

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: MARCH 8, 2013



## CONDUCT A HEARING TO ADOPT ORDINANCE 2013-118 REVISING WATER SERVICE RELATED DISTRICT POLICY

### ITEM

Conduct a hearing to adopt Ordinance 2013-118 to allow relief to customers with high water bills in limited circumstances.

[RECOMMEND – BY MOTION AND ROLL CALL VOTE ADOPT ORDINANCE 2013-118]

### BACKGROUND

Current District policy holds that all water metered to a customer is the customer's responsibility regardless of circumstance. When leaks occur on the customer side of the water meter and go undetected, high water use and high water bills can result.

Chapter 3.04.290 of District Code, Water receiving equipment – Responsibility, holds the customer solely responsible for connecting to the District water meter stating; "The customer shall furnish and install at his own risk and expense that portion of the water system which begins at the outlet side of the meter." In addition; "Such water receiving equipment shall remain the property of the customer and he shall be responsible for its maintenance and repair."

Chapter 3.03.110 of District Code allows for amortizing a customer's high water bill over a period not to exceed twelve months. One amortization is allowed per customer every eighteen months.

In November 2011, your Board approved a four-tier water rate that is designed to increase customer awareness and water conservation by charging higher cost per unit of water as use increases.

Any home, no matter how well maintained, may experience a significant water leak on occasion. Applying the District's tiered water rate in these situations may not serve your Board's intended conservation goal and may excessively impact District customers who experience a significant leak in their system.

On January 9, 2013, your Board directed staff to draft ordinance language that would provide measured relief in the event of a significant leak, yet maintain individual customer responsibility for maintaining the delivery system on the customer side of the meter. Consideration of additional relief in the case of unusual circumstances and/or undue hardship would continue to be brought to the Board of Directors either by staff or the customer.

On February 27, 2013, your Board introduced Ordinance 2013-118 and set March 13, 2013 as the adoption date for the Ordinance.

**STRATEGIC PLAN**

Strategic Plan Goal 5.1 – Maintain clear and functional policies and procedures.

Strategic Plan Goal 5.3 – Provide excellent customer service.

Strategic Plan Goal 6.3 – Ensure that decisions consider short and long term fiscal impacts.

**RECOMMENDATION**

By motion and roll call vote, adopt Ordinance 2013-118.

**ATTACHMENTS**

- A. Ordinance 2013-118

MARCH 13, 2013

ITEM E-1

ATTACHMENT A

**ORDINANCE NO. 2013-118**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO DISTRICT CODE SECTION 3.03.110 AND ADDING SECTION 3.03.120  
TO ALLOW CONSIDERATION OF RELIEF FROM WATER LEAK RELATED HIGH WATER  
BILLS**

**WHEREAS**, the District Board of Directors has previously developed standards in regards to the investigation and amortization of a bill for residential water and/or sewer service as set forth in Nipomo District code at Section 3.03.110; and

**WHEREAS**, the District Board of Directors has adopted a system of tiered water rates to encourage water conservation; and

**WHEREAS**, the tiered rates have resulted in significantly higher charges for District water service customers when a water leak has occurred on the customer's side of the water service connection; and

**WHEREAS**, the District Board of Directors upholds all previously adopted Ordinances and Resolutions requiring the customer be responsible for all maintenance and repair of all water receiving and regulating equipment on his side of the meter; and

**WHEREAS**, the Board of Directors of the Nipomo Community Services District wish to provide the means for District water service customers to seek relief from high water bills resulting from leaks occurring on the customer's side of the water service connection

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

**Section 1 — Code Revision**

District code shall be amended as to read:

3.03.110 – Investigation and amortization of delinquent bill for residential water and/or sewer service

1. Investigation, amortization and relief of delinquent bills for residential water and for sewer service.
  - a. The General Manager, or his or her designee, is authorized to investigate complaints in regards to disputes pertaining to any matters for which the water or sewer service may be discontinued; and to rectify errors and settle controversies pertaining to such disputes.
  - b. Every complaint or request for investigation by a residential customer that is made within five days of receiving the disputed bill for water and/or sewer service, and any request by a residential customer that is made within thirteen days, other than mailing of such notice required by Section 3.03.070 for an extension of the payment period of such bill asserted to be beyond the means of the customer to pay in full during the normal period of payment, shall be reviewed by the General Manager or his or her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the amount over a reasonable period of time not to exceed twelve months. The District will only permit one amortization over a period of eighteen months.

