

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

John S

REGULAR BOARD MEETING JUNE 18, 1997 7:00 P.M.
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

BOARD MEMBERS

KATHLEEN FAIRBANKS, **PRESIDENT**
ALEX MENDOZA, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**
GENE KAYE, **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 4, 1997

PUBLIC COMMENTS PERIOD

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

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. VON'S COMMERCIAL CENTER - Request for Service
Von's Development front Tefft St. between Mary St. & Hwy 101 is requesting water & sewer service.
4. PUBLIC HEARING - BLACK LAKE STREET LIGHTING
Establish a \$34.00/yr./parcel assessment to operate and maintain the street lighting at the Black Lake Golf Course Development-The proposed assessment is the same as last year
5. PUBLIC HEARING -
DISTRICT 1997-98 FISCAL YEAR BUDGET AND APPROPRIATION LIMITATION
Proposed adoption of the District's 97-98 FY Budget and Appropriation Limitation
6. PROPOSITION 218 - COMPLIANCE
District assessment, taxes and fees are in compliance with Prop. 218
7. SHORT TERM LOAN FROM TOWN DIVISION SEWER CAPACITY FUND TO DISTRICT'S PROPERTY TAX FUND
Consideration of Resolution approving a short-term loan from the Town Division Sewer Capacity Fee Fund to the Property Tax Fund for payment of construction costs

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

OTHER BUSINESS

9. MANAGER'S REPORT
 1. Report on SLO CSDA Board Meeting
10. DIRECTORS COMMENTS
11. PUBLIC COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
Conference with real property negotiator - GC §54956.8
2. Anticipated Litigation, Two Cases, GC §54956.9

*GC§ refers to Government Code Sections

ADJOURN

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

REGULAR BOARD MEETING JUNE 4, 1997 7:00 P.M.
BOARD ROOM 261 W. DANA STREET, SUITE 100 NIPOMO, CA

BOARD MEMBERS

KATHLEEN FAIRBANKS, **PRESIDENT**
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DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

CALL TO ORDER AND FLAG SALUTE

President Fairbanks called the June 4, 1997, Regular Board Meeting to order at 7:08 p.m. and led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF MAY 21, 1997

Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved the Minutes of the May 21, 1997 Regular Meeting.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

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

Jack Stoddard, President of the Black Lake Advisory committee commented on the sag in the sewer line at the Blacklake Golf Course.

Upon motion of Director Simon and seconded by Director Blair, the Board unanimously agreed to have the matter put on the agenda in the Closed Session for the next meeting.

BOARD ADMINISTRATION (The following may be discussed and acted on by the Board.)

3. PUBLIC HEARING -
ADJUSTMENT OF DISTRICT WATER CAPACITY CHARGES AND INSTALLATION FEES
Second reading of an Ordinance to increase Water Capacity Charges (Developer Fees) and Installation Fees.

President Fairbanks opened the meeting up to a Public Hearing.
There were no public comments.

Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously agreed to have Ordinance 97-86 read in title only.

Jon Seitz read the title of the ordinance and summarized it.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved Ordinance 97-86.

ORDINANCE NO. 97- 86

AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 3 AND TITLE 4 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO:

1. ESTABLISH CAPACITY CHARGES FOR WATER SERVICE;
2. AMEND ADMINISTRATIVE PROCEDURES

4. PUBLIC WATER SYSTEM FINANCIAL ASSISTANCE

Submit a pre-application request for State Drinking Water Revolving Funds.

Mr. Jones explained the need to file a pre-application form to the Department of Health Services before August 1, 1997 in order to participate in the State Revolving Fund Loan Program. The pre-application does not obligate the District to acquire a loan. Upon motion of Director Simon, seconded by Director Kaye, the Board unanimously agreed to direct staff to file the pre-application form which allows the District to be included in the initial project priority list. There were no public comments.

5. SET A PUBLIC HEARING FOR THE 1997-98 NCSD BUDGET

Set June 18, 1997 for a Public Hearing for the District's 1997-98 fiscal year budget.

The 1997-98 Fiscal Year Budget for Nipomo Community Services District has been prepared. A Study Session was held to discuss the budget. Upon motion of Director Blair, seconded by Director Kaye, the Board unanimously agreed to set a Public Hearing for June 18, 1997 for public comment.

6. SET A PUBLIC HEARING FOR THE BLACK LAKE STREET LIGHTING ANNUAL CHARGE

Set June 18, 1997 for a Public Hearing for the amount to be collected on the tax bill for operating the Black Lake Street Lighting. No increase recommended.

