

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *MLC*  
DATE: DECEMBER 11, 2009

**AGENDA ITEM  
B  
DECEMBER 16, 2009**

PARK MAINTENANCE DISTRICT NO. 1 ASSESSMENT

PUBLIC HEARING

**ITEM**

Conduct a public hearing on proposed assessment district, close hearing, count ballots, announce results and adopt Resolutions as appropriate.

**BACKGROUND**

Nipomo Community Services District has received conditional approval from LAFCO to operate and maintain parks within the current NCSD boundary. Additionally, NCSD has negotiated a Memorandum of Understanding (MOU) with the County of SLO to transfer property, at no charge, to build a Park at the northeast corner of Carrillo and West Tefft Streets, to the NCSD upon successful formation of an Assessment District to partially fund the operations and maintenance of the proposed park. Assessment District is to provide an appropriate revenue source to partially fund the on-going annual operation and maintenance costs of the proposed park.

In October 2009, the District successfully formed the Assessment District for Park Maintenance District No. 1, retained the Wallace Group to conduct the Assessment vote and scheduled a public hearing for December 16, 2009. On October 30, 2009, the District mailed Assessment ballots to all property owners within the Assessment District. The District held an informational meeting on November 30, 2009 at 6:30 p.m. to answer questions the public might have.

**FISCAL IMPACT**

Development of the Park district assessment project is in this year budget. If the Assessment passes, taxes will be levied in fiscal 2010/2011 and park construction will proceed at that time.

**RECOMMENDATION**

Receive presentation from Assessment Engineer and District Staff.

Open Public Hearing

- Receive public comments on proposed assessment district and assessments
- Receive assessment ballots not previously delivered to the District / provide opportunity for property owners to amend previously delivered assessment ballots

Close Public Hearing and order tabulation of assessment ballots.

Break for tabulation of ballots. (The Board may continue with subsequent Agenda items at this time, if feasible)

Announce results of assessment ballot tabulation.

If a majority protest does not exist then:

- Adopt Resolution approving Engineer's Report.
- Adopt Resolution ordering the levy and collection of the assessments

**ATTACHMENTS**

NONE – Draft Resolutions will be distributed Monday December 14, 2009.

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *ML*  
DATE: DECEMBER 11, 2009

**AGENDA ITEM  
C-1  
DECEMBER 16, 2009**

MONTHLY ENGINEER UPDATE

**ITEM**

NCSD District Engineer Peter Sevcik re District Engineer Activities in November 2009 [NO ACTION REQUESTED].

**BACKGROUND**

Peter Sevcik is scheduled to summarize the attached outline.

**RECOMMENDATION**

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

**ATTACHMENTS**

- District Engineer Activities Outline

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# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326  
NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932  
Web site address [www.ncsd.ca.gov](http://www.ncsd.ca.gov)

## MEMORANDUM

TO: MICHAEL LEBRUN, INTERIM GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E., DISTRICT ENGINEER *P. V. Sevcik*  
DATE: DECEMBER 2, 2009  
RE: DISTRICT ENGINEER ACTIVITIES UPDATE

- **Santa Maria Waterline Intertie Project**
  - Attended December 1, 2009 City Council Meeting
  - Met with AECOM to discuss status of design and design budget
  - Reviewed 90% submittal for Nipomo Area Pipeline Improvements (Bid Package #2)
  - Assisted Interim General Manager with Committee meeting
- **Southland WWTF Upgrade**
  - Reviewed TM #1 – Operations During Construction
  - Overseeing Fugro's investigation of Pasquini property
  - Assisting with environmental review process
- **Willow Road Waterline Extension Phase 1 Project**
  - County bidding of project delayed to January, 2010
- **Willow Road Waterline Extension Phase 2 Project**
  - Waiting for County review of 35% design
- **Water and Sewer Master Plan Implementation**
  - Misty Glen Connection Project pre-construction meeting on 12/1
- **Safety Program**
  - Coordinated safety training for District operations employees on 12/8
  - Continued to monitor on-line training program for all District employees
- **Sewer System Management Plan**
  - Developed implementation plan for recently approved Fats, Oils and Grease (FOG) Control Element
- **Sundale Well**
  - Working on scheduling cleaning of well and reinstallation of pump

