

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JUNE 22, 2012

AGENDA ITEM
E-1
JUNE 27, 2012

CONDUCT A HEARING TO ADOPT ORDINANCE 2012-117 REVISING VARIOUS WATER SERVICE RELATED DISTRICT POLICY

ITEM

Conduct a hearing to adopt Ordinance 2012-117 affirming Resolution 2012-1259 suspending processing application for new water service and Intent-To-Serve letters, suspending Chapter 3.05 of District Code and Ordinance 2009-114 related to water service limitations, repealing District Code Section 3.04.052 as established by District Ordinance 2009-112 related to establishing payment of capacity charges for certain commercial projects, and declaring District Code Section 3.04.053 and Section 3 of District Ordinance 2010-115 related to payment of capacity charges for certain residential and mixed use projects as repealed pursuant to the terms of said Ordinance.

[RECOMMEND – BY MOTION AND ROLL CALL VOTE ADOPT ORDINANCE 2012-117]

BACKGROUND

On May 10, 2012, there was a successful protest of the ballot measure to form Nipomo Community Services Assessment District 2012-1. The assessment district would have raised the funds needed to build a intertie water line between Nipomo CSD and the City of Santa Maria and deliver supplemental water to the Nipomo Mesa.

In light of the ballot measure's defeat, the timeline for delivery of supplemental water to the Nipomo Mesa is unknown. Concern over the health and ever-diminishing reliability of the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin is well documented.

Over the years, studies by the CA Department of Water Resources, the County of San Luis Obispo, the groundwater court-appointed Nipomo Mesa Management Area Technical Group and others have consistently found cause for concern for basin health and sustainability under current pumping demands. Therefore, the District is currently unable to make the findings required by District Code §3.28.020, "that sufficient excess water" exists to serve new projects.

On May 23, 2012, your Board adopted Resolution 2012-1259 suspending the processing of new application for District water service and directed staff to review District water service policy as expressed in District Code, Ordinances, and Resolutions and return to the Board with any recommended changes.

On June 13, 2012, your Board introduced Ordinance 2012-117 and set June 27, 2012 as the adoption date for the Ordinance.

FISCAL IMPACT

The District's water capacity charge for a 1-inch water meter is \$17,898 of which \$14,605 is put toward development of supplemental water projects. Suspension of processing new water service applications impacts collection of capacity charges.

STRATEGIC PLAN

Strategic Plan Goal 1.1 – Protect, Enhance and Assess available Water Supplies
Strategic Plan Goal 1.2 – Secure New Water Supplies

RECOMMENDATION

By motion and roll call vote, adopt Ordinance 2012-117

ATTACHMENTS

Ordinance 2012-117

ORDINANCE NO. 2012- 117

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT REAFFIRMING RESOLUTION 2012-1259 SUSPENDING APPLICATIONS FOR INTENT-TO-SERVE LETTERS, SUSPENDING CHAPTER 3.05 OF THE DISTRICT CODE AND DISTRICT ORDINANCE 2009-114 RELATED TO WATER SERVICE LIMITATIONS, REPEALING DISTRICT CODE SECTION 3.04.052 AS ESTABLISHED BY DISTRICT ORDINANCE 2009-112 RELATED TO ESTABLISHING PAYMENT OF CAPACITY CHARGES FOR CERTAIN COMMERCIAL PROJECTS AND DECLARING DISTRICT CODE SECTION 3.04.053 AND SECTION 3 OF DISTRICT ORDINANCE 2010-115 RELATED TO PAYMENT OF CAPACITY CHARGES FOR CERTAIN RESIDENTIAL AND MIXED USE PROJECTS AS REPEALED PURSUANT TO THE TERMS OF SAID ORDINANCE

WHEREAS, the Nipomo Community Services District (“District”) provides water service within the District’s water service area pursuant to § 61100 (a) of the Community Services District Law which provides:

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

WHEREAS, § 61060 (b) of the Community Services District Law provides in relevant part:

“A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)”; and

WHEREAS, it is essential for the protection of the health, welfare, and safety of the residents of the District and the public benefit of the State of California (“State”), that the groundwater resources of the Nipomo Mesa be conserved; and

WHEREAS, the District’s current water supply is limited to groundwater extracted from the Nipomo Mesa Management Area (NMMA) (also referred to as the Nipomo Mesa Water Conservation Area (NMWCA) by the County of San Luis Obispo), of the Santa Maria Groundwater Basin; and

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WHEREAS, the District is a party to a groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc. et al., Case No. CV 770214 (“Groundwater Litigation”); and

WHEREAS, pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation the Nipomo Mesa Management Area Technical Group has declared that a potentially severe water shortage condition exists within the Nipomo Mesa Management Area; and

WHEREAS, the San Luis Obispo County Department of Planning and Building’s 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommended a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Water Conservation Area and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

WHEREAS, on June 26, 2007, the San Luis Obispo County Board of Supervisors certified the waters underlying the NMWCA at a Severity Level III; and

WHEREAS, the resource protection goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

WHEREAS, District Code §3.28.020 provides:

“all intent-to-serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project”; and

WHEREAS, § 71640 of the Municipal Water Service District Law provides:

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“A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential”; and

WHEREAS, the District Board of Directors, at a public meeting on June 13, 2012, considered the Staff Report and public testimony regarding the adoption of this Ordinance; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Ordinance and public comment, and the failure of the recent ballot proceedings to fund and implement a Supplemental Water Project to the NMMA\NMWCA, the District Board of Directors finds that:

- (a) It is currently unable to make the findings required by District Code Section 3.28.020, “that sufficient excess water --- exists to serve new projects”; and
- (b) That there is a threatened or existing water shortage; and

WHEREAS, based on the Staff Report, staff presentation, the reports and studies referenced in this Ordinance, public comment and the failure of the recent ballot proceedings to fund and implement the Supplemental Water Project to the NMMA\NMWCA, the District Board of Directors further finds:

- A. That the purpose and intent of this Ordinance is consistent with the purposes found in the Judgment and Stipulation in the Ground Water Litigation imposing a physical solution to assure long-term sustainability of the groundwater basin and the San Luis Obispo County’s certification of a Severity Level III for the waters underlying the NMWCA; and
- B. Prohibiting the issuance of new Intent-To-Serve Letters will provide greater assurances that there will be adequate groundwater to meet the present needs of the District residences consistent with District Code §3.28.020 and the resource protection goals of the San Luis Obispo County South County Area Plan; and

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- C. That adopting this Ordinance will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection; and
- D. That this Ordinance adopts Rules and Regulations for the administration, operation, and use of District services; and

WHEREAS, by adopting this Ordinance, the District does not intend to limit other means of managing, protecting and conserving the groundwater basin by the District. Further, the District intends to work cooperatively with the NMMA Technical Group and other agencies, such as the County of San Luis Obispo, to implement regional solutions such as groundwater management and the importation of Supplemental Water to the NMMA\NMWCA; and

WHEREAS, based on the Staff Report, staff presentation, and public comment, the District Board of Directors further finds this Ordinance is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying groundwater basin as their source of water supply.

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the District as follows:

Section 1 — Intent-To-Serve Letters

District Resolution 2012-1259 Suspending The Processing Of Intent-To-Serve Letters is affirmed. All applications for new District water service are suspended and will be received and filed without priority. Chapter 3.05 of the District Code and District Ordinance 2009-114 are suspended.

Section 2 — Payment of Capacity Charges for Certain Commercial Projects

Section 3.04.052 of the District Code as established by District Ordinance 2009-112 Establishing Procedures For Payment Of District Fees For Connection Of Commercial Projects Developed On Two Or More Parcels are Repealed.