NCSD provides street lighting to the Black Lake Golf Course Development. In order to maintain the street lighting, an annual charge is required to be placed on each parcel for the service rendered. The existing Black Lake street lighting assessment is exempt from the compliance requirements of Prop. 218. Any future increases in the assessment would need voter approval of the property owners. The 1997-98 annual charge is the same as last year will be \$34.00 per parcel. The County of SLO adds \$2.00 per parcel handling fee, making the total annual fee billed to the parcel \$36.00. Jack Stoddard, president of the Black Lake Advisory committee, commented. Upon motion of Director Simon, seconded by Director Kaye, the Board unanimously agreed to set a Public Hearing for June 18, 1997 to hear comments on the Black Lake Street Lighting.

7. WATER RATE STUDY

Review the Request for Proposals for the Town Division water rate study.

Mr. Jones said at the previous Board meeting, the Board directed staff to prepare a Request for Proposal for a water rate study for the Town Division of the District. Mr. Stoddard commented that the Black Lake Advisory is waiting for proposals to arrive. John Snyder of 662 Eucalyptus Rd. (outside District), handed some information to the Board with suggestions for water rate analysis. Mr. Stoddard commented again. Upon motion of Director Blair, seconded by Director Simon, the Board agreed to direct staff to send out RFP with stipulation to have a joint study session with the Board to find out criteria planned to be used in water rate study.

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

Upon motion of Director Mendoza and seconded by Director Kaye, the Board unanimously approved the warrants presented at the June 4, 1997 Regular Meeting.

OTHER BUSINESS

9. MANAGER'S REPORT

Manager Doug Jones presented information on the following items.:

1. Groundwater Management Workshop
2. Foundation for Community Development Correspondence
3. Jack O'Connell State Budget briefing, June 20, 1997
4. SLO-CSDA Chapter Meeting

10. DIRECTORS COMMENTS

Bob Blair commented about the Community Design.

11. PUBLIC COMMENTS

John Snyder said the vote went positive in Santa Maria Valley Conservation District.

Mr. Seitz explained the need for the Board to go into Closed Session

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

1. NCSD vs. Shell Oil, et. al. Case No. CV 077387

*GC§ refers to Government Code Sections

The Board returned from the Closed Session with no reportable action taken.

ADJOURN

President Fairbanks adjourned the meeting at 8:43 p.m.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JUNE 18, 1997

AGENDA ITEM **3**
JUN 18 1997

VON'S COMMERCIAL CENTER
INTENT-TO-SERVE

The District received a request for an Intent-to-Serve letter for the Von's Commercial Center located on the north side of Tefft St. between Mary Ave and Hwy. 101. The proposed development will consist of a Von's Market in Pad D, a drive-thru restaurant in Pad A and a self service fuel station/drive-thru restaurant in Pad B. Associated shops would be located next to the market as shown on Pad C of the attached plan. Terry Payne, of EDA is requesting an Intent-to-Serve letter for water and sewer services to the proposed development.

It is recommended that your Honorable Board approve the Intent-to-Serve letter for the Von's Commercial Center with the following conditions to be met before final approval.

1. Submission of improvement plans to the District for review and approval, prior to commencement of construction.
2. Enter into a Plan Check and Inspection Agreement.
3. Construction of an 8-inch water line from Juniper St. next to Hwy. 101 to Tefft St., west on the north side of Tefft St. to Mary Ave., and northerly on Mary Ave. to the end of the property. The water meter size will be determined by the Uniform Plumbing Code.
4. Extend sewer line from Tefft St. in Mary Ave. to the end of the proposed project.
5. Installation of backflow prevention devices on customer side of the new water meter, as needed.
6. Installation and maintenance by property owner of appropriate grease traps for the restaurants, stores, and/or other facilities that my generate grease;
7. Submit detailed on-site improvement plans. District will determine the capacity and monthly fees.
8. Payment of all appropriate District fees.
9. Installation of a 3/4 inch PVC conduit to each meter, for future automatic meter reading capabilities.
10. Submission of an Offer of Dedication of easements and improvements, Engineer's Certification, and As-Builts for all the off-site water and sewer improvements.
11. May request reimbursement agreements, where future developments may tie-on to proposed improvements.
12. Design landscaping for minimum water use.

Upon review of this item, the Board may approve an Intent-to-Serve letter with above conditions for the Von's Commercial Center.



ENGINEERING
DEVELOPMENT
ASSOCIATES

June 12, 1997
EDA Job #2-2090-000
A.P.N. 092-134-071, 072, and 076

Nipomo Community Services District
Attn: Doug Jones
261 West Dana
Nipomo, CA 93444

Re: Site Development Plan for Vons Commercial Center

Dear Doug:

Please consider this a formal request for "can and will serve" letter for the enclosed development located at the northwest corner of Tefft and Frontage Road in the Community of Nipomo.

Please return the enclosed map with required easement, along with service availability letter to EDA, in care of Terry Payne.

If you have any questions concerning this project, please contact our office.

Thank you.