- **Development Oversight**
  - Tract 2663, 220 Buckhorn, Bud Kelly - construction completed
  - Tract 2689, 691 W Tefft, Terry Flatley - in construction
  - CO 06-0225, 781 W Tefft, Bill Kengel - in construction
  - Tract 2441, Grande and Blume, Gray Trust - in plan review
  - Tract 2855, Juniper and Daffodil, Mid State Properties - in plan review
  - Tract 2650, Via Concha and Willow, Vintage Homes - in plan review
  - Developing list of project owners to notify regarding Intent to Serve extension
  - Continued service request, plan check and project acceptance processing
  
- **Other**
  - Obtained California Department of Public Health Approval for Triggered Source Monitoring Plan
  - Submitted monthly compliance reports for the water and wastewater systems

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *med*  
DATE: DECEMBER 11, 2009

**AGENDA ITEM**  
**C-2**  
**DEC 16, 2009**

MONTHLY SUPERINTENDENT UPDATE

**ITEM**

NCSD District Superintendent Tina Grietens re Utility Division Activities in November 2009 [NO ACTION REQUESTED].

**BACKGROUND**

Tina Grietens is scheduled to summarize the attached outline.

**RECOMMENDATION**

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

**ATTACHMENTS**

- District Utilities Division Activities Outline

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# NIPOMO COMMUNITY

## BOARD MEMBERS

JAMES HARRISON, PRESIDENT  
LARRY VIERHEILIG, VICE PRESIDENT  
ED EBY, DIRECTOR  
MIKE WINN, DIRECTOR  
BILL NELSON, DIRECTOR



# SERVICES DISTRICT

## STAFF

MIKE LE BRUN, INTERIM GENERAL MANAGER  
LISA BOGNUDA, ASSISTANT GENERAL MANAGER  
JON SEITZ, GENERAL COUNSEL

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

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TO: MIKE LE BRUN, INTERIM GENERAL MANAGER  
FROM: TINA GRIETENS, UTILITY SUPERINTENDENT  
DATE: DECEMBER 3, 2009  
SUBJECT: UTILITY DIVISION UPDATE FOR NOVEMBER 2009

- **Southland Wastewater Plant and Utility Yard**  
Setup of EOC Facility status: radio frequency application processed, antenna base on order,  
Radios received, installation in vehicles started  
Rebuilt aerator motors for treatment ponds
- **Collection system**  
Rags removed from Gardinia lift station by Mainline Utility (sewer cleaning truck)
- **Distribution System**  
Flushed dead end water lines in Blacklake and downtown  
Voltage spikes caused wells to shut down, working with PG&E on solution  
New 10" valves replaced old at both 500,000 gal tanks at Quads  
Standby generator for Sundale well delivered  
Installed conduit for radio antenna at Eureka well site
- **Maintenance**  
Valve exercising utilizing Wachs "loaner", angle meter stops and meters replaced  
Demonstration of valve exercising equipment by Pacific Tek company  
Researching literature on valve exercising equipment and software  
Requested quotes for new vehicle  
New tires and brakes replaced on one District truck  
Preventive maintenance performed on District generators
- **Compliance**  
Reviewed Groundwater Rule Triggered Source Monitoring Program  
Monitored laboratory results, prepared compliance reports for WWTPs
- **Other**  
Met with District Engineer and electrical safety coordinator  
Reviewed electrical safety program



TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *MSL*  
DATE: DECEMBER 11, 2009

**AGENDA ITEM**  
**C-3**  
**DECEMBER 16, 2009**

MONTHLY WATER CONSERVATION COORDINATOR UPDATE

**ITEM**

NCS District WCC Celeste Whitlow re November 2009 Outreach Activities [NO ACTION REQUESTED].

**BACKGROUND**

Celeste Whitlow is scheduled to summarize the attached outline.

**RECOMMENDATION**

Staff recommends that your Honorable Board receive the presentations and ask questions as appropriate.

**ATTACHMENTS**

- District November 2009 Outreach Activities Outline

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 Web site address www.ncsd.com

## MEMORANDUM

TO: MICHAEL LEBRUN  
 FROM: CELESTE WHITLOW, CONSERVATION COORDINATOR AND PUBLIC OUTREACH  
 DATE: DECEMBER 4, 2008  
 RE: ITEM C-5 : WATER CONSERVATION PROGRAM SEMI-ANNUAL REPORT AND NOVEMBER 2009 REVIEW.