Section 3.04.051 of the District Code is modified to remove reference "Except as provided in Section 3.04.052"

Section 3 — Payment of Capacity Charges for Certain Residential and Mixed Use Projects

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Section 3.04.053 of the District Code as established by District Ordinance 2010-115 Establishing Procedures For Payment Of District Fees For Connection For Residential Projects Creating Four Or More Parcels And Mixed Use Projects Under A Single Application For A Final Map That Required a Dedication Of Any Water And Sewer Improvements Pursuant To a Plan Check Inspection is repealed, pursuant to Section 3.04.053 H of Ordinance 2010-115.

Section 3.04.051 of the District Code is modified to remove reference "Except as provided in Section 3.04.052 and 3.04.053"

Section 4 of District Ordinance 2010-115 and Section 5.02.010 (4) of the District Code are reaffirmed.

Section 5 of District Ordinance 2010-115 and Section 4.03.010 of the District Code are reaffirmed.

Section 4 — Reconsideration

The District Board shall reconsider Sections 1, and 2 of this Ordinance, as part of its Regular or Special Meeting Agendas, during the month of October of this year and during the months of May and October of each succeeding year.

Section 5 — Inconsistency

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior district Ordinance(s), Motions, Resolutions (including District Resolution 2010-1199 establishing fees for processing applications for deferral of District Connection Charges), Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

Section 6 — Incorporation of Recitals

The recitals to this Ordinance are true and correct, are incorporated herein by this reference, including the referenced documents, and constitute further findings for the implementation of the Water Service Limitations adopted by this Ordinance.

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Section 7 — 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 8 — 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 9 — CEQA

The Board of Directors of the District finds that 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 policies and procedures 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 that the Suspension of Intent-To-Serve Letters and Ordinances related to payment of connection/capacity fees will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District incorporates by reference the CEQA findings in support of San Luis Obispo County Ordinance 3090, the County of San Luis Obispo's certification of a Severity Level III for the NMWCA and the District's CEQA findings supporting the adoption of Chapter 3.05. The District General Manager is directed to prepare and file an appropriate notice of exemption.

Section 10 — California Department of Fish and Game Certificate of Fee Exemption

Pursuant to § 711.4 (c)(2)A of the Fish and Game Code, the District Board of Directors finds that rules and regulations adopted by this Ordinance will

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have no effect on fish and wildlife. The General Manager is authorized to file a California Department of Fish and Game Certificate of Fee Exemption.

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 the tenth (10th) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

Introduced on the 13TH day of June, 2012, and adopted by the Board of Directors of the Nipomo Community Services District on June 27, 2012, by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

JAMES HARRISON,
President of the Board

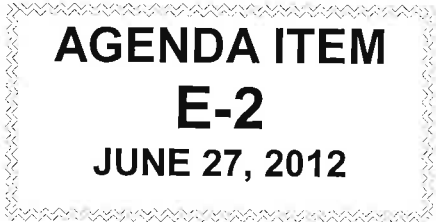
ATTEST:

APPROVED AS TO FORM

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *msl*
GENERAL MANAGER
DATE: JUNE 22, 2012



REVIEW CURRENT INTENT-TO-SERVE POLICY FOR WATER SERVICE AND ASSOCIATED WATER ALLOCATION

ITEM

Review current District policy for Intent-To-Serve letters and water allocation. [RECOMMEND – CONSIDER INFORMATION AND DIRECT STAFF]

BACKGROUND

On May 10, 2012, there was a successful protest of the ballot measure to form Nipomo Community Services Assessment District 2012-1. The assessment district would have raised the funds needed to build a water line connecting Nipomo CSD and the City of Santa Maria water systems to facilitate delivery of supplemental water to the Nipomo Mesa Water Conservation Area/Nipomo Mesa (Groundwater) Management Area.

Excerpts from the Nipomo Mesa Management Area Technical Group Annual Report depicting the service area of major water suppliers within the Nipomo Mesa Management Area and water production estimates for the Area, are attached.

In light of the ballot measure's defeat, the timeline for delivery of supplemental water to the Nipomo Mesa is unknown. Concern over the health and ever-diminishing reliability of the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin is well documented.

Over the years, studies by the CA Department of Water Resources, the County of San Luis Obispo, the groundwater court-appointed Nipomo Mesa Management Area Technical Group and others have consistently found cause for concern for basin health and sustainability under current pumping demands. Therefore, the District is currently unable to make the findings required by District Code §3.28.020, "that sufficient excess water" exists to serve new projects.

On May 23, 2012, your Board adopted Resolution 2012-1259 suspending the processing of new application for District water service and directed staff to review District policy pertaining to Intent-To-Serve commitment to development projects currently underway.

A summary of active development projects with Intent-To-Serve Letters, within the District Boundaary, is attached.

District code sections related to water service and Intent-To-Serve letters are excerpted below:

"3.04.270 – Water supply and interruption of service.

A. The district will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water at the meter. The district, however, shall not be liable for interruption of service or shortage or insufficiency of supply or for any loss or damage occasioned thereby. For the purpose of making repairs or installing improvements to the system, the district shall have the right to temporarily suspend the delivery of water. The customer shall be notified in advance of such action, except in cases of emergency. Repairs or improvements will be performed as rapidly as may be practicable and so far as

possible at times which will cause the least inconvenience to the customers concerned. The district shall not be liable for any loss or damage occasioned by such suspension of service.

B. During times of threatened or actual water shortage, the district will apportion its available supply among its customers in the manner that appears most equitable under the circumstances then prevailing with regard to public health and safety.

(Ord. 78-27 § 14, 1978)"

"3.28.020 – Intent-To-Serve letters.

A. Small Projects. Where the project consists of four or less residential units, four or less multifamily units or for commercial projects and multiuse projects where the total estimated water demand is less than two acre feet per year, the general manager may issue an Intent-To-Serve letter administratively or refer the approval to the board of directors pursuant to subsection B of this section.

B. Larger Projects. Where the project exceeds four residential units, four or more multifamily units or for commercial projects and multiuse projects with a total water demand greater than two acre feet per year, the Intent-To-Serve letter shall be approved by the board of directors.

...

D. All Intent-To-Serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project.

E. Each Intent-To-Serve letter shall include the following:

1. Conditions for service as authorized by the general manager or the district board of directors;

...

7. This Intent-To-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the district. This Intent-To-Serve letter may be revoked or further conditioned as a result of conditions imposed upon the district by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the board of directors;

...

(Res. 842 Exh. A (part), 2002)"

District Intent To Serve Letters include the following language:

INTENT-TO-SERVE LETTER SAMPLE LANGUAGE

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

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

*Date:
Owner:*

Print Name (Owner):

FISCAL IMPACT

The District's water capacity charge for a 1-inch water meter is \$17,898 of which \$14,605 is put toward development of supplemental water projects. Further restrictions on Intent-to-Serve Letters will affect collection of capacity charges.

