment Drug Testing for Positions Designated as Sensitive Postions

In addition to the physical examination referenced in paragraph 4, above, all offers of employment for Sensitive Designated positions (Sensitive Positions) shall be made contingent upon the respective applicant's successfully passing a drug test, to be provided at District's expense.

Applicants who refuse to cooperate in the testing shall not be considered for employment. Applicants whose final test results are positive for substance abuse shall be denied employment.

Appointments with the medical facility providing the drug testing shall be made at least one day prior to testing, if possible, with the applicant provided minimal advance notice (no more than one day, if practical).

When the applicant reports to the medical facility for the scheduled drug testing, identification shall be provided to said facility in the form of a photograph and verifiable signature (e.g. vehicle operator's license).

All test results shall be kept confidential.

District employment application forms shall contain a notice to applicants as follows:

A. Nipomo Community Services District has a policy that any offer of employment in a Sensitive Position designation shall be contingent upon the applicant successfully passing a urine and blood test for illicit drugs pursuant to Section 5070. Persons who are unwilling to cooperate in the testing or test positive for the presence of illicit drugs in his/her body will not be considered for employment.

B. Immediately prior to reporting for drug testing, all applicants for Sensitive Positions shall complete a Consent and Release Form to be kept on file in the District office which shall conform to the format in Appendix B.

5.6. DMV Record

All applicants shall submit a current Department of Motor Vehicle record and may be required to provide proof of insurance to the District. The insurance carrier of the District will be requested to verify eligibility of insurability based upon the applicant's previous driving history. Applicants who are denied insurability by the District's insurance carrier will be disqualified.

6.7. Immigration

The District requires satisfactory evidence prior to the commencement of introductory employment of legal authority to work in the United States.

7.8. Written/Oral Examination

The District may conduct employment testing and interviews of job applicants.

Individuals who will require reasonable accommodation to take a test as part of the selection process must make such request when submitting the application.

8. Verification

The successful job applicant may be fingerprinted before employment and all statements submitted on the employment application or attached resume shall be subject to verification.

9. Personnel Action Form

Every appointment, transfer, demotion, step increase, suspension without pay, separation from service, or any information or action which affects the salaried status of an employee shall be initiated by the General Manager on a Personnel Action Form. Personnel Action Form is located at Appendix "F".

EQUAL OPPORTUNITY EMPLOYMENT

It is the policy of the Nipomo Community Services District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, sexual orientation, veteran status or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

5070 - SUBSTANCE ABUSE

The Board of Directors for the District is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances. The District is equally committed to protecting the health and safety of customers and the public from hazards relating to substance abuse.

1. Prohibited Conduct

VIOLETION OF ANY OF THE FOLLOWING RULES WILL RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION OF EMPLOYMENT:

- A. Possessing, using, manufacturing, distributing, dispensing, selling or purchasing illegal drugs or other controlled substances while on the job or off the job.
- B. Conviction or a plea or "no contest" to any of the offenses stated in subparagraph A above.
- C. Possessing or drinking alcoholic beverages while on duty and/or on the premises of the District.
- D. Driving a vehicle on District business while under the influence of alcohol (as defined by the California Vehicle Code) or illegal drugs.
- E. Reporting to work while under the influence of alcohol or any illegal drug.

For the purposes of applying this policy:

- (a) Being under the influence of drugs and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substance in one's body.
- (b) Being under the influence of alcohol means being impaired in any way from fully and proficiently performing job duties, and/or having a 0.04 percent or more, by weight, of alcohol in one's blood.

2. Voluntary Assistance

Employees with substance abuse (i.e., alcohol/drug abuse) problems are encouraged to seek assistance. An employee will not be disciplined because he/she voluntarily requests assistance for substance abuse problem and information gathered from employees seeking voluntary assistance will be treated as confidential and will only be provided to those persons who, for business reasons, have the need to know such information. This would include providing information necessary for management to administer disability benefits, apply for work restrictions, assure compliance with treatment, or administer discipline consistent with the terms of this policy.

However, seeking assistance or raising any claim related to substance abuse does not relieve an employee of his/her responsibility to meet the District's performance, safety or attendance standards, does not relieve an employee of his/her responsibility to adhere to this policy and does not insulate the employee from discipline for reasons other than seeking assistance for a substance abuse problem.

Employees who have a problem with alcohol or drugs and who decide to enroll voluntarily in an alcohol rehabilitation program will be given unpaid time off to participate in the program. The employee may use any accrued sick leave or vacation benefit while on leave. However, additional benefits will not be earned during the leave of absence unless the employee is eligible for benefits applicable to other medical leaves as provided in District policies.

An employee convicted of Driving-Under-the-Influence (DUI), who is required to use District vehicles in performing his/her job duties, shall report this and any driving restrictions before returning to work. Failure to do so shall be grounds for termination.

3. Required Notice of Prescription or Over-the-Counter Drug Use.

The use of either prescription or over-the-counter drugs or medication may impair an employee's ability to work safely and efficiently and create an unsafe work environment. In order to assure that employee performance on the job is not misconstrued and to assure a safe and efficient work environment, an employee using either prescription or over-the-counter drugs or medication which may impair his/her ability to work safely and efficiently must inform his/her supervisor prior to his/her first work assignment after taking the drug or medication. By fulfilling this obligation, employees will avoid disciplinary action for failure to notify supervision.

4. Applicant Testing: for Positions Designated as Sensitive Postions.

A. All offers of employment will be contingent upon an applicant's passing a test to determine whether alcohol, illegal drugs or controlled substances are present in his/her body.

B. If an applicant is found to have falsified, substituted, or tampered with any sample of a body fluid (urine/blood/saliva) associated with testing for substances, he/she will not be offered employment or if he/she has already been offered employment, he/she will be terminated.

C. Applicants whose final results are positive for substance abuse will not be allowed to re-apply for employment or be offered employment at the District for a period of 24 months.

5. Medical Evaluation where Work Performance is Impaired.

A. When management believes an employee's work performance is impaired by drug or alcohol use, including when an employee appears at work in an impaired condition even though no work has been performed, management may require the employee to

submit to a medical evaluation by a qualified physician at District's expense.

- B. An employee who refuses to submit to the medical evaluation will be subject to discipline for such refusal. However, in the circumstances specified in this Section 5, an employee who refuses to substance abuse testing as part of the medical evaluation will not be subject to discipline for that refusal.
 - C. If a qualified physician, as part of the examination specified in paragraph A, above, determines that an employee is not capable of working safely, said employee will be transported to his/her home by a supervising employee and not allowed to drive himself or herself home.
 - D. In the cases specified in this Section 5(A), management may, with or without a medical evaluation, relieve the employee of work without pay until the employee furnishes satisfactory medical evidence to the District that he/she is capable of work.
6. Drug and Alcohol Testing under Specific Circumstances.
- A. Where management has reasonable grounds to believe that the employee's faculties are impaired on the job due to drug or alcohol abuse and such impairment presents a clear and present danger to the physical safety of the employee, co-workers or the public, management will require the employee to submit a medical evaluation, including substance abuse testing.
 - B. Where an employee is directly involved in an accident on the job and management has reasonable grounds to believe that the employee's faculties were impaired due to drug or alcohol abuse, management will require the employee to submit to a medical evaluation, including substance abuse testing, as part of the accident investigation or benefit plan administration process.
 - C. In the circumstances specified in Section 6(A) and (B), an employee who refuses to submit to a medical evaluation, including substance abuse testing, or who tests positive for substance abuse will be subject to discipline up to and including termination.
7. Scope of Medical Testing and Evaluations.
- A. Employees shall submit to all medical examinations and testing required by this policy within four (4) hours of the District's request for an evaluation.
 - B. Immediately prior to reporting for a drug/alcohol testing, all employees shall complete a Consent and Release Form to be kept on file in the District office, which shall conform to the general format as shown on Appendix B.
 - C. The scope of tests performed shall be for the purpose of detecting and identifying the presence of alcohol and/or drugs and not for the purpose of detecting and identifying any other medical condition.

8. Employee's Right to Challenge the Results of a Positive Substance Abuse Test

In all cases where an employee is tested for substance abuse, and the test is positive, he/she has the right to challenge the results of the test at a qualified facility of his/her choice at District expense if an adequate quantity of body fluid is provided. This second test is a confirmatory test that must be performed with the same sample of body fluid utilized for the first test.

9. Discipline

Discipline procedures will comply with Section 5020.

10. Searches

Management reserves the right, in accordance with applicable state and federal law, to conduct searches of District premises and property for the purpose of protecting the safety and well-being of its employees, customers and the public, and for the purpose of preventing criminal activity on District premises. The District has a right to place in custody of law enforcement authorities any suspected illegal or controlled substances or contraband discovered on the District's premises.

11. Overview of Alcohol/Drug Testing Protocol

Laboratory Certification:

All laboratories used to perform urine testing pursuant to this program will be certified under the National Institute on Drug Abuse guidelines developed for the Department of Health and Human Services.

Testing:

In testing samples, the testing laboratory will test specifically for alcohol and/or those drugs and classes of drugs required by Nipomo Community Services District Alcohol and Drug Testing Guidelines. The current panel of drugs which will be tested for are as follows:

- Alcohol
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (Marijuana)
- Cocaine
- Methadone
- Methaqualone
- Opiates
- Phencyclidine
- Propoxyphene

Split Sample:

If the employee provides enough urine for a second sample, there will be a split sample option available. When a test kit is received by the laboratory with two samples, one sealed urine specimen bottle shall be removed immediately for testing. The remaining urine sample shall be immediately placed in secure refrigerated storage.

Confirmatory Test:

All Specimens which test positive on the initial test will be confirmed using a second more specific gas chromatography/mass spectrometry (GC/MS) test.

Medical Review Officer Involvement:

After a laboratory confirmed positive test, an employee, where appropriate, will be afforded an opportunity to have a Medical Review Officer review his/her medical history and other relevant medical data at the employee's expense. The Medical Review Officer will be a licensed physician, knowledgeable in drug pharmacology and drug abuse disorders, and may be an employee or independent contractor. The interview with the Medical Review Officer may be conducted by telephone.

If the Medical Review Officer determines and reports that a test is positive, upon request of the employee, an aliquot of the remaining urine specimen or the second sealed bottle will be forwarded to another NIDA approved laboratory of the party's choice for GC/MS confirmatory testing of the presence of the drug.

Reporting of Results:

All specimens which test negative on either the initial test or the GC/MS confirmation test shall be reported only as negative. Only specimens that test positive on both the initial and the confirmation test shall be reported as positive.

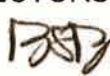
In reporting a positive test result, the laboratory will state the specific substance(s) for which the test is positive and will, when requested by the Medical Review Officer, provide the quantitative results of both the screening and the GC/MS confirmation test, in terms of nanograms per milliliter. All positive test results must be reviewed by the certifying scientist or laboratory director and certified as accurate.

Specimen Retention:

All specimens deemed positive must be retained by the laboratory for a period of one year in a secure storage facility.

12. Non-Smoking Policy

The District is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, it is important that the workplace and office environment reflect the District's concern for good health. Smoking is therefore not permitted inside District offices, enclosed work areas, within twenty five (25) feet outside of an exit, or in District vehicles or equipment.

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL 
DATE: DECEMBER 4, 2008

AGENDA ITEM
D-6
DECEMBER 10, 2008

**CONSIDER AMENDMENT OF CSA 1 AGREEMENT
TO ADD LATHRUP MIXED-USE PROJECT AT HAZEL & DIVISION**

ITEM

Consider Amendment of CSA 1 Agreement to Add Lathrup Mixed-Use Project at Hazel & Division [RECOMMEND APPROVAL].

BACKGROUND

The District received an application for sewer only service to Tract 2797, APN 092-451-048, located at the corner of Hazel Drive and Division Street on April 30, 2008. The Owner/Applicant is Mid-Pacific Investments LLC, Scott R. Lathrop, of San Luis Obispo. Omni Design Group, Inc., of San Luis Obispo, is the project Engineer.

The application is for a mixed use commercial and 4 unit residential sub-division development. Four parcels are proposed to be created. The property is located within County Service Area 1A and within the sewer prohibition area. The project will receive water service from Golden State Water Company. The Intent-to-Serve letter issued for the project in September 2005 has expired.

When staff was researching the existing agreement with CSA 1, staff determined that while the parcel was included under the current Memorandum of Understanding between the County and the District for CSA 1, only one dwelling unit equivalent was allocated to this parcel. Thus, the existing agreement needed to be amended to increase the number of dwelling units allocated to this parcel as well as increase the total number of dwelling unit equivalents provided sewer treatment within CSA 1. At the May 14, 2008 Board meeting, the Board directed staff to negotiate an amendment with San Luis Obispo County of the CSA 1 Service Agreement to add the Tract 2797 Mixed-Use Project.

Attached is the proposed Amendment No. 4 to the Service Agreement between San Luis Obispo County and Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project. The amendment assigns a total of 7 dwelling unit equivalents to the Tract 2797 project and increases the total maximum number of dwelling unit equivalents within CSA-1 to 519.

RECOMMENDATION

Staff recommends your Honorable Board adopt Resolution 2008-XXXX CSA 1 Agreement Amendment approving Amendment No. 4 to the Service Agreement between San Luis Obispo County and Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project.

ATTACHMENTS

- Application and Conceptual Rendering
- Resolution 2008-XXXX CSA 1 Agreement Amendment
- Amendment No. 4 to the Service Agreement between San Luis Obispo County and Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project



NIPOMO COMMUNITY SERVICES DISTRICT

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

Office use only:
Date and Time
Complete
Application, and
Fees received:
RECEIVED
APR 30 2008

NIPOMO COMMUNITY
SERVICES DISTRICT

INTENT-TO-SERVE APPLICATION

- This is an application for: _____ Sewer and Water Service X ~~Water~~ SEWER Service Only
- SLO County Planning Department/Tract or Development No.: TRACT 2797
- Attach a copy of SLO County application.

