

John Snyder

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NIPOMO COMMUNITY SERVICES DISTRICT
AGENDA

REGULAR BOARD MEETING JULY 3, 1996 7:00 P.M.
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

BOARD MEMBERS

STEVEN SMALL, **PRESIDENT**
KATHLEEN FAIRBANKS, **VICE PRESIDENT**
ALEX MENDOZA, **DIRECTOR**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF JUNE 19, 1996

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
Public comments on matters other than scheduled items.
Presentations limited to three (3) minutes

BOARD ADMINISTRATION

3. PUBLIC HEARING - BLACK LAKE STREET LIGHTING
Setting the revenues needed to operate the street lighting on the tax rolls (Discussion/Action)
4. REVIEW OF DISTRICT ACTIVITIES (POWERS)
Present District activities include water supply and distribution, sewer collection and treatment, street lighting and drainage. Review other District latent powers. (Discussion/Information)
5. PRESENTATION BY BEVERLY CHAPMAN REGARDING THE POTENTIAL ACQUISITION OF THE LIBRARY BUILDING
(Oral Presentation/Direction to Staff)
6. ASSESSMENT DISTRICT 93-1, SUMMIT STATION, CALLING OF BONDS
Calling (Buying Back) some of the Assessment District Bonds (Discussion/Action)
7. REVIEW OF DISTRICT POLICY FOR COLLECTION OF CAPACITY FEES
Oral presentation by District Legal Counsel. (Discussion/Information)
8. SAFETY MINUTES
Review and approve the minutes of a Safety Meeting. (Discussion/Action)

FINANCIAL REPORT

9. APPROVAL OF WARRANTS

OTHER BUSINESS

10. MANAGER'S REPORT
 1. LETTER FROM SLO CO ON LOCAL PLANNING COMMISSION
 2. CSDA CONSTITUTION REVISION COMMISSION INFORMATION
11. DIRECTORS COMMENTS
12. PUBLIC COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

1. Existing litigation GC§ 54956.9
NCSD vs. Shell Oil, et. al. Case No. CV 077387
2. Initiation of litigation pursuant to GC§ 54956.9 (c) one case

ADJOURN

*GC§ refers to Government Code Sections

AGENDA ITEM 1

NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES
JUL 3 1996

REGULAR BOARD MEETING JUNE 19, 1996 7:00 P.M.
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

BOARD MEMBERS

STEVEN SMALL, **PRESIDENT**
KATHLEEN FAIRBANKS, **VICE PRESIDENT**
ALEX MENDOZA, **DIRECTOR**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

CALL TO ORDER AND FLAG SALUTE

President Small called the meeting to order at 7:03 p.m. and led the flag salute.

ROLL CALL

At Roll Call the following members were present: Directors Blair, Simon, Mendoza and Small. Ms. Fairbanks arrived a few minutes later.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

1. Existing litigation GC§ 54956.9
NCSO vs. Shell Oil, et. al. Case No. CV 077387

President Small called for the meeting to be temporarily adjourned for the Closed Session scheduled for the end of the meeting due to attorney's necessity to leave early.

The Board came back into open session at 7:13 p.m. President Small reported that the Board decided to direct Scott Baker, legal counsel, to begin settlement with Dandy Westpro concerning the polybutylene pipe matter.

APPROVAL OF MINUTES

1. ADJOURNED MEETING OF MAY 29, 1996
Upon motion of Director Mendoza and seconded by Director Simon, the Board unanimously approved the Minutes of the May 29, 1996 Adjourned Meeting.

SPECIAL MEETING OF JUNE 10, 1996

Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved the Minutes of the June 10, 1996 meeting with the change in Item 2 concerning the Sub-Committee that was formed.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS
Public comments on matters other than scheduled items.
Presentations limited to three (3) minutes

President Small opened the meeting to Public Comments on matters other than items on the agenda. There were no Public Comments at this time.

DISTRICT USER RATES & ACCOUNT FUNDING REVIEW (Continued)

J. Frederick asked about past records. Director Small answered that it is the intention of the District to adopt something as a starting point and determine accuracy.

John Snyder asked if the rate increases were based on the Boyle Report. He said he would submit a list of the questionable expenditures on the Boyle Report.

Legal Counsel said capacity charges need to be reasonably related to services it provides or the capacity purchasing.

Upon motion of Director Simon and seconded by Director Blair, the Board unanimously agreed to wait until August 21, 1996 to have the first reading of the proposed ordinance.

Mr. Stoddard thanked the Board.

