

TO: BOARD OF DIRECTORS  
FROM: DON SPAGNOLO   
DATE: JUNE 4, 2010



## INTRODUCE FEE PHASING ORDINANCE

### ITEM

Introduce, edit & read by title ordinance providing for phasing of capacity charge payments [COMPLETE 1st READING & SET SECOND READING].

### BACKGROUND

At the January 14, 2009 Board meeting, the Board directed staff to present possible code changes for the Board's consideration to facilitate phasing payment of connection fees for residential and mixed-use development. At the February 25, 2009 Board meeting, the Board reviewed staff's concept of allowing phasing of development fees for residential and mixed-use projects and directed staff to present possible code changes for the Board's consideration. The proposed code changes were presented to the Board at the May 26, 2010 Board meeting.

Attached is a draft ordinance providing for the amendment of Section 3.04.051 "Payment of Connection Fees and Capacity Charges" and the addition of Section 3.04.053 "Payment of Fees for Connection for residential projects creating four or more lots and all mixed use development projects under a single application for a final map, where the Applicant is required to construct and dedicate water and sewer improvements to the District pursuant to a Plan Check and Inspection Agreement".

### FISCAL IMPACT

The purposed ordinance provides temporary relief for residential and mixed-use projects where the developer is required to construct offsite water and sewer improvements to be dedicated to the District by deferring payment of the fees. Deferring the fees or a portion of the fees, on new development in the current financial climate is not expected to have a significant fiscal impact on the District. Adoption of the Ordinance would obligate the District to publish the text of the ordinance in a newspaper of general circulation.

### RECOMMENDATION

Staff believes that the ordinance implements the Board's direction by providing temporary relief for new development by deferring payment of a portion of the District connection fees. Staff recommends that the Board receive public comment on the draft ordinance, order any appropriate edits, adopt a motion to read by title (or designate a director to read the entire text), and then adopt a motion to set the second reading for June 23, 2010.

### ATTACHMENTS

- Draft Ordinance (Section 3.04.051 Amendment and New Section 3.04.053)

**ORDINANCE NO. 2010-XXX**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING TITLE 3 OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
CODE TO ESTABLISH NEW PROCEDURES FOR PAYMENT OF  
DISTRICT FEES FOR CONNECTION FOR  
RESIDENTIAL AND MIXED USE PROJECTS CREATING FOUR OR MORE  
PARCELS UNDER A SINGLE APPLICATION FOR A FINAL MAP THAT REQUIRE  
THE DEDICATION OF WATER AND SEWER IMPROVEMENTS PURSUANT TO A  
DISTRICT PLAN CHECK AND INSPECTION AGREEMENT**

**WHEREAS**, it is a major responsibility of the Nipomo Community Services District (“District”) to:

Operate and maintain its water production and distribution facilities so as to provide adequate water service and fire protection to District water customers; and

Maintain adequate levels of revenue, equitably collected from District water customers and future customers, to meet the District’s financial commitments including acquiring supplemental water to augment the District’s current water production facilities to prevent impairment to the Groundwater Basin.

**WHEREAS**, pursuant to District Code Section 3.04.051, the District currently requires the initial deposit for “Fees for Connections” to be paid prior to issuance of District Will-Serve Letter; and

**WHEREAS**, San Luis Obispo County (“County”) requires a District Will-Serve Letter prior to recording final maps; and

**WHEREAS**, on December 16, 2009, January 27, 2010, February 24, 2010, and April 28, 2010, the District Board of Directors received testimony from the Homeowners Association of San Luis Obispo County, Coast National Bank and the public regarding the impacts of the current credit crunch on the ability of developers to borrow money to pay the costs of development including local agency impact fees for water and sewer. The testimony is summarized in a April 02, 2010 letter from Coast National Bank.

**WHEREAS**, based upon the Staff Report, this Ordinance, Staff Presentation and public testimony, including testimony received on February 24, 2010 and April 28, 2010, the Board of Directors finds:

- A. The public meetings adopting this Ordinance have been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act);
- B. The purpose of this Ordinance is to provide temporary relief for residential and mixed use projects where the developer is required to construct offsite water and sewer improvements to be dedicated to the District pursuant to a District Plan Check Inspection Agreement, by deferring payment of a portion of the Fees for Connection as provided in Section 3.04.053, below.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Directors of the Nipomo Community Services District as follows:

**Section 1.**     Authority.

This Ordinance is enacted pursuant to Government Code Sections 61600(a), 61060 (a) and (b) and 6115(a)(2).

**Section 2.**     Section 3.04.051 of the District Code is hereby amended and restated as follows:

**Section 3.04.051     Payment of Connection Fees and Capacity Charges.**

Except as provided in Section 3.04.052 and 3.04.053, 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.
- D. All water and sewer improvements shall be bonded for or otherwise secured in the District's name to the satisfaction of the District.

**Section 3.**

Section 3.04.053 is added to the District Code as follows:

**Section 3.04.053     Payment of Fees for Connection for residential and mixed use development projects creating four or more parcels, developed under a single application for a final map, where the Applicant is required to construct and dedicate water and sewer improvements to the District pursuant to a Plan Check and Inspection Agreement.**

- A. For residential projects and mixed use projects that do not meet the requirements of subparagraphs B, C and D below, or at the option of Applicant, the payment provisions of Section 3.04.051 shall apply.
- B. Residential projects creating four or more parcels, under a single application for a final map and mixed use projects, where the Applicant is required to construct and dedicate water and sewer improvements to the District pursuant to a Plan Check

and Inspection Agreement the following procedures shall apply:

Prior to the District issuing a "Map Recordation" Will-Serve Letter, the Applicant may make written request to the District Board of Directors to reduce the Deposit referenced in Section 3.04.051, not-to-exceed eighty (80%) percent of the then calculated Fees for Connection. The written request shall be submitted to the District and shall include the following:

1. Evidence that the Applicant's Plan Check and Inspection Agreement deposit is current as of the date of the written request.
2. Applicant, at Applicant's cost, submits a current title report for each assessor parcel number under the application for final map.
3. Any other information requested by the District prior to consideration of the request.

C. At the hearing where the Board of Directors considers Applicant's request for deferral, and after considering the information provided by Applicant pursuant to paragraph B , above, and information from other interested parties, the District Board of Directors will defer payment of fees not-to-exceed eighty (80%) percent of the then owed Fees for Connection on the following conditions:

1. The project is in compliance with all other District rules, regulations and ordinances.
2. Applicant has timely complied with all terms and conditions of the Plan Check and Inspection Agreement including requests to increase the deposit.
3. Applicant agrees to pay the District's non-refundable administrative costs for processing and tracking the project. The administrative costs shall be established by resolution of the District.
4. Property owner(s), at Applicant's sole costs, submits a petition and ballot to the satisfaction of District Legal Counsel committing the project and parcels created therein in favor of the Assessment District to finance (in whole or in part) the Santa Maria Waterline Intertie Project.
5. Applicant provides recordable document for the approval of District Legal Counsel, that notifies potential buyers of the entire project or portions of the project ( i.e. individual parcels) within Applicant's project of the assessment petition and ballot and the conditions upon which building permits will be issued by the County of San Luis Obispo and the conditions upon which the District will set water meter(s) including the payment of outstanding fees and the developers obligations to complete the off-site improvements and dedicate them to the District.
6. Applicant provides written verification from the San Luis Obispo County Planning Department that each parcel created by the project will be

appropriately flagged so that the County will not issue a building permit for project parcels without first receiving written confirmation from the District that District Fees for Connection have been paid in full.