### REVIEW OF PROGRAM ACTIVITIES FROM JULY THROUGH NOVEMBER 2009.

**Review of water consumption.** Note that the District uses a bi-monthly billing cycle, with one part of the District billed one month, and the other part of the District billed the next month. Each month's billing is for water delivered in the previous two months (water use billed in January will be for water delivered in November and December). In addition, the customers in the Town billing cycle tend to use less water per meter than the customers of the Mesa billing cycle.

"Urban Water" consists of the Department of Water Resources categories of single-family residence, multi-family residence, commercial-institutional, landscape, and other.

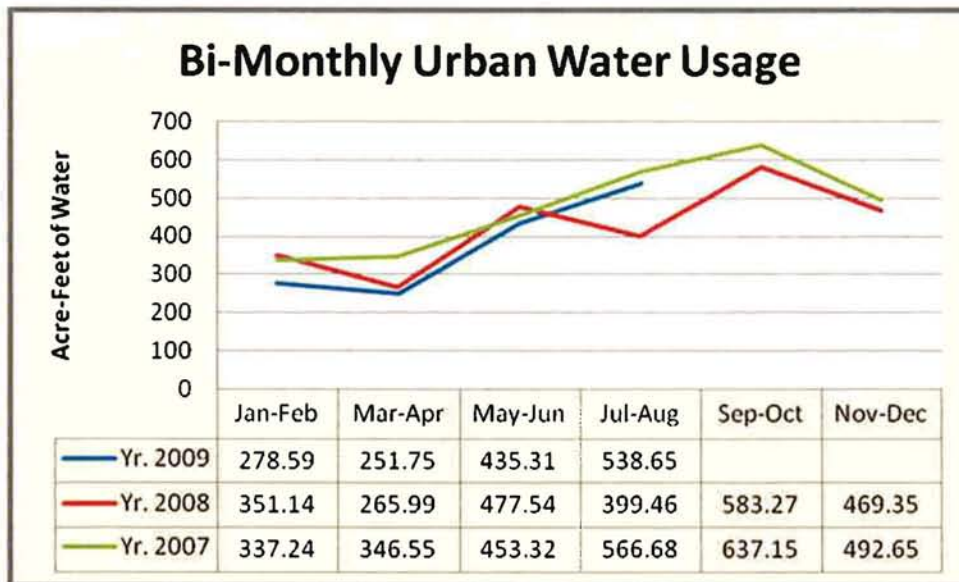


Table 2: NCS D GPCD (Urban)	
Year	GPCD
2004	165.96
2005	177.82
2006	170.46
2007	182.58
2008	176.40
<b>AVERAGE:</b>	<b>174.64</b>

In addition to the customer categories shown graphically, water is used for flushing water mains.

Table 3: NCS D WATER USED FOR FLUSH MAIN LINES (Gallons)												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2008											90,000	322,500
2009	112,500	90,000	165,000	142,500	60,000	157,500	60,000	150,000	150,000	255,999		



In November and December 2008, 412,500 gallons of water were used for flushing.

From January through October 2009, 1,343,499 gallons were used for flushing.

**Summary.** Except for a dip in consumption in July-August 2008, the consumption remains typical for the NCSD, the shape of the curve remains typical for urban water consumption in our region's Mediterranean climate.

	<b>Jan-Feb</b>	<b>Mar-Apr</b>	<b>May-Jun</b>	<b>Jul-Aug</b>
Yr. 2009	278.59	251.75	435.31	538.65
Yr. 2007	337.24	346.55	453.32	566.68
<b>Difference</b>	<b>-58.65</b>	<b>-94.8</b>	<b>-18.01</b>	<b>-28.03</b>

Water consumption for the first four billing cycles in 2007 and 2009 show a steady decrease. So far this year, the NCSD has used 199.49 acre-feet less than the same period in 2007 (-12% less).

