

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *msl*  
GENERAL MANAGER

DATE: MAY 3, 2013

**AGENDA ITEM**

**D**

**MAY 8, 2013**

## **CONSENT AGENDA**

The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members  
without removal from the Consent Agenda.**

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE APRIL 24, 2013 REGULAR BOARD MEETING MINUTES:  
[RECOMMEND APPROVAL]
- D-3) APPROVAL OF THE ENGINEER'S LEVY REPORT AND DECLARATION OF  
INTENTION TO LEVY ANNUAL ASSESSMENTS FOR STREET  
LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014  
[RECOMMEND APPROVAL]

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TO: BOARD OF DIRECTORS  
 FROM: MICHAEL S. LEBRUN *MSL*  
 GENERAL MANAGER  
 DATE: MAY 3, 2013

**AGENDA ITEM  
 D-1  
 MAY 8, 2013**

**TOTAL COMPUTER CHECKS  
 \$113,055.72**

**HAND WRITTEN CHECKS**

04-24-13	10129	PGE	ELECTRICITY	\$41,992.09
05-08-13	10130	HODGE, MICHAEL	WASHER REBATE	\$75.00
05-08-13	10131	WETHERBEE, LLOYD	WASHER REBATE	\$75.00
05-08-13	10132	CLIFF, JOHN	WASHER REBATE	\$75.00
05-08-13	10133	HARDY, KYLE	WASHER REBATE	\$75.00
VOIDS - NONE				

**COMPUTER GENERATED CHECKS**

21838	04/26/13	EMP01	EMPLOYMENT DEVELOP DEPT	B30422	04/22/13	STATE INCOME TAX	04-13	1431.32	1431.32
21839	04/26/13	MID01	RABOBANK-PAYROLL TAX DEPOS	B30422	04/22/13	FEDERAL INCOME TAX	04-13	4197.25	
21839	04/26/13	MID01	RABOBANK-PAYROLL TAX DEPOS	1B30422	04/22/13	FICA	04-13	237.24	
21839	04/26/13	MID01	RABOBANK-PAYROLL TAX DEPOS	2B30422	04/22/13	MEDICARE (FICA)	04-13	1045.76	5480.25
21840	04/26/13	MID02	RABOBANK-DIRECT DEPOSIT	B30422	04/22/13	NET PAY	04-13	26844.55	26844.55
21841	04/26/13	PER01	PERS RETIREMENT	B30422	04/22/13	PERS PAYROLL REMITTANCE	04-13	9120.85	9120.85
21842	04/26/13	STA01	CALPERS 457 DEFERRED COMP	B30422	04/22/13	457 DEFERRED COMP	04-13	2305.00	2305.00
021843	05/08/13	ABA01	ABALONE COAST BACTERIOLOG	6154.00	.00	6154.00	1892	LAB TESTS	
021844	05/08/13	ADV01	ADVANTAGE ANSWERING PLUS	134.85	.00	134.85	042513	ANSWERING SERVICE	
021845	05/08/13	AEC01	AECOM USA INC	15432.65	.00	15432.65	37337582	SUPPLEMENTAL WATER PROJEC	
				8928.90	.00	8928.90	37337584	SOUTHLAND WWTF UPGRADE	
			Check Total.....:	24361.55	.00	24361.55			
021846	05/08/13	ALX01	ALEXANDER'S CONTRACT SERV	3381.83	.00	3381.83	MAY 2013	METER READING SERVICE	
021847	05/08/13	AME03	AMERI PRIDE	139.08	.00	139.08	866587	UNIFORMS	
				120.81	.00	120.81	871256	UNIFORMS	
			Check Total.....:	259.89	.00	259.89			
021848	05/08/13	ATT02	AT&T	158.40	.00	158.40	4296079	TELEPHONE	
				26.55	.00	26.55	4296323	TELEPHONE	
				171.68	.00	171.68	4296393	TELEPHONE	
			Check Total.....:	356.63	.00	356.63			
021849	05/08/13	BEN02	BENTLEY SYSTEMS, INC.	1680.00	.00	1680.00	47519487	WATER/SEWER GEMS SUBSCRIP	
021850	05/08/13	BRE02	BRENNTAG PACIFIC INC.	869.70	.00	869.70	BPI299967	SODIUM HYPOCHLORITE	
				2540.42	.00	2540.42	BPI299968	SOD. HYPOCHLORITE/CITRIC	
			Check Total.....:	3410.12	.00	3410.12			
021851	05/08/13	CAL03	CALIFORNIA ELECTRIC SUPPL	38.51	.00	38.51	522707	VINYL TAPE/REFLEX STRIPPE	
021852	05/08/13	CHA02	CHARTER COMMUNICATIONS	204.99	.00	204.99	MAY 2013A	SHOP-INTERNET	
				204.99	.00	204.99	MAY 2013B	OFFICE-INTERNET	
			Check Total.....:	409.98	.00	409.98			
021853	05/08/13	COR01	CORBIN WILLITS SYSTEMS	750.83	.00	750.83	B304151	COMPUTER SUPPORT	
021854	05/08/13	DEP03	DEPT OF HEALTH SERVICES	80.00	.00	80.00	B30501	SEVICK-WATER DIST. CERTIF	
021855	05/08/13	ENV05	ENVIRONMENTAL RESOURCE AS	229.78	.00	229.78	685979	TOTAL RESIDUAL CHLORINE	
021856	05/08/13	FAR02	FAR WEST EXPRESS	11.00	.00	11.00	APR 2013	DELIVERY	
021857	05/08/13	FED01	FED EX	56.90	.00	56.90	224641614	SHIPPING	
021858	05/08/13	FER01	FERGUSON ENTERPRISES INC	817.00	.00	817.00	9296350	80' FEET 2" SS PIPE/LA MI	
021859	05/08/13	FGL01	FGL ENVIRONMENTAL	396.26	.00	396.26	381037A	LAB TEST	
				76.98	.00	76.98	381081A	LAB TEST	
			Check Total.....:	473.24	.00	473.24			
021860	05/08/13	GIL01	GLM, INC.	387.25	.00	387.25	APR 2013	LANDSCAPE MAINTENANCE	
021861	05/08/13	GRA05	GRAINGER	3138.74	.00	3138.74	865972798	COMPRESSOR/GENERATOR F550	
021862	05/08/13	GWA01	GWA INC	85.00	.00	85.00	10820	UTILITY OFFICE-REPAIR DOO	
				87.00	.00	87.00	MAY 2013A	UTILITY OFFICE-MONITORING	
				55.00	.00	55.00	MAY 2013B	OFFICE-MONITORING	
				87.00	.00	87.00	MAY 2013C	SHOP-MONITORING	
			Check Total.....:	314.00	.00	314.00			