7. Applicant submits an Indemnification Agreement, to the satisfaction of District Legal Counsel wherein Applicant and the owner of the real property agree to hold harmless, defend and indemnify the District from any and all claims related to the District's actions and/or conditions imposed on Applicant or the owner of the property in considering and/or granting the Application for deferral of the payment of Fees for Connection.

D. Upon Applicant satisfying the conditions referenced in Section 3.04.053 B and C above, and upon satisfaction of the following conditions, the District will issue Applicant a "Map Recordation" Will-Serve Letter: :

1. Payment in full for all Fees for Connection associated with common irrigation, drainage basin meters and fire system fees that may provide benefit to more than one parcel within the development.
2. The Applicant makes a deposit of fees not less than twenty percent (20%) of the then owing Fees for Connection. The Deposit shall be applied to the District's standard Fees for Connection for water and sewer service excluding the Santa Maria Waterline Intertie supplemental water capacity charge. The Deposit shall be first applied to sewer capacity charges, if applicable, second to water capacity charges (other than Santa Maria Waterline Intertie supplemental water capacity charge) and third to water meter fees.
3. The Applicant shall pay one hundred percent (100%) of Reimbursement Charges, if applicable.
4. Proof that all water and sewer improvements are separately bonded for or otherwise secured in the name of the District, to the satisfaction of the District.

E. Upon map recordation, the Applicant shall supply the District with newly created assessor parcel numbers as soon as they are made available by SLO County. Failure of Applicant to supply the District with the assessor parcel numbers may cause further delay in the processing.

F. Upon the satisfaction of the conditions referenced in 3.04.053 B, C, D and E above, and upon the following, the District will accept improvements to be offered and dedicated to the District:

1. Applicant has complied with the Plan Check and Inspection Agreement and other District Code Sections related thereto.
2. Applicant has supplied, to the satisfaction of District, a Title Report for each of the created parcels identified in final map.
3. Applicant provides a recordable document to be recorded on each newly created assessor parcel number for approval of District Legal Counsel, to

notify potential buyers of parcels of the assessment petition and ballot and the conditions upon which building permits will be issued by the County of San Luis Obispo and the conditions upon which the District will set water meter(s) including the payment of fees and the developers obligations to complete the off-site improvements and dedicate them to the District.

G. The District will not issue a Will-Serve Letter for an individual assessor parcel numbers nor set a water meter on any parcel within Applicant's project until the following have occurred:

- a) Payment of all outstanding project Fees for Connection and other District associated costs for individual assessor parcel numbers; and
- b) The District has accepted improvements to be dedicated to the District.

H. Unless extended by Resolution by the District Board of Directors Section 3.04.053 shall automatically be repealed (sunseted) upon the first of the following to occur: 1) anytime by District Resolution, or 2) a determination by the District or other designated Governmental Agency that a majority protest exists to the Assessment District to finance the Santa Maria Waterline Intertie Project or, 3) twenty-four months (24) from the effective date of this Ordinance.

**Section 4.** Section 5.02.010 of the District Code is hereby amended to add:

Section 5.02.010 (4)

All water and sewer improvements shall be bonded for or otherwise secured in the District's name, to the satisfaction of the District.

**Section 5.** Section 4.03.010 of the District Code is hereby amended to add:

Section 4.03.010 title Chapter 3.03 and 3.04 incorporated by reference

Chapter 3.03 and 3.04 of this code is incorporated herein by reference as though set forth at length.

**Section 6.** Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference.

**Section 7.** Effect of Repeal on Past Actions and Obligations.

This Ordinance does not affect prosecutions for Ordinance violations committed prior to the effective date of this Ordinance, does not waive any fee or penalty due and unpaid on the effective date of this Ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any Ordinance.

**Section 8.** CEQA Findings

The Board of Directors of the District finds that the revisions of the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such amendments constitute general policy and procedure making. The Board of Directors further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen with certainty that the revisions will not result in either a direct physical change in the environment, nor is there a reasonable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

**Section 9. Severance Clause.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**Section 10. Effect of Headings in Ordinance.**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

**Section 11. Effective Date.**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the Ordinance and shall remain posted thereafter for at least one (1) week. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in the Santa Maria Times.

Introduced at its regular meeting of the Board of Directors held on \_\_\_\_\_, 2010, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the \_\_\_\_ day of \_\_\_\_\_, 2010, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

CONFLICTS:

\_\_\_\_\_  
James Harrison, President  
Nipomo Community Services District Board

of Directors

ATTEST:

APPROVED AS TO FORM:

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

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



TO: BOARD OF DIRECTORS  
FROM: DON SPAGNOLO   
DATE: JUNE 4, 2010



**AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES  
IN ARREARS IN PAYMENT OF SOLID WASTE FEES**

**ITEM**

Public Hearing - Unpaid Solid Waste Collection Charges [CONDUCT PROTEST HEARING AND CONFIRM OR AMEND GENERAL MANAGER'S REPORT]

**BACKGROUND**

On August 10, 2005, the District adopted Ordinance No. 2005-104. This Ordinance made trash collection within the District mandatory. In addition, the Ordinance incorporated the procedures of Section 61621.2 of the Government Code (now Government Code Section 61115(3)(b)) for the collection of delinquent solid waste charges on the tax rolls. Section 7.09.020(A) of the District Code provides:

Upon receipt of the information identified in Section 7.09.010 of this chapter, the District will implement the collection procedures identified in Section 61621.2 of the Government Code for accounts that have accrued a delinquency during the last twelve months.

District Staff has coordinated with South County Sanitary to follow the required procedures.

1. On February 8, 2010, South County Sanitary sent certified letters to each delinquent account giving a 45-day notice to pay pursuant to District Code Section 7.09.010. The letter also stated that non-payment may result in the Nipomo Community Services District placing a lien on owner's property and collection the amount owing with general taxes.
2. On May 10, 2010, South County Sanitary provided the District with the listing of delinquent accounts.
3. On May 14, 2010, Nipomo Community Services District sent a Notice of Public Hearing to each delinquent property owner.
4. On May 19, 2010 and May 26, 2010, the Notice of Public Hearing was published in the Santa Maria Times.
5. Property Owners that have paid since May 19, 2010, have been removed from the delinquency listing.