STRATEGIC PLAN

Strategic Plan Goal 1.1 – Protect, Enhance, and Assess available Water Supplies

RECOMMENDATION

Consider information and provide direction to staff

ATTACHMENT

- 2011 NMMA Annual Report Figure 1-2
- 2011 NMMA Annual Report, Page 23
- Summary of active Intent-to-Serve Letters

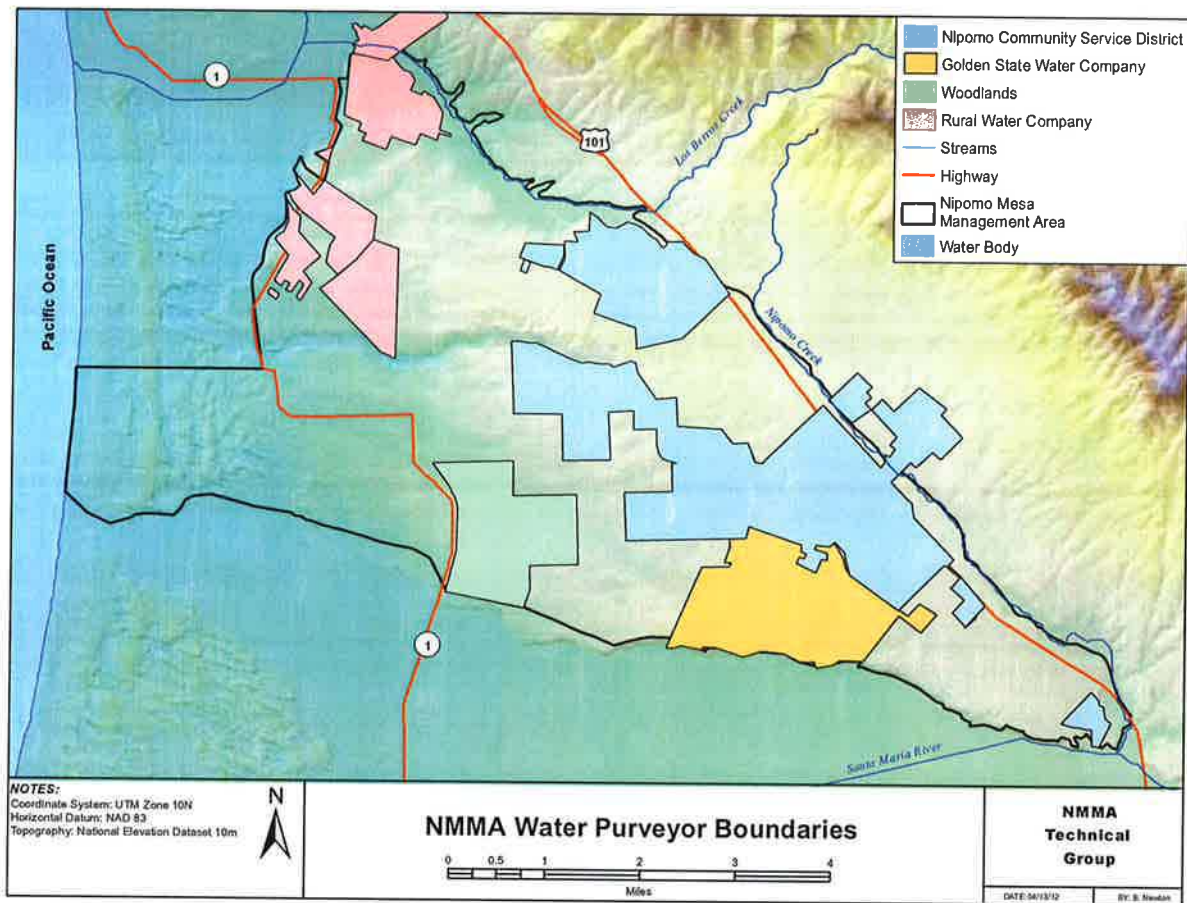


Figure 1-2. NMMA Water Purveyor Boundaries

Table 3-6. 2011 Measured and Estimated Groundwater Production (AF/yr)

Measured	
NCSD	2,488
GSWC	1,043
Woodlands	864
ConocoPhillips	1,100
RWC	728
Subtotal	6,223
Estimated	
Rural Landowners	1,850
Agriculture	2,465
Total NMMA Production	10,538

3.1.10. Wastewater Discharge and Reuse

Five wastewater treatment facilities (WWTF) discharge treated effluent within the NMMA: the Southland Wastewater Works (Southland WWTF), the Blacklake Reclamation Facility (Blacklake WWTF), Rural Water Company's Cypress Ridge Wastewater Facility (Cypress Ridge WWTF), the Woodlands Mutual Water Company Wastewater Reclamation Facility (Woodlands WWTF) (Figure 3-8). The Golden State Water Company La Serena Groundwater Manganese Removal Treatment Plant (La Serena) discharges filter backwash to percolation ponds. The total waste water discharge in the NMMA was 780 AF for calendar year 2011 (Table 3-7).

Table 3-7. 2011 Wastewater Volumes

WWTF	Influent (AF/yr)	Estimated Effluent (AF/yr)	Re-use
Southland	711	629 ⁽¹⁾	Infiltration
Blacklake	71	61 ⁽¹⁾	Irrigation
Cypress Ridge	Not Reported	44	Irrigation
Woodlands	Not Reported	40	Irrigation
La Serena	Not Reported	6 ⁽²⁾	Infiltration
Total		780	

Notes:

1. Effluent was estimated as the sum of Influent - Evaporation from Aeration Ponds - 10% of Influent to account for biosolid removal. For the Nipomo Mesa calendar year 2011, the annual evapotranspiration measured at CIMIS 202 gage is 43.6 inches and the rainfall measured at CIMIS 202 gage is 16.54 inches (CIMIS, 2011). This results in a net evaporation from a pond of 27.06 inches per year.
2. GSWC's La Serena Groundwater Manganese Removal Treatment Plant treats water from GSWC's La Serena and Eucalyptus wells. Filter backwash water is discharged to percolation ponds, where water infiltrates into the basin.

NIPOMO COMMUNITY SERVICES DISTRICT ACTIVE DEVELOPMENT PROJECT TRACKING OF KEY ITS DATES SUMMARY

Project	Location	Developer	Status	ITS Issued	Expiration Date	AF Water Allocated	Water Year Allocated	Number of Lots	Comments
OUTSIDE USER AGREEMENT									
Tract 2642	Oakglen Via Concha and Willow	Holloway	Outside User	N/A	N/A	N/A	9.9 06-07	18	18 New Single Family Lots FEES DUE - Construction to begin by March 15, 2013
Tract 2650		Nester	Outside User	N/A	N/A	N/A	8.8 05-06	16	16 New Single Family Lots FEES DUE - Construction to begin by March 20, 2012
ITS ISSUED - TRACTS									
Tract 2906	Avenida de Amigos and Grande	Gray Trust	Active	6/13/2012	6/12/2016	4.9	11-12 to 12-13	17	15 New Single-Family Residential Lots, 1 New Common Lot, and 1 lot for existing 4 unit apartment building
Tract 2689	Tefft and Blume Butterfly and Grande	Flatley	Active	1/1/2012	12/31/2015	5.9	11-12 to 13-14	25	Mixed Use - 5 Commercial Lots, 2 Common Lots, 18 Single Family Residential
Tract 2634		Schuur	Active	10/13/2011	10/12/2015	0.8	11-12	3	2 New Single-Family Residential Lots
Tract 2441		Gray Trust	Active	1/14/2011	1/13/2015	18.3	10-11 to 13-14	38	38 New Single-Family Residential Lots
Tract 2855		Gray	Active	10/21/2008	10/20/2012	0.6	08-09	4	1 New Single-Family Residential Lot
Tract 2979		Silva	Active	9/9/2008	9/8/2012	3.0	07-08	8	7 New Single-Family Residential Lots
Tract 2734		DeBlauw	Active	7/9/2008	7/8/2012	6.2	07-08 to 08-09	6	6 New Single-Family Residential Lots
ITS ISSUED - PARCEL MAPS									
CO 03-0301	Sandydale and North Frontage	Estate Financial	Active	2/23/2011	2/22/2015	N/A	N/A	3	Commercial Only
CO 06-0225 #2	Blume and Flint	Kengle	Active	9/9/2009	9/8/2013	5.9	08-09 to 09-10	1	20 Multi-Family Units
ITS ISSUED - APN									
091-283-014	Camino Caballo	Aslanidis	Active	6/15/2012	6/14/2016	1.9	11-12	2	2 New Single Family Lots
ITS ISSUED - GALAXY PARK									
Tract 2792	Galaxy	Lathrop	Active	3/11/2009	3/10/2013	N/A	N/A	N/A	Sewer Only
Other									
Tract 2494	West Tefft	DLG	Other	N/A	N/A	N/A	N/A	N/A	FEES DUE. Will Serve Issued but fees not paid.
CO 04-0581	Lindon	Pruit	Other	N/A	N/A	N/A	N/A	N/A	FEES DUE. ITS never issued. Improvements installed. Need as builts.
090-095-016-023	Branch	Danmark	Other	N/A	N/A	N/A	N/A	N/A	FEES DUE. Pre-existing lots. Need as-builts
						TOTAL	66.2	TOTAL	141.0