**ORDINANCE NO. 2013-118**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO DISTRICT CODE SECTION 3.03.110 AND ADDING SECTION 3.03.120 TO  
ALLOW CONSIDERATION OF RELIEF FROM WATER LEAK RELATED HIGH WATER BILLS**

3.03.120 – Investigation and possible relief for water customers

1 Relief for District water customers.

a. In regards to any complaint or request for relief made by a water service customer that is made within five days of receiving a high and/or disputed bill for water service, the General Manager or his or her designee shall investigate such complaint in the following manner:

i. The District Manager or his or her designee shall first determine whether or not the increase in water consumption is related to a leak occurring on the customer's side of the water service connection and that the leak has been remedied.

ii. The District Manager or his or her designee shall review the bills for water usage for the water service customer for the previous five years for the same time period to determine whether or not there is a significant differential in terms of water use that was evidenced by a leak. Where there is a significant difference determined by the General Manager or his or her designee, water usage for the billing period shall be billed as follows:

a) The average normal usage will be billed at the Rates/Tiers in place at the time of the high bill.

b) All excess usage (over and above the average normal usage) will be billed at the Tier 2 rate in place at the time of the high bill.

b. For water service customers who have not established a five year history in regards to water usage, the General Manager shall determine equivalent water services using similar billings with a five year history to make the appropriate findings as set forth in section (a) above. The customer shall then be charged according to Section 1 (a) (ii) above.

c. The relief provided by these sections is available, upon written request, for a District water service customer once during a three year period. In other words, a water service customer would not be able to apply for relief under this Ordinance if relief had been sought and granted any time during the previous three years.

d. The General Manager or his or her designee may consider whether the customer shall be permitted to amortize the amount equal to the excess usage over a reasonable period of time, not to exceed twelve months.



**ORDINANCE NO. 2013-118**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO DISTRICT CODE SECTION 3.03.110 AND ADDING SECTION 3.03.120 TO  
ALLOW CONSIDERATION OF RELIEF FROM WATER LEAK RELATED HIGH WATER BILLS**

**Section 2 — 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, 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 3 — 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 changes adopted by this Ordinance.

**Section 4 — 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 5 — 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 6 — 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 limited relief from high water bills will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

**Section 7 — 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 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.

ORDINANCE NO. 2013-118

AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO DISTRICT CODE SECTION 3.03.110 AND ADDING SECTION 3.03.120 TO  
ALLOW CONSIDERATION OF RELIEF FROM WATER LEAK RELATED HIGH WATER BILLS

**Section 8 — 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 (10<sup>th</sup>) 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 at its regular meeting of the Board of Directors held on February 27, 2013, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the 13th day of March, 2013, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_  
JAMES HARRISON  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
Secretary to the Board

\_\_\_\_\_  
MICHAEL W. SEITZ  
Deputy District Legal Counsel

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: MARCH 8, 2013

**AGENDA ITEM  
E-2  
MARCH 13, 2013**

**ADOPT ORDINANCE SUSPENDING DISTRICT POLICY AND ALLOW  
RENEWED PROCESSING OF APPLICATIONS FOR NEW DISTRICT  
WATER SERVICE**

**ITEM**

Adopt Ordinance 2013-119 suspending Ordinance 2012-117 and thereby allowing the processing of applications for new District water service and Intent-To-Serve letters.

[RECOMMEND – BY MOTION AND ROLL CALL ADOPT ORDINANCE 2013-119]

**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 3000AFY 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 became unknown. Concern over the health and ever-diminishing reliability of the local groundwater basin is well documented.

Over the years, studies by the CA Department of Water Resources, the County of San Luis Obispo, the 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, following the failed funding vote, your Board was unable to make the findings required by District Code §3.28.020, "that sufficient excess water" exists to serve new projects and on May 23, 2012, adopted Resolution 2012-1259 suspending the processing of new application for District water service.

Subsequently, on June 27, 2012, your Board adopted Ordinance 2012-117 (attached) halting the processing of new applications for District water service.

On February 13, 2013, your Board received a presentation by the Supplemental Water Alternatives Evaluation Committee which included the committee's preliminary findings and raw scoring of alternatives. An intertie pipeline between the District and City of Santa Maria received the highest raw score values of the more than twenty alternatives the committee reviewed.