5. WELL PUMP HOUSE BIDS

Review bids received and recommend steel pump houses be constructed and award work to J. Miller Construction (Discussion/Action)

Mr. Jones explained that the District went out for bid again to build the three pump houses enclosing the Eureka, Bevington and Via Concha wells. There was a direction to bid for both wood and metal pump houses. Staff felt that metal, requiring less maintenance, was the best value. Staff recommends the J. Miller Construction Co. from San Luis Obispo be awarded the bid for \$11,300 construction of 3 pump houses. Upon motion of Director Blair and seconded by Director Fairbanks, the Board unanimously agreed to award the bid to J. Miller Construction Co. for metal pump houses and approved Resolution 96-584.

**RESOLUTION NO. 96-584
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONSTRUCTION OF PUMP HOUSES TO
J. MILLER CONSTRUCTION CO.**

6. PROPOSAL FOR LAND APPRAISAL

Review an appraisal proposal to appraise the value of land (Walsh Property) needed for the wastewater treatment plant expansion (Discussion/Action)

Mr. Jones explained a need to get an appraisal of the portion of the Walsh property that is proposed to be used for an expansion planned at the wastewater treatment plant. Mr. Todd Murphy of Schenberger, Taylor, McCormick & Jecker, proposed a \$5,000 fee for the appraisal work. Mr. Harold Walsh, one of the owners of the subject property, commented. Also, John Snyder and Cees Dobbe commented. Members of the Board agreed that more information was needed from Mr. Murphy, giving a more detailed account of the proposed appraisal. Upon motion of Director Blair and seconded by Director Fairbanks, the Board unanimously agreed to table this item until a later meeting.

11. PUBLIC COMMENTS

Beverly Chapman explained to the Board that she was negotiating with the County to leave the trailer, presently being used for the Nipomo Library, where it is and have it be used for social services needed in Nipomo. She is asking that the District help in putting a proposal together involving the District purchasing the trailer and possibly leasing it.

George Kiley suggested the streamling of County services.

John Snyder asked about the Boyle Report and the Kennedy-Jenks report.

The Board adjourned to a Closed Session to confer with legal counsel.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

2. Initiation of litigation pursuant to GC§ 54956.9 (c) two cases

The Board came back into open session. The Board had no reportable action.

ADJOURN

*GC§ refers to Government Code Sections

President Small adjourned the meeting at 10:18 p.m.

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 DATE: JULY 3, 1996

BLACK LAKE STREETLIGHTING CHARGES

NCSD provides streetlighting to the Black Lake Golf Course Development. In order to maintain the streetlighting, an annual charge is required to be placed on each parcel that directly benefits from the service rendered. The annual charge for the 1996-97 tax year will be \$34.00 per parcel. It should be noted that the County of SLO adds \$2.00 per parcel handling fee, making the total annual fee billed to the parcel \$36.00. Below is a history of the charge per parcel:

<u>Year</u>	<u>Charge</u>	<u>County Fee</u>	<u>Total</u>
1992-93	\$48.00	\$2.00	\$50.00
1993-94	\$50.00	\$2.00	\$52.00
1994-95	\$48.00	\$2.00	\$50.00
1995-96	\$40.00	\$2.00	\$42.00
1996-97	\$34.00	\$2.00	\$36.00

The adopted budget for the Streetlighting Fund for 1996-97 is as follows:

REVENUES

Streetlighting Charges \$13,124

EXPENDITURES

Insurance	1,510	
Public & Legal Notices	75	
Electricity	11,000	
Wages-Office	<u>500</u>	
		(13,085)
Gain from Operations		39
Interest Earnings		<u>2,100</u>
Net Sources from Operations		<u>\$ 2,139</u>

Estimated cash balance 7/1/96	\$43,000
Net sources from operations	<u>2,139</u>
Estimated cash balance 6/30/97	<u>\$45,139</u>

Attached is a listing of Assessor Parcel Numbers and the proposed 1996-97 streetlighting charges.

Now is the time and place for the public hearing for the Board to confirm the report for collection of charges on the 1996-97 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report.

The attached Resolution is presented for the Board's review, approval and adoption.