TO: BOARD OF DIRECTORS  
 FROM: MICHAEL S. LEBRUN  
 GENERAL MANAGER  
 DATE: MAY 3, 2013

**AGENDA ITEM**  
**D-1**  
**MAY 8, 2013**  
**PAGE TWO**

021863	05/08/13	HAM02	HAMNER JEWELL & ASSOCIATE	2757.07	.00	2757.07	6224	WATERLINE INTERTIE PROJEC
021864	05/08/13	JAC01	JACK'S REPAIR & SALES	464.38	.00	464.38	563869	AIR COMPRESSOR REPAIR
021865	05/08/13	LAN02	LANDMARK LANDSCAPE CO INC	285.03	.00	285.03	59534	LANDSCAPE MAINT-REPAIR VA
				214.00	.00	214.00	APR 2013	LANDSCAPE MAINTENANCE
			Check Total.....:	499.03	.00	499.03		
021866	05/08/13	MAL01	MALDONADO, FRANCISCO	40.00	.00	40.00	B30426	CLASS-PER DIEM
021867	05/08/13	MUN03	MUNICIPAL MAINTENANCE EQU	63.83	.00	63.83	81089-IN	VAC CON-TOGGLE SWITCH/HAN
021868	05/08/13	NEX01	NEXTEL COMMUNICATIONS	473.85	.00	473.85	APR 2013	CELL SERVICE
021869	05/08/13	NEX03	NEXTRAQ	308.50	.00	308.50	MAY 2013	GPS SERVICE
021870	05/08/13	NIP05	NIPOMO CHAMBER OF COMMERC	1677.50	.00	1677.50	B30501	CHAMBER OF COMMERCE GRANT
021871	05/08/13	OFF01	OFFICE DEPOT	159.11	.00	159.11	017956001	OFFICE SUPPLIES
				189.19	.00	189.19	043599001	OFFICE SUPPLIES
				62.36	.00	62.36	655228967	OFFICE SUPPLIES
			Check Total.....:	410.66	.00	410.66		
021872	05/08/13	PRE01	PRECISION JANITORIAL	650.00	.00	650.00	APR 2013	JANITORIAL SERVICES
021873	05/08/13	RIC01	RICHARDS, WATSON, GERSHON	1335.00	.00	1335.00	189335	WATER RIGHTS ADJUDICATION
021874	05/08/13	RIC05	RICK ENGINEERING COMPANY	1115.00	.00	1115.00	31402	GIS SERVICES
021875	05/08/13	SEV01	SEVCIK, PETER	306.65	.00	306.65	B30430	REIMBURSEMENT-TRAVEL/MILE
021876	05/08/13	SOU03	SAN LUIS GARBAGE COMPANY	2401.00	.00	2401.00	APR 2013	SOLID WASTE TAX LIENS
021877	05/08/13	THE01	THE GAS COMPANY	22.14	.00	22.14	APR 2013A	SHOP-HEAT
				26.42	.00	26.42	APR 2013B	HEAT-OFFICE
			Check Total.....:	48.56	.00	48.56		
021878	05/08/13	UND01	UNDERGROUND SERVICE ALERT	111.00	.00	111.00	13040040	UNDERGROUND SERVICE ALERT
021879	05/08/13	USA01	USA BLUEBOOK	212.40	.00	212.40	940322	WATER WELL SOUNDER REPAIR
021880	05/08/13	USB01	US BANK (VISA)	255.47	.00	255.47	042213A	BL WELL #4 BANNER
				2094.04	.00	2094.04	042213B	SWAEC REPORTS
				139.13	.00	139.13	042213C	MEETINGS
				1600.21	.00	1600.21	042213D	TOOLS F550
				40.00	.00	40.00	042213E	EDUCATION/TRAINING
				116.00	.00	116.00	042213F	TRAVEL MILEAGE
				10.00	.00	10.00	042213G	VEHICLE MAINT/REPAIR
				162.00	.00	162.00	042213H	FEES-RECORDING DOCUMENTS
			Check Total.....:	4416.85	.00	4416.85		
021881	05/08/13	VER01	VERIZON	45.49	.00	45.49	B30430	TELEPHONE
021882	05/08/13	YOU01	YOUR PEOPLE PROFESSIONALS	3150.00	.00	3150.00	MAY 2013	MAY DEPOSIT-EMPLOYMENT AG
021883	05/08/13	\E002	RICK ELISARRARAS EXCUVATI	453.23	.00	453.23	000B30501	MQ CUSTOMER REFUND FOR EL
021884	05/08/13	\N008	RH NEWDOLL CONSTRUCTION I	487.65	.00	487.65	000B30501	MQ CUSTOMER REFUND FOR NE