On February 13, 2013, your Board approved a funding plan to construct Supplemental Water Project Phase 1; a \$14M project to build a water supply pipeline linking the District's water system to the City of Santa Maria to facilitate District purchase of supplemental water from the City. The funding plan includes a 2.2 Million Dollar grant of State funds toward the pipeline project.



On February 13, 2013, your Board authorized circulating bid documents and bid requests for Supplemental Water Project Phase 1, keeping the project on track for your Board's consideration of awarding the project construction contract on April 24, 2013.

On February 27, 2013, your Board introduced Ordinance 2013-119 and set March 13, 2013 as the adoption date for the Ordinance. Ordinance 2013-119 suspends Ordinance 2012-117 allowing a return to application processing. Suspension (versus full repeal) of the Ordinance provides your Board full flexibility to reinstitute 2012-117 should circumstances change in regard to supplemental water delivery.

**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, authorize adopt Ordinance 2013-119.

**ATTACHMENTS**

- A. Ordinance 2013-119

MARCH 13, 2013

ITEM E-2

ATTACHMENT A

## ORDINANCE NO. 2013-119

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT SUSPENDING ENFORCEMENT OF ORDINANCE NO. 2012-117

**WHEREAS**, the District Board of Directors previously took action to suspend processing of requests for new District water service by its adoption of Ordinance No. 2012-117; and

**WHEREAS**, the Board took action at its February 13, 2013 regular Board meeting to authorize bids in regards to a modified inter-tie project with the City of Santa Maria, whereby 650 acre feet of water per year will be delivered for District water service customers; and

**WHEREAS**, the Board of Directors took action at its February 13, 2013 meeting to approve a finance plan for the construction of said modified inter-tie project; and

**WHEREAS**, the Board of Directors believes that there is now a substantial likelihood that supplemental water will be brought to the District as a result of the modified Santa Maria inter- tie project

**WHEREAS**, the Board wishes to maintain all options in regards to reacting to changed circumstances in regards to supplemental water for the Nipomo Community Services District.

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

#### **Section 1 – Suspension**

The Board hereby suspends enforcement of Ordinance No. 2012-117.

#### **Section 2 — 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, 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. All other non-suspended provisions of the Nipomo Water Code remain in force and effect

#### **Section 3 — Incorporation of Recitals**

The recitals to this Ordinance are true and correct, are incorporated herein by this reference.

#### **Section 4 — 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

**ORDINANCE NO. 2013-119**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
SUSPENDING ENFORCEMENT OF ORDINANCE NO. 2012-117**

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 Ordinance 2012-117 will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 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 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 immediately after its passage. Before the expiration of the tenth (10<sup>th</sup>) 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.

**ORDINANCE NO. 2013-119**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
SUSPENDING ENFORCEMENT OF ORDINANCE NO. 2012-117**

Introduced at its regular meeting of the Board of Directors held on February 27, 2013, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the 13th day of March, 2013, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_  
JAMES HARRISON,  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
Secretary to the Board

\_\_\_\_\_  
MICHAEL W. SEITZ  
Deputy District Legal Counsel



TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: MARCH 7, 2013



**CONSIDER GRANT REQUEST FROM NIPOMO CHAMBER OF COMMERCE IN AMOUNT OF \$4,010 FOR SOLID WASTE REMOVAL IN NIPOMO COMMUNITY COMMON AREAS**

**ITEM**

Nipomo Chamber of Commerce is requesting grant funds in the amount of \$4,010 to provide clean up of solid waste in the Nipomo area [RECOMMEND CONSIDER REQUEST FOR GRANT FUNDS IN AMOUNT OF \$4,010].

**BACKGROUND**

The Nipomo Chamber of Commerce is requesting grant funds to continue a successful program for cleaning up litter within the Nipomo Community.

Chamber President Mr. Rudy Stowell has provided the attached proposal and will present the proposal and answer questions from your Board.

**FISCAL IMPACT**

Funds to support solid waste services may be allocated from the District solid waste fund.

**STRATEGIC PLAN**

Strategic Plan Goal 7.A.2 – Provide additional solid waste services  
Strategic Plan Goal 7.A.3 – Communicate with customers

**RECOMMENDATION**

Receive presentation, consider grant request. Should your Board desire to approve grant request, direct staff to execute a Grant Agreement with Nipomo Chamber of Commerce for not to exceed \$4,010.