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JUNE 22, 2012

**AGENDA ITEM
E-3
JUNE 27, 2012**

**REVIEW CURRENT WILL SERVE POLICY FOR WATER SERVICE AND
ASSOCIATED WATER CAPACITY RESERVATION**

ITEM

Review current District policy for will serve letters and associated water capacity reservation.
[RECOMMEND – CONSIDER INFORMATION AND DIRECT STAFF]

BACKGROUND

On May 10, 2012, there was a successful protest of the ballot measure to form Nipomo Community Services Assessment District 2012-1. The assessment district would have raised the funds needed to build a water line connecting Nipomo CSD and the City of Santa Maria water systems to facilitate delivery of supplemental water to the Nipomo Mesa Water Conservation Area/Nipomo Mesa (Groundwater) Management Area.

In light of the ballot measure's defeat, the timeline for delivery of supplemental water to the Nipomo Mesa is unknown. Concern over the health and ever-diminishing reliability of the Nipomo Mesa Management Area of the Santa Maria Groundwater Basin is well documented.

Excerpts from the Nipomo Mesa Management Area Technical Group Annual Report depicting the service area of major water suppliers within the Nipomo Mesa Management Area and water production estimates for the Area, are attached

Over the years, studies by the CA Department of Water Resources, the County of San Luis Obispo, the groundwater court-appointed Nipomo Mesa Management Area Technical Group and others have consistently found cause for concern for basin health and sustainability under current pumping demands. Therefore, the District is currently unable to make the findings required by District Code §3.28.020, "that sufficient excess water" exists to serve new projects.

On May 23, 2012, your Board adopted Resolution 2012-1259 suspending the processing of new application for District water service and directed staff to review District policy pertaining to outstanding Will Serve Letters.

A summary of District reserved water capacity related to Will Serve letters is attached.

District code sections related to water service and Will Serve letters are excerpted below:

"3.04.270 – Water supply and interruption of service.

A. The district will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water at the meter. The district, however, shall not be liable for interruption of service or shortage or insufficiency of supply or for any loss or damage occasioned thereby. For the purpose of making repairs or installing improvements to the system, the district shall have the right to temporarily suspend the delivery of water. The customer shall be notified in advance of such action, except in cases of emergency. Repairs or improvements will be performed as rapidly as may be practicable and so far as possible at times which will cause the least inconvenience to the customers concerned. The district shall not be liable for any loss or damage occasioned by such suspension of service.

B. *During times of threatened or actual water shortage, the district will apportion its available supply among its customers in the manner that appears most equitable under the circumstances then prevailing with regard to public health and safety.*

(Ord. 78-27 § 14, 1978)

"3.28.040 – Will-Serve letters.

Will-Serve letters are evidence of the district's commitment to provide service to the project consistent with district's ordinances, rules and regulations. Will-Serve letters will be issued administratively upon the applicant paying all district fees and charges related to the project and complying with all terms and conditions of the district's Intent-To-Serve letter. Will-serve letters will contain the following language:

A. *This Will-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the district. This will-serve letter may be revoked as a result of conditions imposed upon the district by a court or by a change in ordinance, resolution, rules, or regulations adopted by the board of directors for the protection of health, safety, and welfare of the district and its residents.*

B. *Notwithstanding subsection A of this section, notice is provided as follows:*

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

2. *That this Will-Serve letter and the project are subject to the San Luis Obispo County's Growth Control Ordinance which establishes annual limits on building permits for the Nipomo Mesa.*

(Res. 842 Exh. A (part), 2002)

FISCAL IMPACT

At this time, the fiscal impact of limiting water service to projects with will-serve commitments is unknown. The cost will vary from project to project.

STRATEGIC PLAN

Strategic Plan Goal 1.1 – Protect, Enhance, and Assess available Water Supplies

RECOMMENDATION

Consider information and provide direction to staff

ATTACHMENTS

ATTACHMENT

- 2011 NMMA Annual Report Figure 1-2
- 2011 NMMA Annual Report, Page 23
- Summary of reserved capacity

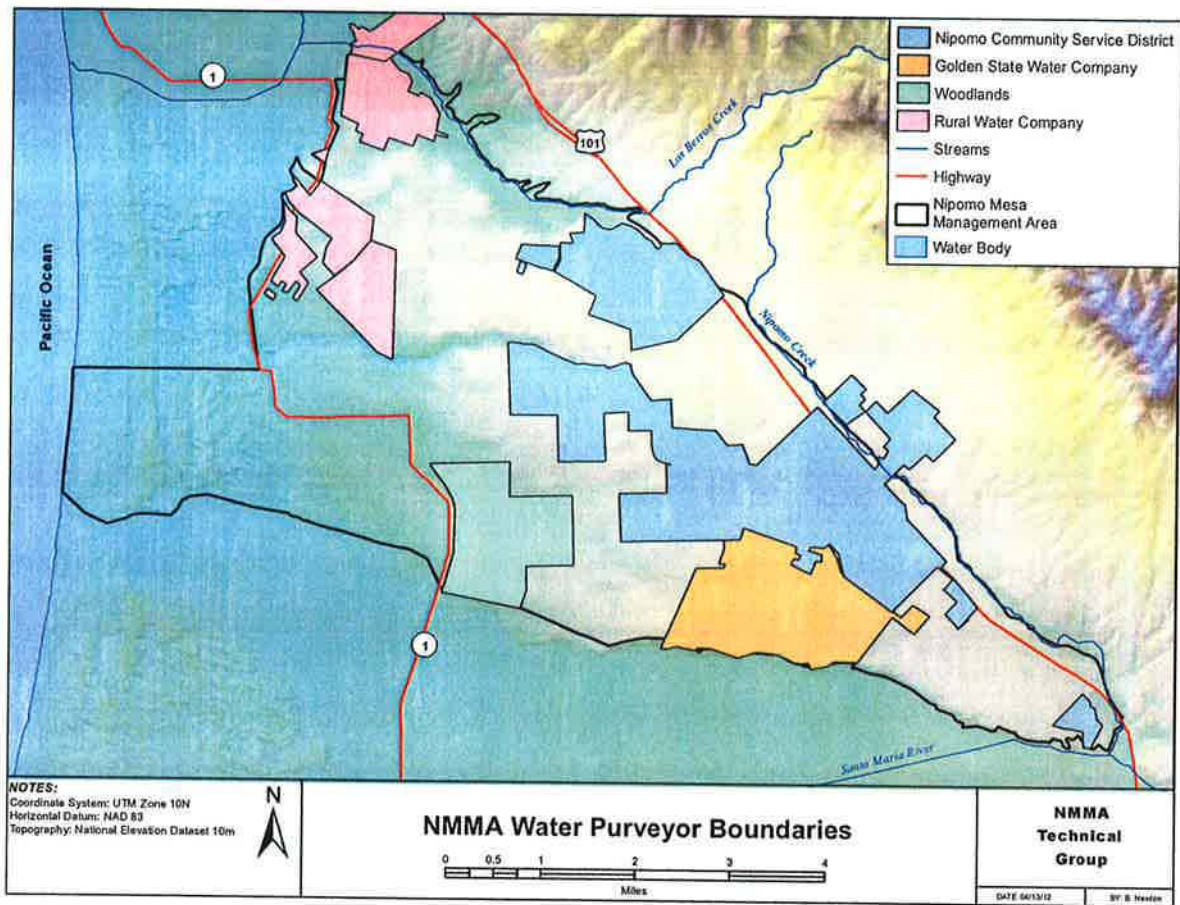


Figure 1-2. NMMA Water Purveyor Boundaries

Table 3-6. 2011 Measured and Estimated Groundwater Production (AF/yr)