Note: District Intent-to-Serve letters expire eight (8) months from date of issue, unless the project's County application is deemed complete.

- Project location: 1020 DIVISION Rd.
- Assessor's Parcel Number (APN) of lot(s) to be served: 092-451-048
- Owner Name: MID-PACIFIC INVESTMENTS LLC
- Mailing Address: P.O. Box 13938 San Luis Obispo CA. 93406
- Email: LATHROP.COMPANY@YAHOO.COM
- Phone: 805-801-8401 FAX: 805-541-5808
- Agent's Information (Architect or Engineer):
Name: OMNI DESIGN GROUP, INC
Address: 100 CROSS ST. SAN LUIS OBISPO CA. 93401
Email: _____
Phone: 805-544-9700 FAX: 805-544-4327
- Type of Project: (check box) (see Page 3 for definitions)

<input type="checkbox"/> Single-family dwelling units	<input type="checkbox"/> Multi-family dwelling units
<input type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Mixed Use (Commercial and Residential)

12. Number of Dwelling Units 4 Number of Low Income units 0

13. Does this project require a sub-division? Yes No
If yes, number of new lots created 4

14. Site Plan:

For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:

- more than four dwelling units
- property requiring sub-divisions
- higher than currently permitted housing density
- commercial developments

All other projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11").

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.

15. **Water Demand Certification:**

A completed Water Demand Certification, signed by project engineer/architect, must be included for all residential and the residential-portion of mixed use.

16. **Commercial Projects Service Demand Estimates:**

Provide an estimate of yearly water (AFY) and sewer (MGD) demand for the project.
Please note: All commercial projects are required to use low water use irrigation systems and water conservation best management practices.

17. **Agreement:**

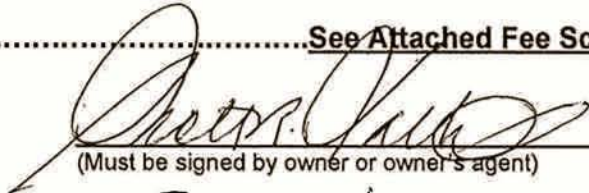
The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.

Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

Application Processing Fee.....See Attached Fee Schedule

Date 4.30.08

Signed


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

Print Name

SCOTT R. LATHAM



CONCEPTUAL RENDERING

MIXED - USE

LATHROP NIPOMO

CORNER HAZEL AND DIVISION

NIPOMO, CA

SITE SUMMARY

LEGAL DESCRIPTION: 102 DIVISION ST., NIPOMO, CA
 10 HAZEL ST. NIPOMO COUNTY SAN LUIS OBISPO

APN: 060-461-010

LEGAL ZONING: DR

ADJACENT USES: HAZEL ST. PRINCIPAL, SOUTH PRINCIPAL, DIVISION ST. PRINCIPAL, EAST PRINCIPAL

PROPOSED USE: COMMERCIAL/RESIDENTIAL MIXED USE

EXISTING USE: EMPTY LOT

ACRE LOT AREA: 0.887 A.C.

RECORDS—PLANT HEIGHTS: 19'4" ACTUAL 10'4"
 REE HEIGHT: 8'6" ACTUAL 8'4"
 REE HEIGHT: 8'6" ACTUAL 8'4"

LOT COVERING: 21%

LANDSCAPE AREA: 7472 S.F.

PAVING AREA: CONCRETE PAVING 3722 S.F.
 AD PAVING 896 S.F.

BUILDING SUMMARY

PROPOSED USE	SF	COMMERCIAL / MIXED RESIDENTIAL
NUMBER OF STORES:		
BLDG.A	2 STORY	
BLDG.B	2 STORY	
BLDG.C	2 STORY	
BLDG.D	2 STORY	
BUILDING HEIGHT:		30'
BLDG.A	MAX. ALLOWABLE BLDG. HEIGHT	30'
BLDG.B	MAX. ALLOWABLE BLDG. HEIGHT	30'
BLDG.C	MAX. ALLOWABLE BLDG. HEIGHT	30'
BLDG.D	MAX. ALLOWABLE BLDG. HEIGHT	30'
BUILDING AREA:		
BLDG.A	14 FLOOR RESIDENTIAL 3,238 SQ.FT.	
	2ND FLOOR RESIDENTIAL 732 SQ.FT.	
	SUBTOTAL 3,970 SQ.FT.	
BLDG.B	14 FLOOR RESIDENTIAL 3,238 SQ.FT.	
	2ND FLOOR RESIDENTIAL 732 SQ.FT.	
	SUBTOTAL 3,970 SQ.FT.	
BLDG.C	14 FLOOR RESIDENTIAL 738 SQ.FT.	
	2ND FLOOR RESIDENTIAL 482 SQ.FT.	
	RECREATION/GARAGE 482 SQ.FT.	
	SUBTOTAL 1,602 SQ.FT.	
BLDG.D	14 FLOOR RESIDENTIAL 738 SQ.FT.	
	2ND FLOOR RESIDENTIAL 482 SQ.FT.	
	RECREATION/GARAGE 482 SQ.FT.	
	SUBTOTAL 1,602 SQ.FT.	
SITE TOTAL	6,942 SQ.FT.	

SHEET INDEX

- DP1 TITLE SHEET
- DP2 SITE CONDITIONS PLAN
- DP3 SITE IMPROVEMENTS
- DP4 BUILDING W-1ST FLOOR PLAN
- DP4.1 BUILDING W-2ND FLOOR PLAN
- DP4.2 BUILDING W-EXTENSION ELEVATION
- DP5 BUILDING V-1ST FLOOR PLAN
- DP5.1 BUILDING V-2ND FLOOR PLAN
- DP5.2 BUILDING V-EXTENSION ELEVATION
- DP6 BUILDING C-1ST FLOOR PLAN
- DP6.1 BUILDING C-2ND FLOOR PLAN
- DP6.2 BUILDING C-3RD FLOOR PLAN
- DP7 LANDSCAPE PLAN

PROJECT DESCRIPTION

REFERENCE TO PREVIOUSLY APPROVED PROJECT, CHANGES FROM A LETTER TO L. THIS LETTER AND THESE ARE USED FOR COMMERCIAL ON THE FIRST FLOOR AND RESIDENTIAL APARTMENTS ON THE SECOND FLOOR. THE OTHER TWO LOTS ARE SINGLE FAMILY RESIDENCES WITH DETACHED GARAGES.

VICINITY MAP



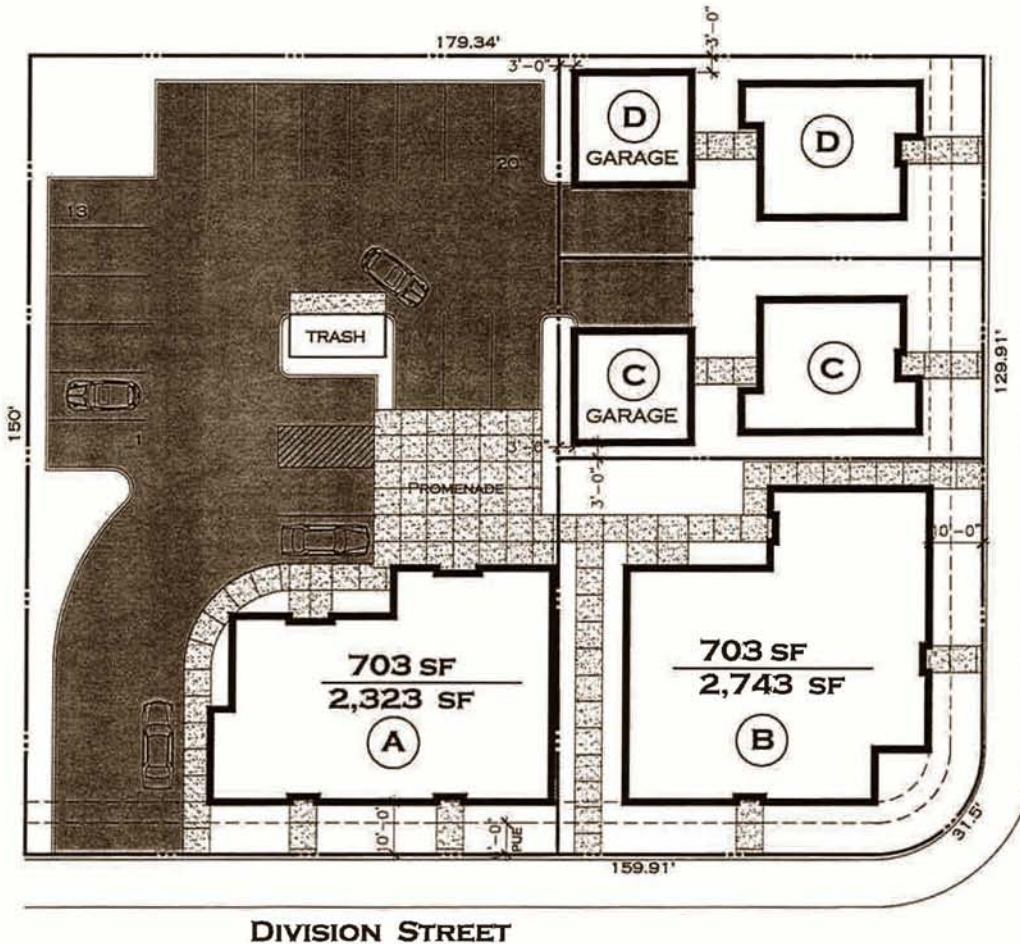
ARCHITECTURE

MICHAEL J. WACEY
 ARCHITECT
 200 PRIMAVERA BLVD, SUITE 200
 NIPOMO, CA 93450
 TEL: (805) 831-4141
 FAX: (805) 831-6888

LATHROP NIPOMO
 MIXED-USE
 NIPOMO, CA

TITLE SHEET

03/15/2007
 07/12/07



SCHEMATIC SITE / GRADING PLAN



HAZEL DRIVE

REFERENCE NOTES

- 1 CONCRETE DRIVEWAY
- 2 ACCESSIBLE PARKING
- 3 EXISTING TREE
- 4 TREE TO BE REMOVED
- 5 SP GARAGE SPACE
- 6 GARAGE DATE
- 7 ASPHALT PARKING SURFACE
- 8 FLAGSTONE PARKING
- 9 DECKING/STONE DRIVE APPROACH
- 10 # FINANCY DATE
- 11 # FINANCY PRICE
- 12 3 x 4 # BICYCLE SPACE
- 13 BERRY BRUSH, SEPARATE PERMIT REQUIRED
- 14 EXISTING BUILDING TO BE REMOVED
- 15 TUFF BLOCK PAVING
- 16 POSE PRIVATE OPEN SPACE
- 17 NEW FIRE HYDRANT PER CITY ON A SCHEDULED FIRE DEPT
- 18 CUTOFF DRAIN PROVIDE 12" FRENCH DRAIN SYSTEM
- 19 NEW CURB, SIDEWALK AND OUTLET PER CITY STANDARD
- 20 NEW DRIVEWAY STUCCO PER CITY STANDARD

GENERAL NOTES

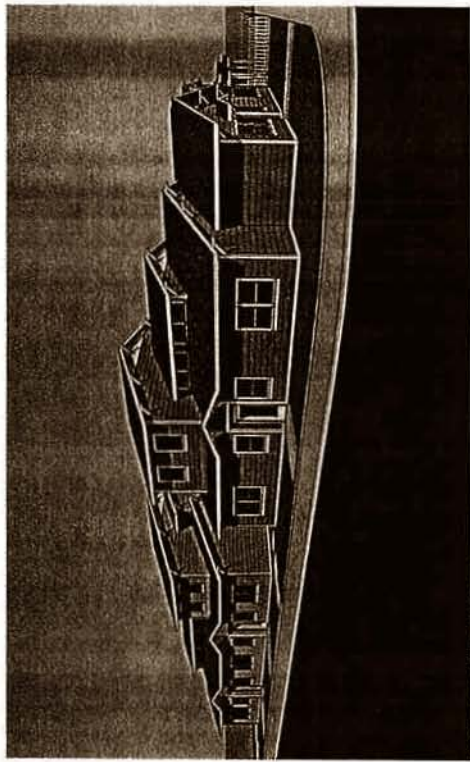
ALL EXISTING UTILITIES SHALL BE MAINTAINED UNLESS OTHERWISE NOTED.

DRAINAGE CALCULATIONS

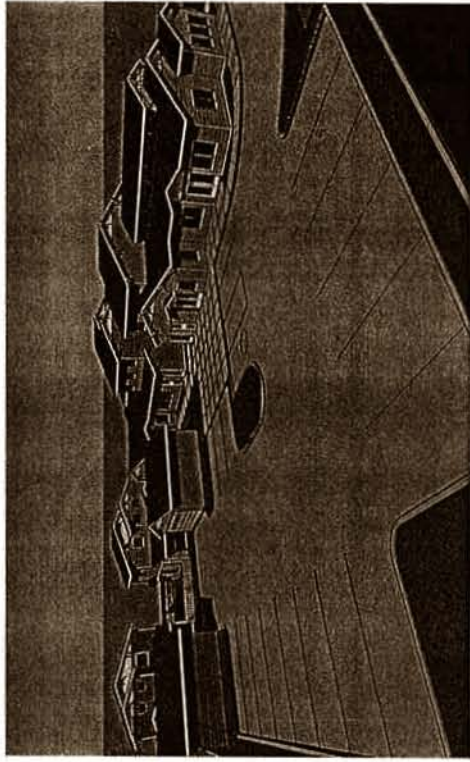
THE DRAINAGE SYSTEM SHALL BE DESIGNED TO PROVIDE A SURFACE FLOW TO THE NEAREST STORM DRAINAGE SYSTEM. THE CENTER PORTION OF THE SITE SHALL BE SURFACED WITH A GRADE OF 1% TO EACH STREET. THE APPROACH SHALL BE DESIGNED FOR STORM DRAINAGE SYSTEMS AND THE APPROACH SHALL BE DESIGNED FOR STORM DRAINAGE SYSTEMS. NEW CURB AND OUTLET FOR EACH FRONTAGE, AND THEN SUBMITTED TO THE CITY ENGINEER FOR APPROVAL.