Sincerely,

ENGINEERING DEVELOPMENT ASSOCIATES



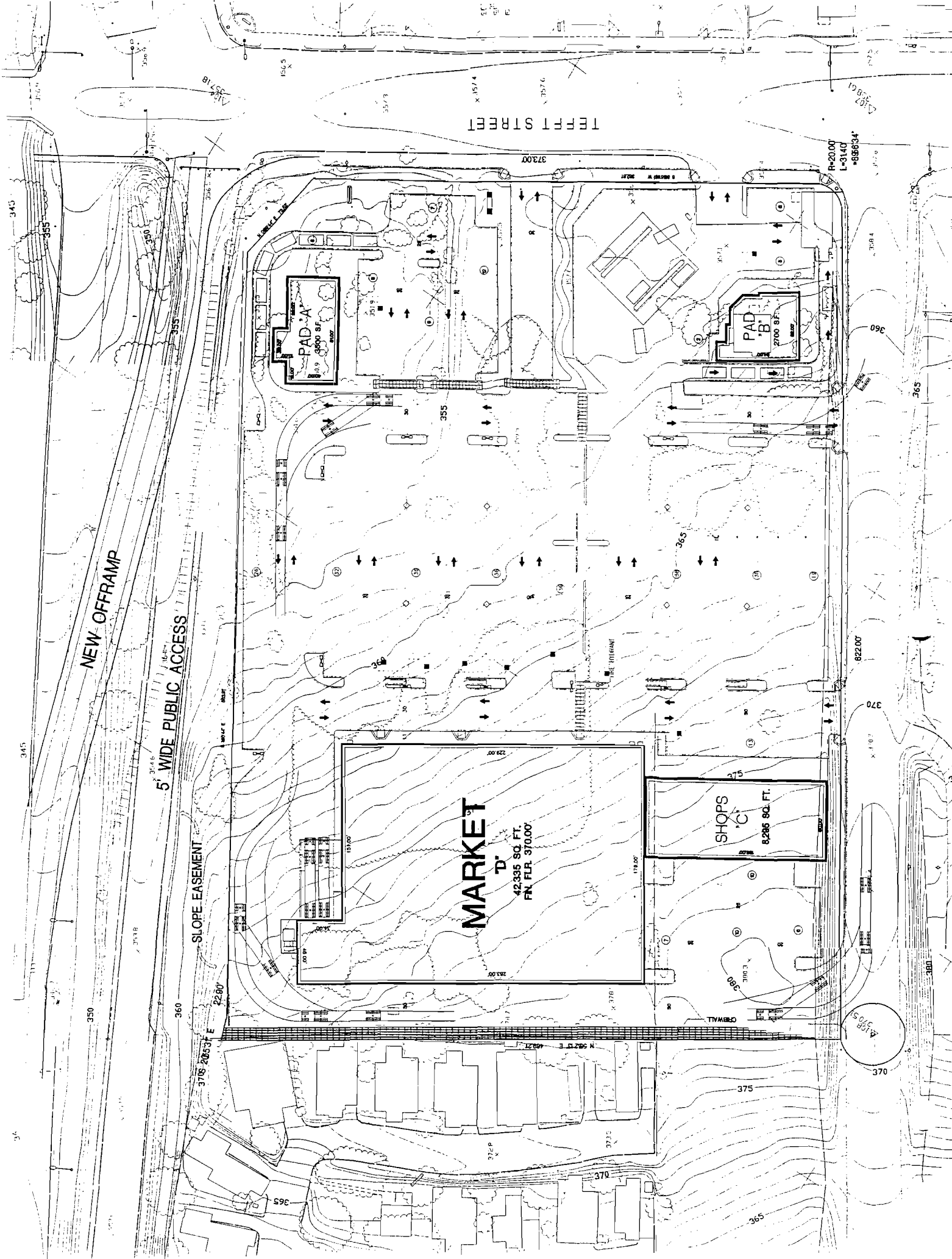
Terry Payne

Enclosure

TPVg2090ncsd.ws

PLANNING ■ CIVIL ENGINEERING ■ LAND SURVEYING

1320 NIPOMO ST. ■ SAN LUIS OBISPO, CA 93401 ■ 805-549-8658 ■ FAX 805-549-8704
744 OAK ST. ■ PASO ROBLES, CA 93446 ■ 805-237-1033 ■ FAX 805-237-3797



TEFTI STREET

NEW OFFRAMP

5' WIDE PUBLIC ACCESS

SLOPE EASEMENT

PAD A
3,000 SF

PAD B
2,700 SF

MARKET D
42,335 SQ. FT.
FN. FLR. 370.00'

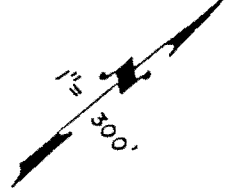
SHOPS C
8,285 SQ. FT.