Now is the time and place for the public hearing for the Board to confirm the report for collection of the charges on the 2010-2011 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report.

**RECOMMENDATION**

Adopt Resolution 2010-solid waste including Exhibit "A"

**ATTACHMENTS**

Resolution 2010-solid waste

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-SOLID WASTE**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR  
UNPAID SOLID WASTE COLLECTION CHARGES**

**WHEREAS**, the Nipomo Community Services District ("District") makes the following findings of fact:

A. The District is duly authorized to provide its residents with solid waste collection services ("Solid Waste Collection Services").

B. On August 10, 2005, the District duly adopted Ordinance No. 2005-104 that incorporates the procedures of Section 61621.2 of the Government Code (now Government Code §61115(b)) for the collection of delinquent solid waste charges on the tax rolls. Section 7.09.020 (A) of the District Code provides:

A. Upon receipt of the information identified in Section 7.09.010 of this chapter, the District will implement the collection procedures identified in Section 61115(b) of the Government Code for accounts that have accrued a delinquency during the last twelve months.

C. The Franchisee who provides Solid Waste Collection Services, has provided notice to delinquent service accounts pursuant to District Code §7.09.010.

D. The District General Manager has prepared and filed a report ("Report") that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. Said Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

E. The District General Manager, pursuant to Section 6066 of the Government Code, has published notice of the filing of the Report and has caused notice in writing to be mailed to the owner of each affected parcel as shown on the last equalized Assessment Roll available on the date the Report was prepared, at the address shown on the Assessment Roll or as known to the General Manager.

F. On June 9, 2010, a public hearing was held before the District Board at which time all interested persons were given the opportunity to object or protest the Report, or any portions thereof.

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-SOLID WASTE

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR  
UNPAID SOLID WASTE COLLECTION CHARGES

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

1. Each of the above findings is true and correct and incorporated herein by this reference.

2. That the Report (Exhibit "A"), as submitted and revised, by the Board of Directors, is hereby confirmed and adopted.

3. The charges as described in the Report, as revised, shall constitute a lien on the parcel of real property for which said charges are delinquent and unpaid.

4. On or before August 6, 2010, the District General Manager is authorized to file with the County Auditor a copy of this Resolution and Report showing the unpaid charges as required by Section 61115 (b) of the Government Code.

5. Pursuant to Government Code §61115 (b), the County Auditor shall enter the amount of charges and penalties against each of the affected parcel of real property as they appear on the current Assessment Roll. The County Tax Collector shall include the amount of the charges on the tax bills for each affected parcel of real property and collect the charges in the same manner as property taxes.

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

AYES:  
NOES:  
ABSENT:  
CONFLICT:

the foregoing Resolution is hereby adopted this 9<sup>th</sup> day of June, 2010.

\_\_\_\_\_  
James Harrison, President  
Nipomo Community Services District  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson, Secretary  
Board of Directors

\_\_\_\_\_  
Jon S. Seitz, District Legal Counsel  
Nipomo Community Services District

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-SOLID WASTE

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR  
UNPAID SOLID WASTE COLLECTION CHARGES

**EXHIBIT "A"**  
**UNPAID SOLID WASTE COLLECTION CHARGES**

CUSTOMER NAME	ADDRESS	AMOUNT OWING	PARCEL NUMBERS
Larry Everett	1050 La Serenata Way	339.72	APN 91-430-044
Gregory P. Lancaster	686 Story	260.44	APN 92-1560-01
Odis G. Davison	590 Belanger	329.60	APN 92-291-048
Alexander Gastelum	784 Hill St.	319.80	APN 92-129-004
Lisa Williams	621 January St.	166.50	APN 92-147-015
Pauline Sendejas	201 S Burton	304.80	APN 90-442-005
Dennis Manson	751 Widow Ln.	269.67	APN 92-351-033
Mary Westfall	114 Sea St.	268.56	APN 90-363-015
Angel & Elena Ramos	213 E Tefft	262.68	APN 90-371-064
Rickey Torres	220 E Dana	250.02	APN 90-082-015
Shannen Gardener-Delacruz	188 E Tefft	150.02	APN 90-383-009
John & Danette H. Gonzales	542 McCaw Ct.	243.60	APN 92-383-009
David Gutierrez	124 E Tefft	243.60	APN 90-386-012
Agustin & Evelia Molina or Jose Molina	176 E Dana	243.60	APN 90-082-006
Raymondo & Lucy Cano	415 N. Thompson	243.60	APN 90-361-021
Luis Alberto & Marie Padilla	372 N Mallagh	228.60	APN 90-364-010
Heirs of Celia Gonzales	499 S Oakglen	228.60	APN 92-282-003
David Gutierrez	208 W Bennett	218.30	APN 90-441-025
Jonathan Rathmann	245 E Bennett	216.56	APN 90-085-013
Bridgett & Josue G Torres	244 E Vintage	43.08	APN 90-085-048
Maria Herrera	125 Park View Ln.	203.00	APN 92-139-011
Janice Gabeel Meyers	205 W Price St.	198.00	APN 90-441-023
Carroll Hillyer	573 Orchard	197.70	APN 92-154-039
Samuel Hamilton	780 Ridge Rd.	195.76	APN 91-293-009
Maryke Letters	954 Vista Verde Ln.	106.48	APN 92-512-008
Michael Cook	672 Story	127.20	APN 92-311-004
Richard & Margaret Troutman	971 Olympic Way	172.40	APN 91-421-033
Alfred & Stephanie Ruiz	890 Harrier Ln.	90.00	APN 92-533-014
Michael Brewster	504 Adina Way	157.40	APN 92-303-073
Gary Snyder	320 Kestrel Way	157.05	APN 92-533-022
Rolondo Gutierrez	561 Camino Caballo	155.74	APN 91-328-021
Heirs Of Guadalupe G. Medina	146 Sea St.	143.60	APN 90-363-019
Damon McCann	355 Black Hawk Way	142.21	APN 92-532-011
Rosalio & Saul Ramirez	155 E Price	133.84	APN 90-082-033
Gary Pittenger	569 Belanger Dr.	273.90	APN 92-291-039
Jesus & Rosa Cueva	712 Southland	243.60	APN 92-351-015
Charles R & Lori Robertson	295 Jasper Way	243.60	APN 92-570-010

TO: BOARD OF DIRECTORS  
 FROM: DON SPAGNOLO   
 DATE: JUNE 4, 2010

**AGENDA ITEM  
 E-3  
 JUNE 9, 2010**

**AUTHORIZE COLLECTION OF FY 2010-11  
 BLACKLAKE STREET LIGHT DISTRICT ASSESSMENTS**

**ITEM**

Public Hearing and adoption of Blacklake Street Lighting Charges for 2010-11  
 [CONDUCT PROTEST HEARING AND CONFIRM OR AMEND GENERAL MANAGER'S REPORT]