**FUNDS TO BE WIRED (IN LIEU OF CHECKS) FOR  
 SOUTHLAND WWTF IMPROVEMENTS PHASE 1 PROJECT**

Cushman Contracting	Period 4/1/13 to 4/30/13	\$742,189.38
First Republic Bank	Period 4/1/13 to 4/30/13 Retention	\$39,059.47
	<b>TOTAL</b>	<b>\$781,189.38</b>

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER  
DATE: MAY 3, 2013



## APPROVE MINUTES OF PREVIOUS BOARD MEETING

### ITEM

Approve action minutes from previous Board meeting. [RECOMMENDED APPROVE MINUTES]

### BACKGROUND

The draft minutes are a written record of the previous Board Meeting action.

### RECOMMENDATION

Approve minutes as part of Consent Agenda.

### ATTACHMENT

- A. April 24, 2013 draft Board Meeting Minutes

MAY 8, 2013

ITEM D-2

ATTACHMENT A

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## REGULAR MINUTES

APRIL 24, 2013, AT 9:00 A.M.

BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

JAMES HARRISON, **PRESIDENT**  
LARRY VIERHEILIG, **VICE PRESIDENT**  
DAN GADDIS, **DIRECTOR**  
BOB BLAIR, **DIRECTOR**  
CRAIG ARMSTRONG, **DIRECTOR**

### PRINCIPAL STAFF

MICHAEL S. LEBRUN, **GENERAL MANAGER**  
LISA BOGNUDA, **FINANCE DIRECTOR**  
JON SEITZ, **GENERAL COUNSEL**  
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**  
MERRIE WALLRAVIN, **BOARD CLERK**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

00:00:00

#### A. CALL TO ORDER AND FLAG SALUTE

*President Harrison called the Regular Meeting of April 24, 2013, to order at 9:00 a.m. and led the flag salute.*

00:00:41

#### B. ROLL CALL

*At Roll Call, all Board members were present.*

*The following members of the public spoke:*

*John Snyder, Nipomo resident, handed the Board a Supplemental Case Management Statement regarding Nipomo Mesa Overdraft (See Exhibit "A") and commented on more water being pumped unlawfully in the basin.*

*Michael LeBrun, General Manager, announced that there were additional items for E-1 and E-2 at the back of the room.*

00:04:04

#### C. PRESENTATIONS AND PUBLIC COMMENT

##### C-1) SHERIFF COMMANDER JAMES TAYLOR

Update Report re: South County Law Enforcement and Department News

*Sargent Perry gave an update in place of Sheriff Commander James Taylor and gave an update activity report for March 2013. Sargent Perry answered questions from the Board. The Board thanked Sargent Perry for his report.*

##### C-2) CAL FIRE BATTALION CHIEF JAMES TULLY

Update Report re: South County Cal Fire Activity and Department News

*Captain Allen Patchett gave an update in place of Battalion Chief James Tulley and gave an update activity report for March 2013 (See Exhibit "B"). Captain Patchett answered questions from the Board. The Board thanked Captain Patchett for his report.*

00:19:51

##### C-3) UTILITIES SUPERINTENDENT

RE: Summary of recent activities.

*Tina Grietens, NCSD Utility Superintendent, reviewed the report as presented in the Board packet. Michael LeBrun, General Manager, and Ms. Grietens answered questions from the Board. The Board thanked Ms. Grietens for her report.*

Nipomo Community Services District  
**REGULAR MEETING  
 MINUTES**

00:34:56

- C-4) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.  
 Receive Announcements and Reports from Directors

Director Vierheilig

- ◇ April 23, Attended the Blacklake Management Association meeting.
- ◇ April 28, Cal Fire will host a benefit BBQ at the Vons parking lot at 11:00 a.m. They will be serving tri-tip sandwiches.
- ◇ May 1, Water Resources Advisory Council will meet at 1:30 p.m. at the San Luis Obispo City Library.
- ◇ June 18, Blacklake Management Association will meet at 3:00 p.m.
- ◇ Commented on the approved new Calpers actuarial rate.

Director Harrison

- ◇ April 12, Attended the Nipomo Mesa Management Area meeting.
- ◇ April 13, Attended the Central Coast Greenhouse Association Open House.
- ◇ April 16, The Santa Barbara County Board of Supervisors met and delayed the NCSD's right-of-way request until May 7, 2013.
- ◇ April 17, Attended the Supplemental Water Committee meeting.
- ◇ April 17, Attended the Finance and Audit Committee meeting.
- ◇ April 21, Attended Nipomo Native Garden classes.
- ◇ April 25, Fire Safe Council will meet.

Director Gaddis

- ◇ May 4 and 5, Planes for Fame Air Show at the Chino Airport. Tickets are \$20 per person and parking is free.