**Results of retrofit-at-time-of-sale plumbing retrofit program.** The program is part of the measures enacted by the County of San Luis Obispo in support of the declared Level of Severity 3 for water resources in the Nipomo Mesa area. The program requires retrofitting of toilets flushing more than 1.6 gallons per flush (GPF) with 1.28-GPF toilets, and retrofitting showerheads using more than 2.5 gallons per minute (GPM) to showerheads using 2.5 GPM or less, upon sale of a residence in the Nipomo Mesa Conservation Area. This program is a County-administered program. All forms verifying retrofits as accomplished are submitted to SLO County Planning. As a courtesy to our customers, a step-by-step Homeowners' Guide was prepared, and it, along with the Verification Form, a map of the Nipomo Mesa Conservation Area, and links to the actual Title Amendment calling for the retrofits, are on the NCSD website. Notification of the website availability was mailed to real estate companies in the San Luis Obispo, Five-Cities, Nipomo and Santa Maria areas. The information is available to the public on our website, and has greatly decreased (or shortened the duration of) the number of questions and telephone calls we would have otherwise received.

The gallons-per-flush (GPF) savings depend on the GPF of the old toilet and the GPF of the new toilet. The County specifies retrofit to a 1.28 GPF (or less) toilet. Good-performance toilets of 0.8 GPF are on the market. Table 6 demonstrates the water savings from retrofits of various GPF old toilets to new 1.28 and 0.8 GPF toilets.

<b>Agency</b>	<b>Old Toilet Gallons per Flush(GPF)</b>	<b>New Toilet Gallons per Flush(GPF)</b>	<b>Savings/ Flush</b>	<b>Savings/Day (Gal/Toilet)</b>	<b>Savings/Yr (Gal/Toilet)</b>	<b>Savings/Yr (AFt/Toilet)</b>	<b>Savings/ 30-yr (AcFt/Toilet)</b>
NCSD	6.0	1.28	4.7	32.10	11715.04	0.036	1.079
NCSD	3.5	1.28	2.2	15.10	5510.04	0.017	0.507
<b>TOTAL for Jan-Nov 2009:</b>			<b>6.9</b>	<b>47.19</b>	<b>17225.08</b>	<b>0.053</b>	<b>1.586</b>

Out of 13 certifications for plumbing retrofit issued for the SLO County, 11 already had 1.28-GPF toilets, 2 were certified for retrofitted toilets, and 2 were were certified for retrofitted showerheads.

For the retrofitted toilets from June through November 2009, both toilet retrofits were NCSD customers. One of the toilets was for a toilet of 6.0 and one was for a toilet of 3.5.

The water saved from these two retrofits is 47.9 gallons per day, and over a 30-year period, the savings are 1.586 acre-feet per year (AFY).

Neither of the 2 showerheads replaced were for NCSD customers.

Estimated water savings for NCSD customers participating in the retrofit program, from January through November 2009 are 47.9 gallons per day, 17,225 gallons per year, and 1.586 AcFt for the life of the hardware. For all NCSD retrofits under this program, the estimated water saving are 139.34 gallons per day, 5,8959.1 gallons per year, and 3.030 AcFt for the life of the hardware.

TABLE 6: WATER SAVINGS FROM TOILET RETROFITS TO 1.28 GPF TOILET						
Old Toilet Gallons per Flush(GPF)	New Toilet Gallons per Flush(GPF)	Savings/ Flush	Savings/Day (Gal/Toilet)	Savings/Yr (Gal/Toilet)	Savings/Yr (AFt/Toilet)	Savings/30-yr (AcFt/Toilet)
6.00	1.28	4.7	32.10	11715.04	0.036	1.079
5.00	1.28	3.7	25.30	9233.04	0.028	0.850
3.50	1.28	2.2	15.10	5510.04	0.017	0.507
1.60	1.28	0.3	2.18	794.24	0.002	0.073
1.28	1.28	0.0	0.00	0	0.000	0.000
Old Toilet Gallons per Flush(GPF)	New Toilet Gallons per Flush(GPF)	Savings/ Flush	Savings/Day (Gal/Toilet)	Savings/Yr (Gal/Toilet)	Savings/Yr (AFt/Toilet)	Savings/30-yr (AcFt/Toilet)
6.00	0.8	5.2	35.36	12906.4	0.040	1.188
5.00	0.8	4.2	28.56	10424.4	0.032	0.960
3.50	0.8	2.7	18.36	6701.4	0.021	0.617
1.60	0.8	0.8	5.44	1985.6	0.006	0.183
1.28	0.8	0.5	3.26	1191.36	0.004	0.110