**BACKGROUND**

NCSD provides street lighting to Blacklake Village. In order to maintain the street lighting, an annual charge is assessed on each parcel for the service rendered. The existing Blacklake street lighting assessment is exempt from the compliance requirements of Prop. 218. Any future increases in the assessment would need voter approval of the property owners. The proposed annual charge of \$34.00 will remain the same as last year. It should be noted that the County of SLO adds \$2.00 per parcel handling fee, making the total annual fee billed to each parcel \$36.00. Below is a history of the charge per parcel:

History of per parcel assessment:

<u>Year</u>	<u>Charge</u>	<u>County Fee</u>	<u>Total</u>
1992-93	\$48.00	\$2.00	\$50.00
1993-94	\$50.00	\$2.00	\$52.00
1994-95	\$48.00	\$2.00	\$50.00
1995-96	\$40.00	\$2.00	\$42.00
1996-97	\$34.00	\$2.00	\$36.00
1997-98	\$34.00	\$2.00	\$36.00
1998-99	\$34.00	\$2.00	\$36.00
1999-00	\$34.00	\$2.00	\$36.00
2000-01	\$34.00	\$2.00	\$36.00
2001-02	\$34.00	\$2.00	\$36.00
2002-03	\$34.00	\$2.00	\$36.00
2003-04	\$34.00	\$2.00	\$36.00
2004-05	\$34.00	\$2.00	\$36.00
2005-06	\$34.00	\$2.00	\$36.00
2006-07	\$34.00	\$2.00	\$36.00
2007-08	\$34.00	\$2.00	\$36.00
2008-09	\$34.00	\$2.00	\$36.00
2009-0	\$34.00	\$2.00	\$36.00

The Street Lighting Fund budget for 2010-11 is as follows:

<b>REVENUES</b>		
Street lighting charges		\$18,904
<b>EXPENDITURES</b>		
Insurance	\$ 500	
Public & Legal Notice	100	
Electricity	<u>21,500</u>	
Total expenditures		<u>(22,100)</u>
Revenues less Expenditures		( 3,196)
Interest earnings		<u>200</u>
Net deficit from operations		<u>(2,996)</u>

**Item E-3**  
**June 9, 2010**

Estimated cash balance 7/1/10	\$39,000
Net deficit from operations	<u>(2,996)</u>
Estimated cash balance 6/30/11	<u>\$36,004</u>

Exhibit A to the attached proposed Resolution provides a listing of Assessor Parcel Numbers with the proposed FY 2010-11 street lighting charges.

The Notice of Public Hearing was published in the Santa Maria Times on May 26, 2010, in accordance with Section 6066 of the Government Code.

Now is the time and place for the public hearing for the Board to confirm the report for collection of the charges on the 2010-11 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report. The attached Resolution is presented for the Board's review, approval and adoption.

**RECOMMENDATION**

Approval of Resolution No. 2010-BL establishing Blacklake Street Lighting Charges

**ATTACHMENT**

Resolution 2010-BL

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-BL ST LIGHT**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACKLAKE VILLAGE**

**WHEREAS**, on October 15, 1992, LAFCO approved Resolution No. 92-19 "A RESOLUTION MAKING DETERMINATION APPROVING THE REORGANIZATION INVOLVING DETACHMENT OF TERRITORY FROM COUNTY SERVICE AREA NO. 1-G AND ANNEXATION NO. 7 TO THE NIPOMO COMMUNITY SERVICES DISTRICT (BLACKLAKE GOLF AND COUNTRY CLUB), and

**WHEREAS**, Condition 3A provides that the NCS D will provide all three services currently provided by CSA No. 1-G: water, sewer, and street lighting; and

**WHEREAS**, Condition 3F provides that NCS D succeed to all rights, duties and obligations of CSA No. 1-G with respect to the enforcement of performance or payment of any outstanding contracts and obligations of CSA No. 1-G; and

**WHEREAS**, Condition 3H authorizes the NCS D to continue to levy, fix and collect any special, extraordinary or additional taxes, assessments, service charges and rates which were levied, fixed and/or collected by CSA No. 1-G; and

**WHEREAS**, public notice has been given in accordance with Section 6066 of the Government Code as specified under CSA No. 1-G Assessment procedures of this public hearing concerning collection of service charges on the 2010-11 property tax bills; and

**WHEREAS**, written reports specifying each parcel (attached as Exhibit "A") receiving extended service and the amount of the charge for that service have been prepared and filed with the staff report; and

**WHEREAS**, based on the Staff Report and public testimony, the Board finds:

- A. That the proposed charges do not exceed the reasonable costs of providing the services.
- B. That the assessment district was formed pursuant to a petition signed by the owners of the Blacklake Specific Plan.
- C. The written report does not recommend an increase in the current assessment.

**WHEREAS**, based on the above findings, the assessments for fiscal year 2009-10 are unaffected by Proposition 218; and

**WHEREAS**, this is the time and place for the public hearing for the Board to confirm the reports for collection of service charges on the 2010-11 tax bills as specified in the staff reports and to give opportunity for filing objections and for presentation of testimony or other evidence concerning said report; and

**WHEREAS**, it is in the public interest that the owners of property in said Blacklake Development pay the cost of said service therein.

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION 2010-

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE BLACKLAKE VILLAGE

PAGE TWO

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

- Section 1. That the recitals set forth are true, correct and valid.
- Section 2. The Board of Directors of NCS D fixes the street lighting charge at \$34.00 and a SLO County Administrative charge of \$2.00 for a total charge of \$36.00 per year.
- Section 3. That said service charges are directly proportionate to the benefit to each parcel from the services rendered.
- Section 4. That the charges as confirmed shall appear as separate items on the tax bill of each parcel of real property listed in said staff report, and such charges shall be collected at the same time and in the same manner as ordinary ad valorem taxes are collected, and are subject to the same penalties and the same procedures and sale in case of delinquency as provided for such taxes.
- Section 5. The Tax Collector of the San Luis Obispo County is hereby authorized to collect the street lighting charges on the property tax bill.
- Section 6. This resolution is adopted by a majority of all members of the Board of Directors of the District.

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

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

the foregoing resolution is hereby adopted this 9<sup>th</sup> day of June, 2010.