Director Armstrong

- ◇ April 22, Attended South County Advisory Council meeting. SCAC approved the District's public lot application related to Supplemental Water Project.

00:44:01

- C-5) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE and FILE PRESENTATIONS AND REPORTS

*There was no public comment.*

*Upon the motion of Director Vierheilig and seconded by Director Armstrong, the Board unanimously approved to receive and file the presentations and reports as submitted.  
 Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Vierheilig, Armstrong, Blair, Gaddis, and Harrison	None	None

Nipomo Community Services District  
REGULAR MEETING  
MINUTES

00:44:37

D. CONSENT AGENDA

D-1) WARRANTS

D-2) APPROVE APRIL 10, 2013 REGULAR BOARD MEETING MINUTES

D-3) SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM UPGRADE PROJECT ACCEPTANCE

D-4) RECEIVE QUARTERLY INVESTMENT REPORT

D-5) ACCEPT WATER AND SEWER IMPROVEMENTS FOR PARCEL MAP CO 05-0176

*Michael LeBrun, General Manager, and Peter Sevcik, Director of Engineering and Operations answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Vierheilg and seconded by Director Armstrong, the Board unanimously approved the Consent Agenda as submitted.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Vierheilg, Armstrong, Blair, Gaddis, and Harrison	None	None

RESOLUTION NO. 2013-1301

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING WATER AND SEWER IMPROVEMENTS FOR  
PARCEL CO 05-0176

E. ADMINISTRATIVE ITEMS

00:50:43

E-1) THIRD QUARTER FINANCIAL REPORT

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Lisa Bognuda, Finance Director, answered questions from the Board.*

*The following members of the public spoke:*

*John Snyder, Nipomo resident, commented on the third quarter financial report.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously approved the third quarter financial report for fiscal year 2012-2013 and directed staff to final the report.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, Vierheilg, and Harrison	None	None



Nipomo Community Services District  
REGULAR MEETING  
MINUTES

01:06:42

E-2) CONSIDER RESOLUTION DEFINING USE OF DISTRICT FUND #700 AND FUND #805 FOR SUPPLEMENTAL WATER PROJECT PHASE 1 CONSTRUCTION

*Michael LeBrun, General Manager, reviewed the report as presented in the board packet. Mr. LeBrun announced one correction to page three of the Resolution. Mike Seitz, District Deputy Legal Counsel and Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*John Snyder, Nipomo resident, spoke in opposition of the District using fund 700 and 805 for Supplemental Water Project Phase I construction.*

*Bill Petrick, NCSD customer, spoke in opposition of the District using fund 700 and 805 for Supplemental Water Project Phase I construction.*

*Ed Eby, NCSD customer, spoke in support of the District using fund 700 and 805 for Supplemental Water Project Phase I construction.*

*Babak Naficy, Mesa Community Alliance Legal Counsel, stated concerns with the District using fund 805 for the Supplemental Water Project Phase I construction.*

*Mike Seitz, District Deputy Legal Counsel, commented on Mr. Naficy's concerns and pointed out the closed session agenda includes the item regarding MCA and this topic.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board adopted Resolution 2013-1302, as amended, A Resolution authorizing use of funds 700 and 805 for funding the Supplemental Water Project Phase I and making findings therefore.*

*Vote 4-1.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Vierheilig, and Harrison	Director Blair	None

RESOLUTION NO. 2013-1302

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AUTHORIZING USE OF FUNDS 700 AND 805 FOR  
FUNDING THE SUPPLEMENTAL WATER PROJECT  
PHASE I AND MAKING FINDINGS THEREFORE

The Board took a break from 10:35 to 10:45 a.m.

01:31:24

E-3) CONSIDER FINANCING PLAN FOR SUPPLEMENTAL WATER PROJECT PHASE 1

*Michael LeBrun, General Manager, reviewed the report as presented in the board packet Peter Sevcik, Director of Engineering and Operations and Mr. LeBrun answered questions from the Board.*

*The following members of the public spoke:*

*John Snyder, Nipomo resident, spoke in opposition of the financing plan for Supplemental Water Project Phase I.*

*Bill Petrick, NCSD customer, spoke in opposition of the financing plan for Supplemental Water Project Phase I.*

*Babak Naficy, MCA Legal Counsel, stated concern for legal authority of Board to use reserves as proposed.*

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

ITEM E-3 (CONTINUED)

*Ed Eby, NCSD customer, spoke in support of the financing plan for Supplemental Water Project Phase I.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilg, the Board approved the Financing Plan for Supplemental Water Project Phase I.  
Vote 4-1.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Vierheilg, Gaddis, and Harrison	Director Blair	None

01:53:12

E-4) CONSIDER WHOLESALE WATER SUPPLY AGREEMENT FOR PURCHASE OF SUPPLEMENTAL WATER FROM CITY OF SANTA MARIA

*Michael LeBrun, General Manager, reviewed the report as presented in the board packet. Peter Sevcik, Director of Engineering and Operations, Mike Seitz, District Deputy Legal Counsel, and Mr. LeBrun answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Vierheilg, the Board approved the proposed Wholesale Water Supply Agreement with the City of Santa Maria.  
Vote 4-1.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Vierheilg, Gaddis, and Harrison	Director Blair	None

02:30:57

E-5) AUTHORIZE TASK ORDER FOR SOUTHLAND WWTF PHASE 1 IMPROVEMENT SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM INTEGRATION PROJECT