## SUMMARY OF ACTIVITIES, JANUARY THROUGH JUNE 2009

### Community Events and Educational Workshops

- Workshop planning: The usual Spring Landscape Workshops are planned for 2010. These workshops are *Importance of Soil and Composting; Soils and Composting; Native and Drought-Tolerant Plants; Landscape Design with Drought-Tolerant Plants; Sages, Lavenders and Ceanothus; Water-Efficient Landscape Irrigation*. Questions often arise about the reuse of residential graywater, and it is hoped to schedule a graywater workshop for the spring.
- Site visit to Creekside Condos.
- Chamber of Commerce Fall Festival.
- Site visits to Landscape Maintenance District #1 (Vista Verde)
- Meetings with local activists and San Luis Obispo County personnel regarding Nipomo Creek.
- Chipping Event.
- 2009 Home Expo at Madonna Expo Center
- San Luis Obispo County WaterFest 2009.

**NCSD Landscape**

- Care and management of NCSD's "Compost Corral."
- Installed "temporary" landscape as demonstration.
- Monitor landscape.

**Professional Development**

- Attendance of bi-monthly San Luis Obispo County Partners for Water Conservation meetings.
- Water Conservation Specialist 1 Certification.
- Attended training on smart irrigation controllers.

**Newsletters, Mailings, Advertising.**

- District Newsletter and Water Conservation newsletters (preparation, mailing).
- Preparation of flyers, ads for workshops.
- Preparation, printing of water conservation brochures and handbooks.
- Preparation of water-conservation newspaper ads.
- Coordination of bill stuffers.
- Graphics: All graphics (no funds were spent for graphic-arts preparation of materials from outside consultants), including conservation newsletters, ads, flyers, brochures, handbooks, and workshop materials.

**Water Conservation Program**

- Water: Use It Wisely.
- ConserveTrack (installed, learning program as time allows).
- Rebate: High-Efficiency Clothes Washers (update).
- Rebate: Lawn Replacement (launch scheduled for January 2010).
- Rebates: MP-Rotator, Graywater, Lawn Aeration (research).
- Water audit program (in progress).
- SLO County's plumbing retrofit program for the Nipomo Mesa (see update, above).
- Researched, interviewed, prepared information for Board of Directors' evaluation, implemented

**LMD #1 (Vista Verde)**

- Landscaping Maintenance District #1 installation of WeatherTrak ET-based irrigation controller; supervised repair of system; compiled data on results.
- Letters updating homeowners on status of irrigation controller installation and reduction in monthly HOA dues.

**California Urban Water Conservation Council.**

- Attended two teleconferences and one Plenary Meeting/Workshop.

**Monitoring Legislation, Ordinances, Regulations.**

20 x 2020. Californians required to use 20% less water in 2020.

AB1366 (Chaptered) Authorizes local agencies providing wastewater treatment services to control salinity inputs from residential self-regenerating water softeners.

AB2175. (20 x 2020) No change.

AB474. (20 x 2020).

AB1061. In support of the Model Landscape Ordinance, forbids a homeowner's association, city, etc. from having regulations, laws, etc. that can prohibit the use of low water-using plants.

SB 407. Water-efficient plumbing requirements.

SB6. Groundwater.

AB474 (Chaptered). Allows legislative body of any public agency to designate an area in which landowners and public agencies, community services districts, cities, counties, et al. AND property owners to enter into contractual assessments to finance the installation of water-efficiency improvements which are permanently fixed to real property.

**Other**

- Provided advice and support as needed for the Science Discovery Program for Nipomo's elementary schools.
- Researched and purchased a custom map of the Nipomo area, with rights for duplication for an individual's use (no commercial use, selling, or otherwise profiting from distributing the map).
- Attended the WaterInnovations 2009 Conference.
- Reviewed Department of Water Resources Urban Drought Workbook, Environmental Protection Agency's Response to Urban Change Program.
- Reviewed and prepared reports for water-conservation related programs and legislature.