\_\_\_\_\_  
James Harrison, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary of the Board

\_\_\_\_\_  
Jon S. Seitz  
General Counsel



EXHIBIT "A"  
BLACKLAKE STREET LIGHTING ANNUAL ASSESSMENT 2010-2011

	APN	ASSESSMENT
1	091243001	34.00
2	091243002	34.00
3	091243003	34.00
4	091243004	34.00
5	091243005	34.00
6	091243006	34.00
7	091243007	34.00
8	091243008	34.00
9	091243009	34.00
10	091243010	34.00
11	091243013	34.00
12	091243014	34.00
13	091243015	34.00
14	091243016	34.00
15	091243017	34.00
16	091243018	34.00
17	091243019	34.00
18	091243020	34.00
19	091243021	34.00
20	091243022	34.00
21	091243023	34.00
22	091243024	34.00
23	091243025	34.00
24	091243026	34.00
25	091243027	34.00
26	091243028	34.00
27	091243029	34.00
28	091243030	34.00
29	091243031	34.00
30	091243032	34.00
31	091243033	34.00
32	091243034	34.00
33	091243035	34.00
34	091243036	34.00
35	091243037	34.00
36	091243038	34.00
37	091243039	34.00
38	091243040	34.00
39	091243041	34.00
40	091243042	34.00
41	091243043	34.00
42	091244001	34.00
43	091244002	34.00
44	091244003	34.00
45	091244004	34.00
46	091244005	34.00
47	091244006	34.00
48	091244007	34.00
49	091244008	34.00
50	091244009	34.00

	APN	ASSESSMENT
51	091244010	34.00
52	091244011	34.00
53	091244012	34.00
54	091244013	34.00
55	091244014	34.00
56	091244015	34.00
57	091244016	34.00
58	091244017	34.00
59	091244018	34.00
60	091244019	34.00
61	091244022	34.00
62	091244023	34.00
63	091244024	34.00
64	091244025	34.00
65	091244026	34.00
66	091244027	34.00
67	091244028	34.00
68	091244029	34.00
69	091244030	34.00
70	091244031	34.00
71	091246001	34.00
72	091246003	34.00
73	091246004	34.00
74	091246005	34.00
75	091246006	34.00
76	091246007	34.00
77	091246008	34.00
78	091246009	34.00
79	091246010	34.00
80	091246011	34.00
81	091246012	34.00
82	091246013	34.00
83	091246014	34.00
84	091246015	34.00
85	091246017	34.00
86	091246018	34.00
87	091246019	34.00
88	091246020	34.00
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91	091410001	34.00
92	091410002	34.00
93	091410003	34.00
94	091410004	34.00
95	091410005	34.00
96	091410006	34.00
97	091410007	34.00
98	091410008	34.00
99	091410009	34.00
100	091410010	34.00

	APN	ASSESSMENT
101	091410011	34.00
102	091410012	34.00
103	091410013	34.00
104	091410014	34.00
105	091410015	34.00
106	091410016	34.00
107	091410017	34.00
108	091410018	34.00
109	091410019	34.00
110	091410020	34.00
111	091410021	34.00
112	091410022	34.00
113	091410023	34.00
114	091410024	34.00
115	091410025	34.00
116	091410026	34.00
117	091410027	34.00
118	091410028	34.00
119	091410029	34.00
120	091410030	34.00
121	091410031	34.00
122	091410032	34.00
123	091410033	34.00
124	091410034	34.00
125	091410035	34.00
126	091410036	34.00
127	091410037	34.00
128	091410038	34.00
129	091410039	34.00
130	091410040	34.00
131	091410041	34.00
132	091410042	34.00
133	091410043	34.00
134	091410044	34.00
135	091410045	34.00
136	091410046	34.00
137	091410047	34.00
138	091410048	34.00
139	091410049	34.00
140	091410050	34.00
141	091410051	34.00
142	091410052	34.00
143	091410053	34.00
144	091410054	34.00
145	091410055	34.00
146	091410058	34.00
147	091411006	34.00
148	091412001	34.00
149	091412002	34.00
150	091412003	34.00

EXHIBIT "A"  
BLACKLAKE STREET LIGHTING ANNUAL ASSESSMENT 2010-2011

	APN	ASSESSMENT
151	091412004	34.00
152	091412005	34.00
153	091412006	34.00
154	091412007	34.00
155	091412008	34.00
156	091412009	34.00
157	091412010	34.00
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159	091412012	34.00
160	091412013	34.00
161	091412014	34.00
162	091412015	34.00
163	091412016	34.00
164	091412017	34.00
165	091412018	34.00
166	091412019	34.00
167	091412020	34.00
168	091412021	34.00
169	091413001	34.00
170	091413002	34.00
171	091413003	34.00
172	091413004	34.00
173	091413005	34.00
174	091413006	34.00
175	091413007	34.00
176	091413008	34.00
177	091413009	34.00
178	091413010	34.00
179	091413011	34.00
180	091413012	34.00
181	091413013	34.00
182	091413014	34.00
183	091413015	34.00
184	091413016	34.00
185	091413017	34.00
186	091413018	34.00
187	091413019	34.00
188	091413020	34.00
189	091413021	34.00
190	091413022	34.00
191	091413023	34.00
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193	091413025	34.00
194	091413026	34.00
195	091413027	34.00
196	091413028	34.00
197	091413029	34.00
198	091413030	34.00
199	091413031	34.00
200	091413032	34.00

	APN	ASSESSMENT
201	091413033	34.00
202	091413034	34.00
203	091413035	34.00
204	091413036	34.00
205	091413037	34.00
206	091413038	34.00
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210	091413042	34.00
211	091413043	34.00
212	091413044	34.00
213	091413045	34.00
214	091413046	34.00
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217	091414003	34.00
218	091414004	34.00
219	091414005	34.00
220	091414006	34.00
221	091414007	34.00
222	091414008	34.00
223	091414009	34.00
224	091414010	34.00
225	091414011	34.00
226	091414012	34.00
227	091414013	34.00
228	091414014	34.00
229	091414015	34.00
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231	091414017	34.00
232	091414018	34.00
233	091414019	34.00
234	091414020	34.00
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241	091414027	34.00
242	091414028	34.00
243	091414029	34.00
244	091414030	34.00
245	091415002	34.00
246	091415003	34.00
247	091415004	34.00
248	091415005	34.00
249	091415006	34.00
250	091415007	34.00

	APN	ASSESSMENT
251	091415008	34.00
252	091415009	34.00
253	091415010	34.00
254	091415011	34.00
255	091415012	34.00
256	091415013	34.00
257	091415014	34.00
258	091415015	34.00
259	091415016	34.00
260	091415017	34.00
261	091415018	34.00
262	091415019	34.00
263	091415020	34.00
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278	091416002	34.00
279	091416003	34.00
280	091416004	34.00
281	091416005	34.00
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285	091416009	34.00
286	091416010	34.00
287	091416011	34.00
288	091416012	34.00
289	091416013	34.00
290	091416014	34.00
291	091416015	34.00
292	091416016	34.00
293	091416017	34.00
294	091416018	34.00
295	091416019	34.00
296	091416020	34.00
297	091416021	34.00
298	091416022	34.00
299	091416023	34.00
300	091416024	34.00