*Peter Sevcik, Director of Engineering and Operations, reviewed the report as presented in the Board packet. Mr. Sevcik answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded by Director Gaddis, the Board unanimously adopted Resolution 2013-1303. A Resolution authorizing a task order for the Southland Wastewater Treatment Facility Phase I Improvement Supervisory Control and Acquisition System Integration Project with Tesco Controls.  
Vote 5-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Gaddis, Blair, Vierheilg, and Harrison	None	None

02:39:43

## F. GENERAL MANAGER'S REPORT

*Michael LeBrun, General Manager, reviewed the report as presented in the Board packet. Mr. LeBrun answered questions from the Board. There was no public comment.*

02:56:54

## I. CLOSED SESSION ANNOUNCEMENTS

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION PURSUANT TO GC §54956.9 SMVWCD VS. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214, SIXTH APPELLATE COURT CASE NO. H032750 AND ALL CONSOLIDATED CASES).
2. CONFERENCE WITH LEGAL COUNSEL PURSUANT TO GOVT. CODE §54956.9(b):  
Anticipated litigation - 1 case: MCA

## J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

*There was no public comment.*

## K. ADJOURN TO CLOSED SESSION

*President Harrison adjourned to closed session at 12:00 p.m.*

## L. OPEN SESSION

## ANNOUNCEMENT OF ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

*The Board came back into Open Session at 1:12 p.m.*

*Mike Seitz, District Deputy Legal Counsel, announced that the Board discussed Item One listed above under closed session announcements, but took no reportable action.*

*The Board discussed Item Two listed above under closed session announcements and authorized retention of Harriet Steiner from the Law Firm of Best Best & Krieger to represent the District in regards to the anticipated litigation.*

## G. COMMITTEE REPORT

*The committee reports were as presented. There was no public comment.*

## H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Blair

- ◇ *Addressed customer concerns regarding connection to the sewer.*

Director Gaddis

- ◇ *Questioned the costs of the Districts computer technical support.*

03:18:14

## ADJOURN

*President Harrison adjourned the meeting at 1:28 p.m.*

**Nipomo Community Services District  
REGULAR MEETING  
MINUTES**

MEETING SUMMARY	HOURS
Regular Meeting	3.15
Closed Session	1.15
TOTAL HOURS	4.30

APRIL 24, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "A"

**E-FILED**

Apr 19, 2013 5:00 PM

David H. Yamasaki  
Chief Executive Officer/Clerk  
Superior Court of CA, County of Santa Clara  
Case #1-97-CV-770214 Filing #G-53234  
By C. Pinacate, Deputy

1 NOSSAMAN LLP  
2 HENRY S. WEINSTOCK (SBN 89765)  
3 777 S. Figueroa Street, Thirty-Fourth Floor  
4 Los Angeles, California 90017  
5 Telephone: (213) 612-7800; Facsimile: (213) 612-7801

6 Attorneys for Defendants and Cross-Complainants  
7 City of Arroyo Grande, City of Grover Beach,  
8 and Oceano Community Services District

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF SANTA CLARA

12 SANTA MARIA VALLEY WATER  
13 CONSERVATION DISTRICT, a public entity,

14 Plaintiff,

15 vs.

16 CITY OF SANTA MARIA, et al.,

17 Defendants.

SANTA MARIA GROUNDWATER  
LITIGATION, LEAD CASE No. CV 770214  
(Consolidated with CV 784900, 784921,  
784926, 785509, 785511, 785515, 785522,  
785936, 786971, 787150, 787151, 787152,  
990738, 990739)

**SUPPLEMENTAL CASE MANAGEMENT  
STATEMENT RE NIPOMO MESA  
OVERDRAFT**

Date: April 26, 2013  
Time: 10:00 a.m.  
Dept.: 21

18 AND RELATED CROSS-ACTIONS AND  
19 ACTIONS CONSOLIDATED FOR ALL  
20 PURPOSES

21 The Cities of Arroyo Grande, Grover Beach, and the Oceano Community Services  
22 District (3 of the 4 "Northern Cities") have joined the Joint Case Management Statement filed  
23 by the City of Santa Maria and other parties. They also wish inform the Court of an important  
24 issue that requires resolution by the parties or by the Court: There is a growing pumping  
25 depression and overdraft in the Nipomo Mesa that is depleting the groundwater supplies of  
26 both the Nipomo Mesa and Northern Cities Management Areas, and it threatens to cause  
27 seawater intrusion that may contaminate the groundwater supplies in both areas. (See  
28 attached Map of the Santa Maria Groundwater Basin, including its 3 Management Areas.)

1 While this case was on appeal, the Northern Cities learned that the Nipomo Mesa  
2 overdraft harms not only water supplies in the Nipomo Mesa Management Area ("NMMA"), but  
3 that it also had eliminated the historical groundwater subsurface inflow from the NMMA to the  
4 Northern Cities Management Area ("NCMA") of approximately 1,300 acre-feet per year. As Dr.  
5 Priestaf explained in the attached letter dated June 9, 2010 to the NMMA Technical Group:

6 "The expanding groundwater depression in NMMA intercepts subsurface  
7 groundwater flow that otherwise would flow to NCMA. This contributes to lowered  
8 groundwater levels and increased risk of seawater intrusion in NCMA. The 2002  
9 DWR water balance for the NMMA area indicated a subsurface outflow from  
10 NMMA to NCMA of 1,300 AFY for the ten-year period from 1986 through 1995;  
11 the 2008 NMMA Annual Report confirmed the historical inflow from NMMA to  
12 NCMA. In both the 2008 and 2009 Annual Reports, NMMA has indicated that  
13 there is currently *no* subsurface flow to NCMA." (Letter, pages 1-2.)