SOUTH-EAST CORNER



NORTH-EAST CORNER

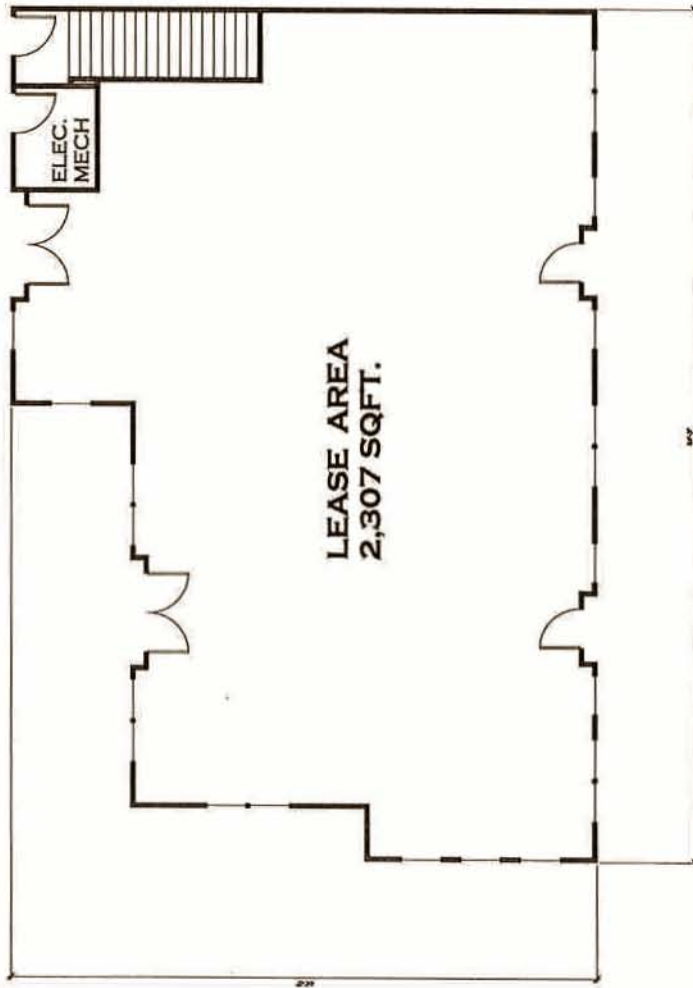



SOUTH-WEST CORNER



NORTH-WEST CORNER

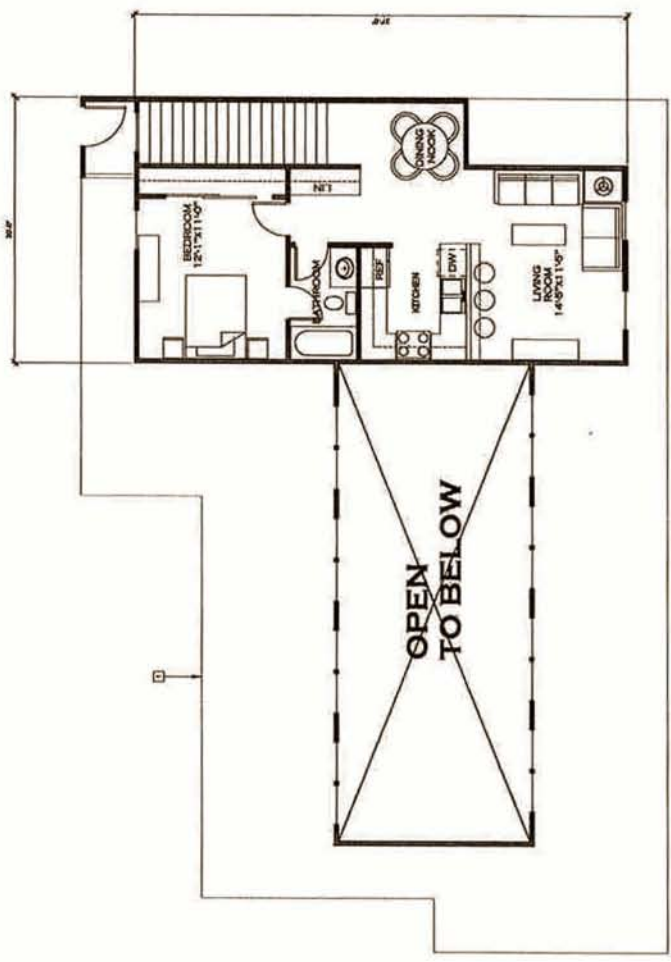
SITE PERSPECTIVES



BLDG. 'A' SCHEMATIC 1ST FLOOR PLAN 

REFERENCE NOTES

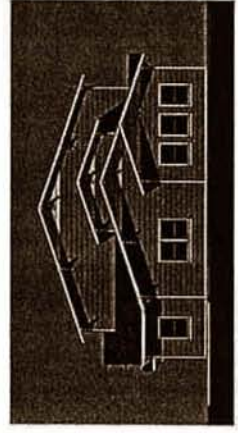
- OUTLINE OF WIP ROOM



BLDG. 'A' SCHEMATIC 2ND FLOOR PLAN N

MATERIAL LIST

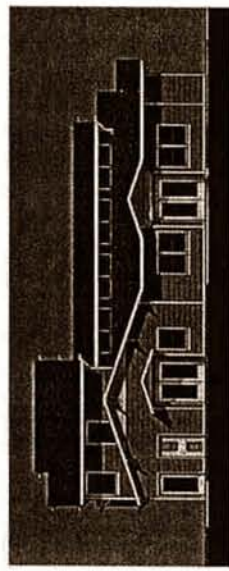
- WALLS:**
- 1. EXTERIOR: STUCCO AND BRICK
 - 2. INTERIOR: GYP. BOARD
 - 3. ROOF: ASPHALT/FLY SHINGLE ROOFING
 - 4. FLOORING: WOOD (HARDWOOD/PARTIAL), TILE (BATH/TOILET/PARTIAL)
 - 5. WALLS: VINYL WALLCOVERING
 - 6. INTERIORS: WOOD TRIM (CROWN/BASE/TOUR)
- DOORS:**
- 1. WOOD (HARDWOOD/PARTIAL)
 - 2. METAL
 - 3. GLASS (W/WOOD TRIM)
- WINDOWS:**
- 1. WOOD TRIM (CROWN/TOUR)
 - 2. METAL
 - 3. GLASS (W/WOOD TRIM)