Measured	
NCS D	2,488
G S W C	1,043
Woodlands	864
ConocoPhillips	1,100
R W C	728
Subtotal	6,223
Estimated	
Rural Landowners	1,850
Agriculture	2,465
Total NMMA Production	10,538

3.1.10. Wastewater Discharge and Reuse

Five wastewater treatment facilities (WWTF) discharge treated effluent within the NMMA: the Southland Wastewater Works (Southland WWTF), the Blacklake Reclamation Facility (Blacklake WWTF), Rural Water Company's Cypress Ridge Wastewater Facility (Cypress Ridge WWTF), the Woodlands Mutual Water Company Wastewater Reclamation Facility (Woodlands WWTF) (Figure 3-8). The Golden State Water Company La Serena Groundwater Manganese Removal Treatment Plant (La Serena) discharges filter backwash to percolation ponds. The total waste water discharge in the NMMA was 780 AF for calendar year 2011 (Table 3-7).

Table 3-7. 2011 Wastewater Volumes

WWTF	Influent (AF/yr)	Estimated Effluent (AF/yr)	Re-use
Southland	711	629 ⁽¹⁾	Infiltration
Blacklake	71	61 ⁽¹⁾	Irrigation
Cypress Ridge	Not Reported	44	Irrigation
Woodlands	Not Reported	40	Irrigation
La Serena	Not Reported	6 ⁽²⁾	Infiltration
Total		780	

Notes:

1. Effluent was estimated as the sum of Influent - Evaporation from Aeration Ponds - 10% of Influent to account for biosolid removal. For the Nipomo Mesa calendar year 2011, the annual evapotranspiration measured at CIMIS 202 gage is 43.6 inches and the rainfall measured at CIMIS 202 gage is 16.54 inches (CIMIS, 2011). This results in a net evaporation from a pond of 27.06 inches per year.
2. GSWC's La Serena Groundwater Manganese Removal Treatment Plant treats water from GSWC's La Serena and Eucalyptus wells. Filter backwash water is discharged to percolation ponds, where water infiltrates into the basin.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESERVED CAPACITY**

APN	TRACT #	YEAR PAID	WATER CAPACITY	SEWER CAPACITY
090-078-022	1747 (Carriage Homes)	2001	1	1
090-078-023	1747 (Carriage Homes)	2001	1	1
090-078-020	1747 (Carriage Homes)	2001	1	1
090-078-026	1747 (Carriage Homes)	2001	1	1
090-078-027	1747 (Carriage Homes)	2001	1	1
090-078-028	1747 (Carriage Homes)	2001	1	1
090-078-029	1747 (Carriage Homes)	2001	1	1
090-078-031	1747 (Carriage Homes)	2001	1	1
090-078-032	1747 (Carriage Homes)	2001	1	1
090-078-033	1747 (Carriage Homes)	2001	1	1
090-078-034	1747 (Carriage Homes)	2001	1	1
090-078-036	1747 (Carriage Homes)	2001	1	1
090-078-037	1747 (Carriage Homes)	2001	1	1
090-078-038	1747 (Carriage Homes)	2001	1	1
090-078-040	1747 (Carriage Homes)	2001	1	1
090-078-041	1747 (Carriage Homes)	2001	1	1
090-078-042	1747 (Carriage Homes)	2001	1	1
090-078-043	1747 (Carriage Homes)	2001	1	1
090-078-044	1747 (Carriage Homes)	2001	1	1
090-078-045	1747 (Carriage Homes)	2001	1	1
090-078-047	1747 (Carriage Homes)	2001	1	1
090-078-048	1747 (Carriage Homes)	2001	1	1
090-078-049	1747 (Carriage Homes)	2001	1	1
090-078-051	1747 (Carriage Homes)	2001	1	1
090-078-052	1747 (Carriage Homes)	2001	1	1
090-078-053	1747 (Carriage Homes)	2001	1	1
090-078-054	1747 (Carriage Homes)	2001	1	1
090-078-055	1747 (Carriage Homes)	2001	1	1
090-078-057	1747 (Carriage Homes)	2001	1	1
090-078-058	1747 (Carriage Homes)	2001	1	1
090-301-061	1802 (Maria Vista)	2004	1	1
090-301-061	1802 (Maria Vista)	2004	1	1
090-305-003	1802 (Maria Vista)	2004	1	1
090-305-004	1802 (Maria Vista)	2004	1	1
090-305-006	1802 (Maria Vista)	2004	1	1
090-305-007	1802 (Maria Vista)	2004	1	1
090-305-008	1802 (Maria Vista)	2004	1	1
090-305-010	1802 (Maria Vista)	2004	1	1
090-305-011	1802 (Maria Vista)	2004	1	1
090-305-021	1802 (Maria Vista)	2004	1	1
090-305-022	1802 (Maria Vista)	2004	1	1
090-305-023	1802 (Maria Vista)	2004	1	1
090-305-012	1802 (Maria Vista)	2004	1	1
090-305-024	1802 (Maria Vista)	2004	1	1
090-305-025	1802 (Maria Vista)	2004	1	1
090-305-026	1802 (Maria Vista)	2004	1	1
090-305-027	1802 (Maria Vista)	2004	1	1

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESERVED CAPACITY**

APN	TRACT #	YEAR PAID	WATER CAPACITY	SEWER CAPACITY
090-305-028	1802 (Maria Vista)	2004	1	1
090-305-029	1802 (Maria Vista)	2004	1	1
090-305-030	1802 (Maria Vista)	2004	1	1
090-305-031	1802 (Maria Vista)	2004	1	1
090-305-032	1802 (Maria Vista)	2004	1	1
090-305-033	1802 (Maria Vista)	2004	1	1
090-307-001	1802 (Maria Vista)	2004	1	0
090-307-002	1802 (Maria Vista)	2004	1	1
090-307-007	1802 (Maria Vista)	2004	1	0
090-307-003	1802 (Maria Vista)	2004	1	1
090-307-004	1802 (Maria Vista)	2004	1	1
090-307-005	1802 (Maria Vista)	2004	1	1
090-307-006	1802 (Maria Vista)	2004	1	0
090-306-016	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-304-013	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	1
090-301-060	1856 (Maria Vista)	2004	1	0
090-306-004	1856 (Maria Vista)	2004	1	1
090-306-003	1856 (Maria Vista)	2004	1	1
090-306-002	1856 (Maria Vista)	2004	1	1
090-306-008	1856 (Maria Vista)	2004	1	1
090-306-007	1856 (Maria Vista)	2004	1	1
090-306-006	1856 (Maria Vista)	2004	1	1
090-306-005	1856 (Maria Vista)	2004	1	1
090-306-010	1856 (Maria Vista)	2004	1	1
090-306-011	1856 (Maria Vista)	2004	1	1
090-306-012	1856 (Maria Vista)	2004	1	1
090-306-013	1856 (Maria Vista)	2004	1	1
090-306-014	1856 (Maria Vista)	2004	1	1
090-306-015	1856 (Maria Vista)	2004	1	1
090-305-034	1802 (Maria Vista)	2004	1	1
090-305-035	1802 (Maria Vista)	2004	1	1
090-305-018	1802 (Maria Vista)	2004	1	1
090-305-019	1802 (Maria Vista)	2004	1	1
090-304-004	1802 (Maria Vista)	2004	1	1
090-304-005	1802 (Maria Vista)	2004	1	1
090-304-006	1802 (Maria Vista)	2004	1	1
090-304-007	1802 (Maria Vista)	2004	1	1
090-305-014	1802 (Maria Vista)	2004	1	1