14 The June 30, 2005 Settlement Stipulation, which is incorporated in the 2008 Judgment,  
15 required the Nipomo Community Services District ("NCSD") and other water purveyors in the  
16 Nipomo Mesa to purchase from the City of Santa Maria and import via a new pipeline a  
17 minimum of 2,500 acre-feet per year of supplemental water to reduce their overdraft.  
18 (Settlement Stipulation, pages 21-22.) Unfortunately, in May 2012, the Assessment District  
19 proposed by NCSD to fund this pipeline project was defeated by Nipomo Mesa property  
20 owners. Consequently, NCSD is now trying to fund and construct Phase 1 of the pipeline  
21 project, which would import only approximately 650 acre-feet per year – roughly 10% of the  
22 Nipomo Mesa overdraft (approximately 6,000 acre-feet per year) – far from what is needed to  
23 cure the problem. And to our knowledge, no Mesa parties other than NCSD are taking any  
24 action to cure the overdraft.

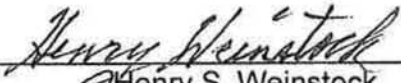
25 The Settlement Stipulation provides that if a minimum of 2,500 acre-feet per year of  
26 supplemental water cannot be delivered to the Nipomo Mesa, "any Stipulating Party may apply  
27 to the Court, pursuant to noticed motion, for appropriate modifications to this portion of the  
28 Stipulation and the judgment..." At this point, the above Northern Cities are not asking the

1 Court to take any action. Instead, they have asked the public water suppliers in the Nipomo  
2 Mesa to negotiate in good faith with the Northern Cities to cooperatively develop and  
3 implement solutions to the NMMA overdraft, beginning with a meeting of counsel following this  
4 Case Management Conference. If those negotiations fail, we intend to seek the Court's  
5 assistance.

6  
7 Dated: April 19, 2013

Respectfully submitted

8 NOSSAMAN LLP

9  
10 By:   
11 Henry S. Weinstock  
12 Attorneys for City of Arroyo Grande, City of  
13 Grover Beach, Oceano Community Services  
14 District  
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APRIL 24, 2013

REGULAR BOARD MEETING MINUTES

EXHIBIT "B"



**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
Phone: 805-543-4244 • Fax: 805-543-4248  
[www.calfireslo.org](http://www.calfireslo.org)



*Robert Lewin, Fire Chief*

## **Nipomo Station 20 and Mesa Station 22 March 2013 Summary Report**

### **Nipomo 20**

Year to Date as of 4/23/13= 398 Calls

#### **Month of March**

123 calls  
13 Fires  
77 Medical  
10 Vehicle accidents  
23 Various other

### **Mesa 22**

#### **Month of March**

61 calls  
6 Fires  
38 Medical  
6 Vehicle accidents  
11 Various other

\*Wild Land Urban Interface Drill Suey Creek Area Saturday, May 18<sup>th</sup>

\*Annual Chipping Event May 13-23

\*Open burn season end April 30. Be careful burning with current conditions.

\*OES 273 Fire engine to be housed in Nipomo. May see Yellow fire engine around Nipomo area.

TO: BOARD OF DIRECTORS  
FROM: MICHAEL S. LEBRUN *msl*  
GENERAL MANAGER  
DATE: MAY 3, 2013

**AGENDA ITEM  
D-3**

**MAY 08, 2013**

**APPROVAL OF THE ENGINEER'S LEVY REPORT AND  
DECLARATION OF INTENTION TO LEVY ANNUAL ASSESSMENTS  
FOR STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1 FOR  
FISCAL YEAR 2013-2014**

**ITEM**

Approval of resolutions granting approval of the engineer's levy report and declaration of intention to levy annual assessments for the Street Landscape Maintenance District No. 1 for Fiscal Year 2013-2014. [RECOMMEND APPROVE RESOLUTIONS]

**BACKGROUND**

On April 10, 2013, the Board of Directors adopted Resolution 2013-1300 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 2013-2014 PURSUANT TO THE PROVISIONS OF PART 2 OF THE DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE**

Peter Sevcik, District Engineer, was directed to prepare the annual levy report (attached). Pursuant to Proposition 218 and the Petition Requesting Formation of the Street Landscape Maintenance District, the annual levy may be increased by a percentage equal to or less than the Consumer Price Index (CPI) without conducting a Protest Vote. The actual amount to be assessed is based on the annual budget and may be less or more than the CPI. Property owners within the assessment district must approve any proposed assessment that exceeds the adjusted maximum rate based on the CPI (via a Proposition 218 Protest Vote).

It is recommended that the assessment increase from \$315.00 to \$330.00 for fiscal year 2013-2014 (See Page 4 of Engineer's Levy Report). The computed Maximum Assessment Allowable is \$433.40; however, the budgeted expenditures for fiscal year 2013-2014 do not warrant assessing the full Maximum Assessment Allowable.