R-20.00
L-31.40
-888634

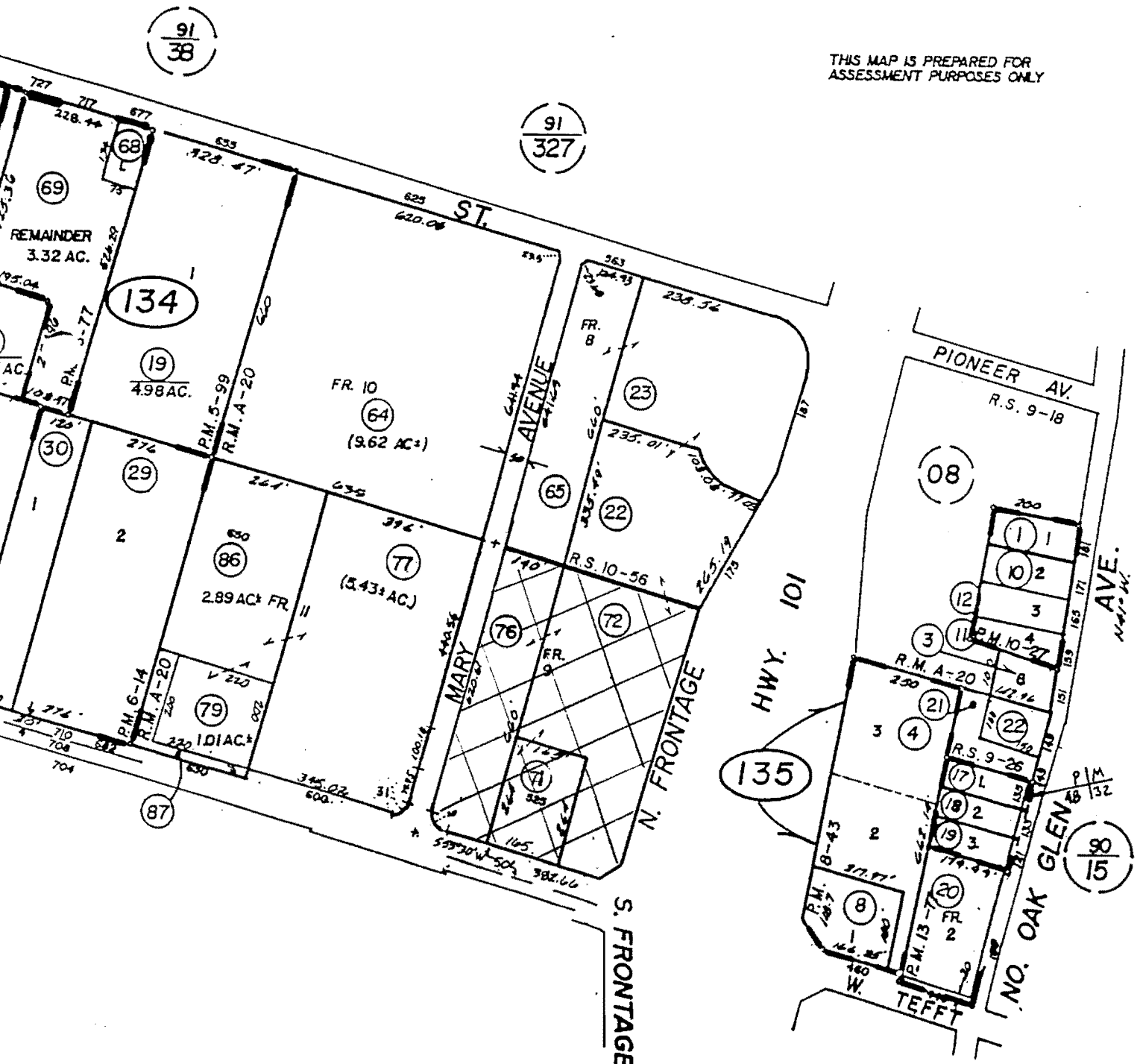
4150 SF

NI, JMO

92-134
135



THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY



JUN 18 1997

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JUNE 18, 1997

PUBLIC HEARING
BLACK LAKE STREET LIGHTING
ANNUAL CHARGES

The street lighting at the Black Lake Golf Course development is operated and maintained by the District. The funding for this operation comes from an assessment on each parcel within the Black Lake community. The proposed assessment of \$34.00 is the same as last year. This primarily covers the cost of electricity for the lighting. The County of San Luis Obispo charges an extra \$2.00 for handling the collection on the tax rolls.

Since this is an annual assessment, now is the time to hold the Public Hearing to receive public input from the areas being assessed.

After the Public Hearing, it is recommended that the Board adopt the attached resolution on the Black Lake street lighting charges.

C:\W:\BD\blstrlight.DOC

RESOLUTION NO. 97- LIGHT

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE
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 1997-98 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, based on the Staff Report and public testimony, the Board finds:

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

WHEREAS, based on the above findings, the assessments for fiscal year 1997-1998 are unaffected by Proposition 218; and

WHEREAS, this is the time and place for the public hearing for the Board to confirm the reports for collection of service charges on the 1997-98 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 97-light
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 18th day of June, 1997.