updated 6/19/12

**NIPOMO COMMUNITY SERVICES DISTRICT
RESERVED CAPACITY**

APN	TRACT #	YEAR PAID	WATER CAPACITY	SEWER CAPACITY
090-305-016	1802 (Maria Vista)	2004	1	1
090-305-017	1802 (Maria Vista)	2004	1	1
090-305-036	1802 (Maria Vista)	2004	1	1
090-305-037	1802 (Maria Vista)	2004	1	1
090-305-038	1802 (Maria Vista)	2004	1	1
090-305-039	1802 (Maria Vista)	2004	1	1
090-305-040	1802 (Maria Vista)	2004	1	1
090-305-041	1802 (Maria Vista)	2004	1	1
090-095-016		PULLED	1	1
090-122-014		1990	1	0
090-132-006		1990	1	0
092-261-000	Landscape Meter	PULLED	1	0
092-261-005		PULLED	1	0
092-272-008		PULLED	1	1
090-161-006	2516	2004	1	1
090-161-006	2516	2004	1	1
090-161-006	2516	2004	1	0
090-161-006	2516	2004	1	1
090-161-006	2516	2004	1	1
090-161-006	2516	2004	1	1
090-161-006	2516	2004	1	1
092-161-006	2516	2004	1	1
090-363-017		2000	1	1
090-135-006		2007	1	4
090-135-006	Landscape Meter	2007	1	0
090-136-007		2002	1	1
090-095-017		2005	1	1
090-095-019		2005	1	1
090-121-005		2003	2	2
090-091-018		1990	1	2
092-261-003	SEWER VOLUNTEER	1985	0	24
090-384-013		1990	1	0
090-371-058		1990	1	0
092-572-042	CO 05-0176	2011	4	4
091-292-022		1998	1	0
091-301-043	Standpipe Agreement	1985	1	0
091-301-043	Standpipe Agreement	1985	1	0
091-301-043	Standpipe Agreement	1985	1	0
091-442-020		1998	1	0
091-442-081	1458	1989	1	0
WELL SITE	Well Agreement	1993	1	0
WELL SITE	Well Agreement	1993	1	0
WELL SITE	Well Agreement	1993	1	0
091-201-073	Well Agreement	1993	1	0
WELL SITE	Well Agreement	1993	1	0
WELL SITE	Well Agreement	1993	1	0
091-201-074	Well Agreement	1993	1	0
091-301-043	Standpipe Agreement	1985	1	0

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESERVED CAPACITY**

APN	TRACT #	YEAR PAID	WATER CAPACITY	SEWER CAPACITY
091-301-043	Standpipe Agreement	1985	1	0
WELL SITE	Well Agreement	1979	1	0
091-301-043	Well Agreement	1979	1	0
091-313-005	2304	1999	1	0
091-313-048	2304	1999	1	0
091-322-073		2000	1	0
091-294-013	2387	2000	1	0
091-294-013	2387	2000	1	0
091-294-013	2387	2000	1	0
091-283-060	2219	2000	1	0
091-283-061	2219	2000	1	0
091-283-062	2219	2000	1	0
091-283-066	2219	2000	1	0
091-283-067	2219	2000	1	0
091-283-063	2219	2000	1	0
091-292-054	2439	2005	1	0
091-292-054	2439	2005	1	0
091-292-054	2439	2005	1	0
091-292-054	2439	2005	1	0
091-297-010	2499	2008	1	0
091-297-011	2499	2008	1	0
091-297-015	2499	2008	1	0
091-297-016	2499	2008	1	0
091-297-018	2499	2008	1	0
091-322-046		2006	1	0
091-325-044	CO 88-172	1989	1	0
091-325-045	CO 88-172	1989	1	0
092-572-018		PULLED	1	0
091-572-014		PULLED	1	0
092-136-009	1491	1998	1	1
096-136-028	CO-88-185	1996	1	1
092-136-059	1792	2000	1	1
092-136-060	1792	2000	1	1
092-136-065	1792	2000	1	1
092-572-045	2558	2004	15	15
092-572-034	CO 02-0251/2724	2003	1	8
092-572-034	CO 02-0251/2724	2003	1	1
092-572-034	CO 02-0251/2724	2003	1	1
091-325-015	CO 01-0400	2001	1	0
092-136-076	CO 01-512	2002	1	1
092-136-076	CO 01-512	2002	1	1
092-136-068	2346	2000	1	1
092-136-069	2346	2000	1	1
092-136-070	2346	2000	1	1
092-136-071	2346	2000	1	1
092-579-009	2312	2003	67	75
092-130-071	CO 04-0186	2007	4	4

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESERVED CAPACITY**

APN	TRACT #	YEAR PAID	WATER CAPACITY	SEWER CAPACITY
092-130-012	CO 06-0225	2009	2	2
092-130-077	CO 97-0134	2003	1	1
092-130-078	CO 97-0134	2003	1	1
092-130-079	CO 97-0134	2003	1	1
092-130-050		1993	1	0
092-576-013		PULLED	1	6
092-570-041	2375	2003	1	1
092-570-042	2375	2003	1	1
092-570-043	2375	2003	1	1
092-123-009	2398	2001	1	0
092-128-040	2299	1998	1	1
092-513-019	2523	2009	1	1
092-513-021	2523	2009	1	1
092-513-022	2523	2009	1	1
092-513-024	2523	2009	1	1
092-241-037	CO 06-0085	2008	1	0
092-142-036	CO 00-0156	2002	1	20
092-142-036	CO 00-0156	2002	1	0
092-158-011	2210	1998	1	1
092-158-012	2210	1998	1	1
092-153-050	CO 99-0293	2000	1	1
092-158-019	2412	2002	1	0
092-361-033		2001	1	1
091-411-006	1109 Landscape Meter	PULLED	1	0
091-244-045	2151 Landscape Meter	PULLED	1	0
091-441-025	1912 Landscape Meter	PULLED	1	0
091-442-027	1912 Landscape Meter	PULLED	1	0
091-440-013	1912 Landscape Meter	PULLED	1	0
091-446-027	2264 Landscape Meter	PULLED	1	0
091-446-001	2264 Landscape Meter	PULLED	1	0
091-246-025	2381 Landscape Meter	PULLED	1	0
091-441-006	1912 Landscape Meter	PULLED	1	0
091-071-045	A/D 93-1-Summit	1994	1	0
091-053-028	A/D 93-1-Summit	1994	1	0
091-053-032	A/D 93-1-Summit	1994	1	0
091-053-033	A/D 93-1-Summit	1994	1	0
091-054-004	A/D 93-1-Summit	1994	1	0
091-054-014	A/D 93-1-Summit	1994	1	0
091-054-003	A/D 93-1-Summit	1994	1	0
091-054-019	A/D 93-1-Summit	1994	1	0
091-054-007	A/D 93-1-Summit	1994	1	0
091-054-026	A/D 93-1-Summit	1994	1	0
091-054-005	A/D 93-1-Summit	1994	1	0
091-054-006	A/D 93-1-Summit	1994	1	0
091-054-009	A/D 93-1-Summit	1994	1	0
091-054-020	A/D 93-1-Summit	1994	1	0
091-054-021	A/D 93-1-Summit	1994	1	0