With the proposed increase in assessment, the Maintenance District is projected to have an approximate surplus of \$1,450 in 2013-2014 and reserve balance at the end of FY 2013-2014 of \$18,450. The Cash Reserve Goal is \$20,000 and should be reached in 2014-2015. . As the history of the Maintenance District's annual levy (below) shows, the levy can be lowered in the future when reserves become adequate.

Period Covered	Amount Assessed per Parcel
Fiscal Year 2003-2004(first year of assessment)	\$345.00
Fiscal Year 2004-2005	\$346.96
Fiscal Year 2005-2006	\$354.94
Fiscal Year 2006-2007	\$365.34
Fiscal Year 2007-2008	\$365.34
Fiscal Year 2008-2009	\$387.74
Fiscal Year 2009-2010	\$301.78
Fiscal Year 2010-2011	\$303.57
Fiscal Year 2011-2012	\$303.57
Fiscal Year 2012-2013	\$315.00

**RECOMMENDATION**

Staff recommends your Honorable Board, by motion and roll call vote, approve two resolutions

**ATTACHMENTS**

- A. Resolution Declaring Intention to Levy Annual Assessment
- B. Resolution Approval of the Engineer's Report

MAY 8, 2013

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2013-LEVY**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT DECLARING ITS INTENTION TO  
LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND  
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014**

**WHEREAS**, the Board of Directors of the Nipomo Community Services District ("NCS D") has, by previous Petition and Resolutions, formed the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") and initiated proceedings for Fiscal Year 2006/07 pursuant to the provisions of the Landscaping and Lighting Act of 1972, Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as "Act") that provides for the levy and collection of assessments by the County of San Luis Obispo for the Nipomo Community Services District to pay for the maintenance and services of all improvements and facilities related thereto; and

**WHEREAS**, the Street Landscape Maintenance District No. 1 and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

**WHEREAS**, the NCS D has appointed Peter Sevcik, District Engineer, for the purpose of assisting with the Annual Levy of the District and to prepare and file a Report in accordance with the Act, and that said Report has been prepared, filed, and presented to the Board of Directors.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT, FOR THE STREET LANDSCAPE AND MAINTENANCE DISTRICT NO. 1 PURSUANT TO CHAPTER 3, SECTION 22624 OF THE ACT AS FOLLOWS:**

**SECTION 1** Intention: The NCS D hereby declares that it intends to seek the Annual Levy of the District pursuant to the Act, over and including the land within the Street Landscape Maintenance District No. 1 boundary, and to levy and collect assessments on all such land to pay the costs of the following: the operation, maintenance, and servicing of landscaping and all appurtenant facilities and operations related thereto.

**SECTION 2** Description of Improvements and Any Substantial Changes Proposed: The improvements within the Street Landscape Maintenance District No. 1 include: the maintenance and operation of and the furnishing of services and materials for landscaping which includes trees, shrubs, grass, and other ornamental vegetation, and appurtenant facilities, including irrigation systems within the Street Landscape Maintenance District No. 1. The Engineer's Annual Levy Report describes all new improvements or substantial changes in existing improvements.

**SECTION 3** Boundaries and Designation: The boundaries of the Street Landscape Maintenance District No. 1 are described as the boundaries previously defined in the formation documents of the original Street Landscape Maintenance District No. 1.

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2013-LEVY

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE STREET LANDSCAPE AND  
MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2013-2014

SECTION 4 Increase in Assessments: The assessment is proposed to be \$15.00 more than the previous year.

SECTION 5 Engineers Report: The Report is on file with the Secretary of NCSD Board of Directors and contains a full and detailed description of the improvements, the boundaries of Street Landscape Maintenance District No. 1, and the proposed assessments upon assessable lots and parcels of land within Street Landscape Maintenance District No. 1.

SECTION 6 Notice: Pursuant to Section 22626 of the 1972 Act and 6061 of the Government Code, the NCSD shall give notice of the time and place of the Public Hearing to all property owners within Street Landscape Maintenance District No. 1 by causing the publishing of this Resolution once in the Santa Maria Times not less than ten (10) days before the date of the public hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the NCSD for the posting of notices.

SECTION 7 Time of Public Hearing: Notice is hereby given that a public hearing will be held by the Board of Directors of the Nipomo Community Services District on June 12, 2013, at 9:00 a.m. in the Regular Meeting Room located within the District Offices located at 148 South Wilson Street, Nipomo, California 93444.

SECTION 8 Incorporation of Recitals: The above Recitals are true and correct and incorporated herein by reference.

SECTION 9 Other Actions: The Board of Directors and such employees of the NCSD as are appropriate are authorized and directed to execute such other documents and take such further action as shall be consistent with the intent and purpose of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 8<sup>th</sup> day of May 2013.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

JAMES HARRISON  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

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MICHAEL S. LEBRUN  
Secretary to the Board

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MICHAEL W. SEITZ  
Deputy District Legal Counsel

MAY 8, 2013

ITEM D-3

ATTACHMENT B



**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2013-ENG LEVY**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S LEVY REPORT FOR THE STREET  
LANDSCAPE AND MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2013-2014**

**WHEREAS**, the Board of Directors of the Nipomo Community Services District ("NCSD") has, by Resolution, ordered the preparation of an Engineer's Annual Levy Report by Peter Sevcik, District Engineer (hereinafter referred to as "Report") for the Nipomo Community Services District Street Landscape Maintenance District No. 1 (hereinafter referred to as "Street Landscape Maintenance District No. 1") pursuant to the provisions of the Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500 (hereinafter referred to as the "Act"); and

**WHEREAS**, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

**WHEREAS**, the NCSD has now been presented with the Report as required by Section 22566 of said Act; and

**WHEREAS**, the NCSD has carefully examined and reviewed the Report as presented and is satisfied with the budget items and documents as set forth therein and is satisfied that the proposed assessments have been spread in accordance with the Petition for Street Landscape Maintenance District No. 1 and with benefits received from the improvements, operation, maintenance, and services to be performed within Street Landscape Maintenance District No. 1 as set forth in said Report.