KATHLEEN FAIRBANKS, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary of the Board

Jon S. Seitz
General Counsel

BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1997-98

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
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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	091410058	\$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
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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

BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1997-98

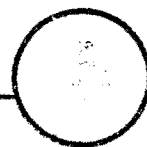
A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
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091413042	\$34.00	091415013	\$34.00	091416026	\$34.00
091413043	\$34.00	091415014	\$34.00	091416027	\$34.00
091413044	\$34.00	091415015	\$34.00	091416028	\$34.00
091413045	\$34.00	091415016	\$34.00	091416029	\$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	091419001	\$34.00
091414008	\$34.00	091415025	\$34.00	091419002	\$34.00
091414009	\$34.00	091415026	\$34.00	091419003	\$34.00
091414010	\$34.00	091415027	\$34.00	091419004	\$34.00
091414011	\$34.00	091415028	\$34.00	091419005	\$34.00
091414012	\$34.00	091415029	\$34.00	091419006	\$34.00
091414013	\$34.00	091415030	\$34.00	091419007	\$34.00
091414014	\$34.00	091415031	\$34.00	091419008	\$34.00
091414015	\$34.00	091415032	\$34.00	091419009	\$34.00
091414016	\$34.00	091415033	\$34.00	091419010	\$34.00
091414017	\$34.00	091416001	\$34.00	091419011	\$34.00
091414018	\$34.00	091416002	\$34.00	091419012	\$34.00
091414019	\$34.00	091416003	\$34.00	091419013	\$34.00
091414020	\$34.00	091416004	\$34.00	091419014	\$34.00
091414021	\$34.00	091416005	\$34.00	091419015	\$34.00
091414022	\$34.00	091416006	\$34.00	091419016	\$34.00
091414023	\$34.00	091416007	\$34.00	091419017	\$34.00
091414024	\$34.00	091416008	\$34.00	091419018	\$34.00
091414025	\$34.00	091416009	\$34.00	091419019	\$34.00
091414026	\$34.00	091416010	\$34.00	091419020	\$34.00
091414027	\$34.00	091416011	\$34.00	091419021	\$34.00
091414028	\$34.00	091416012	\$34.00	091419022	\$34.00
091414029	\$34.00	091416013	\$34.00	091419023	\$34.00
091414030	\$34.00	091416014	\$34.00	091419028	\$34.00
091415002	\$34.00	091416015	\$34.00	091419029	\$34.00
091415003	\$34.00	091416016	\$34.00	091419030	\$34.00
091415004	\$34.00	091416017	\$34.00	091419031	\$34.00
091415005	\$34.00	091416018	\$34.00	091419032	\$34.00
091415006	\$34.00	091416019	\$34.00	091419033	\$34.00
091415007	\$34.00	091416020	\$34.00	091419034	\$34.00
091415008	\$34.00	091416021	\$34.00	091419035	\$34.00
091415009	\$34.00	091416022	\$34.00	091419036	\$34.00
091415010	\$34.00	091416023	\$34.00	091419037	\$34.00
091415011	\$34.00	091416024	\$34.00	091419038	\$34.00