updated 6/19/12

**NIPOMO COMMUNITY SERVICES DISTRICT
RESERVED CAPACITY**

APN	TRACT #	YEAR PAID	WATER CAPACITY	SEWER CAPACITY
091-071-071	A/D 93-1-Summit	1994	1	0
091-071-022	A/D 93-1-Summit	1994	1	0
091-071-076	A/D 93-1-Summit	1994	1	0
091-121-014	A/D 93-1-Summit	1994	1	0
091-121-045	A/D 93-1-Summit	1994	1	0
091-121-044	A/D 93-1-Summit	1994	1	0
091-121-011	A/D 93-1-Summit	1994	1	0
091-121-070	A/D 93-1-Summit	1994	1	0
091-121-071	A/D 93-1-Summit	1994	1	0
091-131-001	A/D 93-1-Summit	1994	1	0
091-131-051	A/D 93-1-Summit	1994	1	0
091-081-043	A/D 93-1-Summit	1994	1	0
091-081-038	A/D 93-1-Summit	1994	1	0
091-081-055	A/D 93-1-Summit	1994	1	0
091-081-035	A/D 93-1-Summit	1994	1	0
091-081-033	A/D 93-1-Summit	1994	1	0
091-073-014	A/D 93-1-Summit	1994	1	0

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TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER

DATE: JUNE 22, 2012

**AGENDA ITEM
E-4**

JUNE 27, 2012

**FORMATION OF A SUPPLEMENTAL WATER ALTERNATIVES
EVALUATION COMMITTEE**

ITEM

Consider formation of a citizens' committee to perform a supplemental water alternatives evaluation [CONSIDER RECOMMENDATION OF WATER RESOURCES POLICY COMMITTEE]

BACKGROUND

At its May 23, 2012, Regular Meeting the Nipomo Community Services District Board of Directors voted to form the Water Resources Policy Committee (Policy Committee). President Harrison appointed Director Eby as Chairperson and Director Winn and member.

The Policy Committee is evaluating District options for obtaining supplemental water following the unsuccessful ballot measure to fund construction of an intertie pipeline that would deliver water from the City of Santa Maria to the Nipomo Mesa Water Conservation Area (NMWCA).

Policy Committee members are considering the formation of a citizens' committee to perform an evaluation of supplemental water project alternatives.

The Policy Committee developed proposed draft Bylaws (attached) for the citizens' committee, which include:

- Member Selection Committee
- Proposed membership
- Proposed member qualifications

The committee is developing a tentative schedule for the citizens' committee work.

RECOMMENDATION

Consider Policy Committee recommendation provide direction to staff.

ATTACHMENT

- Supplemental Water Alternatives Evaluation Committee proposed Bylaws

Bylaws

Supplemental Water Alternatives Evaluation Committee (SWAEC)

(Pre-NCSB Board Approval Draft 6/25/12)

1. Name

The name of this organization shall be the “**Supplemental Water Alternatives Evaluation Committee**” (SWAEC), hereafter referred to as the Committee.

2. Purpose and Authority

a. On TBD, 2012, the NCSB Board of Directors authorized formation of the Committee to analyze alternatives to providing Supplemental Water to the Nipomo Mesa region.

b. The purpose of the Committee is to provide the NCSB Board of Directors a thorough, accurate, and objective analysis of means to provide supplemental water to the Nipomo Mesa region.

c. The Committee exists under the authority of the NCSB Board of Directors. The Committee and its members are not empowered to commit the NCSB to any action, participation, or financial involvement. The Committee is not authorized to take and legal action on behalf of the NCSB, or to legally bind the NCSB in any way.

3. Areas of Responsibility

a. The Committee shall be responsible for performing analysis and evaluation for the Board of Directors, using the following process and sequence:

i. The Committee shall develop a list of viable supplemental water alternatives that includes as a minimum:

- AECOM-designed 3,000 AFY Santa Maria pipeline
- AECOM-revised TBD AFY Santa Maria pipeline
- Interconnection with Central Coast Water Authority (CCWA) pipeline
- Seawater desalination
- Other alternative water supply/alternative treatment (including recycled water)

ii. The Committee shall assign the analysis and evaluation of each alternative to specific and identified Committee members.

iii. The Committee will develop a matrix of Pro's and Con's for each alternative, measured against the CONSTRAINTS and their ability to meet the SUPPLEMENTAL WATER GOALS:

CONSTRAINTS:

As constraints, the Committee will consider:

- 2005 Stipulation and 2008 Court Order
- Annual delivered water volume and flow variation (availability)
- Cost
- Schedule
- Reliability of supply
- Effluent disposal requirements (if any)
- Environmental regulations and required approvals
- Permitting requirements of the California Coastal Commission, Department of Fish and Game, Army Corps of Engineers, Environmental Protection Agency, Central Coast Regional Water Quality Control Board, County Planning, Building, and Public Utilities requirements in San Luis Obispo and Santa Barbara Counties.

SUPPLEMENTAL WATER GOALS:

- Deliver an uninterrupted supply of TBD AFY of imported potable water to the Nipomo Mesa region, with the capability to increase the delivery to 6,200 AFY at minimum cost increase
- Provide initial water deliveries of TBD AFY by June 2015
- Lowest construction, system operation and maintenance, and delivered water cost
- Provide compliance with the 2008 Court Order

iv. The Committee will develop a numerical ranking for each alternative with reference to the CONSTRAINTS and their ability to meet the SUPPLEMENTAL WATER GOALS

b. The Committee and its members shall conduct its meetings and discussions with respect to the diversity of opinions, to its members, and to all individuals from the public and other organizations.

c. The committee will seek technical input from the community and recognized authorities. The following documents will be used as the primary reference authorities in the analyses:

2010 Santa Maria Urban Water Management Plan
2010 NCS D Urban Water Management Plan
2007 Boyle Alternatives Analysis
2011 NMMA TG Annual Report
2009 NCS D Supplemental Water Project EIR
2005 Stipulation

2008 Court Order
2010 CCWA Urban Water Management Plan

Other published technical analyses may be used if the SWAEC finds them to be rigorously accurate.

4. Membership

a. Membership on the SWAEC is by appointment of the Selection Committee. The Selection Committee will consist of:

- One member appointed by the SLO County Fourth District Supervisor
- One member appointed by the management of Rural Water Company
- One member appointed by the management of Golden State Water Company
- Two members appointed by the management of the Woodlands Mutual Water Company
- Four members appointed by the NCSB Board of Directors

b. Applications for the SWAEC will be submitted via the NCSB Water Resources Policy Committee. The Selection Committee will review applications submitted and appoint members TBD.

c. The SWAEC will have seven voting members and one non-voting member, consisting of the following:

- Committee Chair/Facilitator (non-voting, except to break a tie)
- Vice Chair (NCSB District Engineer, non-voting)
- Two Engineering/Water Management members
- Two Financial members
- Two Environmental members
- One Citizen-at-Large member

d. No NCSB Board member or other publicly elected official will serve on the Committee.

e. The term of membership shall be for the duration of the Committee, beginning on the effective date that members are appointed by the Selection Committee, and shall continue through the sunset date (TBD) of the Committee.

f. No member may assign or transfer their membership on the Committee.

g. Committee members shall serve without compensation except that provided in their current employment.