EXHIBIT "A"  
BLACKLAKE STREET LIGHTING ANNUAL ASSESSMENT 2010-2011

	APN	ASSESSMENT
301	091416025	34.00
302	091416026	34.00
303	091416027	34.00
304	091416028	34.00
305	091416029	34.00
306	091416030	34.00
307	091416031	34.00
308	091416032	34.00
309	091416033	34.00
310	091416034	34.00
311	091416035	34.00
312	091416036	34.00
313	091419001	34.00
314	091419002	34.00
315	091419003	34.00
316	091419004	34.00
317	091419005	34.00
318	091419006	34.00
319	091419007	34.00
320	091419008	34.00
321	091419009	34.00
322	091419010	34.00
323	091419011	34.00
324	091419012	34.00
325	091419013	34.00
326	091419014	34.00
327	091419015	34.00
328	091419016	34.00
329	091419017	34.00
330	091419018	34.00
331	091419020	34.00
332	091419021	34.00
333	091419022	34.00
334	091419023	34.00
335	091419028	34.00
336	091419029	34.00
337	091419030	34.00
338	091419031	34.00
339	091419032	34.00
340	091419033	34.00
341	091419034	34.00
342	091419035	34.00
343	091419036	34.00
344	091419037	34.00
345	091419038	34.00
346	091419039	34.00
347	091419040	34.00
348	091419041	34.00
349	091419042	34.00
350	091419043	34.00

	APN	ASSESSMENT
351	091419055	34.00
352	091419056	34.00
353	091419057	34.00
354	091419058	34.00
355	091419060	34.00
356	091440001	34.00
357	091440002	34.00
358	091440003	34.00
359	091440004	34.00
360	091440005	34.00
361	091440006	34.00
362	091440007	34.00
363	091440008	34.00
364	091440009	34.00
365	091440010	34.00
366	091440011	34.00
367	091440012	34.00
368	091440013	34.00
369	091441001	34.00
370	091441002	34.00
371	091441003	34.00
372	091441004	34.00
373	091441005	34.00
374	091441006	34.00
375	091441007	34.00
376	091441008	34.00
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378	091441010	34.00
379	091441011	34.00
380	091441014	34.00
381	091441015	34.00
382	091441016	34.00
383	091441017	34.00
384	091441018	34.00
385	091441019	34.00
386	091441020	34.00
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388	091441023	34.00
389	091441024	34.00
390	091441027	34.00
391	091441028	34.00
392	091441029	34.00
393	091442001	34.00
394	091442002	34.00
395	091442003	34.00
396	091442004	34.00
397	091442005	34.00
398	091442006	34.00
399	091442007	34.00
400	091442008	34.00

	APN	ASSESSMENT
401	091442009	34.00
402	091442010	34.00
403	091442011	34.00
404	091442012	34.00
405	091442013	34.00
406	091442014	34.00
407	091442015	34.00
408	091442016	34.00
409	091442017	34.00
410	091442018	34.00
411	091442019	34.00
412	091442020	34.00
413	091442021	34.00
414	091442022	34.00
415	091442023	34.00
416	091442024	34.00
417	091442025	34.00
418	091442026	34.00
419	091442027	34.00
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421	091443002	34.00
422	091443003	34.00
423	091443004	34.00
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425	091443006	34.00
426	091443007	34.00
427	091443008	34.00
428	091443009	34.00
429	091443010	34.00
430	091443011	34.00
431	091443012	34.00
432	091443013	34.00
433	091443014	34.00
434	091443015	34.00
435	091443016	34.00
436	091444001	34.00
437	091444002	34.00
438	091444003	34.00
439	091444004	34.00
440	091444005	34.00
441	091444006	34.00
442	091444007	34.00
443	091444008	34.00
444	091444009	34.00
445	091444011	34.00
446	091444012	34.00
447	091444013	34.00
448	091444014	34.00
449	091444015	34.00
450	091444016	34.00

EXHIBIT "A"  
BLACKLAKE STREET LIGHTING ANNUAL ASSESSMENT 2010-2011

	APN	ASSESSMENT
451	091444017	34.00
452	091444018	34.00
453	091444019	34.00
454	091444020	34.00
455	091444021	34.00
456	091444022	34.00
457	091444023	34.00
458	091444024	34.00
459	091444025	34.00
460	091444026	34.00
461	091444027	34.00
462	091444028	34.00
463	091444029	34.00
464	091444030	34.00
465	091444031	34.00
466	091444033	34.00
467	091444034	34.00
468	091444035	34.00
469	091444036	34.00
470	091444037	34.00
471	091444038	34.00
472	091444039	34.00
473	091444040	34.00
474	091444041	34.00
475	091444042	34.00
476	091444043	34.00
477	091444044	34.00
478	091444045	34.00
479	091444046	34.00
480	091444047	34.00
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482	091444049	34.00
483	091444050	34.00
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485	091444052	34.00
486	091444053	34.00
487	091444054	34.00
488	091444055	34.00
489	091444056	34.00
490	091444057	34.00
491	091444058	34.00
492	091444059	34.00
493	091444060	34.00
494	091444061	34.00
495	091444062	34.00
496	091444063	34.00
497	091444064	34.00
498	091444067	34.00
499	091444068	34.00
500	091445001	34.00

	APN	ASSESSMENT
501	091445002	34.00
502	091445003	34.00
503	091445004	34.00
504	091445005	34.00
505	091445006	34.00
506	091445007	34.00
507	091445008	34.00
508	091445009	34.00
509	091445010	34.00
510	091445011	34.00
511	091445012	34.00
512	091445013	34.00
513	091445014	34.00
514	091445015	34.00
515	091445016	34.00
516	091445017	34.00
517	091445018	34.00
518	091445019	34.00
519	091445020	34.00
520	091445021	34.00
521	091445022	34.00
522	091445023	34.00
523	091445024	34.00
524	091445025	34.00
525	091445026	34.00
526	091445027	34.00
527	091445028	34.00
528	091445029	34.00
529	091445030	34.00
530	091445031	34.00
531	091446001	34.00
532	091446002	34.00
533	091446003	34.00
534	091446004	34.00
535	091446005	34.00
536	091446006	34.00
537	091446007	34.00
538	091446008	34.00
539	091446009	34.00
540	091446010	34.00
541	091446011	34.00
542	091446012	34.00
543	091446013	34.00
544	091446014	34.00
545	091446015	34.00
546	091446016	34.00
547	091446017	34.00
548	091446018	34.00
549	091446019	34.00
550	091446020	34.00

	APN	ASSESSMENT
551	091446021	34.00
552	091446022	34.00
553	091446023	34.00
554	091446024	34.00
555	091446025	34.00
556	091446026	34.00

	\$18,904.00
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TO: BOARD OF DIRECTORS  
FROM: DON SPAGNOLO   
DATE: JUNE 4, 2010



**AUTHORIZE COLLECTION OF FY2010-11  
STREET LANDSCAPE MAINTENANCE DISTRICT ASSESSMENTS**

**ITEM**

Public Hearing and ordering levy and collection of assessments for the Street Landscape Maintenance District No.1 for fiscal year 2010-2011 [CONDUCT PROTEST HEARING AND CONFIRM OR AMEND GENERAL MANAGER'S REPORT]

**BACKGROUND**

On April 14 2010, the Board of Directors adopted Resolution 2010-1183 entitled:

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011 PURSUANT TO THE PROVISIONS OF PART 2 OF THE DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

and thereby initiated the process of annual levy assessment for Street Landscape Maintenance District Number 1. Peter Sevcik, District Engineer, was directed to prepare the annual levy report. Pursuant to Proposition 218 and the Petition Requesting Formation of the Landscape Maintenance District, the annual levy may be increased by a percentage equal to the Consumer Price Index (CPI). While the CPI defines the maximum rate for the District may increase the levy each year, the actual amount to be assessed is based on the annual budget and may be less than the maximum rate. Property owners within the assessment district must approve any proposed assessment that exceeds the adjusted maximum rate based on the CPI.