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT, NIPOMO, CALIFORNIA FOR THE LANDSCAPE MAINTENANCE DISTRICT NO. 1 AS FOLLOWS:**

SECTION 1: That the above recitals are all true and correct and incorporated herein by reference.

SECTION 2: That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for fiscal year 2013-2014.

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2013-ENG LEVY

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
GRANTING APPROVAL OF THE ANNUAL ENGINEER'S  
LEVY REPORT FOR THE STREET LANDSCAPE AND  
MAINTENANCE DISTRICT NO. 1  
FOR FISCAL YEAR 2013-2014

PAGE TWO

**SECTION 3:** The Report is hereby approved and ordered to be filed in the Nipomo Community Services District Offices as a permanent record and to remain open to public inspection.

**SECTION 4:** That the NCSD General Manager shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Engineer's Annual Levy Report.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services this 8th day of May, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
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

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NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2013-2014

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Introduction

Nipomo Community Services District ("NCS D") 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 2013-2014. 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 a portion of 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.

NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2013-2014

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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.

The landscape maintenance obligation is limited to the following:

- Landscaping bordering the frontage of lots 1 through 6 on Tefft Street
- Landscaping bordering the frontage of lots 1, 15, 16, and 28 on Tejas Place
- Landscaping bordering the southwest and northwest sides of lot 29 (drainage basin) on Tejas Place
- The pathway between lots 4 and 5 between Tefft Street and Vista Verde

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,

NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2013-2014

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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:

- 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.

NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2013-2014

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

<p>(Prior Year's Annual Maximum Assessment x CPI) Plus Prior Year's Annual Maximum Assessment</p>	}	= Current Year's Annual Maximum Assessment
---	---	--

The percentage change used is the annual change for the preceding 12 months. The annual inflation factor applied for the fiscal year 2013-2014 is based on the percentage change from February 2013 to February 2012 and has been identified as 2.39% (annual percentage change currently available).

MAXIMUM ALLOWABLE ASSESSMENT PER PARCEL (APPLYING INFLATIONARY ADJUSTMENT)	
2012-2013 Maximum Assessment	(A) \$423.29
X CPI (2.39%)	(B) \$10.11
	-----
Maximum Assessment Allowable 2013-2014	(A) + (B) \$433.40 =====
Proposed 2013-2014 Annual Assessment	\$330.00 =====

Fiscal Year 2013-2014 District Budget

DESCRIPTION		2013-2014 BUDGET
Beginning Estimated Fund Balance (July 1, 2013)		\$17,000
<b>Proposed Assessment Levy</b>		\$9240
<b>Estimated Expenditures</b>		
Contract Landscape Maintenance	(\$2,600)	
Plant attrition and normal loss	(\$1,000)	
Water	(\$3,600)	
Electricity	(\$150)	
Administration	(\$500)	
<b>Total Estimated Expenditures</b>		(\$7,850)
Estimated Ending Fund Balance (1) (June 30, 2014)		\$18,390

NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2013-2014

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(1) In accordance with the Reserve Policy adopted by the Nipomo Community Services District Board in 2012, the target fund balance reserve for Street Landscape Maintenance District No. 1 is \$20,000. Reserve is for anticipated increases in water rates, landscaping repair/replacement and irrigation system repair/replacement.

NIPOMO COMMUNITY SERVICES DISTRICT  
ENGINEER'S ANNUAL LEVY REPORT  
STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
FISCAL YEAR 2013-2014

Lot Number	Assessor Parcel Number	Annual Assessment
1	092-512-001	\$330.00
2	092-512-002	\$330.00
3	092-512-003	\$330.00
4	092-512-004	\$330.00
5	092-512-005	\$330.00
6	092-512-006	\$330.00
7	092-512-007	\$330.00
8	092-512-008	\$330.00
9	092-512-009	\$330.00
10	092-512-010	\$330.00
11	092-512-011	\$330.00
12	092-512-012	\$330.00
13	092-512-013	\$330.00
14	092-512-014	\$330.00
15	092-512-015	\$330.00
16	092-512-016	\$330.00
17	092-512-017	\$330.00
18	092-512-018	\$330.00
19	092-512-019	\$330.00
20	092-512-020	\$330.00
21	092-512-021	\$330.00
22	092-512-022	\$330.00
23	092-512-023	\$330.00
24	092-512-024	\$330.00
25	092-512-025	\$330.00
26	092-512-026	\$330.00
27	092-512-027	\$330.00
28	092-512-028	\$330.00
	TOTAL	\$9,240.00



  
PETER V. SEVCIK, P.E.  
DISTRICT ENGINEER



NIPOMO COMMUNITY SERVICES DISTRICT  
 ENGINEER'S ANNUAL LEVY REPORT  
 STREET LANDSCAPE MAINTENANCE DISTRICT NO. 1  
 FISCAL YEAR 2013-2014