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TO: BOARD OF DIRECTORS  
 FROM: MICHAEL LEBRUN  
 DATE: DECEMBER 11, 2009

**AGENDA ITEM  
 D-1  
 DECEMBER 16, 2009**

**TOTAL COMPUTER  
 CHECKS  
 \$87,599.31**

**HAND WRITTEN CHECKS**

12-07-09	20050	E EBY	INFRASTRUCTURE COMM	100.00
12-07-09	20051	M WINN	INFRASTRUCTURE COMM	100.00
12-11-09	20052	M LEBRUN	REPLACEMENT CHECK	3,400.00
12-11-09	20053	J KLIMALA	WASHER REBATE	75.00
12-11-09	20054	X AMES	WASHER REBATE	75.00

VOID - 17261

**COMPUTER GENERATED CHECKS**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
17372	12/11/09	EMP01	EMPLOYMENT DEVELOP DEPT	1622.52	.00	1622.52	A91208	STATE INCOME TAX
17373	12/11/09	MID01	RABOBANK-PAYROLL TAX DEPO	4230.86	.00	4230.86	A91208	FEDERAL INCOME TAX
				615.32	.00	615.32	1A91208	FICA
				1074.74	.00	1074.74	2A91208	MEDICARE (FICA)
			Check Total.....:	5920.92	.00	5920.92		
17374	12/11/09	MID02	RABOBANK-DIRECT DEPOSIT	30919.78	.00	30919.78	A91208	NET PAY
17375	12/11/09	PER01	PERS RETIREMENT	8736.47	.00	8736.47	A91208	PERS PAYROLL REMITTANCE
				312.25	.00	312.25	1A91120A	PERS-CRUZ FINAL PD LEAVE
			Check Total.....:	9048.72	.00	9048.72		
17376	12/11/09	STA01	ING-PERS 457 DEFERRED COM	1325.00	.00	1325.00	A91208	457 DEFERRED COMP
017377	12/16/09	AME03	AMERI PRIDE	116.94	.00	116.94	F142662	UNIFORMS ETC
017378	12/16/09	BOG01	BOGNUDA, LISA	40.48	.00	40.48	120909	SUPPLIES
017379	12/16/09	BRE02	BRENTTAG PACIFIC INC.	622.01	.00	622.01	BPI953619	CHLORINE
017380	12/16/09	CAL03	CALIFORNIA ELECTRIC SUPPL	38.01	.00	38.01	795070	SUPPLIES
017381	12/16/09	CAN02	CANNON ASSOCIATES	4732.85	.00	4732.85	47617	MISTY GLEN INTERTIE
017382	12/16/09	CAP01	CAPMARK FINANCE INC	2750.00	.00	2750.00	A91211	INTEREST-DEBT SERVICE-EUR
017383	12/16/09	DFK01	DFK SOLUTIONS GROUP, LLC	350.00	.00	350.00	1043	SAFETY SUBSCRIPTION
017384	12/16/09	DOW01	DOWDEN ELECTRICAL SERVICE	3464.00	.00	3464.00	1095	INSTALL ANTENNA POLE
017385	12/16/09	EBY01	EBY, ED	100.00	.00	100.00	121609	SPECIAL BD MEETING 121609
017386	12/16/09	FAR02	FAR WEST EXPRESS	16.50	.00	16.50	17944	DELIVERY OF BILLS
017387	12/16/09	FGL01	FGL ENVIRONMENTAL	306.00	.00	306.00	911612A	TOWN WWTF LAB
				81.00	.00	81.00	911816A	BL WWTF LAB
				306.00	.00	306.00	911817A	TOWN WWTF LAB
				81.00	.00	81.00	912045A	BL WWTF LAB
			Check Total.....:	774.00	.00	774.00		
017388	12/16/09	FLU01	FLUID RESOURCE MANAGEMENT	390.58	.00	390.58	W1620	TROUBLESHOOT GRINDER
017389	12/16/09	FUG01	FUGRO WEST, INC.	1943.75	.00	1943.75	3596.5.11	SOUTHLAND EXPANSION-PASQU
017390	12/16/09	GAR01	GARING TAYLOR & ASSOC	290.00	.00	290.00	10215	WIP PEER REVIEW
017391	12/16/09	HAR02	HARRISON, JAMES	100.00	.00	100.00	121609	SPECIAL BD MEETING 121609
017392	12/16/09	HAR04	HARPER & ASSOCIATES ENG I	3740.00	.00	3740.00	ENG-4031	STORAGE TANK INSPECTIONS
017393	12/16/09	HAY01	HAYES ADVANCED DESIGN	704.00	.00	704.00	501873	REPAIR ASPHALT - STORY RD
017394	12/16/09	LIP01	TONY LIPKA	2250.00	.00	2250.00	NIPO-0902	ELECTRICAL SAFETY CONSULT
017395	12/16/09	MIT01	MITCHELL, GARY & CAROL	2670.52	.00	2670.52	A91211	DRUMM SEWER REIMBURSEMENT