The Board of Directors approved two resolutions on May 12, 2010 which provided for 1) the adoption of the Engineer's Report, and 2) declaration of intention to levy the annual assessment. Today's public hearing and proposed action - approval of a resolution ordering levy and collection of the assessment - completes the process of annual levy assessment.

Since inception, the annual assessments, per parcel, have been as follows:

Fiscal Year 2003-2004(first year of assessment)	\$345.00
Fiscal Year 2004-2005 (CPI increase)	\$346.96
Fiscal Year 2005-2006 (CPI increase)	\$354.94
Fiscal Year 2006-2007 (CPI Increase)	\$365.34
Fiscal Year 2007-2008 (no increase)	\$365.34
Fiscal Year 2008-2009 (CPI Increase)	\$387.74
Fiscal Year 2009-2010	\$301.78
Fiscal Year 2010-2011	\$303.57

**RECOMMENDATION**

Approval of Resolution No. 2010-LMD Approval.

**ATTACHMENT**

Resolution 2010-LMD Approval

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-LMD**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY  
SERVICES DISTRICT ORDERING THE LEVY AND COLLECTION OF  
ASSESSMENTS FOR THE NIPOMO COMMUNITY SERVICES DISTRICT STREET  
LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011**

**WHEREAS**, the Board of Directors of the Nipomo Community Services District ("NCSD") has by previous Resolutions initiated proceedings, declared its intention to levy assessments, and approved the Engineer's Annual Levy Report (hereinafter referred to as the "Report") that describes the assessments against parcels of land within the Nipomo Community Services District Street Landscape Maintenance Assessment District No. 1 (hereafter referred to as "Assessment District No. 1") for the Fiscal Year commencing July 1, 2010 and ending June 30, 2011, pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code, commencing with Section 22500* (hereafter referred to as the "Act") to pay the costs and expenses of operating, maintaining, and servicing the improvements located within Assessment District No. 1; and

**WHEREAS**, the Engineer's Report has been prepared and filed with the NCSD Secretary and General Manager, and the District General Manager has presented to the NCSD Board of Directors a Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within the Assessment District No. 1 and the Board did by previous Resolution approve such Report; and

**WHEREAS**, the improvements within Street Landscape Maintenance Assessment District No. 1 include the maintenance and operation of and the furnishing of services and materials for landscaping which include trees, shrubs, grasses and other ornamental vegetation, and appurtenant facilities, including irrigations systems (hereinafter referred to as "Improvements") within the Assessment District No. 1; and

**WHEREAS**, the NCSD Board of Directors desires to levy and collect assessments against parcels of land within the Assessment District No. 1 for the Fiscal Year commencing July 1, 2010, and ending June 30, 2011, to pay the costs and expenses of operating, maintaining, and servicing the Improvements; and

**WHEREAS**, the NCSD Board of Directors and its legal counsel have reviewed Proposition 218 and found that these assessments comply with applicable provisions of the California State Constitution; and

**WHEREAS**, pursuant to Section 22646 of the Act and Section 6061 of the Government Code the NCSD has given notice of the time and place of the public hearing for the levy and collection of assessments against the parcels of land within Assessment District No. 1 for fiscal year commencing July 1, 2010, and ending June 30, 2011; and

NIPOMO COMMUNITY SERVICES DISTRICT  
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A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY  
SERVICES DISTRICT ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS  
FOR THE NIPOMO COMMUNITY SERVICES DISTRICT STREET LANDSCAPE  
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011

**WHEREAS**, based upon the review, and amendments as applicable, to the Report and the Staff Report and all oral and written statements, protests and communications made and filed by interested persons regarding these matters, the NCSD Board of Directors finds and determines that:

- A. The land within the Assessment District No. 1 will receive special benefit by the operation, maintenance, and servicing of the Improvements located within the boundaries of Assessment District No. 1; and
- B. The Assessment District No. 1 includes all of the lands so benefited; and
- C. The net amount to be assessed upon the lands within the Assessment District No. 1 in accordance with the Report for the Fiscal Year commencing July 1, 2010 and ending June 30, 2011 is apportioned by a formula and method established by the Petition for Formation of Assessment District No. 1, which fairly distributes the net amount among all eligible parcels in proportion to the estimated benefits to be received by each parcel from the Improvements and services.
- D. The Petition for Formation provides that the annual assessment for each fiscal year shall be increased in an amount necessary to reflect the increase in the costs of operating and maintaining the Improvements due to inflation and that the levy of assessments do not exceed the amounts authorized in the Petition for Formation of Landscape Maintenance District No. 1.

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

Section 1. The Report and assessments as presented to the NCSD Board of Directors and on file in the Office of the General Manager are hereby confirmed as filed. (Exhibit "A")

Section 2. The maintenance, operation, and servicing of the Improvements and appurtenant facilities, in accordance with the Act are hereby ordered and approved.

Section 3. The County Auditor of the County of San Luis Obispo shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy so apportioned by the formula and method outlined in the Report, and such levies shall be collected at the same time and in the same manner as the County taxes are collected pursuant to *Chapter 4, Article 2, Section 22646* of the Act. After collection by the County, the net amount of the levy shall be paid to the Nipomo Community Services District.

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010-LMD

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY  
SERVICES DISTRICT ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS  
FOR THE NIPOMO COMMUNITY SERVICES DISTRICT STREET LANDSCAPE  
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2010-2011

Section 4. The General Manager or his/her designee shall deposit all money representing assessments collected by the County for Assessment District No. 1 to the credit of a fund known as the "Nipomo Community Services District Landscape and Maintenance Assessment District No. 1" and such money shall be expended only for the maintenance, operation, and servicing of the Improvements as described in above.

Section 5. The adoption of this Resolution constitutes the Assessment District No. 1 levy for the fiscal year commencing July 1, 2010, and ending June 30, 2011.

Section 6. The General Manager or his/her designee is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution pursuant to *Chapter 4, Article 1, Section 22641*, of the Act.

Section 7. The above Recitals are true and correct and incorporated herein by reference.

Section 8. The NCSD Board of Directors and such employees of the NCSD as are appropriate are authorized to execute such other documents and take such further actions as shall be consistent with the adoption consistent with this Resolution.