RESOLUTION NO. 96-587

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
BLACK LAKE DEVELOPMENT (GOLF COURSE AREA)**

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

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

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

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

WHEREAS, public notice has been given in accordance with Section 6066 of the Government Code as specified under CSA No. 1-G Assessment procedures of this public hearing concerning collection of service charges on the 1996-97 property tax bills; and

WHEREAS, written reports specifying each parcel receiving extended service and the amount of the charge for that service have been prepared and filed with the staff report; and

WHEREAS, this is the time and place for the public hearing for the Board to confirm the reports for collection of service charges on the 1996-97 tax bills as specified in the staff reports and to give opportunity for filing objections and for presentation of testimony or other evidence concerning said report; and

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

**RESOLUTION 96-587
PAGE TWO**

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

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

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

AYES: Directors _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

the foregoing resolution is hereby adopted this 3rd day of July, 1996.

STEVEN SMALL, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary of the Board

Jon S. Seitz
General Counsel

LACK LAKE STREETLIGHTING CHARGES TAX YEAR 1996-97

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091243001	\$34.00	091410027	\$34.00	091412016	\$34.00
091243002	\$34.00	091410028	\$34.00	091412017	\$34.00
091243003	\$34.00	091410029	\$34.00	091412018	\$34.00
091243004	\$34.00	091410030	\$34.00	091412019	\$34.00
091243005	\$34.00	091410031	\$34.00	091412020	\$34.00
091243006	\$34.00	091410032	\$34.00	091412021	\$34.00
091243007	\$34.00	091410033	\$34.00	091413001	\$34.00
091243008	\$34.00	091410034	\$34.00	091413002	\$34.00
091243009	\$34.00	091410035	\$34.00	091413003	\$34.00
091243010	\$34.00	091410036	\$34.00	091413004	\$34.00
091244001	\$34.00	091410037	\$34.00	091413005	\$34.00
091244002	\$34.00	091410038	\$34.00	091413006	\$34.00
091244003	\$34.00	091410039	\$34.00	091413007	\$34.00
091244004	\$34.00	091410040	\$34.00	091413008	\$34.00
091244005	\$34.00	091410041	\$34.00	091413009	\$34.00
091244006	\$34.00	091410042	\$34.00	091413010	\$34.00
091244007	\$34.00	091410043	\$34.00	091413011	\$34.00
091244008	\$34.00	091410044	\$34.00	091413012	\$34.00
091244009	\$34.00	091410045	\$34.00	091413013	\$34.00
091244010	\$34.00	091410046	\$34.00	091413014	\$34.00
091410001	\$34.00	091410047	\$34.00	091413015	\$34.00
091410002	\$34.00	091410048	\$34.00	091413016	\$34.00
091410003	\$34.00	091410049	\$34.00	091413017	\$34.00
091410004	\$34.00	091410050	\$34.00	091413018	\$34.00
091410005	\$34.00	091410051	\$34.00	091413019	\$34.00
091410006	\$34.00	091410052	\$34.00	091413020	\$34.00
091410007	\$34.00	091410053	\$34.00	091413021	\$34.00
091410008	\$34.00	091410054	\$34.00	091413022	\$34.00
091410009	\$34.00	091410055	\$34.00	091413023	\$34.00
091410010	\$34.00	091410056	\$34.00	091413024	\$34.00
091410011	\$34.00	091411006	\$34.00	091413025	\$34.00
091410012	\$34.00	091412001	\$34.00	091413026	\$34.00
091410013	\$34.00	091412002	\$34.00	091413027	\$34.00
091410014	\$34.00	091412003	\$34.00	091413028	\$34.00
091410015	\$34.00	091412004	\$34.00	091413029	\$34.00
091410016	\$34.00	091412005	\$34.00	091413030	\$34.00
091410017	\$34.00	091412006	\$34.00	091413031	\$34.00
091410018	\$34.00	091412007	\$34.00	091413032	\$34.00
091410019	\$34.00	091412008	\$34.00	091413033	\$34.00
091410020	\$34.00	091412009	\$34.00	091413034	\$34.00
091410021	\$34.00	091412010	\$34.00	091413035	\$34.00
091410022	\$34.00	091412011	\$34.00	091413036	\$34.00
091410023	\$34.00	091412012	\$34.00	091413037	\$34.00
091410024	\$34.00	091412013	\$34.00	091413038	\$34.00
091410025	\$34.00	091412014	\$34.00	091413039	\$34.00
091410026	\$34.00	091412015	\$34.00	091413040	\$34.00

JLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1996-97

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
1413041	\$34.00	091415012	\$34.00	091416025	\$34.00
091413042	\$34.00	091415013	\$34.00	091416026	\$34.00
091413043	\$34.00	091415014	\$34.00	091416027	\$34.00
091413044	\$34.00	091415015	\$34.00	091416028	\$34.00
091413045	\$34.00	091415016	\$34.00	091416029	\$34.00
091413046	\$34.00	091415017	\$34.00	091416030	\$34.00
091414001	\$34.00	091415018	\$34.00	091416031	\$34.00
091414002	\$34.00	091415019	\$34.00	091416032	\$34.00
091414003	\$34.00	091415020	\$34.00	091416033	\$34.00
091414004	\$34.00	091415021	\$34.00	091416034	\$34.00
091414005	\$34.00	091415022	\$34.00	091416035	\$34.00
091414006	\$34.00	091415023	\$34.00	091416036	\$34.00
091414007	\$34.00	091415024	\$34.00	091418001	\$34.00
091414008	\$34.00	091415025	\$34.00	091418005	\$34.00
091414009	\$34.00	091415026	\$34.00	091418006	\$34.00
091414010	\$34.00	091415027	\$34.00	091418010	\$34.00
091414011	\$34.00	091415028	\$34.00	091418011	\$34.00
091414012	\$34.00	091415029	\$34.00	091418012	\$34.00
091414013	\$34.00	091415030	\$34.00	091418013	\$34.00
091414014	\$34.00	091415031	\$34.00	091418014	\$34.00
091414015	\$34.00	091415032	\$34.00	091418015	\$34.00
1414016	\$34.00	091415033	\$34.00	091418016	\$34.00
091414017	\$34.00	091416001	\$34.00	091418019	\$34.00
091414018	\$34.00	091416002	\$34.00	091418020	\$34.00
091414019	\$34.00	091416003	\$34.00	091418021	\$34.00
091414020	\$34.00	091416004	\$34.00	091418022	\$34.00
091414021	\$34.00	091416005	\$34.00	091418023	\$34.00
091414022	\$34.00	091416006	\$34.00	091418024	\$34.00
091414023	\$34.00	091416007	\$34.00	091418025	\$34.00
091414024	\$34.00	091416008	\$34.00	091418026	\$34.00
091414025	\$34.00	091416009	\$34.00	091418027	\$34.00
091414026	\$34.00	091416010	\$34.00	091418028	\$34.00
091414027	\$34.00	091416011	\$34.00	091418029	\$34.00
091414028	\$34.00	091416012	\$34.00	091418030	\$34.00
091414029	\$34.00	091416013	\$34.00	091418031	\$34.00
091414030	\$34.00	091416014	\$34.00	091418032	\$34.00
091415002	\$34.00	091416015	\$34.00	091418033	\$34.00
091415003	\$34.00	091416016	\$34.00	091418034	\$34.00
091415004	\$34.00	091416017	\$34.00	091418036	\$34.00
091415005	\$34.00	091416018	\$34.00	091418037	\$34.00
091415006	\$34.00	091416019	\$34.00	091418038	\$34.00
091415007	\$34.00	091416020	\$34.00	091418039	\$34.00
091415008	\$34.00	091416021	\$34.00	091418040	\$34.00
091415009	\$34.00	091416022	\$34.00	091418041	\$34.00
091415010	\$34.00	091416023	\$34.00	091418042	\$34.00
091415011	\$34.00	091416024	\$34.00	091418043	\$34.00

BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1996-97

A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091418044	\$34.00	091419017	\$34.00	091441006	\$34.00
091418045	\$34.00	091419018	\$34.00	091441007	\$34.00
091418046	\$34.00	091419019	\$34.00	091441008	\$34.00
091418047	\$34.00	091419020	\$34.00	091441009	\$34.00
091418048	\$34.00	091419021	\$34.00	091441010	\$34.00
091418049	\$34.00	091419022	\$34.00	091441011	\$34.00
091418050	\$34.00	091419023	\$34.00	091441012	\$34.00
091418051	\$34.00	091419028	\$34.00	091441013	\$34.00
091418052	\$34.00	091419029	\$34.00	091441014	\$34.00
091418053	\$34.00	091419030	\$34.00	091441015	\$34.00
091418054	\$34.00	091419031	\$34.00	091441016	\$34.00
091418055	\$34.00	091419032	\$34.00	091441017	\$34.00
091418056	\$34.00	091419033	\$34.00	091441018	\$34.00
091418057	\$34.00	091419034	\$34.00	091441019	\$34.00
091418058	\$34.00	091419035	\$34.00	091441020	\$34.00
091418059	\$34.00	091419036	\$34.00	091441021	\$34.00
091418060	\$34.00	091419037	\$34.00	091441022	\$34.00
091418061	\$34.00	091419038	\$34.00	091441023	\$34.00
091418062	\$34.00	091419039	\$34.00	091441024	\$34.00
091418063	\$34.00	091419040	\$34.00		
091418064	\$34.00	091419041	\$34.00		
091418085	\$34.00	091419042	\$34.00		
091418086	\$34.00	091419043	\$34.00		
091418088	\$34.00	091419055	\$34.00		
091418089	\$34.00	091419056	\$34.00		
091418090	\$34.00	091419057	\$34.00		
091418091	\$34.00	091419058	\$34.00		
091418092	\$34.00	091440001	\$34.00		
091418094	\$34.00	091440002	\$34.00		
091418095	\$34.00	091440003	\$34.00		
091419001	\$34.00	091440004	\$34.00		
091419002	\$34.00	091440005	\$34.00		
091419003	\$34.00	091440006	\$34.00		
091419004	\$34.00	091440007	\$34.00		
091419005	\$34.00	091440008	\$34.00		
091419006	\$34.00	091440009	\$34.00		
091419007	\$34.00	091440010	\$34.00		
091419008	\$34.00	091440011	\$34.00		
091419009	\$34.00	091440012	\$34.00		
091419010	\$34.00	091440013	\$34.00		
091419011	\$34.00	091440014	\$34.00		
091419012	\$34.00	091441001	\$34.00		
091419013	\$34.00	091441002	\$34.00		
091419014	\$34.00	091441003	\$34.00		
091419015	\$34.00	091441004	\$34.00		
091419016	\$34.00	091441005	\$34.00		

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 3, 1996

REVIEW OF DISTRICT POWERS (SERVICES)

At the Board Meeting of June 19, 1996, your Honorable Board had a brief discussion about the District's latent powers. It was decided to put this item on the agenda for further discussion.

At the Local Agency Formation Commission (LAFCO) meeting held on June 20, 1996, their staff brought to the LAFCO Commission a list of potential consolidation of special districts and other districts within the County. On this list, with respect to NCSD was the consolidation of CSA-1 (Galaxy Park area) into the District along with the Nipomo Lighting District. The County also provides drainage in the area under CSA-16. In the potential consolidation of the District and CSA-1, the commissioners were made aware that the District's present policy is that the District will not take over sewer system without water service. Therefore, appropriate measures would have to be taken to satisfy the District's present policy.

There is some consensus within the Nipomo community that the District should take on additional powers which would be beneficial to the community. Such services would have to be within the powers the District could take on. Attached, for the Board's review, is Section 61600 of the Government Code outlining those powers that a community services district can implement.

C:\W:\BD\powers.DOC

NIPOMO COMMUNITY SERVICES DISTRICT

CLASSIFICATION OF FUNCTIONS AND SERVICES

The Nipomo Community Services District is a multi-purpose special district formed on January 27, 1965, under the Community Services District Law, California Government Code Section 61000 et. seq.

Under Section 61000, the District can exercise those powers as enumerated in the attached Exhibit 'A'. At the present time, the District performs the following functions:

- 1) Water - Production, transmission and sale, injection and replenishment
- 2) Sewer - Collection, transportation, treatment, reclamation and disposal
- 3) Street Lighting - Service provided to Black Lake Golf Course Development and surrounding area
- 4) Drainage - Collection and storage of storm runoff

EXHIBIT "A"

61600. Purposes for which powers may be exercised

A district formed under this law may exercise the powers granted for any of the following purposes designated in the petition for formation of the district and for any other of the following purposes that the district shall adopt:

- (a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation
- (b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.
- (c) The collection or disposal of garbage or refuse matter.
- (d) Protection against fire.
- (e) Public recreation by means of parks, including but not limited to aquatic parks and recreation harbors, playgrounds, golf courses, swimming pools or recreation buildings.
- (f) Street lighting.
- (g) Mosquito abatement.
- (h) The equipment and maintenance of a police department, or other police protection to protect and safeguard life and property.
- (i) To acquire sites for, construct, and maintain library buildings, and to cooperate with other governmental agencies for library service.
- (j) The opening, widening, extending, straightening, and surfacing, in whole or in part of any street in such district, subject to the consent of the governing body of the county or city in which said improvement is made.
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the governing body of the county or city in which said improvement is to be made.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 3, 1996

ASSESSMENT DISTRICT 93-1, SUMMIT STATION, CALLING BONDS

Two years ago Assessment District 93-1 was formed to install water line improvements in the Summit Station area pursuant to the terms and provisions of the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of the State of California. By law, the bonds were issued and designated into three categories as follows:

1. Improvement Fund-pay for costs and expenses of the acquisition of the capital improvements.
2. Redemption Fund-all sums received from the collection of assessments and interest be placed in this fund. All principal and interest accrued shall be paid to the bond holders from this fund.
3. Reserve Fund-reserved to cover delinquencies in the payment of assessments.