BLACK LAKE STREETLIGHTING CHARGES TAX YEAR 1997-98

P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE	A.P.N.	CHARGE
091419039	\$34.00	091441024	\$34.00	091444003	\$34.00	091444051	\$34.00
091419040	\$34.00	091442001	\$34.00	091444004	\$34.00	091444052	\$34.00
091419041	\$34.00	091442002	\$34.00	091444005	\$34.00	091444053	\$34.00
091419042	\$34.00	091442003	\$34.00	091444006	\$34.00	091444054	\$34.00
091419043	\$34.00	091442004	\$34.00	091444007	\$34.00	091444055	\$34.00
091419055	\$34.00	091442005	\$34.00	091444008	\$34.00	091444056	\$34.00
091419056	\$34.00	091442006	\$34.00	091444009	\$34.00	091444057	\$34.00
091419057	\$34.00	091442007	\$34.00	091444011	\$34.00	091444058	\$34.00
091419058	\$34.00	091442008	\$34.00	091444012	\$34.00	091444059	\$34.00
091440001	\$34.00	091442009	\$34.00	091444013	\$34.00	091444060	\$34.00
091440002	\$34.00	091442010	\$34.00	091444014	\$34.00	091444061	\$34.00
091440003	\$34.00	091442011	\$34.00	091444015	\$34.00	091444062	\$34.00
091440004	\$34.00	091442012	\$34.00	091444016	\$34.00	091444063	\$34.00
091440005	\$34.00	091442013	\$34.00	091444017	\$34.00	091444064	\$34.00
091440006	\$34.00	091442014	\$34.00	091444018	\$34.00	091444067	\$34.00
091440007	\$34.00	091442015	\$34.00	091444019	\$34.00	091444068	\$34.00
091440008	\$34.00	091442016	\$34.00	091444020	\$34.00		
091440009	\$34.00	091442017	\$34.00	091444021	\$34.00		
091440010	\$34.00	091442018	\$34.00	091444022	\$34.00		
091440011	\$34.00	091442019	\$34.00	091444023	\$34.00		
091440012	\$34.00	091442020	\$34.00	091444024	\$34.00		
091440013	\$34.00	091442021	\$34.00	091444025	\$34.00		
091440014	\$34.00	091442022	\$34.00	091444026	\$34.00		
091441001	\$34.00	091442023	\$34.00	091444027	\$34.00		
091441002	\$34.00	091442024	\$34.00	091444028	\$34.00		
091441003	\$34.00	091442025	\$34.00	091444029	\$34.00		
091441004	\$34.00	091442026	\$34.00	091444030	\$34.00		
091441005	\$34.00	091442027	\$34.00	091444031	\$34.00		
091441006	\$34.00	091443001	\$34.00	091444033	\$34.00		
091441007	\$34.00	091443002	\$34.00	091444034	\$34.00		
091441008	\$34.00	091443003	\$34.00	091444035	\$34.00		
091441009	\$34.00	091443004	\$34.00	091444036	\$34.00		
091441010	\$34.00	091443005	\$34.00	091444037	\$34.00		
091441011	\$34.00	091443006	\$34.00	091444038	\$34.00		
091441012	\$34.00	091443007	\$34.00	091444039	\$34.00		
091441013	\$34.00	091443008	\$34.00	091444040	\$34.00		
091441014	\$34.00	091443009	\$34.00	091444041	\$34.00		
091441015	\$34.00	091443010	\$34.00	091444042	\$34.00		
091441016	\$34.00	091443011	\$34.00	091444043	\$34.00		
091441017	\$34.00	091443012	\$34.00	091444044	\$34.00		
091441018	\$34.00	091443013	\$34.00	091444045	\$34.00		
091441019	\$34.00	091443014	\$34.00	091444046	\$34.00		
091441020	\$34.00	091443015	\$34.00	091444047	\$34.00		
091441021	\$34.00	091443016	\$34.00	091444048	\$34.00		
091441022	\$34.00	091444001	\$34.00	091444049	\$34.00		
091441023	\$34.00	091444002	\$34.00	091444050	\$34.00		

AGENDA ITEM

JUN 18 1997



TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JUNE 18, 1997

PUBLIC HEARING
Nipomo Community Services District
FISCAL YEAR 1997-98 BUDGET

On June 4, 1997, your Honorable Board held a Study Session where the proposed 1997-98 Nipomo Community Services District budget was discussed. On the same date at the Regular Board Meeting, a Public Hearing was set for June 18, 1997 on the proposed budget.

Now is the time to hold the Public Hearing on the Nipomo Community Services District Fiscal Year 1997-1998.

It is recommended that after public comment, the Public Hearing be closed and Res. No. 97-Budget, approving the 97-98 District budget be adopted. Upon adoption of the District's 1997-98 budget, it would be appropriate to adopt Resolution 97-approp, determining the appropriation limitation for the 1997-1998 fiscal year. The appropriations limitation is defined in the California Constitution, which specifies that appropriations made by local governments may increase annually by a factor of the change in population combined with the change in California per capita personal income. The District is in compliance with the appropriation limitation.

C:\W:\BD\97-approp.DOC

RESOLUTION 97-_____

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 1997-98 FISCAL YEAR BUDGET

WHEREAS, pursuant to Government Code Section 53901, the District is required to file with the County Auditor a copy of its annual budget or a listing of its anticipated revenues, together with its expenditures and expenses for the fiscal year, and

WHEREAS, the District desires to make known its planned activities and associated costs for the 1997-98 Fiscal Year.

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

1. The proposed budget entitled, "1997-98 Budget, Nipomo Community Services District," be adopted.
2. That the final budget be administered as established by past policies and practices.

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

AYES: Directors _____
NOES: None
ABSENT: None
ABSTAIN: None

the foregoing Resolution is hereby adopted this ____ th day of June 1997.

Kathleen Fairbanks, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

C:\W\RES\97-budget

RESOLUTION NO. 97-approp

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DETERMINING THE APPROPRIATION LIMITATION
FOR THE 1997-1998 FISCAL YEAR**

WHEREAS, Article XIII B of the California Constitution specifies that appropriations made by governmental entities may increase annually by the change in population and the change in the U.S. Consumer Price Index or California per-capita income, whichever is less; and

WHEREAS, it has been determined by the State Department of finance that the California per-capita income increase shall be used; and

WHEREAS, the percent change in the California per-capita income is 1.0467% and the percent change in the population of the unincorporated area of San Luis Obispo County is 1.0216%.