**NIPOMO COMMUNITY SERVICES DISTRICT  
WARRANTS DECEMBER 11, 2009**

**AGENDA ITEM  
D-1  
DECEMBER 16, 2009  
PAGE TWO**

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
017396	12/16/09	MOR02	MORE OFFICE SOLUTIONS	462.53	.00	462.53	525606	COPIER MAINT
017397	12/16/09	MUL01	MULLAHEY FORD	1348.86	.00	1348.86	FOC202387	04 FORD MAINT
017398	12/16/09	NEL01	NELSON, WILLIAM J	100.00	.00	100.00	121609	SPECIAL BD MEETING 121609
017399	12/16/09	NIP05	NIPOMO CHAMBER OF COMMERC	90.00	.00	90.00	2010 MEM	2010 MEMBERSHIP DUES
017400	12/16/09	RBA01	R BAKER, INC	4185.00	.00	4185.00	09103851	SUNDALE WELL DEMO
017401	12/16/09	SAN09	SAN LUIS MAILING SERVICE	60.50 244.20 137.80 658.60	.00 .00 .00 .00	60.50 244.20 137.80 658.60	207740A 207740B 207808A 207808B	MAIL LATE NOTICES POSTAGE-LATE NOTICES MAILING BILLS POSTAGE-BILLS
			Check Total.....:	1101.10	.00	1101.10		
017402	12/16/09	VAH01	YEGANEH VAHABIAN	28.77	.00	28.77	120809	REIMBURSE FOR SUPPLIES
017403	12/16/09	VIE01	VIERHEILIG, LARRY	100.00	.00	100.00	121609	SPECIAL BD MEETING 121609
017404	12/16/09	WAL01	WALLACE GROUP	1747.93	.00	1747.93	29011	MILLER PARK ENGINEERING
017405	12/16/09	WIN01	WINN, MICHAEL	100.00	.00	100.00	121609	SPECIAL BD MEETING 121609
017406	12/16/09	WOO01	DOUGLAS WOOD & ASSOCIATES	2285.00	.00	2285.00	120109-8	SOUTHLAND WWTF UPGRADE EI
017407	12/16/09	WSC01	WSC	2006.00	.00	2006.00	0066	URBAN WATER MGMT PLAN UPD
017408	12/16/09	\A005	APARTMENT & LAND CO,	113.54	.00	113.54	000A91101	MQ CUSTOMER REFUND FOR AP

TO: BOARD OF DIRECTORS  
FROM: MICHAEL LEBRUN *msl*  
DATE: DECEMBER 11, 2009

**AGENDA ITEM  
E-1  
DEC 16, 2009**

**DISCUSS THE COLLECTION OF SUPPLEMENTAL WATER CAPACITY CHARGES FOR MIXED USE DEVELOPMENT PROJECTS**

**ITEM**

Discuss the collection of supplemental water capacity charges for mixed use projects.  
[PROVIDE GUIDANCE, DIRECT STAFF]

**BACKGROUND**

Your Honorable Board directed staff to provide an opportunity for review and discussion of District procedure for collection of supplemental water capacity charges.

**FISCAL IMPACT**

Development of this material did use previously budgeted staff time and legal consulting cost.

**RECOMMENDATION**

Staff recommends that the Board consider and discuss the current District policy and direct staff.

**ATTACHMENTS**

Applicable District Policy.

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reference to this code section. (Ord. 2005-101 §§ 5, 6, 2005; Ord. 2003-95 § 7, 2003; Ord. 98-87 § 11, 1998) (Ord. No. 2005-105, § 4, 10-26-2005)

**3.04.051 Payment of connection fees and capacity charges.**

Except as provided in Section 3.04.052, below, the applicant shall pay the water capacity charges (including supplemental water capacity charges), sewer capacity charges, reimbursement charges (if applicable), meter fee and account set-up fee, collectively "Fees for Connection" as follows:

A. The applicant shall make a non-refundable deposit ("Deposit") at the time the district issues a will-serve letter in an amount equal to the then calculated fees for connection.

B. The fees for connection shall be calculated and owing as of the date the district sets the water meter(s) to serve the affected property from which the amount of the deposit shall be deducted.