Bond Counsel, Mac Brown of Brown, Diven and Hentschke, directed staff to maintain the residual money of the Improvement Fund for a period of two years. The residual amount is a result of spending less on the project than was bonded for. After two years, the Streets and Highways Code allows for the balance in the Improvement Fund to be used for calling bonds.

The computations for the calling of bonds and refunds were computed by the Financial Consultant, Carl Kadie of Kadie-Jensen, Johnson and Bodnar. There was no charge for this service-the original contract included free consultation the life of the bonds. It has been computed that the Assessment District will call \$290,000 in bonds and pay the redemption premium of 3% (\$8,700). This will reduce the principal portion of each assessment by approximately 17%. The property owners that paid cash for their assessment will be issued a cash refund on September 2, 1996 in an amount proportionate to the amount available for calling bonds.

A Resolution has been prepared for your consideration which authorizes the disbursement of surplus funds pursuant the Streets and Highways Code. It is staff's recommendation that the Board approve this Resolution as the cut off date for the paying agent to proceed with the calling of the Bonds is July 15.

RESOLUTION NO. 96-588

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
MAKING DECLARATION REGARDING SURPLUS IN IMPROVEMENT FUND**

WHEREAS, the Board of Directors of the Nipomo Community Services District has conducted proceedings and completed installation for certain works of improvement in a special assessment district pursuant to the terms and provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California; said special assessment district known and designated as ASSESSMENT DISTRICT NO. 93-1 (WATER IMPROVEMENTS) (hereinafter referred to as the "Assessment District"); and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment District, there remains a surplus in the Improvement Fund, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Streets and Highways Code of the State of California.

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

- Section 1. That the above recitals are all true and correct.
- Section 2. That the works of improvement, as set forth and described in the Resolution of Intention for these proceedings, have been completed to the satisfaction of this legislative body, and all payment has either been made or set aside for all existing or potential claims, costs and expenses.
- Section 3. Pursuant to Section 10427(A) and prior to any distribution as set forth above, the lesser amount of \$1,000 or five percent (5%) of the amounts expended from the Improvement Fund shall be transferred to the General Fund of the District to reimburse a portion of District overhead in processing the calling of bonds and disbursing of the Improvement Fund.
- Section 4. That all funds remaining shall be utilized for the call of any outstanding bonds, all as authorized by Streets and Highways Code Section 10427.1.

RESOLUTION 96-588
PAGE TWO

Section 5. The Treasurer is hereby directed to undertake the following:

- A. Cause the Reserve Fund to be reduced as necessary pursuant to Streets and Highways Code Section 8887 to assure that the bonds of the Assessment District will not become subject to Federal income taxation;
- B. Cause any assessment previously paid in cash to receive a credit in cash pursuant to Streets and Highways Code Section 10427.1(b) for each such assessment's proportionate share of the surplus as determined pursuant thereto; and
- C. Cause the preparation of new Auditor's records to reflect the adjusted principal amount of the remaining assessment.

Section 6. This resolution is adopted by a majority of all members of the Board of Directors of the District.

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

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

the foregoing resolution is hereby adopted this 3rd day of July 1996.

STEVEN SMALL, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

AGENDA ITEM
JUL 3 1996

8

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 3, 1996

MINUTES FROM SAFETY MEETING

The Minutes from the Safety Meeting of June 13, 1996 are presented to the Board of Directors for your review. After review and comments, the Board of Directors may direct the Board Secretary to acknowledge their receipt, review, and comments in the minutes of tonight's regular Board Meeting.

This is a procedural item so that the District may receive credit on its insurance premium.

C:\W:\BD\safetymtg.DOC

NIPOMO COMMUNITY SERVICES DISTRICT

**261 WEST DANA, SUITE 101
POST OFFICE BOX 326 NIPOMO, CA 93444
(805) 929-1133 FAX (805) 929-1932**

June 13, 1996

NIPOMO CSD SAFETY MINUTES

Date: June 13, 1996

Present: Kathy Beltran, Donna Johnson, Lee Douglas, Roger Gomes,
Ernest Thompson and Butch Simpson

Lee Douglas, Utility Supervisor, reviewed the points made in the following videos:

"Communicating for Safety", "First Line of Defense", "Safety in the Office", and
"Safety Inspections".