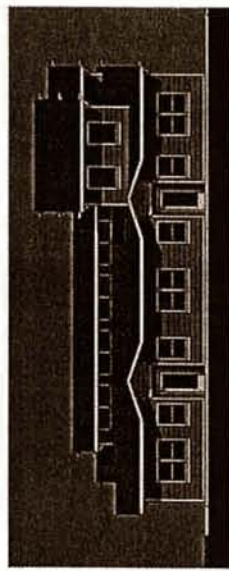
SOUTH ELEVATION



NORTH ELEVATION



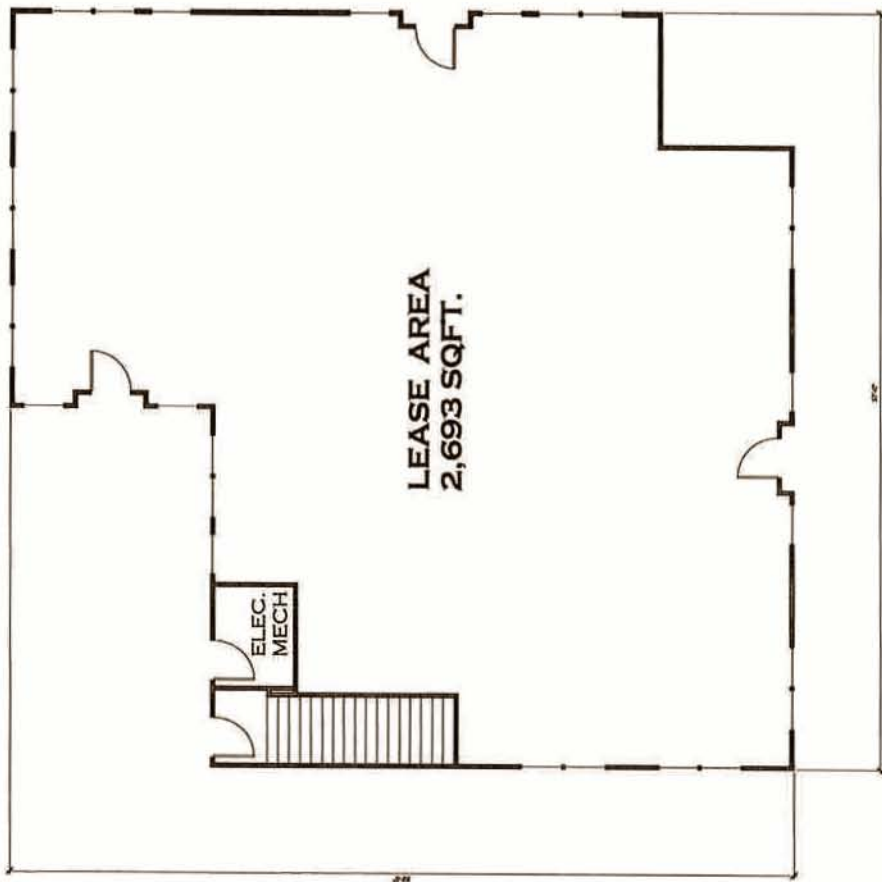
WEST ELEVATION



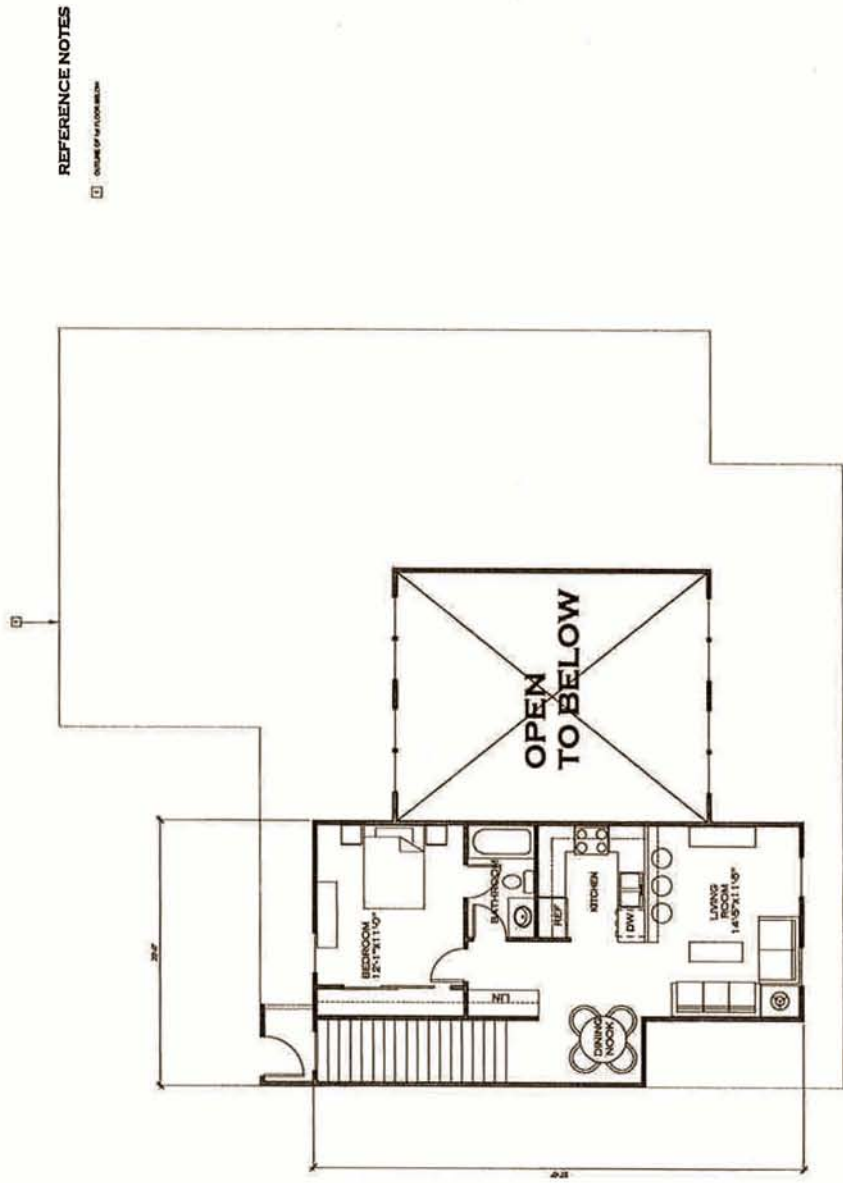
EAST ELEVATION



BLDG. A EXTERIOR ELEVATIONS



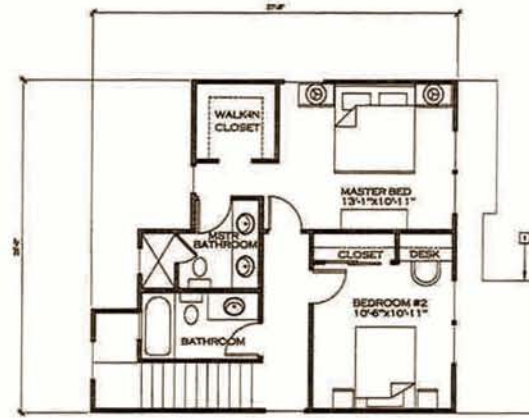
BLDG. 'B' SCHEMATIC 1ST FLOOR PLAN



REFERENCE NOTES
 1. SEE PLAN FOR DIMENSIONS

BLDG. 'B' SCHEMATIC 2ND FLOOR PLAN

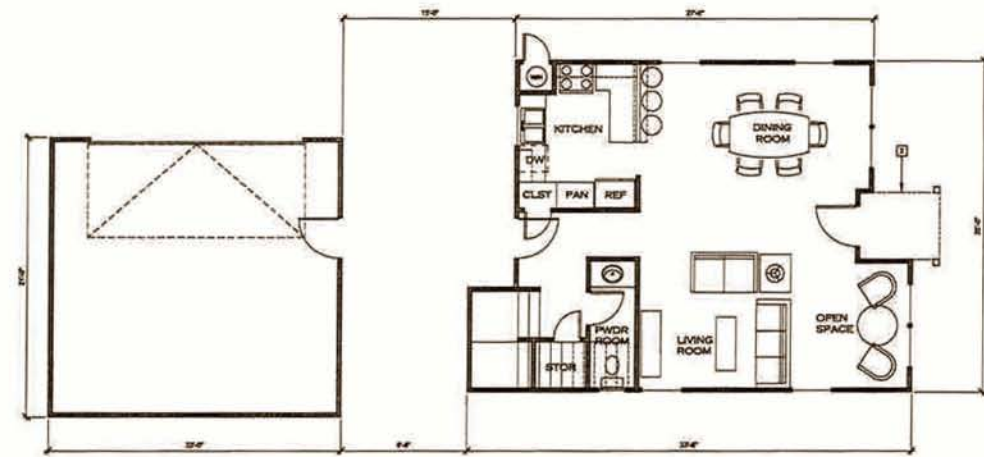
www.NoNewWipTax.com



2ND FLOOR PLAN

REFERENCE NOTES

- 1. OUTLINE OF 1st FLOOR BELOW
- 2. ROOF PROJECTION AREAS



1ST FLOOR PLAN

BLDG. 'C' & 'D' SCHEMATIC FLOOR PLANS













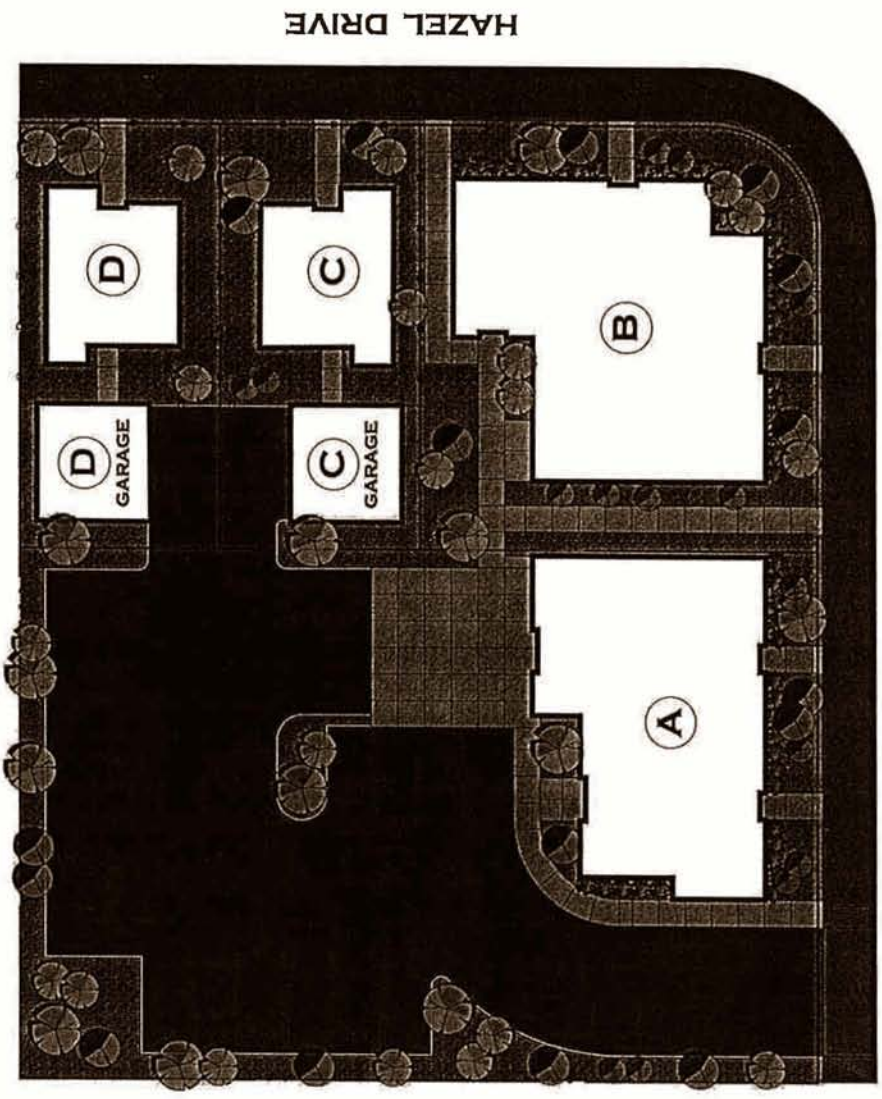
W M
ARCHITECTURE

RESIDENTIAL SCHEMATIC FLOOR PLANS

LATHROP-NIBOMO MIXED USE
NOV-00-CA

03104
07/12/07
DP6

- LANDSCAPE LEGEND**
-  COUNTY APPROVED STRUCTURE
 -  COUNTY APPROVED TREE #1
 -  COUNTY APPROVED TREE #2
 -  COUNTY APPROVED TREE #3
 -  COUNTY APPROVED TREE #4
 -  COUNTY APPROVED TREE #5
 -  GRASS
 -  NEW CONCRETE WALKWAY
 -  ASPHALT PAVED
 -  EXISTING LANDMARK



SCHEMATIC LANDSCAPE PLAN

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2008-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AMENDMENT NO. 4 TO THE SERVICE AGREEMENT BETWEEN
SAN LUIS OBISPO COUNTY AND NIPOMO COMMUNITY SERVICES DISTRICT
FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE
OF THE NIPOMO SEWERAGE PROJECT**

WHEREAS, on August 7, 1984, Nipomo Community Services District (District) entered into a Service Agreement with San Luis Obispo County (County) acting on behalf of County Service Area No. 1 (CSA 1) for the Construction, Operation and Maintenance of the Nipomo Sewerage Project (Service Agreement); and

WHEREAS, on September 5, 1984, Amendment No. 1 to the Service Agreement was executed by the District and County to remove 39 parcels of land that were erroneously listed in the Service Agreement; and

WHEREAS, on October 3, 1989, Amendment No. 2 to the Service Agreement was executed to add 98 dwelling unit equivalents within Tract 1898 for sewerage service from the Sewerage Project; and

WHEREAS, on April 25, 2000, Amendment No. 3 to the Service Agreement was executed to add Tract 2196 and CSA 1F (a total of 77 dwelling unit equivalents) for sewerage service from the Sewerage Project; and

WHEREAS, Tract 2797 has applied to both the District and the County for sewerage service from the Sewerage Project and through CSA 1's infrastructure as Tract 2797 was not included within the original maximum number of dwelling units to be served by the Sewerage Project; and

WHEREAS, pursuant to the Service Agreement , as amended, the current maximum number of dwelling units with CSA 1 that are entitled to receive sewer service from the Sewerage Project is five hundred twelve (512) dwelling unit equivalents; and

WHEREAS, the District has determined that its Sewerage Project has the excess capacity to serve Tract 2797, a mixed use project with four dwelling units and a total of seven dwelling unit equivalents; and

WHEREAS, the District and the County agree that inclusion of Tract 2797 within the Service Agreement would be in the best interests of all parties concerned and in keeping with the original intent of the Service Agreement; and

WHEREAS, the attached Amendment No. 4 (Exhibit A) will amend the Service Agreement to include Tract 2797 within the Agreement's provisions and increase the maximum number of dwelling unit equivalents to a total of 519.

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

1. That Amendment No. 4 to the Service Agreement between the County of San Luis Obispo and the Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project is hereby approved.
2. That the President of the Board of Directors of the Nipomo Community Services District is hereby authorized to execute said Amendment No. 4.
3. The above Recitals are true and correct and incorporated herein by reference.

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

AYES:
NOES:
ABSENT:
CONFLICTS:

the foregoing resolution is hereby adopted this 10th day of December 2008.

Michael Winn
President, Board of Directors
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

T:\BOARD MATTERS\RESOLUTIONS\RESOLUTIONS 2008\2008-XXXX CSA 1 AGREEMENT AMENDMENT.DOC

**AMENDMENT NO. 4 TO THE
SERVICE AGREEMENT BETWEEN SAN LUIS OBISPO COUNTY AND
NIPOMO COMMUNITY SERVICES DISTRICT
FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE
OF THE
NIPOMO SEWERAGE PROJECT**

This Amendment No. 4, dated _____, by and between the County of San Luis Obispo (County), acting on behalf of County Service Area No. 1 (CSA 1), and the Nipomo Community Services District (District), acting on behalf of the Community Services District Zone for the Nipomo Sewerage Project (Zone).

WITNESSETH

WHEREAS, on August 7, 1984, the San Luis Obispo County Board of Supervisors acting on behalf of County Service Area No. 1 and the Nipomo Community Services District acting on behalf of the Community Services District Zone for the Nipomo Sewerage Project executed that certain agreement "Service Agreement Between San Luis Obispo County and Nipomo Community Services District for the Construction, Operation and Maintenance of the Nipomo Sewerage Project" (Service Agreement); and

WHEREAS, said Service Agreement established a maximum number of dwelling unit equivalents within CSA 1 to be served by the Sewerage Project; and

WHEREAS, on September 5, 1984, Amendment No. 1 to said Service Agreement was executed by the County and District to remove 39 parcels of land erroneously listed in said Service Agreement; and

WHEREAS, on October 3, 1989, Amendment No. 2 to said Service Agreement was executed by the County and District to add 98 dwelling unit equivalents within Tract 1898 so that those lots could be provided sewerage service from the District Wastewater Facilities and through CSA 1's infrastructure; and

WHEREAS, on March 15, 2000, Amendment No. 3 was executed by the County and District to add Tract 2196 and CSA 1F (a total of 77 dwelling unit equivalents) for sewerage service from the Sewerage Project; and

WHEREAS, Tract 2797 has applied to both District and the County for sewerage service from the Sewerage Project and through CSA 1's infrastructure as Tract 2797 was not included within the original maximum number of dwelling units to be served by the Sewerage Project; and

WHEREAS, pursuant to the Service Agreement, as amended, the current maximum number of dwelling units within CSA-1 that are entitled to receive sewer service through the District Wastewater Facilities is five hundred twelve (512) dwelling unit equivalents.

WHEREAS, the District has determined that its Sewerage Project has the excess capacity to serve Tract 2797, a mixed use project with four dwelling units and a total of seven dwelling unit equivalents; and

WHEREAS, the District and the County agree that inclusion of Tract 2797 within the Service Agreement would be in the best interests of all parties concerned and in keeping with the original intent of the Service Agreement; and

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants, conditions and agreements as described within the Service Agreement, as amended, and described herein, the District and County agree as follows:

1. That the existing Service Agreement, as amended, between the District and the County be amended to include Tract 2797, as shown in the Tract Map attached hereto and incorporated herein as Attachment No. 1.
2. Tract 2797 is assigned 7 dwelling unit equivalents.
3. That inclusion of Tract 2797 will increase the Service Agreement's maximum number of dwelling unit equivalents within CSA-1 to five hundred and nineteen (519) units.
4. That prior to Tract 2797 receiving sewer service the owner of Tract 2797 shall:
 - A. Comply with the conditions outlined by the County for sewer service by CSA-1 (attached hereto as Attachment No. 2); and
 - B. Comply with the conditions outlined by the District for sewer service by the Sewerage Project (attached hereto as Attachment No. 3).
5. That prior to the District providing sewer service through District Wastewater Facilities, the County shall submit to District, for its approval, plans and specifications for the infrastructure improvements within CSA 1 that will receive wastewater service from Tract 2797 to the District Wastewater Facilities. All improvements shall be designed and constructed to District standards. The County shall implement a hydrogen sulfide (H₂S) prevention program in said infrastructure improvements.
6. Except as amended herein, all provisions of the Service Agreement and above described amendments shall remain in full force and effect.


ATTEST:

COUNTY OF SAN LUIS OBISPO

County Clerk Ex Officio Clerk
of the Board of Supervisors,
County of San Luis Obispo,
State of California

By: _____
Chairman of the
Board of Supervisors

APPROVED AS TO FORM
AND TO LEGAL EFFECT:
WARREN R. JENSEN
COUNTY COUNSEL

By: 
Deputy County Counsel

Dated: 11/6/08

ATTEST:

SECRETARY OF THE
BOARD OF DIRECTORS
NIPOMO COMMUNITY
SERVICES DISTRICT

PRESIDENT OF THE
BOARD OF DIRECTORS
NIPOMO COMMUNITY
SERVICES DISTRICT

APPROVED AS TO FORM
DISTRICT LEGAL COUNSEL
NIPOMO COMMUNITY SERVICES
DISTRICT

EXECUTION AUTHORIZED BY
RESOLUTION NO. _____

By: _____

Dated: _____

L:\UTILITY\NOV08\BOS\Tr 2797 Lathrop Amend 4.doc.DB:mac

OWNER'S STATEMENT

We, the undersigned, hereby state that we are all the owners of, (and all record holders of security interest in,) and all parties having any record title in the real property included within the subdivision and project shown on this map, and that each of us does hereby consent to the filing and/or recordation of this map, and further by recordation of this map, we hereby relinquish all rights by vehicular access to or egress from Lots No. 1 & 2 over and across said Lots abutting Division Street and hereby offer for dedication the 6 foot public trail easement and reserve the Public Utilities Easement as shown hereon.