5. Officers

a. The Committee Chair shall be appointed by the Selection Committee (*or TBD*). The Committee Vice-Chair shall be the NCSO District Engineer. The Secretary to the Committee, not a member of the Committee, is TBD.

b. It shall be the duty of the Chair to:

- Preside over the meetings
- Prepare the agenda for the Committee meetings
- Call special meetings as necessary

c. It shall be the duty of the Vice-Chair to:

- Preside over meetings in the absence of the Chair
- Assist the Chair in any of the Chair's duties as the Chair shall require
- Provide technical advice as to the compatibility of the alternatives with the NCSO water supply system

d. It shall be the duty of the Secretary to take notes and provide meeting minutes to the NCSO Board, after they are approved by the Committee.

e. It shall be the duty of all the voting members to actively participate in the alternatives analysis and contribute opinions and findings in the interim and final reports and presentations.

f. Any member may resign their position at any time by submitting a written letter of resignation to the Chair.

g. Any member who misses three consecutive meetings will be recommended for removal from the Committee by the Chair.

6. Standard Meetings

a. Meetings shall be held on a schedule established by the Committee. The frequency of the meetings will be determined by the Committee. Meetings shall be noticed and held in a manner consistent with applicable law, including the Brown Act, California Government Code Sections 54950 et seq.

b. A majority of the voting members shall constitute a quorum.

c. Special meetings may be called by the Chair with notification posted to the NCSO website and NCSO's automatic e-mail notification system at least 24 hours before the scheduled time of the special meeting.

d. All regular and special meetings will be open to the public, and a portion of each meeting will be reserved for public comment on issues within the purview of the Committee.

e. Any finding by the Committee will require a majority vote of the voting Committee members present.

f. Draft minutes of each meeting shall be posted by the NCSD on its website and replaced only if, on subsequent approval, the Committee makes changes.

7. Reports

a. The Committee will provide written reports and oral presentations to the NCSD Board of Directors.

b. As a minimum, the Committee will report:

- The minutes of each Committee meeting within two weeks of each meeting.
- The description of alternatives to be analyzed under 3.a.i. TBD weeks after Committee formation.
- Identification of the Committee members assigned to each evaluation four weeks after Committee formation
- A rough draft of the Pro's and Con's of each alternative
- A final draft of the Pro's and Con's of each alternative
- A relative numerical ranking of each alternative as the final work product.

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *msl*
GENERAL MANAGER
DATE: JUNE 22, 2012



CALIFORNIA SPECIAL DISTRICT ASSOCIATION 2012 BOARD ELECTION BALLOT

ITEM

Consider the individual nominated to fill the CSDA Board of Directors Region 4 Seat A [RECOMMEND BY MOTION AND ROLL CALL VOTE DIRECT STAFF TO CAST BALLOT FOR SELECTED SPECIAL DISTRICT REPRESENTATIVE, IF ANY]

BACKGROUND

One individual is nominated to fill Seat A of Region 4 of the CSDA Board of Directors. Election materials are attached.

FISCAL IMPACT

Minor staff time preparing these materials.

RECOMMENDATION

Consider CSDA election materials by motion and roll call vote direct staff to file completed ballot with CSDA no later than August 3, 2012.

ATTACHMENTS

CSDA Ballot Materials



**California Special
Districts Association**
Districts Stronger Together

RECEIVED
JUN 13 2012
NIPOMO COMMUNITY
SERVICES DISTRICT

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION

2012 BOARD ELECTIONS

MAIL BALLOT INFORMATION

Dear Member:

A mail ballot has been enclosed for your district's use in voting to elect a representative to the CSDA Board of Directors in your Region for Seat A. Each of CSDA's six (6) regional divisions has three seats on the Board. Each of the candidates is either a board member or management-level employee of a member district located in your geographic region. Each Regular Member (district) in good standing shall be entitled to vote for one (1) director to represent its region.

We have enclosed the candidate statements for each candidate who submitted one. Please vote for **only one** candidate to represent your region in Seat A and be sure to sign, date and fill in your member district information (*in some regions, there may only be one candidate*). If any part of the ballot is not complete, the ballot will not be valid and will not be counted.

Please utilize the enclosed return envelope to return the completed ballot. Ballots must be received at the CSDA office at 1112 I Street, Suite 200, Sacramento, CA 95814 by **5:00pm on Friday, August 3, 2012**.

If you do not use the enclosed envelope, please mail in your ballot to:

California Special Districts Association
Attn: 2012 Board Elections
1112 I Street, Suite 200
Sacramento, CA 95814

Please contact Charlotte Lowe toll-free at 877.924.CSDA or charlottel@csla.net with any questions.



**CSDA BOARD OF DIRECTORS
ELECTION 2012**

*All Fields Must Be Completed for ballot to be counted.
(Please vote for only one.)*

REGION FOUR

●
*Seat A - term
ends 2015*

Steve Esselman
North of the River Municipal Water District

Signature: _____ Date: _____

Member District: _____

Must be received by 5pm, August 3, 2012. CSDA, 1112 I Street, Suite 200, Sacramento, CA 95814

TO: BOARD OF DIRECTORS
FROM: MICHAEL S. LEBRUN *MSL*
GENERAL MANAGER
DATE: JUNE 22, 2012



PUBLICATION OF PUBLIC NOTICE IN NEWSPAPERS

ITEM

Consider setting a policy to guide staff when publishing notice in newspapers [RECOMMEND CONSIDER RESOLUTION DEFINING POLICY OR PROVIDE DIRECTION TO STAFF]

BACKGROUND

The District is required to post public notice for a variety of District actions and/or proposed actions in local newspapers. There are two local newspapers that meet the requirement for publishing public notices.

A policy clearly stating the District's procedure for publication will provide needed direction and clarity to staff.

Circulation for the Tribune and Santa Maria Times is available by zip code only (not specific to District service boundary). Santa Maria Times reports a weekday circulation of ~750 to zip code 93444. Tribune reports a weekday circulation of ~1,700 to zip code 93444.

FISCAL IMPACT

The typical cost of publishing notices is Santa Maria Times is \$100 - \$700 depending on the required form of publication. Publication in the Tribune typically costs 20-40% more than in the Santa Maria Times.

RECOMMENDATION

Consider Resolution defining publication policy or provide further direction to staff.

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2012-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DESIGNATING A NEWSPAPER OF GENERAL CIRCULATION FOR
PUBLICATION OF DISTRICT BUSINESS**

WHEREAS, the Nipomo Community District ("District") periodically publishes legal notifications in the newspaper, including but not limited to, notices of public hearings, notice of inviting bids and adopted ordinances; and

WHEREAS, the Nipomo Community District ("District") periodically publishes general advertisements in the newspaper, including but not limited to, employment openings and notifications of upcoming events; and

WHEREAS, pursuant to Government Code Section 6008, legal notifications must be published in a newspaper of general circulation that is published not less than weekly and is distributed to paid subscribers; and

WHEREAS, the Santa Maria Times has been adjudged as a newspaper of general circulation by the Superior Court of the County of Santa Barbara, Case #463687 and The Tribune has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, Case #19139; and

WHEREAS, the residents of the District may subscribe to one or both newspapers; and

WHEREAS, the District desires to provide, within the District, legal notices beyond the minimum requirements established by law.

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

1. Except as otherwise directed by the Board of Directors, all legal notices shall be published in both The Santa Maria Times and The Tribune, provided publishing deadlines can be met by the newspaper.
2. The above Recitals are true and correct and incorporated herein by this reference.

Upon 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 27th day of June 2012.

JAMES HARRISON
President of the Board

ATTEST:

APPROVED AS TO FORM:

MICHAEL S. LEBRUN
Secretary to the Board

JON S. SEITZ
District Legal Counsel