Section 9. The Assessments authorized herein do not constitute a waiver of the District's right to levy the maximum authorized assessments for future fiscal years.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 9<sup>th</sup> day of June, 2010.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Harrison, President  
Nipomo Community Services District  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson, Secretary to the  
Nipomo Community Services District  
Board of Directors

\_\_\_\_\_  
Jon S. Seitz, District Legal Counsel  
Nipomo Community Services District

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NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2010-2011

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Introduction

Nipomo Community Services District ("NCSD") annually levies and collects special assessments to maintain improvements within Street Landscape Maintenance District No. 1 ("District"). The District was formed and annual assessments are established pursuant to the Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "1972 Act").

This Engineer's Annual Report ("Report") describes the District and the proposed assessments for the fiscal year 2009-2010. The assessments are based on the historical and estimated future costs to maintain the improvements that provide a direct and special benefit to properties within the District.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor Parcel Number by the San Luis Obispo County Assessor's Office. The San Luis Obispo County Auditor/Controller uses Assessor Parcel Numbers and specific Fund Numbers to identify properties assessed for special district benefit assessments on the tax roll.

Effect of Proposition 218

In November 1996, California voters approved Proposition 218 that established specific requirements for the on going imposition of taxes, assessments and fees. The provisions of the Proposition are now contained in the California Constitutional Articles XIIC and XIID.

All assessments described in this Report and approved by the Board of Directors are prepared in accordance with the 1972 Act and are in compliance with the provisions of the California Constitution Article XIID.

The assessments adopted include the District's annual inflationary adjustment to the maximum assessment rate. This annual inflationary adjustment to the maximum assessment rate is provided in this Report.

Description of the District and Services

The District (formed on April 9, 2003) provides and ensures the continued maintenance, servicing, administration and operation of landscaping located within the public rights-of-way and dedicated landscape easements in Tract 2409, a 28 lot subdivision commonly known as Vista Verde Estates, located off of West Tefft across from Dana Elementary School.

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Improvements within the District include the maintenance and operation and the furnishing of services and materials for landscaping which include trees, shrubs, grasses and other ornamental vegetation, and appurtenant facilities, including irrigation systems.

Method of Apportionment

General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements which include the construction, maintenance and servicing of landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."*

The formula used for calculating assessments of the District therefore reflect the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on the benefits to each parcel.

Benefit Analysis

The associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the California Constitution and 1972 Act. The improvements associated with the District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties, and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are of direct and special benefit to the properties.

The method of apportionment (method of assessment) is based on the premise that each assessed parcel within the District receives special benefit from the improvements provided by the District. The desirability of properties is enhanced by the presence of local improvements in close proximity to those properties.

The special benefits associated with landscaped improvements are specifically:

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- Enhanced desirability of properties through association with the improvements.
  - Improved aesthetic appeal of properties providing a positive representation of the area.
  - Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
  - Environmental enhancement through improved erosion resistance, dust and debris control.
  - Increased sense of pride in ownership of property within the District resulting in well-maintained improvements associated with the properties.
  - Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings.

Based on the preceding special benefits, it has been determined that the improvements provided through the District and for which parcels are assessed, contribute to aesthetic value and desirability of those properties. It has further been determined that these improvements, either individually or collectively are provided for the special benefit and enhancement of properties within the District and provide no measurable general benefit to properties outside the District or to the public at large.

Assessment Methodology

The maximum annual assessment that may be levied each fiscal year includes an annual inflationary adjustment to the maximum assessment rate based on the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers in San Francisco/San Jose for February 28 of the current year over the previous year's index on the same date. Although the maximum rate for the District may increase each year, the actual amount to be assessed is based on the annual budget and may be less than the maximum rate. The property owners must approve any proposed assessment that exceeds the adjusted maximum rate before it can be imposed.

The maximum assessment that may be levied in a fiscal year is increased annually by the following formula

$$\begin{array}{l}
 \text{(Prior Year's Annual Maximum Assessment x CPI)} \\
 \text{Plus} \\
 \text{Prior Year's Annual Maximum Assessment}
 \end{array}
 \left. \vphantom{\begin{array}{l} \text{(Prior Year's Annual Maximum Assessment x CPI)} \\ \text{Plus} \\ \text{Prior Year's Annual Maximum Assessment} \end{array}} \right\} = \begin{array}{l} \text{Current Year's} \\ \text{Annual} \\ \text{Maximum} \\ \text{Assessment} \end{array}$$

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The percentage change used is the annual change for the preceding 12 months. The annual inflation factor applied for the fiscal year 2010-2011 is based on the percentage change from February 2010 to February 2009 and has been identified as 2.42% (annual percentage change currently available).

Fiscal Year 2010-2011 District Budget

DESCRIPTION	2010-2011 BUDGET
Contract Landscape Maintenance (1)	\$3,630
Plant attrition and normal loss	1,000
Water	3,150
Electricity	120
Reserve (2)	0
Administration	600
TOTAL COST	\$8,500
COST PER PARCEL	\$303.57

MAXIMUM ALLOWABLE ASSESSMENT PER PARCEL (APPLYING INFLATIONARY ADJUSTMENT)	
2009-2010 Maximum Assessment	(1) \$391.14
X CPI (2.42%)	(2) \$9.46
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Maximum Assessment Allowable	(1) + (2) \$400.60 =====
2010-2011 Annual Assessment-Proposed	\$303.57 =====

(1) Maintenance contract to be re-bid. Cost is anticipated to increase.

(2) A reserve is used for anticipated increases in water rates and the potential for exchanging current landscaping for more drought resistant landscaping in the future and irrigation system repair/replacement. Reserve of approximately \$15,000 is available, therefore, no additional reserve is budgeted.

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Lot Number	Assessor Parcel Number	Annual Assessment
1	092-512-001	\$303.57
2	092-512-002	\$303.57
3	092-512-003	\$303.57
4	092-512-004	\$303.57
5	092-512-005	\$303.57
6	092-512-006	\$303.57
7	092-512-007	\$303.57
8	092-512-008	\$303.57
9	092-512-009	\$303.57
10	092-512-010	\$303.57
11	092-512-011	\$303.57
12	092-512-012	\$303.57
13	092-512-013	\$303.57
14	092-512-014	\$303.57
15	092-512-015	\$303.57
16	092-512-016	\$303.57
17	092-512-017	\$303.57
18	092-512-018	\$303.57
19	092-512-019	\$303.57
20	092-512-020	\$303.57
21	092-512-021	\$303.57
22	092-512-022	\$303.57
23	092-512-023	\$303.57
24	092-512-024	\$303.57
25	092-512-025	\$303.57
26	092-512-026	\$303.57
27	092-512-027	\$303.57
28	092-512-028	\$303.57
	TOTAL	\$8,499.96



*Peter V. Sevcik*  
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 PETER V. SEVCIK  
 DISTRICT ENGINEER