Mid Pacific Investment, LLC

By: Scott Lathrop, _____ Date _____
NOTARY

State of California } ss
County of _____

On _____ before me, _____ a Notary Public for the State of California, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Name Printed _____
Commission No. _____
County of San Luis Obispo, California, _____
Name Printed _____ Time _____
My Commission expires _____

NOTARY

State of California } ss
County of _____

On _____ before me, _____ a Notary Public for the State of California, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____
Name Printed _____
Commission No. _____
County of San Luis Obispo, California, _____
My Commission expires _____

DOCUMENTS RECORDED CONCURRENTLY

A RECIPROCAL ACCESS EASEMENT FOR INGRESS AND EGRESS OVER LOT 1 IN FAVOR OF LOTS 2, 3, AND 4 PER AGREEMENT RECORDED AS DOC. No. 2007-

IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

TRACT 2797

BEING A DIVISION OF LOT 59 OF TRACT 518 AS RECORDED IN BOOK 10 AT PAGE 33 OF MAPS OF SAN LUIS OBISPO COUNTY OFFICIAL RECORDS.

DEED OF TRUST

Chicago Title Company, as Trustee, under a deed of trust recorded June 24, 2005, as Instrument No. 2005-051360 and under a deed of trust recorded June 24, 2005, as Instrument No. 2005-051361, of Official Records in the county of San Luis Obispo, state of California, does hereby consent to the preparation and recordation of this map.

Signature _____ Date _____

Name Printed _____ Time _____

Signature _____ Date _____



SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based upon a field survey in conformance with the requirements of the Subdivision Map Act and local ordinance at the request of Scott Lathrop, in June of 2007. I hereby state that this final map substantially conforms to the approved or conditionally approved tentative map if any. I also hereby state that all monuments are of the character and occupy the positions indicated or will be set by December 31 2008 and are sufficient to enable the survey to be retraced.

Brian S. Barum P.L.S. 8006
Lic. Expires 12/31/08

COUNTY SURVEYOR'S STATEMENT

I hereby state that I have examined the map entitled "Tract 2797", that the subdivision shown hereon is substantially the same as it appeared on the tentative map and any approved alterations thereof and that all the provisions of the Subdivision Map Act and the San Luis Obispo County Code have been complied with and that I am satisfied that this map is technically correct.

Dated: _____

County Surveyor _____

Board of Supervisors Certificate

I do hereby state that the Board of Supervisors of the County of San Luis Obispo, State of California, did, on _____ 20____ approve this map of "Tract 2797" in accordance with the provisions of the Subdivision Map Act, and the relinquishment of access as accepted on behalf of the public and hereby reject without prejudice the 6 foot public trail easement shown hereon.

Clerk of the Board of Supervisors _____ Date _____
of the County of San Luis Obispo
State of California

RECORDER'S STATEMENT

Filed this _____ day of _____ at _____

in Book _____ of Maps at Page _____ at the request

of Brian S. Barum PLS, Omni Design Group Inc.,

Document No. _____

Fee: _____

Signed: _____
County Recorder

By: _____
Deputy

RECEIVED

APR 30 2008

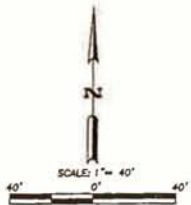
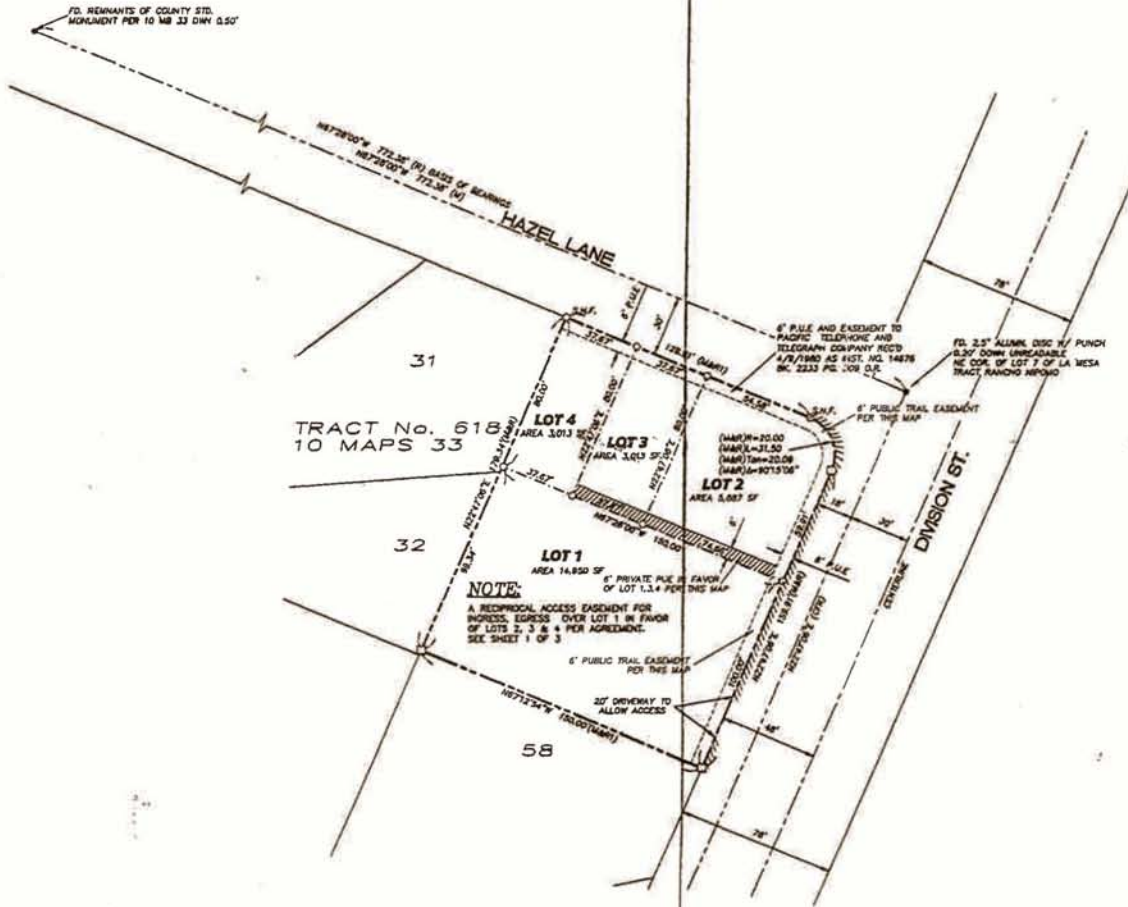
NIPOMO COMMUNITY SERVICES DISTRICT



100 Cross Street, Suite 101
San Luis Obispo, CA 93401
Phone: (805) 544-9700
Fax: (805) 544-4327
email: info@omnidesigngroup.com

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA
TRACT 2797

BEING A DIVISION OF LOT 59 OF TRACT NO. 618, IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN LUIS OBISPO STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED MARCH 27, 1980 IN BOOK 10, PAGE 33 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.



BASIS OF BEARINGS
 THE CENTERLINE OF HAZEL LANE BEARS
 N 67°28'00" W PER TRACT 618
 RECORDED IN BOOK 10 OF MAPS AT
 PAGE 33.

- LEGEND**
- SET 1" IRON PIPE AND CAP "PLS 8006"
DWN 8"
 - FD. MONUMENT AS NOTED
 - △ FD. CENTERLINE MONUMENT AS NOTED
 - FD. 1/2" REBAR WITH CAP PE 21807
PER (R)
- P.U.E. PUBLIC UTILITY EASEMENT
 ----- INDICATES THE BOUNDARY OF THE LAND
 BEING SUBDIVIDED BY THIS MAP
 // // // // INDICATES ACCESS DENIED TO DIVISION ST.

REFERENCES
 (N) : TRACT NO. 618 10 MB 33
 (M) : MEASURED

OMNI
 ENGINEERING GROUP, INC.
 ARCHITECTURE
 CIVIL ENGINEERING
 LANDSCAPE ARCHITECTURE
 PLANNING
 PROJECT MANAGEMENT
 SURVEYING
 TELECOMMUNICATIONS

100 Cross Street, Suite 101
 San Luis Obispo, CA 93401
 Phone: (805) 544-9700
 Fax: (805) 544-4327
 email: info@omniengr.com

IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

TRACT 2797

BEING A DIVISION OF LOT 59 OF TRACT 618 AS RECORD IN BOOK 10 AT PAGE 33 OF MAPS OF SAN LUIS OBISPO COUNTY OFFICIAL RECORDS.

A.) THAT THE OWNER(S) OF LOT(S) 1-4 IS RESPONSIBLE FOR ONGOING MAINTENANCE OF DRAINAGE BASIN AND ADJACENT LANDSCAPING IN A Viable CONDITION ON A CONTINUING BASIS INTO PERPETUITY.

B.) ALL DRIVEWAYS SHALL BE CONSTRUCTED IN ACCORDANCE WITH COUNTY STANDARD IMPROVEMENT SPECIFICATIONS AND DRAWINGS. ALL DRIVEWAYS CONSTRUCTED ON COUNTY ROADS REQUIRE AN ENCROACHMENT PERMIT.

C.) IF IMPROVEMENTS ARE BONDED FOR, ALL PUBLIC IMPROVEMENTS (ROADS, DRAINAGE, AND UTILITIES) SHALL BE COMPLETED PRIOR TO OCCUPANCY OF ANY NEW STRUCTURE.

D.) A NOTICE THAT NO CONSTRUCTION PERMITS WILL BE GIVEN A FINAL INSPECTION UNTIL THE FIRE SAFETY CONDITIONS ESTABLISHED IN THE LETTER DATED DECEMBER 19, 2005 FROM THE CALIFORNIA DEPARTMENT OF FORESTRY (CDF)/COUNTY FIRE DEPARTMENT ARE COMPLETED. PRIOR TO OCCUPANCY OR FINAL INSPECTION, WHICH EVER OCCURS FIRST, THE APPLICANT SHALL OBTAIN FINAL INSPECTION APPROVAL OF ALL REQUIRED FIRE/LIFE SAFETY MEASURES.

E.) DURING CONSTRUCTION/GROUND DISTURBING ACTIVITIES, THE APPLICANT SHALL IMPLEMENT THE FOLLOWING PARTICULATE (DUST) CONTROL MEASURES. THESE MEASURES SHALL BE SHOWN ON THE GRADING AND BUILDING PLANS. IN ADDITION, THE CONTRACTOR OR BUILDER SHALL DESIGNATE A PERSON OR PERSONS TO MONITOR THE DUST CONTROL PROGRAM AND TO ORDER INCREASED WATERING, AS NECESSARY, TO PREVENT TRANSPORT OF DUST OFF SITE. THEIR DUTIES SHALL INCLUDE HOLIDAY AND WEEKEND PERIODS WHEN WORK MAY NOT BE IN PROGRESS. THE NAME AND TELEPHONE NUMBER OF SUCH PERSONS SHALL BE PROVIDED TO THE APCD PRIOR TO COMMENCEMENT OF CONSTRUCTION.

1. REDUCE THE AMOUNT OF DISTURBED AREA WHERE POSSIBLE.
2. USE OF WATER TRUCKS OR SPRINKLER SYSTEMS IN SUFFICIENT QUANTITIES TO PREVENT AIRBORNE DUST FROM LEAVING THE SITE. RECLAIMED (NON-POTABLE) WATER SHOULD BE USED WHENEVER POSSIBLE.
3. VEHICLE SPEED FOR ALL CONSTRUCTION VEHICLES SHALL NOT EXCEED 15 MPH ON ANY UNPAVED SURFACE AT THE CONSTRUCTION SITE.
4. ALL TRUCKS HAULING DIRT, SAND, SOIL, OR OTHER LOOSE MATERIALS ARE TO BE COVERED OR SHOULD MAINTAIN AT LEAST TWO FEET OF FREEBOARD (MINIMUM VERTICAL DISTANCE BETWEEN TOP LOAD AND TOP OF TRAILER) IN ACCORDANCE WITH CVC SECTION 23114.
5. SWEEP STREETS AT THE END OF EACH DAY IF VISIBLE SOIL MATERIAL IS CARRIED ONTO ADJACENT PAVED ROADS. WATER SWEEPERS WITH RECLAIMED WATER SHOULD BE USED WHERE FEASIBLE.
6. ALL DIRT STOCK-PILE AREAS SHOULD BE SPRAYED DAILY AS NEEDED.

F.) NO DEVELOPMENTAL BURNING IS ALLOWED UNLESS AN APPLICATION IS FILED AND A BURN PERMIT IS ISSUED BY THE AIR POLLUTION CONTROL DISTRICT. THE APPLICATION SHALL INCLUDE THE JUSTIFICATION FOR BURNING GREEN WASTE MATERIAL ON THE PROJECT SITE AS WELL AS TWO WRITTEN ESTIMATES FOR CHIPPING, GRINDING, OR HAULING THE GREEN WASTE.

G.) PRIOR TO ANY SITE DISTURBANCE, THE APPLICANT SHALL HAVE A GEOLOGIC EVALUATION COMPLETED TO DETERMINE IF NATURALLY OCCURRING ASBESTOS (NOA) IS PRESENT WITHIN THE AREA OF DISTURBANCE. IF NOA IS NOT PRESENT, AN EXEMPTION REQUEST SHALL BE FILED WITH THE APCD. IF NOA IS PRESENT, THE APPLICANT SHALL COMPLY WITH ALL REQUIREMENTS OF THE AIR TOXICS CONTROL MEASURE.