**ATTACHMENT**

- A. Nipomo Chamber of Commerce Grant Request

MARCH 13, 2013

ITEM E-3

ATTACHMENT A



February 19, 2013

Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444

RE: GRANT REQUEST

Last year NCSD awarded a grant to the Nipomo Chamber of Commerce to initiate a solid waste clean-up of the District. The Chamber subsequently contracted with Achievement House, who employs developmentally challenged adults, to conduct the work needed. This effort has been an absolutely unqualified success. Achievement House has removed over two hundred bags of solid waste, eradicated several dumping sites and has been able to respond to areas quickly as needed. The Chamber has received many phone calls and emails in support of how much better the town appears. The Achievement House crews get thumbs-up from passing motorists and have even been brought water and snacks by complete strangers. There is a renewed sense of civic pride in Nipomo.

The first clean-up period was intended to restore the neglected areas and assess what would be needed to maintain the District. That initial grant will be exhausted after the next billing cycle clears. Achievement House has estimated that it will cost \$1,215 per month to keep the good work current. The Chamber would like to request a subsequent grant of \$4,010. This would be adequate funds for Achievement House to maintain the District for a three month period, plus the standard 10% administration fee to the Nipomo Chamber of Commerce. The Chamber will make monthly reports to NCSD and at the end of May assess the program once again. Thank you once more for making this possible.

Sincerely,

Rudy Stowell  
President 2013  
Nipomo Chamber of Commerce

*Nipomo Chamber of Commerce 671 W. Tefft St. Nipomo, CA 93444  
(805)929-1583*

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: MARCH 7, 2013

**AGENDA ITEM**  
**E-4**  
**MARCH 13, 2013**

## **CONSIDER FORMATION OF A SOLID WASTE COMMITTEE**

### **ITEM**

Consider forming a Committee to review District solid waste program and make recommendations to the Board [RECOMMEND FORM COMMITTEE AND APPOINT MEMBERS]

### **BACKGROUND**

Solid waste franchise fees fund District solid waste programs, grants, and administration. A committee focused on reviewing program services to advise your Board may be desired.

### **FISCAL IMPACT**

None

### **STRATEGIC PLAN**

Strategic Plan Goal 7.A.2 – Provide additional solid waste services

Strategic Plan Goal 7.A.3 – Communicate with customers

### **RECOMMENDATION**

Consider, by motion and roll call vote, forming a Solid waste Committee, should a Committee be formed, appoint a Chairperson and Member and direct staff to post updated 2013 NCSD Committee Assignments.

### **ATTACHMENT**

- A. 2013 NCSD Committee Assignments

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MARCH 13, 2013

ITEM E-4

ATTACHMENT A



# 2013 NCSD COMMITTEE ASSIGNMENTS

Approved January 9, 2013

## Standing Committee Assignments (2 members)

Supplemental Water Project Design & Construction  
 Finance and Audit  
 Parks  
 Southland Wastewater Treatment Facility Upgrade  
 Water Conservation  
 Personnel

## Chairperson

Jim Harrison  
 Larry Vierheilig  
 Jim Harrison  
 Jim Harrison  
 Larry Vierheilig  
 Larry Vierheilig

## Member

Craig Armstrong  
 Craig Armstrong  
 Dan Gaddis  
 Dan Gaddis  
 Craig Armstrong  
 Dan Gaddis

## DELEGATES

SCAC  
 Water Resources Advisory Committee (WRAC)  
 Chamber of Commerce meets last Thursday Blacklake at noon  
 City of Santa Maria/CCWA  
 Olde Towne Nipomo Association  
 Blacklake Village Council/Committees  
 Liaison to the Nipomo Incorporation Committee for Education (NICE)  
 Representative to the Board of Supervisors  
 Representative to the Planning Commission

## MEMBER

Craig Armstrong  
 Larry Vierheilig  
 Jim Harrison  
 Craig Armstrong  
 Bob Blair  
 Larry Vierheilig  
 Jim Harrison  
 Jim Harrison  
 Jim Harrison

## ALTERNATE

None  
 Michael LeBrun  
 Dan Gaddis  
 Bob Blair  
 Jim Harrison  
 Craig Armstrong  
 none  
 Larry Vierheilig  
 Larry Vierheilig

Delegates are appointed by the president of the Board of Directors.

\*Subject to other requirements of the Brown Act, Committee appointments are not to be interpreted as limiting contacts between individual Board Members or any other person or persons.

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *msl*  
GENERAL MANAGER  
DATE: MARCH 8, 2013



## LAFCO REQUEST FOR NOMINATIONS

### ITEM

Consider Local Agency Formation Commission's request for nominations to fill Special District Seat. [RECOMMEND DISCUSS AND NOMINATE CANDIDATE].

### BACKGROUND

The term of the vacant regular LAFCO Special District seat expires in December 2014. Alternate LAFCO Commissioner Marshall Ochylski is currently filling this position on LAFCO.

The Commission is seeking nominations for this seat.

### FISCAL IMPACT

None.

### RECOMMENDATION

Consider the information, should your Board desire, provide a nomination and direct staff to file paper work.

### ATTACHMENTS

- A. February 27, 2013 LAFCO Request

MARCH 13, 2013

ITEM E-5

ATTACHMENT A



## LAFCO - San Luis Obispo - Local Agency Formation Commission

SLO LAFCO - Serving the Area of San Luis Obispo County

**TO: EACH INDEPENDENT SPECIAL DISTRICT**

**FROM: DAVID CHURCH, LAFCO EXECUTIVE OFFICER**

**DATE: FEBRUARY 27, 2013**

**RE: REQUEST FOR NOMINATIONS FOR VACANT REGULAR LAFCO SPECIAL DISTRICT MEMBER**

The term of the vacant regular LAFCO Special District seat expires in December 2014. As allowed by the Cortese-Knox-Hertzberg Act, Alternate LAFCO Commissioner Marshall Ochylski is currently filling this position on LAFCO. If only one person is nominated, then that individual is deemed the Commissioner to fill this position.

**Background.** The appointment could not be completed by the Independent Special District Selection Committee due to the difficulty in gathering a quorum of District representatives. In the event that a meeting of the Selection Committee is not feasible, the Government Code allows the LAFCO Executive Officer to conduct the election via e-mail. The Special Districts Selection Committee has authorized the Executive Officer to complete the election process via e-mail as allowed in the government code.

**Instructions.** Nominations are required to be submitted by **5:00 p.m. on March 29, 2013**. Late nominations will not be considered. A nomination must be approved by the District's governing body as an agenda item at a noticed Board of Directors meeting. The attached completed nomination form may be submitted to the LAFCO office via Mail, Fax-788-2072, or e-mail-DChurch@slolafco.com. If more than one nomination is received, the Executive Officer shall prepare and send by electronic mail to each independent special district a ballot with voting instructions. A nomination form is attached to assist you. A nominee may submit a one page Statement of Qualifications.

The LAFCO website ([www.slolafco.com](http://www.slolafco.com)) has additional information about LAFCO. Also, please call me at 781-5795 if you have any questions. Thank you.

cc: Members, Formation Commission

### COMMISSIONERS

Chairman  
MURIL CLIFT

Special District Member

Vice-Chairman  
KRIS VARDAS  
City Member

BRUCE GIBSON  
County Member

FRANK MECHAM  
County Member

TOM MURRAY  
Public Member

DUANE PICANCO  
City Member

VACANT  
Special District Member

### ALTERNATES

ROBERTA FONZI  
City Member

DAVID BROOKS  
Public Member

MARSHALL OCHYLSKI  
Special District Member

PAUL TEIXEIRA  
County Member

### STAFF

DAVID CHURCH  
Executive Officer

RAYMOND A. BIERING  
Legal Counsel

MIKE PRATER  
Analyst

DONNA J. BLOYD  
Commission Clerk

**NOMINATION FOR LAFCO  
SPECIAL DISTRICT MEMBER**

The \_\_\_\_\_  
(Insert Name of Special District)

Hereby nominates \_\_\_\_\_ to be placed on the  
(Insert Name of Nominee)

ballot for consideration as the Special District Member on the San Luis Obispo Local Agency Formation Commission (LAFCO).

Board of Director's action in the nomination was taken on:

\_\_\_\_\_  
(Insert Date of Board Action)

\_\_\_\_\_  
(General Manager or Chairman/President)

\_\_\_\_\_  
(Email address)