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

1. That the ratio of change is and is determined as follows:

$$1.0467 \times 1.0216 = 1.0693$$

2. That the 1997-98 appropriation limit is and is determined as follows:

1996-97 Limitation	\$1,699,216
1997-98 Ratio of Change	x 1.0693

1997-98 Appropriation Limitation 1	\$1,816,971
1997-98 Appropriation Subject to Limitation	(163,240)

1997-98 Appropriations Under Limit	\$1,653,731
	=====

**RESOLUTION 97-approp
PAGE TWO**

3. No further adjustment to the 1997-98 appropriation limitation has been made for mandated costs. However, any new mandated costs or increases in costs would increase the limitation amount by "Proceeds of Taxes" used to finance mandates in fiscal year 1997-98.

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 _____ day of _____ 1997.

Kathleen Fairbanks, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

AGENDA ITEM

JUN 18 1997

6

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JUNE 18, 1997

PROPOSITION 218

District legal counsel, Jon Seitz, has prepared a memorandum on the effects of Proposition 218 with respect to District operations. As outlined in the memorandum, the District is in compliance with Proposition 218. It is recommended that your Honorable Board accept into file, the memorandum concerning Prop. 218.

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JON S. SEITZ
MICHAEL W. SEITZ

SHIPSEY & SEITZ, INC.
A LAW CORPORATION
1066 PALM STREET
POST OFFICE BOX 953
SAN LUIS OBISPO, CALIFORNIA 93406
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JON S. SEITZ
District Legal Counsel
Nipomo Community Services District

JOHN L. SEITZ
(1924-1986)
GERALD W. SHIPSEY
(RETIRED)

MEMORANDUM

TO: PRESIDENT, BOARD OF DIRECTORS
MEMBERS OF THE BOARD OF DIRECTORS
NIPOMO COMMUNITY SERVICES DISTRICT

FROM: JON S. SEITZ, DISTRICT LEGAL COUNSEL

DATE: MAY 29, 1997

RE: PROPOSITION 218

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INTRODUCTION

On November 5, 1996, the California electorate approved Proposition 218, the self-titled "Right to Vote on Taxes Act." Proposition 218 adds Articles XIIIC and XIIID to the California Constitution which impose new land owner approval procedures for benefit assessments on real property and for fees and charges imposed by an agency upon a parcel or upon a person as an incident of property ownership, including user fees or charges for a property-related service. Article XIIID, Section 2(h) defines a "property related service" as a public service having a direct relationship to property ownership.

The Nipomo Community Services District (herein "District") has four major sources of revenue: assessments, ad valorem taxes (property taxes), monthly user fees, and developer fees. The purpose of this Memorandum is to review the impact of Proposition 218 on these sources of revenues.

As is often the case with new and far-reaching laws, attorneys and others disagree about the application of a number of Proposition 218's provisions. Some may argue that "property related services" include the delivery of commodity based services, such as water and sewer service. Nevertheless, until these and other issues are resolved by the Court or the Legislature, I am confident about the conclusions reached in this

memorandum.

A. ASSESSMENTS

An assessment is a charge levied on property to pay for public improvements or service that benefits the property. Assessments are usually collected on the regular property tax bill. Proposition 218 affects assessments by:

1. Establishing procedural and other requirements for the levy of new or increased assessments, including a requirement for property owner approval by a new mail ballot process; and
2. Including "stand-by" charges as assessments.

Additionally Proposition 218 (Article XIID, Section 5) includes a grandfather provision for specific assessments, if they existed on or before November 6, 1996. These assessments are exempted from the procedures and approval process of Proposition 218.

The District collects assessments from the following Assessment Districts:

(a) The Black Lake Street Lighting District. The District collects approximately \$34.00 per year per parcel to finance street lighting within the Black Lake Specific Plan. These assessments were initially imposed pursuant to a petition signed by the original developer, and are, therefore, grandfathered in under Article XIID, Section 5(b). However, subsequent increases in the amount of the assessment are subject to the procedures and ballot requirements of Proposition 218.

(b) Summit Station. The residents of Summit Station pay a special assessment on their property tax bills to finance water improvements. The revenues generated from this assessment are used exclusively to pay bonded indebtedness to finance the water improvements and are, therefore, grandfathered in under Article XIID, Section 5(c).

(c) Montecito Verde I. In June of 1991 the Montecito Verde I on-site disposal system failed, causing raw sewage to surface. This created a health and safety emergency. In response to this emergency, the District connected the Montecito Verde I disposal system to the District-Wide collection system (Town Division) and the Montecito Verde I system was abandoned. The connection of the Montecito Verde I disposal system to the District system created an obligation of the Montecito Verde residents to pay District-wide capacity/connection fees. In order to assist these residents in financing this obligation, the District offered the property owners the ability to participate

in a Zone of Benefit District. This allowed the property owners to finance the obligation over a ten year period, with the yearly obligation being collected as an assessment on their property tax bills.

These assessments were imposed pursuant to a contract signed by the owners of the property with the proceeds being used exclusively to finance the capital costs of connecting to the Town Division sewer system and are, therefore, grandfathered in under Article XIIID, Section 5(a)(b).