H.) PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS ON ALL PARCELS, THE APPLICANTS SHALL SUBMIT A DRAINAGE PLAN PER COUNTY LAND USE ORDINANCE, SEC. 22-52.080 THAT WILL BE INCORPORATED INTO THE DEVELOPMENT TO MINIMIZE POTENTIAL DRAINAGE IMPACTS. THIS DRAINAGE PLAN WILL NEED TO INCLUDE ADEQUATE MEASURES, SUCH AS CONSTRUCTING ONSITE RETENTION AND DETENTION BASINS, OR INSTALLING SURFACE WATER FLOW DISRAPERS. THE DRAINAGE PLAN FOR THE INCREASED RUNOFF FROM NEW CONSTRUCTION WILL NEED TO SHOW THAT THERE WILL NOT BE ANY INCREASE IN SURFACE RUNOFF BEYOND THAT OF HISTORIC FLOWS.

I.) PRIOR TO ISSUANCE OF CONSTRUCTION PERMITS FOR THE RESIDENTIAL DEVELOPMENT ON PROPOSED PARCEL 3, THE APPLICANT SHALL SHOW ON THE CONSTRUCTION PLANS THE FOLLOWING FOR NOISE MITIGATION:

- A. AIR CONDITIONING OR A MECHANICAL VENTILATION SYSTEM,
- B. WINDOWS AND SLIDING GLASS DOORS MOUNTED IN LOW AIR INFILTRATION RATE FRAMES,
- C. SOLID CORE EXTERIOR DOORS WITH PERIMETER WEATHER STRIPPING AND THRESHOLD SHIELDS.

J.) ALL WATER FIXTURES INSTALLED (INCLUDING SHOWERS, FAUCETS, ETC.) THAT ARE NOT SPECIFIED IN THE UNIFORM PLUMBING CODE SHALL BE OF AN ULTRA LOW FLOW DESIGN, WHERE APPLICABLE. WATER USING APPLIANCES (E.G., DISHWASHERS, CLOTHES WASHERS, ETC.) SHALL BE OF HIGH WATER EFFICIENCY DESIGN. THESE SHALL BE SHOWN ON ALL APPLICABLE PLANS PRIOR TO PERMIT ISSUANCE.

K.) PRIOR TO FINAL INSPECTION OR OCCUPANCY (WHICHEVER OCCURS FIRST), THE FOLLOWING MEASURES SHALL BE APPLIED TO THE PROPOSED TURF AREAS:

1. DRIP IRRIGATION SYSTEMS ARE REQUIRED FOR ALL LANDSCAPE AREAS EXCEPT TURF AREAS. THE DRIP IRRIGATION SYSTEM SHALL INCLUDE THE FOLLOWING COMPONENTS: AUTOMATIC RAIN SHUT-OFF DEVICE, SOIL MOISTURE SENSORS, A SEPARATE METER FOR OUTDOOR WATER AND AN OPERATING MANUAL TO INSTRUCT THE BUILDING OCCUPANT HOW TO USE AND MAINTAIN THE WATER CONSERVATION HARDWARE.
2. THE MAXIMUM AMOUNT OF TURF (LAWN) AREA SHALL NOT EXCEED TWENTY PERCENT OF THE SITE'S TOTAL IRRIGATED LANDSCAPE AREA, TO A MAXIMUM OF 1,500 SQUARE FEET.
3. A SOLID WALL OR FENCING SHALL BE SHOWN ON ALL SIDE AND REAR PROPERTY LINES OF THE PROJECT.



100 Cross Street, Suite 101
San Luis Obispo, CA, 93401
Phone: (805) 544-4700
Fax: (805) 544-4322
email: info@omnidesigngroup.com

NIPOMO COMMUNITY



SERVICES DISTRICT

BOARD MEMBERS

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

STAFF

BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT GENERAL MANAGER
PETER SEVCIK, P.E., DISTRICT ENGINEER
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

XXXXXX XX, 2008

Mid Pacific Investments LLC
Scott Lathrop
P O Box 13938
San Luis Obispo, CA 93406

This is not a Will Serve letter

SUBJECT: REVISED INTENT-TO-SERVE LETTER FOR SEWER SERVICE
TRACT 2797, APN 092-451-048, HAZEL & DIVISION, NIPOMO (LATHROP)

An Intent-to-Serve (ITS) letter for sewer service only for TRACT 2797, APN 092-451-048, a mixed-use development in Nipomo (herein "Property" or "Project") is granted by the Nipomo Community Services District ("District") with the following conditions:

- a. Connection to the District sewer facilities will be made via County owned collection system.
- b. Owner shall provide the District with a copy of County application approval and County project conditions of approval. (See I-T-S expiration conditions below.)
- c. Owner's use of the Property that increases or has the potential to increase sewer discharges from those uses identified in the approved plans are prohibited unless specifically authorized in writing by District. Prohibited uses include, but are not limited to, the following:
 1. Restaurants
 2. Commercial laundries
 3. Car washes
 4. Athletic clubs, gymnasiums, or similar uses
 5. Swimming pools
- d. The CSA-1 Sewer Service Agreement between the County and the District is amended to include Owner's Property.
- e. Prior to the District issuing a Will-Serve Letter Owner shall:
 1. Pay the then current sewer connection fees and capacity charges.
 2. Provide the District, for District's approval, a recordable document referencing the restrictions included subparagraph c, above.
 3. Provide District with a set of approved Project Improvement Plans.
- f. Additionally, the District will not issue a Project Will-Serve Letter until the CSA-1 Agreement is amended as referenced in subparagraph d, above.
- g. The Owner's signature below.

Intent-to-Serve letters shall automatically terminate on the first to occur:

This is not a Will Serve letter

1. Failure of the Owner 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
2. Two (2) years. However, Owner 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.

This Intent-to-Serve Letter supersedes all prior Intent-to-Serve Letters.
Please call with any questions.

Sincerely,
NIPOMO COMMUNITY SERVICES DISTRICT

Bruce Buel,
General Manager

I, _____, have read the foregoing revised Intent-to-Serve Letter for sewer service only for Tract 2797 and by my signature below, agree to the conditions contained herein.

Date: _____

Owner _____

Print Name (Owner)

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 5, 2008



NEGOTIATION OF PROPOSITION 84/1E FUNDING AGREEMENT

ITEM

Authorize negotiation of agreement with San Luis Obispo County regarding application for state grant funding for Waterline Intertie Project [AUTHORIZE NEGOTIATION].

BACKGROUND

The State's draft Proposition 84/1E Grant Guidelines require regions (like San Luis Obispo County) to form a Regional Water Management Group (RWMG) bound by a governance agreement as a pre-requisite to applying for funding. San Luis Obispo County has proposed an initial RWMG comprised of the Flood Control District, NCSD and LOCSD. Attached is a memo from the Flood Control District describing the process and some of the requirements. The current deadline for formal approval of the initial RWMG is March 1, 2009.

NCSD's Waterline Intertie Project is a high priority project in the County's Integrated Water Management Plan and staff believes that our project is competitive. Additionally, the County's previous failures to secure major grant funding increases our chances in this funding round.

FISCAL IMPACT

Negotiation of a Memorandum of Understanding (MOU) would involve the use of District Legal Counsel estimated at \$2,000 and the use of previously funded staff time. Preparation of the actual grant application and supporting materials would involve additional unknown expense to be considered separately. Acceptance of grant funding would involve additional unknown expense (compliance with AB 1420, etc.) to be considered separately.

RECOMMENDATION

Staff believes that the time and money required to negotiate the MOU is a good business decision in light of the potential grant funding for the project. Staff recommends that the Board authorize the General Manager and District Legal Counsel to negotiate with the Flood Control District/LOCSD and to develop a MOU (or other agreement) for subsequent consideration by the Board.

ATTACHMENTS

- Flood Control District Memo and Supporting Materials

T:\BOARD MATTERS\BOARD MEETINGS\BOARD LETTER\BOARD LETTER 2008\PROP 84 Agreement.DOC

TO: Water Resource Advisory Committee
FROM: Courtney Howard, SLO County Water Resources Engineer
DATE: December 3, 2008
SUBJECT: Agenda Item #7: Integrated Regional Water Management (IRWM) Program

Recommendation

Review next steps in the IRWM Program and consider how the WRAC can most effectively stay involved in those steps.

Discussion

The following is a summary of the key next steps in the IRWM Program, their timing and the issues the San Luis Obispo County region will need to address.

Region Acceptance Process (RAP)

The Department of Water Resources will be releasing draft guidelines on the Region Acceptance Process by mid-December. One of the requirements will be to have formed a Regional Water Management Group and executed some form of governance agreement. An example Memorandum of Understanding from the North Coast IRWM Plan is attached and Slide 36 on page 12 (not WRAC agenda page 12) of the attached State Department of Water Resources (DWR) Information Workshop outlines what must be covered in a governance agreement. The governance agreement must be between at least three agencies, two of which must have statutory authority over water supply or management. In the short term, to meet the RAP deadline of March 1, 2009, the District will be pursuing execution of an MOU with Nipomo CSD and Los Osos CSD, as cooperative water resource management projects are being pursued in those areas and their governing bodies have adopted the region's IRWM Plan.

Another requirement of the RAP will be to justify our region boundary, which is contiguous with the San Luis Obispo County line, in the ways outlined in Slide 35, page 12. The District will be communicating with bordering regions to ensure consistency and coverage of water resource issues in those areas.

Compliance with AB 1420

AB 1420 is a legislative requirement that those Urban Water Suppliers receiving grants must implement the Demand Management Measures, which equate to the Best Management Practices identified in the CA Urban Water Conservation Council (see slides 51-64, pages 18 – 22). DWR recognizes that a majority of potential applicants are not currently in compliance, so they will be incorporating compliance into the guidelines. If your agency qualifies as an Urban Water Supplier (3000 connections or 3000 acre-feet

of water deliveries per year), please be aware of this requirement as projects are selected for inclusion in grant applications.

Expedited Grant Funding Round

The guidelines for the \$100 million in IRWM Implementation Grants available through an expedited process are expected to be released in March 2009 for review and comment. Applications for these funds will likely be due in May or June 2009, therefore any projects submitted in the application would need to demonstrate a readiness to proceed (certified EIR, clearly identified project design) at that time. Since only \$100 Million is available for this funding round, DWR is considering imposing a “1/9th of the funding area allocation” cap on grant applications, meaning the region could only apply for a maximum of \$5.8 M (see slide 48, page 16). However, if no other region in the Central Coast Funding Area submits an application, and depending on the guidelines, our region may be eligible to apply for the funding area cap of \$17.3 M. The District will be working with the other regions in the Central Coast Funding Area to request support for our application and submit consistent, perhaps joint, comments to the State regarding funding caps.

**DWR INFORMATION
WORKSHOP
IRWM/SWFM Grants and Region
Acceptance Process Discussion**

Tuesday, November 18, 2008 – Riverside
Wednesday, November 19, 2008 – Sacramento
Friday, November 21, 2008 – Santa Barbara

**DWR INFORMATION
WORKSHOP**

AGENDA

- INTRODUCTIONS
- FUNDING
- SBxx 1 IRWM PLANNING ACT
- SCHEDULE
- REGION ACCEPTANCE PROCESS
- IRWM EXPEDITED ROUND GUIDELINES
- AB 1420 COMPLIANCE

2

Funding

3

Total Authorized

- Prop 84 IRWM - \$1 billion
 - \$900 M allocated to 11 funding areas (Regional Funds)
 - \$100 M for interregional projects or projects of statewide significance (Interregional Funds)
- Prop 1E SWFM - \$300 million
- Program Delivery – 5%
- Statewide-Bond Issuance Costs – 3.5%

State Budget Appropriations

- FY 2008-09 Budget
 - Prop 84 IRWM Interregional Funds
 - \$13,484,000 – State's Colorado River QSA Obligations
 - \$8,000,000 – CALFED Science Grants

SBxx1 Appropriations

- Funds availability
 - March 1, 2008 – June 30, 2010
- \$181,791,000 from Prop 84 IRWM
 - \$100,000,000 – Implementation
 - Regional Funds
 - 10% (\$10 M) for projects that address critical water supply or water quality needs for DACs
 - \$20 M for ag and urban water conservation projects needed to meet 20X2020 goal

SBxx1 Appropriations

- Prop 84 IRWM cont.
 - \$39,000,000 – Planning
 - 10th (3.9M) to facilitate and support the participation of DACs in IRWM planning
 - \$30,000,000 – IRWM Planning Grants
 - \$15,000,000 from Regional Funds
 - \$15,000,000 from Interregional Funds
 - \$5,000,000 for DAC participation in IRWM
 - \$9,000,000 – Local Groundwater Assistance
 - \$4.3 M awarded already
 - \$4.7 M for next cycle

SBxx1 Appropriations

- Prop 84 IRWM cont.
 - \$22,091,000 – Interregional Projects
 - \$10,000,000 – Interconnection of Delta Aqueducts
 - \$2,000,000 – Tulare County Integrated WQ/WWT Program Plan
 - \$10,091,000 – DWR Actions
 - \$20,700,000 – Program Delivery

SBxx1 Appropriations

- \$150,000,000 from Prop 1E SWFM
 - \$100,000,000 – Seismic strengthening
 - Existing flood control facilities
 - \$20,000,000 – Combined sewer systems
 - \$20,000,000 – Urban Stream-SWFM
 - Watersheds that drain to San Francisco Bay
 - Includes Sacramento and San Joaquin Watersheds
 - Remainder of appropriation
 - \$5,500,000 – General SWFM projects
 - \$4,500,000 – Program Delivery

Future Appropriations

- Prop 84 IRWM
 - Regional Funds – \$708,500,000
 - Interregional Funds – \$23,925,000
 - Balance of Program Delivery & Bond Costs
- Prop 1E SWFM
 - Grant Program – \$129,000,000
 - Balance of Program Delivery & Bond Costs

10

SBxx1 IRWM Planning Act

http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sbx2_1_bill_20080930_chaptered.pdf

11

IRWM Planning Act

- Repeals and replaces Water Code § 10530 *et seq.*
- Enacted September 30, 2008
- Effective March 1, 2009

12

IRWM Planning Act

- Defines terms, including:
 - Integrated Water Management Plan
 - Local Agency
 - Regional Water Management Group (RWMG)
- Establishes plan development/adoption process
- Specifies IRWM Plan content
- Specifies Guidelines content