C. The district will set water meter(s) upon proof of a building permit from the County of San Luis Obispo and that the District has accepted improvements to be dedicated to the district, if applicable.

"Except where the applicant has either completed well improvements to be dedicated to the district and has development plans that have been approved by the district, paid all fees and charges based on said approved development plans, and has been issued a will-serve letter, or has development plans that have been approved by the district, paid all fees and charges based on said approved development plans, and has been issued a will-serve letter, the calculation of payment of "fees for connection" referenced in Section B, above, shall apply to all properties where a water meter has not been set by the district."

(Ord. No. 2005-105, § 4, 10-26-2005; Ord. No. 2009-112, § 2, 4-22-2009)

**3.04.052 Payment of connection fees and capacity charges for commercial development.**

For commercial projects developed on commercially-zoned properties within the district, the applicant shall pay the water capacity charges (including supplemental water capacity charges), sewer capacity charges, reimbursement charges (if applicable), meter fee and account set-up fee (collectively "Fees for Connection") as follows:

A. For commercial projects that do not meet the requirements of subparagraph B, below, the payment provisions of Section 3.04.051 shall apply.

B. For commercial projects under a single application for a final map, developed on two or more parcels, where one or more of the parcels requires a 1.5 inch or larger water meter, the following payment provisions shall apply.

1. The applicant shall make a non-refundable deposit ("Deposit") at the time the district issues a will-serve letter in an amount equal to the total project fees for connection minus ninety percent of the water capacity charges attributed to supplemental water.

2. The remaining ninety percent of the project's supplemental water deposit shall be due and payable on the first of the following to occur:

- a. Sale of any one of the parcels;
- b. Applicant's request to set the first water meter at any one parcel; or
- c. Eighteen months from the date the will-serve letter is issued.

3. Prior to issuing the will serve letter, applicant shall provide district, to the satisfaction of district legal counsel, the following:

- a. A recordable document referencing Applicant's obligation for payment of Fees for Connection as outlined in this subparagraph B; and

**3.04.021 Service limitations on LUO Amendments and other county approved density increases.\***

A. The district will not approve intent-to-serve letters or will-serve letters for water service to projects that require water demand beyond that required to serve the project consistent with the maximum zoning densities without consideration of density increases, as approved by the South County Area Plan - Inland (SCAP) as amended May, 2002 or any land use changes after May 2002 that creates a parcel less than five acres in size. For example, the district will not approve water service within its boundaries for projects whose water demands are increased due to general plan amendments, transfer density credits (TDC's), density bonuses, planning ordinance changes, or other discretionary increases in density.

B. The restrictions on water service shall be in effect until such time that supplemental water is delivered to the district or the court finds that the district is not restricted in pumping ground water to serve district residents.

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

(Ord. No. 2005-105, § 3, 10-26-2005)

**3.04.030 Landscape irrigation connections.**

Except for connection to a single-family residence, a separate service connection with backflow prevention device shall be provided to each parcel of property for landscape irrigation. A separate landscape connection fee shall be computed pursuant to Section 3.04.050, and paid. (Ord. 98-87 § 9, 1998)

**3.04.040 Meter size.**

A. Except as provided in subsection B of this section, the water meter size for each service connection shall be determined by the district, pursuant to the then current Uniform Plumbing Code.

B. The minimum water meter size for each service connection that serves a single-family residence on one acre or larger parcel shall be one inch. (Ord. 2005-101 § 4, 2005; Ord. 98-87 § 10, 1998)

**3.04.050 Connection fees.**

A. New connections shall be subject to water connection fee/capacity charges based on the estimated reasonable cost of the district facilities to provide the service. These fees shall consist of the following component parts: capacity charges (including a supplemental water charge), meter fee, account set-up fee, and reimbursement charge, if applicable. These fees are established in Appendix A to this chapter.

**B. Reimbursement Charges.**

1. When a new service is connected to a district installed water line, the applicant shall be charged a front footage fee of twenty-one dollars per foot to each parcel fronting the improvements or one-half this amount when district service can be provided on both sides of the water line. Where the frontage has been subdivided, rear and front parcels are to share on a per parcel basis the frontage of the subdivision creating the parcels.

2. When a new service is connected to a developer-installed water line pursuant to Title 5, the applicant shall pay a supplemental charge pursuant to that reimbursement agreement.

C. The meter fee and account set-up fee shall be established and amended by resolution of the board of directors with