Lee Douglas directed staff to make any findings of unsafe conditions in writing. Any
written findings will then be investigated and appropriate action will be taken to
correct the unsafe condition.

C:\W\BD\SAFEMINS

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 3, 1996

MANAGER'S REPORT

Enclosed for your information are the following:

1. Letter from SLO County on Local Planning Commission
2. CSDA Constitution Revision Commission information

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County of San Luis Obispo

COUNTY GOVERNMENT CENTER, R.M. 370 ■ SAN LUIS OBISPO, CALIFORNIA 93408 ■ (805) 781-5011



April 24, 1995

Mr. Gary Karner
Los Osos Community Advisory Council
350 Mitchell Drive
Los Osos, Ca 93402

OFFICE OF THE
COUNTY ADMINISTRATOR

Mr. Randy Knight
Los Osos Community Advisory Council
1281 17th Street
Los Osos, Ca 93402

Re: **Proposed Town of Los Osos Planning Commission**

Dear Mr. Karner and Mr. Knight:

Our office reviewed the materials you submitted to Supervisor Laurent requesting the creation of a Town of Los Osos Planning Commission. In your letter dated November 14, 1994, you asked that the matter be set on a Board of Supervisors agenda for consideration.

After reviewing the material and performing some analysis of your request, we have concluded that the merits of this proposal are not strong enough to warrant bringing it before the Board of Supervisors.

One of the primary reasons behind our determination is that the proposal is contrary to adopted Board budget policies which call for the creation of no new programs that are not revenue offset. Our preliminary review of the proposal has concluded that, if implemented, the creation of the Los Osos Planning Commission would fiscally impact the County. While public sentiment seeming to favor less government is not a deciding factor, it becomes a consideration as the County's available staff and financial resources continue to decline. We must also consider the precedent setting nature of your proposal. If other communities develop similar interests in a local planning commission, we'll face further increases in cost.

Our analysis of your proposal also gave us concerns about jurisdictional and policy coordination issues that it raises. A transfer of responsibility from the existing Planning Commission to a town planning commission could be quite problematic. In our opinion, this proposal would add a layer of government to the existing process and would be counter to the streamlining efforts that have been underway in the Planning and Building Department over the past two or three years. The Board has made its wishes clear to see even more streamlining of the land use planning process.

A survey of California counties found only five that had more than one planning commission. Of those five, only two had commissions similar to what your Council has proposed. One is Contra Costa County with two subregional planning commissions and the other is Tuolumne County with three subregional commissions. Two of the Tuolumne County planning commissions focus primarily on design issues related to maintaining the historic focus of the communities of Columbia and Jamestown.

We also learned that San Bernadino County had three planning commissions which divided up urban, high mountain, and desert areas. The commissions were abolished in favor of a single commission as a result of their unwieldy nature. Problems the County encountered included dividing up the responsibilities in a workable fashion, long distances involved in staff attendance at meetings, and lack of consistency in decision making.

While state law allows a county to create more than one planning commission (and five counties currently have done so), there appear to be other more cost effective ways for your community to participate in the planning process. For instance, your advisory council influences the outcome of the community general plan update process. Your continued close contact with staff of the Planning and Building Department will bring this project to a timely completion.

LOCAC could also increase its involvement in the day-to-day planning process by becoming more involved in reviewing and commenting on active development applications that are filed for processing. That level of involvement could begin to occur almost immediately by working out a project referral process with Planning staff. This process has worked well with other community advisory committees throughout the County. You may wish to discuss this further with Planning Director, Alex Hinds.

Your community could also take a more active role in local planning issues through the development of a community design plan for adoption as a component of the general plan (as was done in Templeton). This would be a logical next step which would build on your work on the general plan. It would also give LOCAC and the community-at-large an opportunity to articulate criteria you feel are most important in addressing long-term community goals as new projects are designed for Los Osos.

I appreciate the time and effort LOCAC has spent in developing this proposal and refining it to the point of submission. As I have already stated, though, there does not appear to be sufficient support for the proposal to warrant placing it on a Board agenda. I hope you will consider the suggestions I've made which may serve your interest in increasing community involvement.

Please contact me if you wish to discuss this further.

Sincerely,



ROBERT E. HENDRIX
County Administrator

- c: Members, Board of Supervisors
Alex Hinds, Director, Department of Planning and Building
James Lindholm, County Counsel

RECEIVED

JUN 12 1996

NIPOMO COMMUNITY
SERVICES DISTRICT

in the Capitol

By RALPH HEIM, LEGISLATIVE ADVOCATE

2



Ralph Heim

Constitution Revision Commission

The much-anticipated legislation containing the recommendations of the California Constitution Revision Commission was introduced on May 13, 1996. Two identical measures have been introduced, Senate Constitutional Amendment 39 by Senators Killea, Alquist and Kopp, and Assembly Constitutional Amendment 49 by Assembly Member Isenberg. Both SCA 39 and ACA 49 contain the Commission's recommendations relative to proposed Constitution revisions relating to state governance, the state's budgetary process, and the structure and finance of K-12 education and local government. At this writing it is expected that both measures will be considered by one of the 14 conference committees established by the Governor and Assembly/Senate leadership.

As expected, the two Constitutional Amendments contain the Home Rule Community Charter provisions. Specifically, SCA 39 and ACA 49 require the following:

1. On or before February 1, 1997, a citizens charter commission on local government efficiency and restructuring shall be appointed in

each county.

2. Counties shall appoint five persons; cities shall appoint six persons; school districts shall appoint two persons; and, special districts, not excluding dependent special districts, shall appoint two persons.

3. The commission may appoint additional members, subject to the conditions that a majority of the members of the commission consists of persons who are neither officers nor employees of any local agency.

4. Each local charter commission shall develop and adopt a plan to prescribe local government services and the financing of those services, which will be submitted to the voters on or before November 7, 2000. The plan placed before the voters must contain the following elements:

(a) Changes that will result in a reduction in the number of local government agencies and the cost of local government. The measures state: "The goal of these changes shall be to reduce the cost of local government and the number of local government agencies."

(b) Changes that will result in greater accountability to the public.

(c) Specifications that designate which local agencies are responsible for which service; the governing structure responsible for each service; and, the method of financing those services.

(d) A multi-year capital outlay plan for infrastructure needs in the jurisdiction covered by the charter and the local government agencies responsible for implementation of the capital outlay plan.

(e) The organization and administration of programs administered jointly by the State and local government agencies.

(f) The allocation of the non-school share of the property tax, Bradley-Burns Uniform Local Sales and Use Tax Law revenue, and vehicle license fee revenue.

(g) Procedures for the organization, reorganization, and boundaries of local government agencies covered by the charter.

Finally, the measures provide

for subcounty or multicounty components and specific provisions relative to general obligation bonds and new or increases in taxes with specified voter requirement.

Over the past few months, a special CSDA Task Force has been reviewing the Commission's recommendations and developing policy positions on those provisions of direct interest to special districts. Now that the Commission's recommendations have been introduced in the form of legislation, the Task Force will finalize its recommendations for presentation to the Legislature as they begin their hearings on the two measures.

A number of recommendations will receive careful attention from the Task Force. For example, what was the methodology the Commission employed to conclude that special districts should only have two representatives on the local charter commission, and why should county-governed special districts be included in the special district category versus the county category.

The Task Force will also critically analyze the Commission's language regarding the requirement that the local charter commission reduce the number of local agencies and produce cost savings. The language contained in the measures state that the changes "will result in a reduction in the number of local agencies and the cost of local government." The section containing this requirement also states: "The goal of these changes shall be to reduce the cost of local government and the number of local government agencies." Are these provisions mandates or goals, given the use of such terms as "will result" and "shall be to reduce..."

The Commission has stated publicly on numerous occasions that this provision is not designed to eliminate special districts. Given that the Commission determined that special districts need only have 2 of 15 representatives on the local charter commission, it will be interesting to see how many cities and/or counties are "reduced" as a result of the adoption of local

charter commission proposals.

Another provision contained in these measures that is certain to draw considerable attention relates to the funding for the local charter commission's activities and the costs associated with placing the new charter on the ballot. The measures provide for the State to pay 50 percent of these costs, pursuant to procedures specified by a statute not yet introduced. With only two votes on the local charter commission, the CSDA Task Force will recommend language that will provide fairness relative to the special districts' share of funding the local charter commission.

In the final analysis, CSDA will endeavor to provide the Legislature with constructive comments pertaining to those provisions that relate to special district governance and we are prepared to point out, again constructively, those provisions which we believe are structurally unfair to special districts. Given the importance of these two Constitutional Amendments, CSDA will strive to keep its member districts current regarding all legislative activities which are expected to commence in the near future.