13

Terms

- Local Agency
 - Includes public utilities and mutual water companies
 - Does not include State agencies or departments

14

Terms

- RWMG
 - 3+ local agencies
 - At least 2 with statutory authority over water supply or management
 - Other persons necessary for the development and implementation of a plan
 - Participate by JPA, MOU, or written agreement
 - Approved by governing body of local agencies

15

Plan Development & Adoption

- RWMG may:
 - Prepare and adopt an IRWMP
 - Coordinate planning to address/incorporate
 - Groundwater management planning
 - Urban water management planning
 - Water supply assessment
 - Ag water management planning
 - City & County general planning
 - Other water resource management planning

18

Plan Development & Adoption

- RWMG proposing to prepare a IRWMP shall:
 - Publish a notice of intent to prepare
 - Make publicly available how interested parties may participate in the IRWM planning process
 - Upon completion, publish a notice of intent to adopt

19

IRWM Plan Content

- At a minimum an IRWMP shall address:
 - Water supply reliability
 - Drinking water quality
 - Protection and improvement of water quality
 - Threats to groundwater resources from overdrafting
 - Resources stewardship
 - Protection of groundwater from contamination
 - Water-related needs of disadvantaged communities

20

Guidelines – DWR shall:

- Develop project solicitation and evaluation guidelines
- Solicit public input and transmit final guidelines to Legislature
- Consult with SWRCB, RWQCBs, DPH, DFG, CBDA and other state agencies
- Establish eligibility requirements for project funding
 - Provide sufficient time for updating IRWMP to reflect changes to the guidelines

19

Guidelines – DWR shall:

- A process for developing, periodic review, updating, and amending IRWMPs
- Include standards for identifying a region
- Develop a process to approve the composition of a region

20

Guidelines – DWR may:

- Periodically review and update the guidelines

21

Guidelines

shall require that IRWMPs include:

- Consideration of CWP Resource Management Strategies
- Consideration of (RWQCB) basin plan objectives and strategies to meet water quality standards
- Describe major water related objectives and conflicts

22

Guidelines

shall require that IRWMPs include:

- Measurable regional objectives and criteria for developing project priorities
- An integrated, collaborative, multibenefit approach to selection and design of projects and programs
- Identify and consider water-related needs of DACs

23

Guidelines

shall require that IRWMPs include:

- Performance measures and monitoring
- Plan for implementation and financing of identified projects and programs
- Consideration of greenhouse gas emissions of identified projects and programs
- Evaluation of adaptability to climate change of region's water management systems

24

Guidelines

shall require that IRWMPs include:

- Document data and technical analyses used to develop the plan
- Process to coordinate water management projects and activities with local agencies and stakeholders
- Other matters identified by DWR

25

Guidelines

shall require that IRWMPs include:

- Development and implementation include a public process for stakeholders that includes:
 - Provides outreach and
 - An opportunity for participation in plan development and implementation by local agencies and stakeholders
 - 13 stakeholder categories listed

26

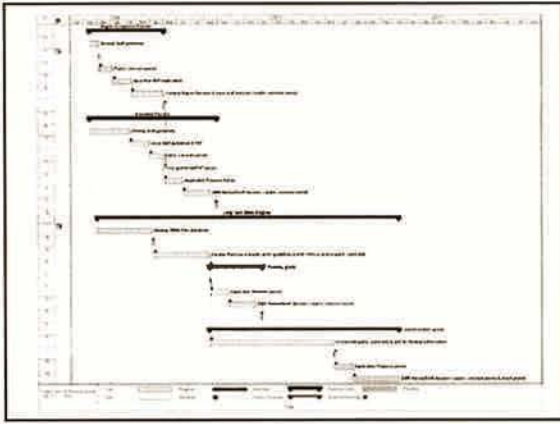
Guidelines

shall require that IRWMPs include:

- Be developed through a collaborative process that makes public both:
 - Process by which decisions are made in consultation with listed stakeholders
 - The manner which balances interested person/entities representing different sectors/interests have been/will be engaged in process regardless of ability to financially contribute to the plan

27

Schedule



- ## Global Processes
- Documents (RAP, Guidelines & PSPs) CWC 10541 (b)
 - Publish the draft guidelines on DWR Web Site at least 30 days before public meetings
 - Conduct two public meetings to consider public comments prior to finalizing the guidelines
 - Northern California
 - Southern California

Global Processes

- Grant Award Decisions
 - DWR reviews and prepares preliminary award list
 - Public review period & comments received
 - Includes public meeting
 - DWR Director makes final decision on grant awards
 - Following consideration of public comments

31

Region Acceptance Process

32

Region Acceptance Process

- Applies to all IRWM regions
 - Existing and Developing
- Acceptance into the IRWM grant program
- Provide assurance of eligibility for future IRWM Grant funding opportunities
- Separate from grant solicitation process
 - Pass once
 - Continued Compliance
 - If not ready, not last chance, can return in future cycle

33

Who Should Submit?

- Any IRWM effort that anticipates applying for grant funding from DWR's IRWM grant program
- Information should be submitted by a local agency or non-profit organization that represents the RWMG

24

My IRWM Region

- Not based solely on geographic features
- Defined by water management issues, stakeholder composition, and water-related conflicts
- Configured to achieve the function of diversifying and strengthening the regional water management portfolio

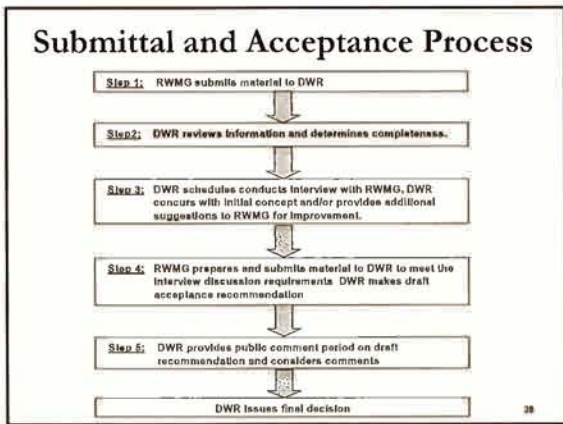
25

My IRWM Region

- Demonstrates a reasonable and effective governance structure, it explains how it will function, get things done, make decisions and ensure the continued implementation into the future
- Outlines the roles, responsibilities and decision making structure of the RWMG
- Includes a public process with outreach to appropriate local agencies and other regional stakeholders

26

Schedule	
Issue Draft Guidelines + 30-Day Public Comment Period	December 2008
Public Meeting - Northern and Southern California	Early January 2009
Issue Final Guidelines	Late January 2009
Applicant Submittal Preparation - 30 Days	Jan - February 2009
Submittal Due Date	Late February 2009
DWR meetings and interviews with Applicants	March 2009
Release Draft Recommendations for Public Comment	April 2009
DWR's Final Decisions	April 2009



IRWM Expedited Round Guidelines

Expedited Round Guidelines

- Cover process and expedited solicitation package
- Specific to \$100M Prop 84 funding and \$150M Prop 1E funding appropriated in SBxx 1
- Draft Guidelines and Proposal Solicitation Package (PSP) – opportunity to comment
- Final Guidelines and PSP timed release to RAP

40

Expedited Round – Things We Know

- Must comply with:
 - Funding source language
 - Funding Directives in SB xx1
 - UWMP requirements
 - GWMP requirements
 - AB1420 requirements
 - Expedite based on Executive Order S-06-08
 - Drought as a preference

41

Expedited Round Concepts

- Attempt to simplify application process
 - Proof of plan adoption
 - No detailed plan review
 - Must determine project is part of plan
- Consider

Work Plan	Readiness
Budget	Need
Costs	Preferences
Benefits – including DAC	

42

Expedited Round Concepts

- 1 PSP for both Prop 84 and Prop 1E funding
- CWC §83002 (b)(3)(B) from SBxx 1
 - IRWMP must meet provisions of IRWM Planning Act Rewrite OR
 - Adopted Plan as of Sept 30, 2008 + agreement to update within 2 years + effort to address DAC water issues

43

Expedited Round Concepts

- Work plan for plan revision part of agreement?
- Consequence of not revising plan
 - Request return of grant
 - Stop payment of grant until update complete
- Cost share time limits
 - Work after Sept 30, 2008; March 1, 2009; Other?

44

Expedited Round Concepts

- Disadvantaged Communities and Expedite of Disbursement
- CWC §83002 (b)(3)(C) from SBxx 1 Not less 10% of \$100M implementation funds for projects that address critical water supply or water quality needs for DAC
 - Still tied to 80% Statewide MHI definition
 - Application will include explanation of critical WS or WQ need of identified DAC

45

Expedited Round Concepts

Disadvantaged Communities and Expedite of Disbursement

- Possible program helps for DAC:
 - Allow FS
 - Allow Needs Assessment
 - Design
 - Readiness is start of contract vs. construction

46

Expedited Round Concepts

Prop 84 funds proposed cap:

- 1 grant per IRWM region
- Grant cap – 1/9th Funding Area (FA) Allotment
- FA cap – no more than 1/3 FA
- Gives flexibility for DWR to abide by preferences, funding directives, and fund best projects
- Reserves funds as incentive
- No hard commitment to fund in each FA, but intent to fund in each FA.

47

Possible Grant Caps

Funding Area (FA)	P84 FA Allotment	Proposed Expedited 1/9th Grant Cap	Expedited Proposed FA Cap
North Coast	\$37,000,000	\$4,111,111	\$12,333,333
SF Bay	\$138,000,000	\$15,333,333	\$46,000,000
Central Coast	\$52,000,000	\$5,777,778	\$17,333,333
LA	\$215,000,000	\$23,888,889	\$71,666,667
Santa Ana	\$114,000,000	\$12,666,667	\$38,000,000
San Diego	\$91,000,000	\$10,111,111	\$30,333,333
Sac River	\$73,000,000	\$8,111,111	\$24,333,333
San Joaquin	\$57,000,000	\$6,333,333	\$19,000,000
Tulare Lake	\$60,000,000	\$6,666,667	\$20,000,000
N/S Lahontan	\$27,000,000	\$3,000,000	\$9,000,000
Colorado River	\$36,000,000	\$4,000,000	\$12,000,000
Totals	\$900,000,000	\$100,000,000	\$300,000,000*

* No more than \$100,000,000 can be awarded in the Expedited Grant Round.

48

Expedited Round Concepts

Prop 1E funds:

- Cap each grant at \$30M/project
- Multiple projects in an application OK
- Some of these funds may be directed to an Economic Stimulus Package

49

Future IRWM Rounds

- Planning Grants
 - Summer 2009
- Implementation Grants
 - Summer 2010 or later

50

AB 1420 Compliance

51

AB 1420 Compliance

- AB 1420 (Laird) requires DWR to condition a water management grant or loan made by DWR to an *urban water supplier* on implementation of the Demand Management Measures (DMMs)

52

AB 1420 Compliance

- Applies to grant agreements executed Jan 1, 2009 or later
- DWR equates DMMs with Best Management Practices (BMPs) as identified in the California Urban Water Conservation Council (CUWCC) MOU

53

AB 1420 Compliance

- BMP's from CUWCC MOU are considered Foundational or Quantitative.
- Compliance is currently concerned with Foundational BMPs

54

AB 1420 Foundational BMPs for Retail Water Suppliers

- BMP 3: System Water Audit, Leak Detection
- BMP 3: Leak Repair
- BMP 4: Metering with Commodity Rates for All New Connections
- BMP 4: Retrofit of Existing Meter Connections
- BMP 7: Public Information
- BMP 8: School Education
- BMP 11: Conservation Pricing
- BMP 12: Conservation Coordinator
- BMP 13: Water Waste Prohibition

55

AB 1420 Foundational BMPs for Wholesale Water Suppliers

- BMP 3: System Water Audit, Leak Detection
- BMP 3: Leak Repair
- BMP 7: Public Information
- BMP 8: School Education
- BMP 10: Wholesale Agency Assistance Program
- BMP 12: Conservation Coordinator

56

AB 1420 Quantifiable BMPs for Retail Water Suppliers

Implementation is not a compliance requirement

- BMP 1: Water Survey Program for Single-Family and Multi-Family Residential Customers
- BMP 2: Residential Plumbing Retrofit
- BMP 5: Large Landscape Conservation Program and Incentives
- BMP 6: High-Efficiency Washing Machine Rebate Program
- BMP 9: Conservation Programs for Commercial, Industrial, and Institutional (CII) Accounts
- BMP 14: Residential ULFT Replacement Program

57

AB 1420 BMP Implementation Compliance

What does it mean?

Compliance means that the Urban Water Supplier has implemented all Foundational BMPs and has reported implementation to the CUWCC or DWR

58

AB 1420 BMP Implementation Compliance

- Project Proponents who are Urban Water Suppliers know if they are
 - Compliant – Implemented all Foundational BMPs
 - Non-Compliant – Have not implemented all Foundational BMPs
- Either condition can work in the IRWM grant program

59

Non-Compliant with AB 1420

- Assume this is the status of most urban water suppliers
- Several potential ways to address within the IRWM grant program.
- IRWM grant program has not made a decision as to how to proceed.
- Assume programmatic options would be part of the grant application process.

60

Non-Compliant with AB 1420

Possible programmatic solutions

- Allow urban water suppliers to apply for grant funds to implement all foundational BMPs
- Allow only specific BMPs for funding
- Small grant amount for BMP implementation and accept other urban water supplier projects

61

Non-Compliant with AB 1420

Considerations as we weigh options:

- BMP implementation not requesting grant funds still requires budget, schedule, work plan to DWR to come into compliance.
- The Implementation process must commence within 12 months contract execution.
- Can demonstrate BMP is not cost effective.
- All funding is from SBxx1 funding – No additional money.

62

Compliant with AB 1420

- Urban Water Supplier has implemented ALL Foundational BMPs
- Must still demonstrate compliance to DWR or CUWCC
- Verification of compliance may take time.
- Can start process now

63

Compliant with AB 1420

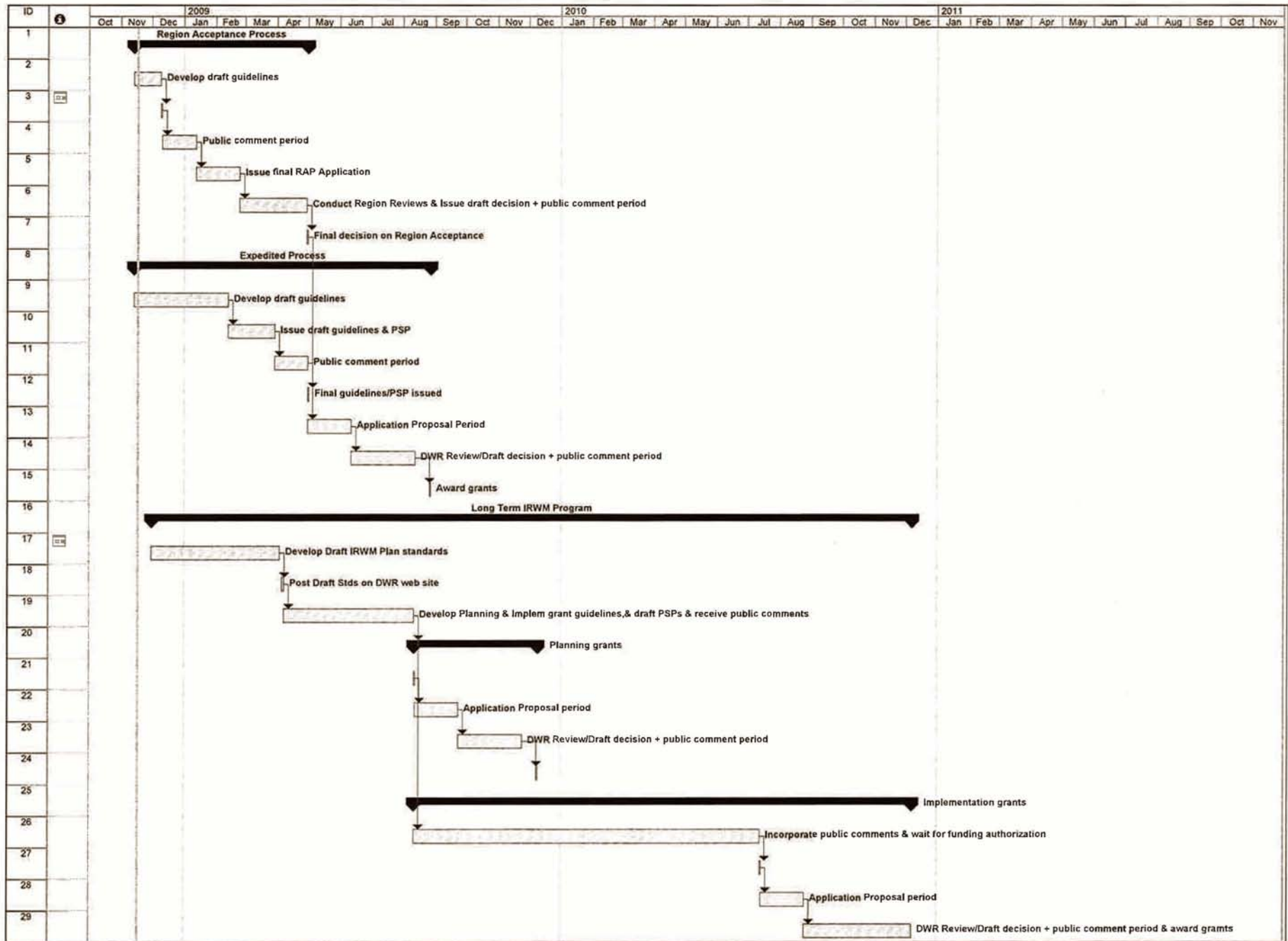
- Complete Table 1 AB 1420 Foundational BMP Compliance & Submit it to DWR
- Table 1 :
www.owue.water.ca.gov/finance/index.cfm

64

Questions

- Additional Info: Joe Yun, (916) 651-9222,
DWR_IRWM@water.ca.gov
- SBxx 1:
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sbx2_1_bill_20080930_chaptered.pdf
- Bond Accountability:
<http://www.bondaccountability.ca.gov/>
- IRWM Grant Program:
<http://www.grantsloans.water.ca.gov/grants/irwm/integregio.cfm>
- Office of Water Use Efficiency, AB1420 Compliance:
<http://www.owue.water.ca.gov/finance/index.cfm>
- California Urban Water Conservation Council:
<http://www.cuwcc.org/>

65



Project: Nov 08 Public workshop
Date: Mon 11/17/08

Task Split

Progress Milestone

Summary Project Summary

External Tasks External Milestone

Deadline

North Coast Integrated Regional Water Management Plan, Phase 1
Appendix C

Integrated Regional Water Management Plan
Memorandum of Mutual Understandings

1. **PURPOSE** The purpose of this document is to establish the mutual understandings of North Coast area agencies with respect to their joint efforts towards developing a North Coast Integrated Regional Water Management Plan (IRWMP) that will increase regional coordination, collaboration and communication and help in obtaining funding for water-related projects.
2. **GOALS** The goals of the IRWMP are: 2.1. To develop a comprehensive plan to facilitate regional cooperation in providing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, wetlands enhancement and creation, and environmental and habitat protection and improvement. 2.2. To foster coordination, collaboration and communication between North Coast agencies responsible for water-related issues and interested stakeholders, to achieve greater efficiencies, enhance public services, and build public support for vital projects. 2.3. To improve regional competitiveness for State and Federal grant funding.
3. **DEFINITIONS**
 - 3.1. **Integrated Regional Water Management Plan.** The plan envisioned by state legislators and state resource agencies that integrates the projects and management plans of all water-related agencies and stakeholders in a region, in this case the North Coast Region, in order to foster coordination, collaboration and communication among those entities and to assist decision-makers in awarding grants and other funding. The plan will address water supply, water quality, wastewater, stormwater/flood control, watershed planning and aquatic habitat protection and restoration.
 - 3.2. **Agency.** A public entity, be it a special district, city or other governmental entity, responsible for providing one or more services in the areas of water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration.
 - 3.3. **Service function.** A water-related individual service function provided by an agency, i.e. water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning, and aquatic habitat protection and restoration.
 - 3.4. **Project.** A comprehensive list of resource projects or programs, in need of funding that addresses: water supply, water quality, wastewater, stormwater/flood control, watershed planning or aquatic habitat protection and restoration.
 - 3.5. **Management plan.** An agency's or organization's plan, based in part on the land-use plans within the entity's jurisdiction, that addresses how that entity will provide service in the future in one or more of the following service functions: water supply, water quality, wastewater, recycled water, water conservation,

stormwater/flood control, watershed planning or aquatic habitat protection and restoration.

3.6. **Integration.** Assembling into one document the water-related management strategies, projects and plans in the North Coast Region. The first phase would be to identify water management strategies for the region and the priority projects that work together to demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration and fisheries protection. Projects and plans would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and plans of separate service functions and to see where projects and plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration.

3.7. **North Coast Technical Review Panel.** The panel comprised of representatives from each North Coast County appointed by IRWMP participants in the North Coast Region to compile and integrate projects and management plans of the North Coast region. Review panel members will define the process of compilation and integration including format, schedules and ground rules to ensure process consistency and uniformity.

4. IRWMP PROJECT PARTICIPANTS

4.1. **Public agencies.** Public agencies, which have developed projects and management plans, are responsible to their respective electorates, and are devoting staff to the process, will take the lead as described in "Approach to developing the IRWMP" below. These agencies will be the signatories to this memorandum of mutual understandings.

4.2. **Contributing entities.** Other entities, such as business and environmental groups, are considered valuable contributors and will continue to be invited and encouraged to participate and will be invited to be signatories to this memorandum of mutual understandings.

4.3. **Regulatory agencies.** These agencies, such as the North Coast Regional Water Quality Control Board, Coastal Conservancy, and Department of Fish and Game, will be invited to participate. If they cannot participate in work meetings, representatives of the technical review panel will keep them advised of project and plan progress and seek guidance as needed.

5. MUTUAL UNDERSTANDINGS

5.1. Need for a North Coast IRWMP

5.1.1. To foster increased coordination, collaboration and communication between North Coast water-related agencies and interested stakeholders that may result in more effectively managed resources, cost efficiencies and better service to the public.

5.1.2. Also, representatives of state resource agencies and state legislators have suggested that qualification of some state grants and other funding criteria will require development and implementation of Integrated Regional Water Management Plans.

5.2. **Subject matter scope of the IRWMP.** The IRWMP will include, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater/flood control, watershed planning and aquatic habitat protection and restoration. It is acknowledged that the management plans of each individual public agency are based, in part, on the land-use plans within an agency's jurisdiction. Therefore, the resultant IRWMP will by design have incorporated the land-use plans and assumptions intrinsic to the respective water-related service function.

5.3. **Geographical scope of the IRWMP.** The North Coast Region for this Memorandum is defined as the seven North Coast counties – Del Norte, Siskiyou, Humboldt, Trinity, Lake, Mendocino and Sonoma – even though some areas of some counties and individual agencies may lay outside the North Coast hydrologic region.

5.4. **Approach to developing the IRWMP**

5.4.1. A reasonable approach towards developing the IRWMP is first for the participants involved to create a technical review panel whose members work together to compile their individual projects and management plans to see where cooperative efforts could be employed. The panel would also work to identify needs and list projects that may qualify for funding under various state and federal grant and loan programs.

5.4.2. The proposed forum for this regional planning effort is through the associations, coalitions, or other entities to which the majority belong, inviting others agencies and entities to participate in the effort.

5.4.3. The technical review panel should refer to any already completed and ongoing compilation efforts for information and input.

5.4.4. Once there has been a compilation of projects and plans for the separate, service function areas, the North Coast technical review panel will place all the projects and plans into one integrated document. As stated above in "definitions," the first phase would be to identify water management strategies for the region and the priority projects that work together to demonstrate how these strategies work together to provide reliable water supply, protect or improve water quality, provide watershed protection and planning, and provide environmental restoration and fisheries protection. Projects and plans would be categorized and opportunities to identify regional benefits of linkages between multiple water management strategies among projects and plans of separate service functions and to see where projects and plans of separate service functions may further interrelate, e.g. wastewater treatment and water recycling or habitat restoration. 5.5. **Decision-making.** Consensus will be sought in the event the need for a decision arises.

5.6. **Approval of the IRWMP.** IRWMP approval and adoption will occur by participating agency and organization signatures on the IRWMP.

5.7. **Non-binding nature.** This document and participation in this IRWMP effort are nonbinding, and in no way suggest that an agency may not continue its own planning and undertake efforts to secure project funding from any source. An agency may withdraw from participation at any time.

5.8. **Personnel and financial resources.** It is expected that agencies and organizations will contribute the personnel and financial resources necessary to develop the IRWMP.

5.9. **Other on-going regional efforts.** Development of the IRWMP is separate from efforts of other organizations to develop water-related plans on a regional basis. These other plans include, but are not limited to, Pacific Coastal Salmon Recovery Program, Eel Russian River Commission, and Department of Water Resources (DWR) Bulletin 160 development. As the IRWMP is developed, work products can be shared with these separate efforts to provide them with current information.

5.10. **Reports and communications.** The North Coast technical review panel will regularly report on their progress to the agencies and stakeholders they represent and the associations or organizations to which they belong that are involved in the IRWMP process.

5.11. **Termination.** Because the IRWMP will require periodic review and updating for use into the future, it is envisioned that the joint efforts of those involved will be ongoing in maintaining a living document. Thus this document will remain as a reflection of the understandings of the participants. As indicated, individual signatories of this Memorandum may terminate their involvement at any time.

6. SIGNATORIES TO THE MEMORANDUM OF MUTUAL UNDERSTANDINGS

We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the North Coast Integrated Regional Water Management Plan will be developed. _____ signature

_____ printed name

_____ agency

_____ date

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: DECEMBER 4, 2008

**AGENDA ITEM
D-8
DEC. 10, 2008**

**AUTHORIZE ADDITIONAL HIGH-EFFICIENCY CLOTHES WASHER
REBATES FROM CUWCC**

ITEM

Authorize additional high-efficiency clothes washer rebates from CUWCC [RECOMMEND AUTHORIZATION].

BACKGROUND

The District's Water Conservation program includes a high-efficiency clothes washer (HEW) rebate program. The HEW program assists our customers in decreasing their water consumption, and will also fulfill one of the water conservation Best Management Practices (currently BMP 6; proposed BMP revisions' BMP 3) for the California Urban Water Conservation Council (CUWCC), the Memorandum of Understanding of which the District is a signatory.

The District's high-efficiency clothes washer rebate program is currently being administered on the CUWCC. This approach has proven beneficial to the District by saving the District 50% on these rebates (these rebates are 50% subsidized by a State Grant, saving the District \$75 per rebate), and by saving the District the employee hours which would otherwise be utilized in administering the program.

The District purchased 100 rebates initially. To date, 42 District customers have received rebates through this program. An initial payment of \$7500 (for 100 rebates) was made to CUWCC. We currently have \$4350 remaining in the CUWCC rebate program.

The CUWCC has extended this program to 2010, and has received extra funding for a limited number of additional rebates. It is anticipated that there will not be enough rebates to fulfill the requests of all of the CUWCC's members.

FISCAL IMPACT

The approved Water Conservation Budget includes \$36,500 for HEW rebates. To date, \$8902.38 has been spent, and \$27,597.60 remains in the budget for this measure.

RECOMMENDATION

Staff recommends that your Honorable Board authorize the immediate purchase of 100 additional HEW rebates through the CUWCC.