(d) Folkert Oaks Standby Charges. Folkert Oaks is a 56 lot mobile home subdivision. The District collects monthly charges from the property owners to maintain the on-site septic sewer system. These fees include a \$3.00 charge for undeveloped property. Proposition 218, Article XIIID, Section 6(b)(4) classifies "standby charges" as assessments.

The revenues collected by this assessment are used exclusively to finance the maintenance and operation of the Folkert Oaks sewer system, and are, therefore, grandfathered in under Article XIIID, Section 5(a). However, subsequent increases in the amount of the assessment are subject to the procedure and ballot requirements of Proposition 218.

B. PROPERTY TAXES

Property taxes and other property related taxes that survived the passage of Proposition 13 are ad valorem taxes. In June of 1992, the District collected approximately \$222,500 in property taxes annually. Because of the State budgetary crisis, approximately \$80,000 of these revenues have been shifted to the State. The District now collects approximately \$140,000 per year in property taxes. Additionally the District collects approximately \$12,000 per year from the Folkert Oaks Sewer Maintenance District, and Drainage Maintenance District. The Folkert Oaks Sewer Maintenance District and Drainage Maintenance District were formed prior to the enactment of Proposition 13.

Article XIIID, Section 3(a)(1), specifically exempts ad valorem property taxes from the guidelines of Proposition 218. Therefore, these taxes are not affected by the passage of Proposition 218.

C. DEVELOPER FEES

The District collects developer fees in the form of connection/capacity charges, annexation fees, and inspection and dedication fees. These fees and charges are imposed as a condition of property development and are specifically excluded from the procedural and approval processes of Proposition 218

under Article XIIID, Section 1(b).

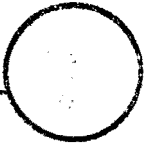
4. USER FEES

The District collects monthly user fees from District residents for water and sewer service. Pursuant to District ordinance, delivery of water and sewer service is metered and delivered only upon the request of District residents. These fees and charges relate directly to the use of a product or service and are not directly related to property ownership. Therefore, these fees are not affected by Proposition 218.

END OF MEMO

AGENDA ITEM

JUN 18 1997



TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JUNE 18, 1997

APPROVAL OF SHORT-TERM LOAN FROM THE
TOWN DIVISION SEWER CAPACITY FUND TO THE PROPERTY TAX FUND

The District is in the process of completing the new office building. The progress payments on the building have been made from the District's Property Tax Fund. As of May 31, 1997, the balance in the Property Tax Fund is \$50,803. The contractor has submitted a progress payment in the amount of \$71,018.95. Therefore, the Property Tax Fund has insufficient funds to make this payment. In addition, there is approximately \$120,000.00 in progress payments and retainage remaining on the building that will be disbursed by September 1997.

The County Auditor's Office estimates that the District will receive approximately \$155,000.00 for the 1997-98 tax roll year. These funds will come to the District in November 1997 and April 1998.

In order to make the final progress payments and retainage payments to the contractor, staff is recommending that a loan be made to the Property Tax Fund from the Town Division Sewer Capacity Fund. As of May 31, 1997, this fund has a balance of \$1,870,268. This fund has the ability to make a short-term loan to the Property Tax Fund. It is recommended that the interest rate be set at the same rate the District is receiving from L.A.I.F rounded up to the next whole number. Over the last six months L.A.I.F. has been averaging 5.585% interest rate. The Town Division Sewer Capacity Fund would be repaid in full by April 1998 plus interest of approximately \$3,600.

Attached is a Resolution for the Board's consideration authorizing the Finance Officer to process the loan as needed whereby the loan shall not exceed \$120,000 and be repaid to the Sewer Capacity Fund within twelve months at 6% interest.

RESOLUTION NO. 97- LOAN

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING A SHORT-TERM LOAN FROM THE TOWN DIVISION SEWER CAPACITY
FUND TO THE DISTRICT'S PROPERTY TAX FUND

WHEREAS, the District has been renting office space for the administration of District business and is now finishing construction of a new office building on District property for the community, and

WHEREAS, property taxes collected by the District are designated to pay for the construction of the new office building, and

WHEREAS, the Property Tax Fund has insufficient funds to make final construction payments for the new office building, and

WHEREAS, the Town Division Sewer Capacity Fund has sufficient reserves to complete the anticipated payments for the new office building, and

WHEREAS, future property tax revenue will be available to repay the Town Division Sewer Capacity Fund within the next 12 months, and

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

1. The Town Division Sewer Capacity Fund shall make available \$120,000.00 for the completion of the new office building
2. Property tax revenues shall repay the Town Division Sewer Capacity Fund within the next 12 months at an interest rate of 6% per annum
3. The District's Finance Officer is authorized to transfer funds consistent with this Resolution

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 18th day of June 1997.

Kathleen Fairbanks, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel