

# NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

*John S*

*27  
23  
440  
1997*

REGULAR BOARD MEETING JULY 11 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 JULY 2, 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. BLACK LAKE TRACT 2264 - INTENT TO SERVE  
Continued item to review wording for the Intent-to-Serve letter.
4. TRACT 2210 - REQUEST FOR REFUND  
Developer request for refund of sewer & water capacity fees for Tract 2210.
5. OAKGLEN-MALLAGH - WATER LINE IMPROVEMENTS - EIR  
Consideration to approve a draft negative declaration for proposed water line between Oakglen & Mallagh. Set Public Hearing for August 20, 1997.
6. RATE STUDY PROPOSALS  
Establish a committee to review proposals from consultants for a rate study for Town Division.

## **FINANCIAL REPORT**

7. APPROVAL OF WARRANTS
8. SECOND QUARTER INVESTMENT REPORT  
Review District's Second Quarter Investment Report

## **OTHER BUSINESS**

9. MANAGER'S REPORT
  1. American Desalting Association Conference / *12th State water*
  2. AWWA Water Resources Conference
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

\*GC§ refers to Government Code Sections

## **ADJOURN**

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

REGULAR BOARD MEETING JULY 2, 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**

Vice-President Mendoza called the meeting to order at 7:07 p.m. and led the flag salute.

### **ROLL CALL**

At Roll Call the following Board members were present:  
Directors Kaye, Blair, Simon and Mendoza

### **APPROVAL OF MINUTES**

1. **REGULAR MEETING OF JUNE 18, 1997**  
Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved the Minutes of the June 18, 1997 Regular Board meeting.

### **PUBLIC COMMENTS PERIOD**

2. **PUBLIC COMMENTS**  
Public comments on matters other than scheduled items. Presentations limited to three (3) minutes  
Vice-President Mendoza asked for public comments. There were none.

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

3. **BLACK LAKE TRACT 2264 - INTENT TO SERVE**  
The Black Lake Specific Plan is being revised to increase the residential lots to 57 from 13. The request for service is for 57 lots.  
President Fairbanks arrived at 7:12 p.m. and took over the chair.  
Mr. Jones explained that a request was received from the developer of Tract 2264, the Black Lake Estates, for an Intent-to-Serve letter for an additional 44 lots from the original 13 lots. He described the conditions of the draft Intent-to-Serve.  
Jack Stoddard, Pres. of the Black Lake Management Association, commented.  
John Scardino, Managing Partner of the Black Lake Estates Partners, spoke in opposition to some of the conditions of the letter, including the capacity fees, the reimbursement fees and the well conditions.  
Brad Brechwald, John Wallace & Associates, the consulting engineer for Tract 2264, explained the engineering analysis used in calculating capacity fees.  
District Legal Counsel, Jon Seitz, addressed each issue. The District cannot promise water that it does not have available. He suggested that the parties involved (Tracts 1912, 2151, 2264 and the District) meet together to discuss and come to an agreement.  
Director Kaye suggested to continue this item until July 16, 1997.  
Mr. Scardino commented more.  
Jim Garing, District engineer, explained Title 22. The District cannot incur service without a sufficient water supply.  
Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously agreed to table this item until July 16, 1997.

4. **BLACK LAKE DIVISION 97-98 FY BUDGET MODIFICATION**

Resolution modifying Black Lake Division sewer and capital expenditures budget.

Lisa Bognuda, Assistant Administrator, explained the modifications made to the Black Lake portion of the budget.

Jack Stoddard commented.

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved Resolution 97-617, modifying Nipomo Community Services District 97-98 Fiscal Year Budget.

**RESOLUTION 97- 617**

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

5. **SENATE BILL 712 - GOLETA SANITARY DISTRICT**

Goleta Sanitary District is requesting support for SB 712- voter approval before consolidation of districts.

Mr. Jones explained that Goleta Sanitary District asked for support from the District for Senate Bell 712. Jon Seitz explained the reason for the implementation of the bill. Upon motion of Director Blair, seconded by Director Kaye, the Board unanimously agreed to have staff write a letter in support of SB 712.

**FINANCIAL REPORT**

6. **APPROVAL OF WARRANTS**

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the July 2, 1997 meeting.

**OTHER BUSINESS**

7. **MANAGER'S REPORT**

Manager, Doug Jones, presented information on the following:

1. Election of Special Distr. Risk Mgt. Authority Board of Directors  
Director Kaye suggested that this item be tabled.
2. California Water Journal articles
3. California Special Dist. Assoc. upcoming events

8. **DIRECTORS COMMENTS**

Director Kaye reported on the Chamber meeting held Thurs. June 26 in reference to the use of the new board room.

President Fairbanks suggested a sub-committee meeting with Tract 2264.

Director Mendoza agreed.

9. **PUBLIC COMMENTS**

There were no public comments.

**CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL**

The closed session was canceled.

**ADJOURN**

President Fairbanks adjourned the meeting at 8:53 p.m.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JULY 16, 1997

TRACT 2264  
INTENT-TO-SERVE

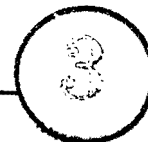
At the Board meeting of July 2, 1997, your Honorable Board tabled this item so that wording of the Intent-to-Serve letter could be reviewed by legal counsel, the developer and District staff. District legal counsel and the engineer have been on vacation this past week. If the wording has not been modified to the satisfaction of all parties, it is recommended that this item be continued to the next regular Board meeting.

The County Planning Department staff has indicated that the proposed change to the Black Lake Specific Plan is scheduled for August 12, 1997 Board of Supervisors meeting. At this time, the Board of Supervisors will make a determination whether or not this item should proceed. If the Board of Supervisors approves the proposal, it will then go through the County Planning process and come back to the Board of Supervisors for final approval.

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TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JULY 2, 1997

AGENDA ITEM  
JUL 2 1997



TRACT 2264  
BLACK LAKE ESTATES II  
INTENT - TO - SERVE

A request was received at the District for an Intent-to-Serve letter for Tract 2264 at the Black Lake Estates. The request was from Mr. Brad Brechwald, John Wallace & Associates, representing the Black Lake Management Assoc. This tract has 63 parcels, including 57 single family residential lots and six (6) open spaces or common area parcels. The Association is asking the County to change the residential density from 13 to 57 lots, which will take an amendment to the Black Lake Specific Plan Development. The amendment to the Specific Plan is scheduled to go to the County Planning Commission.

The Black Lake wastewater facility, associated with Tract 1912, is in the final stages of completion. It is anticipated that a new water well will be on line by June 1998, of which 200 gpm will be allocated to the Black Lake Development.

The Black Lake Advisory Committee reviewed the conditions at their meeting on Friday, June 20, 1997, and had some concerns about the District's future water supply with respect to Tract 2264 going forward.

If the Planning Commission and the Board of Supervisors approve the amendment to the Black Lake Development, it is staff's recommendation that your Honorable Board approve the attached draft Intent-to-Serve letter for Tract 2264.

Upon review of these items, your Honorable Board may approve an Intent-to-Serve with the District's conditions and standard language for Tract 2264.

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John L. Wallace & Associates  
*Civil Engineering • Surveying • Planning*

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June 12, 1997

Doug Jones  
General Manager  
Nipomo Community Services District  
261 West Dana Street  
Nipomo, California 93444

Subject: Black Lake Tract 2264

Dear Mr. Jones:

Attached is a copy of the Vesting Tentative Map for Tract 2264 including 57 single family residential lots within the Black Lake Specific Plan. As you are aware, this is being provided for your review relative to the recently requested will-serve submitted by the Black Lake Management Association. Please call us if you have any questions or comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Brad Brechwald'.

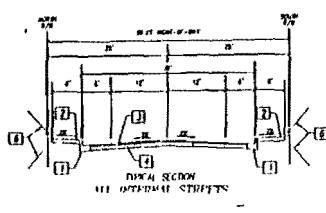
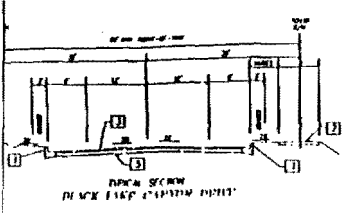
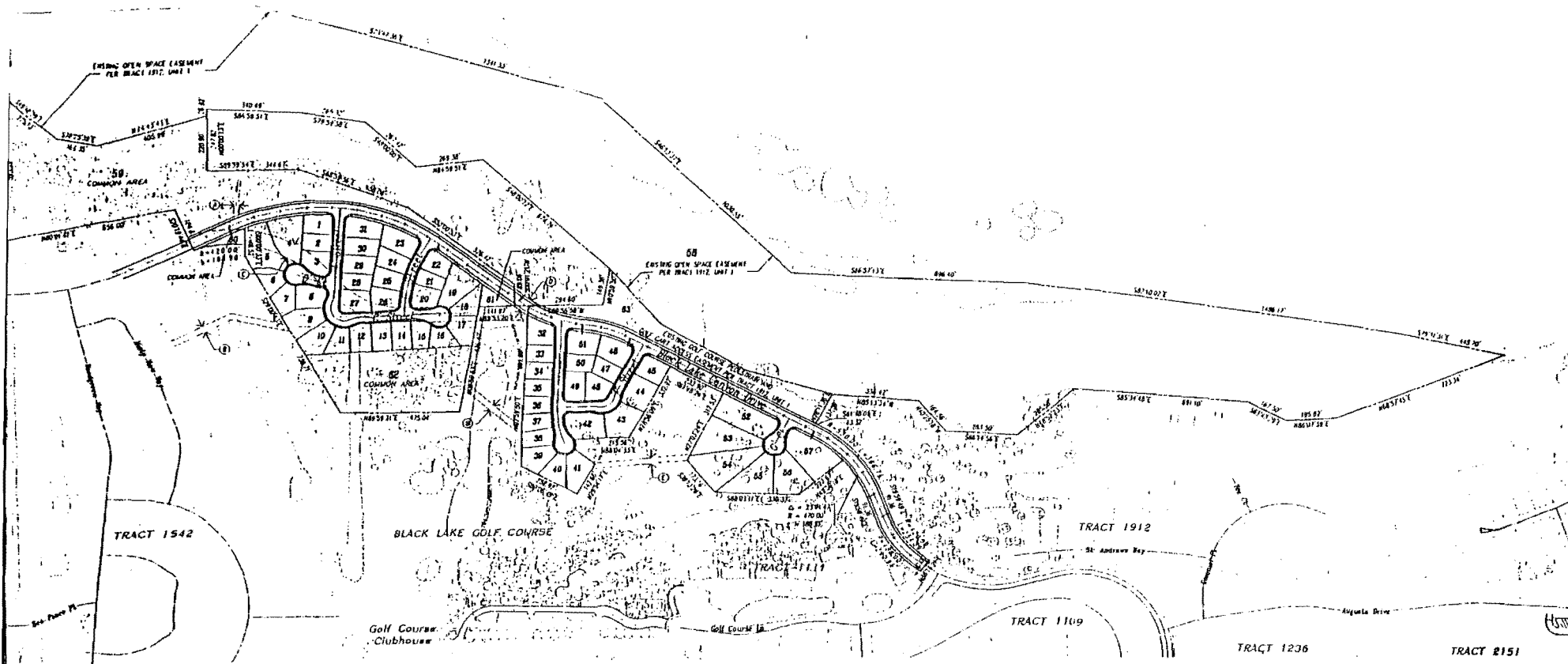
Brad Brechwald  
Senior Engineer

cc: Jack Stoddard, Black Lake Management Association  
Carlo Alfano, Black Lake Estates Partners  
259/jones

RECEIVED

JUN 16 1997

NIPOMO COMMUNITY  
SERVICES DISTRICT



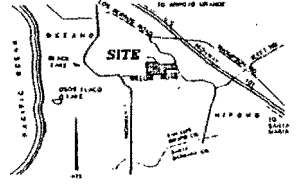
**NOTES**

1. THIS TENTATIVE MAP IS SUBMITTED IN CONFORMANCE WITH A ONE PAGE DEVELOPMENT PLAN.
2. EXISTING TOPOGRAPHY (SHOWN ON DEVELOPMENT PLAN SHEET 2) WAS TAKEN FROM AN AERIAL TOPOGRAPHIC MAP PRODUCED BY GEORGE STAR JEROME SURVEYS, INC. DATED 11/20/69 WITH AS-BUILT ALTERATIONS FROM CONSTRUCTION DURING 1973-1977. THE CONTOUR INTERVAL IS 1 FOOT.
3. THE EXISTING LAND USE DESIGNATION IS "RECREATION" FOR THE BLACKLAKE GOLF COURSE AREA AND IS GOVERNED BY THE BLACKLAKE SPECIFIC PLANNING ACT (1973-1977).
4. WHERE ARE EXISTING DRES WITHIN THE DEVELOPMENT AREA, EVERY EFFORT SHALL BE MADE TO PRESERVE ALL DRES AND TO REPAIR A DRAIN DRAINAGE GREATER THAN OR EQUAL TO 4" SHALL BE REMOVED WITHOUT FIRST OBTAINING APPROVAL FROM THE COUNTY OF SAN LUIS OBISPO. UNLESS OTHERWISE SHOWN ON THE APPROVED TENTATIVE MAP OR DEVELOPMENT PLAN FOR THE SITE. SEE DEVELOPMENT PLAN FOR ADDITIONAL NOTES ON TREE REMOVAL AND CRATING AROUND EXISTING DRES.

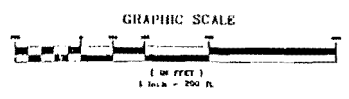
**EASEMENT LEGEND**

- ① EXISTING 20' GOLF COURSE PEDESTRIAN AND GOLF CART ACCESS EASEMENT PER TRACT 1912, UNIT 1.
- ② PROPOSED 25' SEWER EASEMENT ACROSS EXISTING GOLF HOLE.
- ③ EXISTING 60' EASEMENT TO THE CO. OF SAN LUIS OBISPO PER TRACT 1236 TO BE ABANDONED.
- ④ EXISTING 60' EASEMENT OF INTERSECTION PER TRACT 1912, UNIT 1.
- ⑤ EXISTING 25' SEWER EASEMENT ACROSS EXISTING GOLF HOLE PER TRACT 1912, UNIT 1.

**VICINITY MAP**



Being a subdivision of the Remainder Parcel of Tract 1912, Unit 1 in the County of San Luis Obispo, State of California, as recorded in Book 17 of Maps of Page 33.  
**PROPERTY TOTALS 97.49 ACRES**  
 APN 091-411-021



**BLACKLAKE**  
 PHASES 4 AND 5  
 IMPERIAL BANK  
 9920 South La Granga Blvd. San Diego, California 92126  
 (619) 477-3000 FAX (619) 477-3400

**TRACT 2264**  
**VESTING TENTATIVE MAP**  
**BLACKLAKE ESTATES II**  
 JUN 13 1990  
 SHEET 1 OF 2

# NIPOMO COMMUNITY SERVICES DISTRICT

P O BOX 326 NIPOMO, CA 93444  
(805) 929-1133 FAX (805) 929-1932

July 3, 1997

Brad Brechwald  
John Wallace & Associates  
4115 Broad St., Suite B-5  
San Luis Obispo, CA 93401

**DRAFT**

SUBJECT: TRACT 2264  
INTENT TO SERVE  
57 LOTS

At their Regular Meeting on July 2, 1997, the Board of Directors of the Nipomo Community Services District considered your request for water, sewer and streetlighting service for Tract 2264. The Intent-to-Serve for 57 residential lots was granted subject to the following conditions:

1. SLO County must approve an amendment to the Black Lake Specific Plan (63 Parcels).
2. Submit improvement plans to the District for review and approval prior to commencing construction.
3. Enter into a Plan Check & Inspection Agreement.
4. Pay all appropriate District fees, including capacity fees for water and sewer.
5. Pay reimbursement fees, if any.
6. Submit an Offer of Dedication, Engineer's Certification, and As-Builts for all the off-site water and sewer improvements.
7. Design the common areas and other landscaped areas for minimal water use.
8. The expansion of the Black Lake Wastewater Facility (associated with Tract 1912) shall be completed before a final Will-Serve is approved.
9. Provide District with a ballot signed by all landowners agreeing to join Black Lake Streetlighting Assessment District at current charges, pursuant to Proposition 218.
10. Street lighting poles and heads shall be maintained by the utility company, P.G. & E., under their Rate Code LS1D.



Brad Brechwald  
John Wallace & Associates  
Tract 2264  
July 3, 1997  
Page Two

**DRAFT**

The District is presently proceeding to increase its water production capacity and may not issue a final Will-Serve until such capacity is realized.

**The County Planning & Building Department is directed to withhold the building permit until the District's fees have been paid.**

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

**A ONE YEAR EXPIRATION DATE IS IN EFFECT.**

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

Doug Jones  
General Manager

**DRAFT**

cc: Black Lake Management Association

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M E M O

TO: Doug Jones, District Manager

DATE: June 25, 1997

FROM: Jim Garing, District Engineer *Jim*

SUBJECT: Will Serve Letters for New Development in Black Lake and Town Divisions

=====  
During discussions regarding drilling the third well or constructing an inter-tie between the Black Lake Division and the Town Division, it became clear that both the Black Lake Division and the Town Division are deficient in well pumping capacity. During these discussions, it was decided that the best solution to the problem would be for the Town Division and the Black Lake Division to partner a project which would involve constructing a well capable of 700 (+/-) gallons per minute, of which 200 gallons per minute would be dedicated to the Black Lake Division and 500 gallons per minute would be dedicated to the Town Division.

During recent discussions at two Board Hearings regarding water capacity fees, the Board was reminded that the Town Division is deficient in well pumping capacity as described in the Boyle Report and also by virtue of recent experience during summer, high demand periods. We have experienced periods when every well in the Town Division was operating, yet water level in all storage tanks was declining.

Title 22 of the California Health and Safety Code states in part that, under basic design of water distribution systems, distribution systems shall be designed to minimize the effects of events such as power supply, equipment, and structural failures, earthquakes, fires, floods and sabotage that are reasonably foreseeable. In addition, Title 22 states that sufficient water shall be available from the water sources and distribution reservoirs to supply adequately, dependably and safely the total requirements of all users under maximum demand conditions before agreement is made to permit additional service connections to a system.

Although the District is currently budgeting for facilities to satisfy the deficiencies described above, it is possible that new development could be connected prior to actual availability of these facilities. Since that is the case, it would be wise to condition will serve letters being provided to new development with a condition that actual service will not be provided until such time as these new well pumping facilities are available and operational.



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JULY 16, 1997

TRACT 2210  
REFUND OF SEWER CAPACITY CHARGES

Tract 2210 is a 10-lot residential and a 5-lot commercial sub-division located at the intersection of Frontage Rd. and Southland. Mr. Ayyar, the developer/contractor, partially installed water and sewer improvements, as indicated on the improvement plans. There are deficiencies in the installation which need to be corrected before the project is complete. The corrections needed in the improvements are as follows:

Water

1. Complete water main on Frontage & Southland.
2. Set grade in water services and set boxes
3. Finish air vac
4. Raise valves and pour concrete collars
5. Retest & Bacti water main
6. Pave

Sewer

1. Fix sag in main line (determined by TV camera inspection)

The developer was notified of these deficiencies. To date, the deficiencies have not been corrected and the project has not been completed.

Mr. Raj Ayyar is requesting a refund of the sewer and water capacity fees paid for ten (10) lots to be developed in Tract 2210. Mr. Ayyar, the developer, is abandoning this development and is, therefore, requesting a refund of capacity fees. District Code Section 4.160.030 on sewers (codified from Ord. 86-49) addresses refunds of sewer capacity fees in the amount of 50%. The District Code on Water does not have a provision to refund water capacity fees. Mr. Ayyar argues that since the District has a refund associated with sewer capacity fees, it should also do the same for its water capacity fees. (see attached correspondence from Mr. Ayyar.) The following capacity fees have been paid on Tract 2210:

Sewer Capacity Fee	\$2100	times 10 lots =	\$21,000.00
Water Capacity Fee	\$2055	times 10 lots =	\$20,550.00

There is an outstanding bill of \$735.45 for construction water. This would reduce the refund for the sewer capacity fee of \$10,500 to \$9,764.55.

The following options are suggested to the Board.

1. Refund one-half of the Sewer Capacity Fees as stated in Code Section 4.160.030 less the outstanding bill for construction water and refund no water capacity fees.
2. Refund one-half of the Sewer Capacity Fees as stated in Code Section 4.160.030 less the outstanding bill for construction water and refund the Water Capacity Fees in the amount of 50% of that paid.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JULY 16, 1997

TRACT 2210  
REFUND OF SEWER CAPACITY CHARGES  
PAGE TWO

A copy of Ord. 86-49 is attached for the Board's review. This ordinance was established during the construction of the District-wide sewer program.

**Section 3: Refunds; Rights Run With Land For Non-Refundable Portion**

"...the District shall limit the refund of sewer system fees as follows:  
A. Volunteer property - 50% refund.  
B. Non-volunteer property - 50% refund.  
C. Property annexed hereafter - No refund.

For any sewer system fees not refunded under the above formula, the District shall, for a period of ten years thereafter, give credit for the unrefunded fees against any sewer system fees charged for subsequent development projects on the same property."

In the future, a major project may come into being where the capacity fees are paid and those capacity fees are expended on infrastructure to support such a development. If a developer wishes a refund, the capacity account may not have sufficient funds and will need to borrow from another account to pay the refund.

Staff recommends that Option #1 be adopted.

It is also recommended that Code Section 4.160.030 be repealed.

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# **Ayyar Real Estate Land Development**

June 27, 1997

To: Nipomo Community Services District  
Attn: Mr. Doug Jones  
General Manager

Via Fax: 929-1932

From: Raj Ayyar

RE: The inclusion of a request for a refund of 1/2 of the \$20,550 in Water Hookup Fees paid on Tract 2210, to my current request, in process, for a refund of 1/2 of the Sewer Fees Paid on Tract 2210, scheduled to be heard by the NCSD Board of Directors at their 7/1/97 meeting

Dear Doug:

Pursuant to your instructions regarding the above referenced matter, I am hereby making the following formal request to the Nipomo Community Services District Board of Supervisors, for your kind consideration at their next meeting:

**Request to the Nipomo Community Services District, for the inclusion of a "Refund of Water Fees Paid" request, to the "Refund of Sewer Fees Paid" request currently in process, regarding Tract 2210, Nipomo:**

1. Inasmuch as a refund for 50% of Sewer Hookup fees paid by me on Tract 2210, Nipomo, is scheduled for consideration by the NCSD Board at their 7/1/97 meeting, pursuant to NCSD Code Section 4.160.30; and
2. Inasmuch as these 10 Sewer Hookup fees on the subject tract were paid by me concurrently with the payment of 10 Water Service Hookup fees on the same 10 R-1 lots of Tract 2210; and
3. Inasmuch as the enclosed "Agreement Affecting Real Property" document, which has been approved by the Nipomo Community Services District for execution by me, in conjunction with the issuance of a 50% refund of the above referenced Sewer Hookup fees paid on Tract 2210, covers, references, and includes both the

**Sewer and the Water Hookup fees that have been paid the NCSD to date, on the subject Tract 2210 development; and**

- 4. **Inasmuch as there does not appear to be a clearly defined corresponding provision, in the current NCSD Code Manual, to Section 4.160.30 referenced above ( regarding the refunding of Sewer Hookup fees paid), which governs the handling of a request for the refund of Water Hookup fees paid, on a tract or development; and**
- 5. **Inasmuch as the situation, circumstances, and parameters regarding the request in process, for a refund of Sewer Hookup fees paid on Tract 2210, are analogous , and identical in virtually all aspects, to the request for a refund of the Water Hookup fees paid on Tract 2210 currently being made herein, including with regards to the following facts:**
  - A. **They were both paid by my same Check #1036, Acct. # 101-104985, drawn on First Valley Bank**
  - B. **They were both paid on the same date, 8/18/95**
  - C. **They were both paid for Water and Sewer hookup service fees for the exact same 10 R-1 lots, namely Lots 1-10 of Tract 2210, Nipomo**

**In light of the above, I hereby respectfully request that the NCSD Board of Directors approve my request herein for a refund of the above referenced Water Hookup fees paid on Tract 2210, under the same terms and conditions of NCSD Code Section 4.160.30, which my current request for a refund of Sewer Hookup fees paid on the subject Tract 2210 is being processed under, namely a refund of 50% of said Water Hookup fees paid, with a credit for a period of ten years thereafter, of the unrefunded fees, against any Water Hookup connection fees charged for subsequent developments on the same property.**

**Doug, under the above referenced , scenario, I believe the following analysis would apply to this matter:**

**REFUND OF SEWER FEES PAID ON TRACT 2210**

<b>AMOUNT OF SEWER HOOKUP FEES PAID:</b>	<b>\$21,000</b>
<b>ONE HALF AMOUNT REFUNDED:</b>	<b>\$10,500</b>

<b>LESS CONSTRUCTION WATER METER BILLING:</b>	<b><u>-\$735.45</u></b>
<b>NET REFUND OF SEWER FEES PAID TO ME:</b>	<b><u>\$9,764.55</u></b>
<b>10 YEAR CREDIT AGAINST FUTURE SEWER FEES CHARGED ON THE SAME PROPERTY:</b>	<b><u>\$10,500</u></b>
<b><u>REFUND OF WATER FEES PAID ON TRACT 2210</u></b>	
<b>AMOUNT OF WATER HOOKUP FEES PAID:</b>	<b>\$20,550</b>
<b>ONE HALF OF THIS AMOUNT REFUNDED:</b>	<b>\$10,275</b>
<b>NET REFUND OF WATER FEES PAID TO ME:</b>	<b><u>\$10,275</u></b>
<b>10 YEAR CREDIT AGAINST FUTURE WATER FEES CHARGED ON THE SAME PROPERTY:</b>	<b><u>\$10,275</u></b>
<b><u>TOTAL WATER &amp; SEWER FEES REFUND AMOUNT :</u></b>	<b><u>\$20,039.55</u></b>

Doug, as you know, the final draft approved by you, of the "Agreement Affecting Real Property" document, which I will be executing in favor of the NCSD regarding this matter, already includes, and addresses, the Water fees paid on the subject Tract 2210 development (as stated above), so I don't believe any changes are necessary to the current final draft of this document, with regards to the inclusion of the above referenced refund request for the Water fees paid on Tract 2210, which I am herein requesting be processed concurrently with the "Sewer fees paid on Tract 2210" refund request we have been working on these past few weeks, for presentation to the NCSD Board at their 7/1/97 meeting.

Nevertheless, I will be more than happy to make any changes you may request to either the "Agreement Affecting Real Property" document enclosed, or the above presented "Request to the Nipomo Community Services District for the inclusion of a Refund of Water Fees Paid, to the Refund of Sewer Fees Paid Request, currently in process on Tract 2210, Nipomo" statement, should you desire same after your review of the above.

**I look forward to hearing from you at your earliest convenience after your review of this transmittal, Doug, and do hope it represents something along the lines you expected to receive from me, when we discussed my making a formal request to include a refund of the Water fees I paid on Tract 2210, to my existing request for a refund of Sewer fees paid regarding same.**

**Once again, Doug, many thanks for your kind consideration, and prompt attention, regarding the resolution of the above referenced matter in the immediate future.**

**With continuing best regards, I remain**

**Very Truly Yours,**

  
**Rajan Ayyar**  
**President**

**RA/sa**  
**encl:**

**[gtinNCSDS]**



EXPENSES PAID TRACT 2210 10 - R1 RESIDENT LOT

RAJAN AYYAR  
P.O. BOX 63  
LOMPOC, CA 93438

EXPLANATION	AMOUNT
10 Sewer Hook up	4,250.00
10 Water Meter	20,557.00

90-3259/1222

1036

PAY AMOUNT OF

Forty one thousand five hundred fifty DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	CHECK NO.	UNIT NO.	DESCRIPTION
8/15/95	Nipomo Community Sewer Dist	1036		10 Sewer Hook up Tract 2210 10 Water Meter for 2210

\$ 41,557.00

TRACT 1759/2210 10 Sewer Hook Ups  
10 Water Meter R-1 Lot  
SOUTH HAVEN AVE  
MPOMO

FIRST VALLEY BANK  
200 NORTH H STREET LOMPOC, CA 93436

⑈001036⑈ ⑆122232552⑆ 101⑈104985⑈

**RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:**

Nipomo Community Services District  
P. O. Box 326  
Nipomo, Ca. 93444  
APN No. 092 - 153 - 006  
Documentary Transfer Tax: None

[nip976455]

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**AGREEMENT AFFECTING REAL PROPERTY**

It is hereby acknowledged to be true and correct, as of the date of execution of this document, by the undersigned owner of that certain real property, consisting of approximately 9.6 acres of vacant land, located in the Community of Nipomo, County of San Luis Obispo, State of California, also known as Tract Map 2210, and more specifically described as follows:

"Lot 5 of F. A. Dana's Subdivision of a part of Lot 26, H. C. Ward's Subdivision of Rancho Nipomo, in the County of San Luis Obispo, State of California, according to the map filed for record on September 1, 1887 in the Office of the County Recorder of said County,

Excepting therefrom that portion of Lot 5 conveyed to the State of California by Deed dated October 4, 1955 in Book 825 at Page 41 in Official Records of said County and State."

For the benefit of the Nipomo community Services District, or its successor, the undersigned owner of the subject property hereby confirms the following, with regards to the on-site and off-site Tract 2210 final map improvements, which have been partially constructed on the subject property, and the individual lots which will be created upon completion and acceptance of these Tract 2210 final map improvements, and recordation of the final map for Tract 2210:

1. That all the Nipomo Community Services District water and sewer fees have not been paid.
2. The off-site water and sewer improvements have not been approved or accepted by the District.
3. The Nipomo Community Services District reserves the right to amend or modify the plans and specifications for Tract 2210 or its successor.
4. The intent-to-serve letter for this Tract is revoked.

Dated July 1, 1997

STATE OF CALIFORNIA  
COUNTY OF Santa Barbara

On July 1, 1997 before me,  
Angelica Villanueva a Notary Public

In and for said County and State, personally  
appeared Rajan Ayyar

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

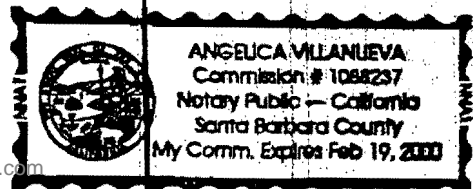
Signature Angelica Villanueva

"Owner"

PRINCESS EQUITIES, INC.,  
a California Corporation

BY: [Signature]

Rajan Ayyar, President



**4.16.020 Board discretion to provide earlier sewer service.**

Nothing in this chapter shall be construed or applied at any time to prevent the district from providing sewer service to nonvolunteered or annexed property earlier than the expiration of the twelve-month period if the district's board of directors adopts a resolution at a public meeting finding that the connection rights of volunteers are adequately protected, and that the public health, safety and welfare is not endangered. The consideration or adoption of such a resolution shall be at the sole discretion of the board, and there shall be no legal right to require or demand that the board consider or adopt any such resolution prior to the expiration of the twelve-month period specified in an approval letter. All other things being equal, the board shall give priority to the applicants: (1) with property in the district, and (2) with the earliest payment date for all sewer system fees. (Ord. 86-49 § 2, 1986)

**4.16.030 Refunds—Rights run with land for nonrefundable portion.**

A. It shall be the policy of the district to expand the sewer treatment plant and improve the collection system based upon anticipated development as established by requests for will-serve letters and payment of sewer capacity charges by both volunteers and nonvolunteers.

B. Therefore, if a proposed development project should be denied or reduced in size by the county, or abandoned by the developer after sewer capacity charges have been paid, it is probable that the district will

already have expended a substantial portion of such sewer capacity charges.

C. To avoid the uncertainties and exigencies of trying to determine the amounts actually expended by the district in reliance on any particular proposed development project which is not finally approved or constructed, the district shall limit the refund of sewer capacity charges as follows:

1. Volunteer property, fifty percent refund.
2. Nonvolunteer property, fifty percent refund.
3. Property annexed hereafter, no refund.

D. For any sewer capacity charges not refunded under the above formula, the district shall, for a period of ten years thereafter, give credit for the unrefunded fees against any sewer capacity charges charged for subsequent development projects on the same property. (Ord. 95-82 § 18, 1995; Ord. 86-49 § 3, 1986)

**4.16.040 Tentative and final approval letters.**

A. Tentative Approvals. The district's tentative consideration of any project will be based upon the review of project plans prepared in sufficient detail to allow the evaluation of service requirements, determination of impacts upon district facilities and an estimate of the total value of the improvements which will be required. After the completion of the district's evaluation of the proposed project, tentative letters of approval may be issued as follows:

1. Volunteers. The general manager shall issue a tentative letter of approval.
2. Nonvolunteers. After evaluation of the proposal at a public meeting, the board of directors may grant a tentative letter of

## ORDINANCE NO. 86-49

**An Ordinance Of The Nipomo Community Services District Establishing A Policy For The Issuance Of Approval Letters For Sewer Service**

WHEREAS, the District is constructing a community sewer system, designed with sufficient sewer treatment capacity to serve:

1. More than 50% of the estimated dwelling unit equivalents (DUE) assigned for the parcels of real property owned by the original volunteer participants, all of whom have been included within the sewer assessment district to assure payment of the local share cost of the sewer project; and
2. Pre-operational volunteer participants, who are not in the assessment district but who have paid a full sewer system fee, and who have agreed to connect, and pay monthly sewer charges for, all existing structures as soon as the sewer project becomes operational; and

WHEREAS, the system as designed should provide sufficient capacity, with normal expansion and improvement, to service all volunteers; and

WHEREAS, even before the sewer project is completed, the District is receiving requests from non-volunteers that the District issue approval letters for sewer service to developers, subdividers, and other builders who desire to initiate and process development applications through the County, which applications must be accompanied by such an approval letter from the District; and

WHEREAS, as funds from sewer system fees become available, the District intends, and will have the capability, to expand and improve the sewer treatment plant and collection facilities to adequately serve all reasonably anticipated development within the sewer service zone; and

WHEREAS, there will usually be a time lag of twelve (12) months or more between County approval of a project and the actual occupancy thereof; and

WHEREAS, this Board recognizes that there would have been no sewer project without the \$250,000 in contributions for Planning and Design paid by the original volunteers, and this Board finds it fair and equitable that any time lag in providing sewer services should be borne by other than volunteers; and

WHEREAS, this Board further recognizes that non-volunteers within the District have been paying property taxes to the District for twenty years, and they should be entitled to preference over those property owners outside the District who now seek to annex and to develop their property within the District; and

WHEREAS, the District intends that any expansion of the sewer system to accommodate non-volunteers shall be paid for by the system fees paid by non-volunteers joining the sewer system after it has become operational; and

WHEREAS, safe and prudent operation of the sewer system requires that the sewer system not be overloaded, and that the District avoid overcommitment of its reserve capacity at all times; and

WHEREAS, the Board is, therefore, unwilling to commit reserve sewer plant capacity for development by non-volunteers until, and unless, the developer has paid sewer system fees which can be used at once by the District for expansion of the sewer treatment plant, and improvement of the sewer collection system where necessary; and

WHEREAS, the District desires to cooperate with the County and with developers of new units, but this Board finds that it is necessary, wise and prudent to condition any approval letters for sewer service for non-volunteers so that the District's obligation to provide sewer service is delayed until twelve (12) months after the developer has paid all sewer system fees for a proposed project.

NOW, THEREFORE Be it Ordained by the Board of Directors of the Nipomo Community Services District as follows:

**Section 1. Issuance Of Approval Letters For Sewer Service**

**A. Volunteers**

Upon the payment of all sewer system fees for proposed development projects on volunteer property within the District's zone for the sewerage project, the General Manager shall issue an approval letter certifying that the District will provide sewer service as soon as the development is completed; provided, however, if the proposed development exceeds by more than 10% the number of DUE's used by the District for calculations at the design stage of the sewer project, the application for an approval letter for sewer service shall be considered by the Board of Directors at a public meeting, and the Board shall determine which portion of the project is entitled to the sewer service priority granted generally to Volunteers.

**B. Non-Volunteer Property in the District**

Applicants for sewer service for development projects for non-volunteer property within the District shall be issued approval letters which contain the following condition in capital letters: "The commitment to provide sewer service herein is irrevocable so long as the development or project is recognized as viable by the County of San Luis Obispo: However, The Obligation Of The District To Provide Sewer Service Shall Begin Twelve (12) Months After The District Has Received Full Payment Of All Sewer System Fees."

**C. Property Requesting Annexation to the District**  
All property annexed to the District shall comply with all requirements of the District's Annexation policy, dated February 2, 1983, including, without limitation, the requirement that all sewer system fees be paid prior to the completion of annexation.

Applications for sewer service for property outside the District (all of which is non-volunteer property) shall be issued approval letters which contain the following condition in capital letters: "The Commitment To Provide Sewer Service Herein Is Irrevocable So Long As The Development Or Project Is Recognized

As Viable By The County Of San Luis Obispo: However, The Obligation Of The District To Provide Sewer Service Shall Begin Twelve (12) Months After The Annexation Becomes Final."

**Section 2. Board Discretion To Provide Earlier Sewer Service**

Nothing herein shall be construed or applied by any time to prevent the District from providing sewer service to non-volunteered or annexed property earlier than the expiration of said twelve month period if the District's Board of Directors adopts a Resolution at a public meeting finding that the connection rights of volunteers are adequately protected, and that the public health, safety and welfare is not endangered. The consideration or adoption of such a Resolution shall be at the sole discretion of the Board, and there shall be no legal right to require or demand that the Board consider or adopt any such resolution prior to the expiration of the twelve month period specified in an approval letter. All other things being equal, the Board shall give priority to the applicants (1) with property in the District and (2) with the earliest payment date for all sewer system fees.

**Section 3: Refunds; Rights Run With Land For Non-Refundable Portion**

It shall be the policy of the District to expand the sewer treatment plant and improve the collection system based upon anticipated development as established by requests for "will serve" letters and payment of sewer system fees by both volunteers and non-volunteers. Therefore, if a proposed development project should be denied or reduced in size by the County, or abandoned by the developer after sewer system fees have been paid, it is probable that the District will already have expended a substantial portion of such sewer system fees. To avoid the uncertainties and exigencies of trying to determine the amounts actually expended by the District in reliance on any particular proposed development project which is not finally approved or constructed, the District shall limit the refund of sewer system fees as follows:

- A. Volunteer property — 50% refund.
  - B. Non-volunteer property — 50% refund.
  - C. Property annexed hereafter — No refund.
- For any sewer system fees not refunded under the above formula, the District shall, for a period of ten years thereafter, give credit for the unrefunded fees against any sewer system fees charged for subsequent development projects on the same property.

**Section 4. Tentative And Final Approval Letters**

**A. Tentative Approvals**

The District's tentative consideration of any project will be based upon the review of project plans prepared in sufficient detail to allow the evaluation of service requirements, determination of impacts upon District facilities and

an estimate of the total value of the improvements which will be received. After completion of the District's evaluation of the proposed project, tentative letters of approval may be issued as follows:

- (1) Volunteers. The General Manager shall issue a tentative letter of approval.
- (2) Non-Volunteers. After evaluation of the proposal at a public meeting, the Board of Directors may grant a tentative letter of approval, but only after finding that there is now, or will reasonably be in the future, sufficient sewerage system capacity available to serve the project for which approval is being sought without jeopardizing the capacity which the Board reserves for voluntary project participants.

No tentative approval shall be issued by the District prior to payment in full of the estimated Plan Check and Inspection Fees as determined by the General Manager.

**B. Final Approvals**

The Board of Directors shall grant a final letter of approval upon the recommendation of the General Manager, and after review of final plans at a public meeting. All appropriate fees, including, without limitation, sewer system fees, annexation fees, water system fees, plan check and inspection fees, shall be paid in full before the Board grants final approval.

**ORDINANCE ADOPTION**

This ordinance shall be in full force and effect thirty (30) days after its final adoption.

Before the expiration of fifteen (15) days after the adoption of this Ordinance, it shall be published in full in a newspaper distributed in Nipomo. The publication shall include the names of each of the Directors voting for and against the Ordinance.

INTRODUCED at a Regular Meeting of the Board of Directors held on June 11, 1986, on the motion of Director Manriquez, seconded by Director Neary and on the following roll call vote, to wit:

AYES: Directors Manriquez, Neary, Zigler, Peck  
NOES: None ABSENT: Haslam

MODIFIED AND REINTRODUCED at a Regular Meeting of the Board of Directors held on June 18, 1986, on the motion of Director Manriquez, seconded by Director Neary, and on the following roll call vote, to wit:

AYES: Manriquez, Neary, Zigler, Peck  
NOES: None ABSENT: Haslam

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors held on July 2, 1986, on the motion of Director Peck, seconded by Director Manriquez, and on the following roll call vote, to wit:

AYES: Director Peck, Manriquez, Zigler, Haslam  
NOES: None ABSENT: Neary

Barbara K. T. Haslam, President  
Nipomo Community Services District

Attest:

Joyce Chudoba Secretary  
No. 534, Publish IT, July 9, 1986

JUL 16 1997

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JULY 16, 1997

OAKGLEN-MALLAGH  
WATER LINE IMPROVEMENT

The Oakglen-Mallagh water line project consists of a new water line beginning at the intersection of Oakglen and Pioneer Ave and extending easterly to Mallagh Ave. This project is part of the District's Water Master Plan developed by Boyle Engineers. This will improve the water transmission on an easterly/westerly direction of the District. Negotiations for Right-of-Way easements for the waterline are currently being pursued. The engineering plans and specifications are being completed. The project is being readied for bidding.

A water line will be installed on private property and an easement needs to be acquire. To determine the value of the easement, an appraisal is needed. A proposal has been received form Reeder, Gilman & Assoc. (RG&A) to do this work. RG&A performed the appraisal work on the wastewater expansion property. Their proposal is attached.

In compliance with the Environmental Quality Act, staff has determined that there is no significant effect on the environment for this project. A Draft Negative Declaration has been prepared to be sent to the State and County Environment offices. Once this is done, there will be a thirty (30) day public review period. During this time, any individual or agency may comment on the environmental concerns. After this period, a Public Hearing will be held, tentatively scheduled for the Board meeting of August 20, 1997, to take public testimony in regards to this project. Plans and specifications are being prepared by Cannon & Associates. It is recommended that the District advertise for bids for this project and the bid results will be presented to your Honorable Board on August 20.

After the Public Hearing to be held on August 20, 1997, and it is determined that there is no significant effect on the environment, a Notice of Determination will be filed and the project may proceed.

It has been requested by other agencies that the construction of the water line across Nipomo Creek be completed by the end of September.

The following should be considered by the Board.

1. Approve Res. No. 97-EIR making a determination on the environmental aspects of this project.
2. Approve by motion to advertise for bids to construct the proposed water line.
3. Approve Reeder, Gilman Associates to do the easement appraisal.

RESOLUTION NO. 97- EIR

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
APPROVING THE DRAFT ENVIRONMENTAL NEGATIVE DECLARATION FOR  
THE OAKGLEN-MALLAGH WATER TRANSMISSION PIPELINE

WHEREAS, the District is in the process of developing water system improvements for the Oakglen-Mallagh Water Line Project, and

WHEREAS, The California Environmental Quality Act requires that the District to assess the impact of such construction on the environment and circulate said assessments to interested agencies and the public at large, and

WHEREAS, the Nipomo Community Services District has prepared an initial study on the project and its effect on the environment, and

WHEREAS, said study indicates that there is no significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT PURSUANT TO THE ENVIRONMENTAL QUALITY ACT AND GUIDELINES, HEREBY APPROVES THE DRAFT NEGATIVE DECLARATION FOR THE FOLLOWING PROJECT:

1. Project Title: Oakglen-Mallagh Water Line
2. Project Applicant: Nipomo Community Services District
3. Project Location: Nipomo, California
4. Project Description: The installation of approximately 1800 feet of water line and connecting to the existing water system.
5. Findings: There is no substantial evidence that the project may have a significant effect on the environment.
6. A copy of the initial study is attached.
7. The public review period will end August 20, 1997 and will agenda a public hearing for formal adoption.

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 \_\_\_\_ 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

## **Initial Study**

### **Applicant and Lead Agency**

Nipomo Community Services District  
Doug Jones, Manager  
P.O. Box 326  
Nipomo, CA 93444

### **Prepared By**

Cannon Associates  
364 Pacific Street  
San Luis Obispo, CA 93401

This initial study was prepared for the lead agency by Cannon Associates, as consultant, acting as both the District's staff and as private experts pursuant to a contract with the District, in accordance with CEQA guidelines. Additional information pertaining to the project may be obtained at this office.

### **Project**

A water transmission pipeline within the extension of Sea Street between Oakglen Avenue and Mallagh Street and within Mallagh Street between Tefft Street and Branch Street for the Nipomo Community Services District, San Luis Obispo County, California.

### **Project Location**

The project is located in the County of San Luis Obispo, within the community of Nipomo, east of State Highway 101. The project is divided into two distinct segments. The first is between the intersection of Pioneer Road and Oakglen Avenue and the intersection of Sea Street and Mallagh Street. The second is within Mallagh Street between Branch Street and Tefft Street. The first segment crosses Nipomo Creek and a dry farmed field primarily along the undeveloped portion of Sea Street. The second segment being within an existing road and right-of-way.

### **Project Description**

The purpose and intent of this project is to increase the carrying capacity of the water system between the west and east halves of the service area, reducing the reliance on the single pipeline within the Tefft Street bridge. The District recently completed a master plan for its sewer and water facilities. One of the highly recommended improvements in the master plan was the installation of the subject waterlines. The project involves the installation of approximately 1,800 lineal feet of water main and appurtenances. Installation will be within existing street

right-of-ways and easements obtained by NCSD. The pipeline between Oakglen Avenue and Mallagh Street will cross beneath Nipomo Creek and Deleissiques Creek within the east/west extension of the Sea Street right-of-way. The pipeline will be between three and six feet below ground. The new pipelines will be for transmission purposes only. No services will be installed in the line with this project.

Project construction within the creek crossings will occur only when the creek channel is dry and free of flowing water.

### **Environmental Setting**

The project is located east of Highway 101 and north of Tefft Street between Oakglen Avenue and Mallagh street, in the community of Nipomo. The area is a transitional zone between urban development and dry farmed agricultural operations. Nipomo Creek and Deleissiques Creek meander through the area. Nipomo Creek is heavily vegetated with a mix of eucalyptus, oak and willow trees limited to within the banks of the creek and the immediate surrounding area.

Vegetation along the alignment of Delissiques Creek has been nearly eliminated by farming operations. The majority of the pipeline route traverses through an area currently planted with dry-farmed grain.

### **Evaluating Environmental Significance**

1. The project is of a limited size and scope and is within areas actively dry-farmed and previously disturbed.

A biological analysis was performed by Brendon O'Neil, a botanist with the Morro Group, Inc. See attached copy of a report from Mr. O'Neil to NCSD.

2. At the crossing of Nipomo Creek the construction of the pipeline route will remove approximately 40 to 50 willow trees. A mitigation program, as proposed by the biological consultant will be instituted to lessen the environmental impact.

A cultural resource investigation was performed by Thor Conway with Heritage Discoveries, Inc. See attached copy of a report from Mr. Conway to NCSD.

3. Based on the results of the field reconnaissance and the findings of the record searches it was concluded by the archeologist that no significant cultural materials, as defined by CEQA, were present.
4. The project will have no effect on drainage and will not increase erosion and sedimentation in the area of the project.
5. The project will not alter the site topography. The project will not create a geologic hazard.

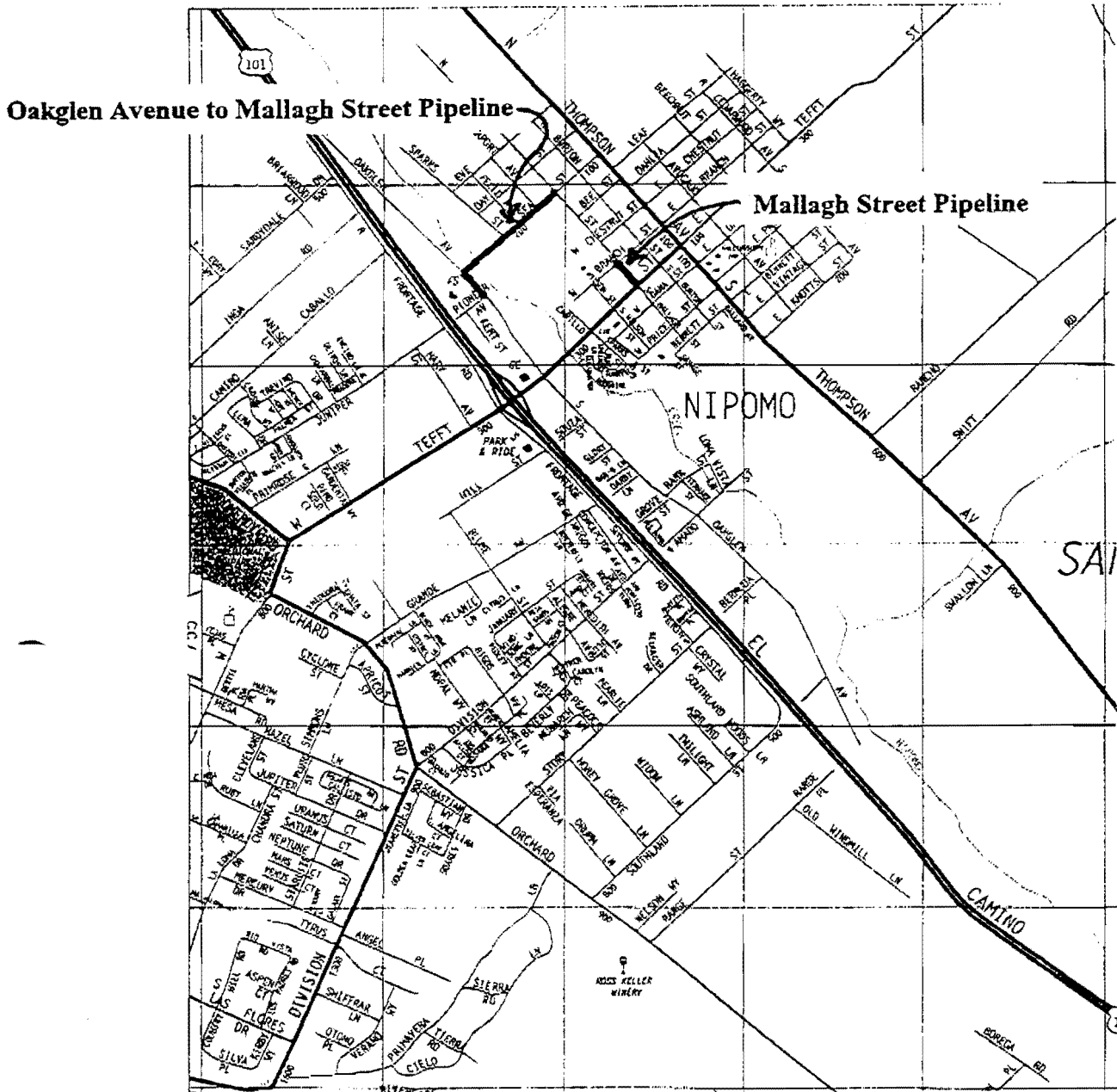


6. The project will not effect water resources.
7. The project will not increase pollution of the environment.
8. The project will have no effect on traffic.
9. The project will not create a need for more public services.
10. There will be no adverse aesthetic impacts.
11. The project will not create an increase in housing and energy needs.
12. The project will have no impact on agricultural and mineral resources.
13. There will be no growth inducing or cumulative effects as a result of the project.

Summary

This initial study has found no significant adverse affect on the environment as a result of the proposed project.

970213/inistudy



### Project Location Map

## Nipomo CSD - Water Transmission Main Project

July 8, 1997

**Finding**

This initial study has found no significant adverse affect on the environment as a result of the proposed project. When considering the record as a whole, there is not evidence before the Nipomo Community Services District that the proposed project will have potential for adverse effect on wildlife resources or the habitat upon which the wildlife depends.

**Reasons**

The following reasons support the finding:

- 1. The project is of a limited size and scope and is within areas actively dry-farmed and previously disturbed.

A biological analysis was performed by Brendon O'Neil, a botanist with the Morro Group, Inc. See attached copy of a report from Mr. O'Neil to NCSD.

- 2. At the crossing of Nipomo Creek the construction of the pipeline route will remove approximately 40 to 50 willow trees. A mitigation program, as proposed by the biological consultant will be instituted to lessen the environmental impact.

A cultural resource investigation was performed by Thor Conway with Heritage Discoveries, Inc. See attached copy of a report from Mr. Conway to NCSD.

- 3. Based on the results of the field reconnaissance and the findings of the record searches it was concluded by the archeologist that no significant cultural materials, as defined by CEQA, were present.

- 4. The project will have no effect on drainage and will not increase erosion and sedimentation in the area of the project.

- 5. The project will not alter the site topography. The project will not create a geologic hazard.

- 6. The project will not effect water resources.

- 7. The project will not increase pollution of the environment.

- 8. The project will have no effect on traffic.

- 9. The project will not create a need for more public services.

- 10. There will be no adverse aesthetic impacts.

- 11. The project will not create an increase in housing and energy needs.

- 12. The project will have no impact on agricultural and mineral resources.

- 13. There will be no growth inducing or cumulative effects as a result of the project.

## **Negative Declaration**

### **Project**

A water transmission pipeline within the extension of Sea Street between Oakglen Avenue and Mallagh Street and within Mallagh Street between Tefft Street and Branch Street for the Nipomo Community Services District, San Luis Obispo County, California.

### **Project Location**

The project is located in the County of San Luis Obispo, within the community of Nipomo, east of State Highway 101. The project is divided into two distinct segments. The first is between the intersection of Pioneer Road and Oakglen Avenue and the intersection of Sea Street and Mallagh Street. The second is within Mallagh Street between Branch Street and Tefft Street. The first segment crosses Nipomo Creek and a dry farmed field primarily along the undeveloped portion of Sea Street.

### **Project Owner**

Nipomo Community Services District (NCSD)  
Doug Jones  
P.O. Box 326  
Nipomo, CA 93444 (805) 929-1133

### **Project Description**

The purpose and intent of this project is to increase the carrying capacity of the water system between the west and east halves of the service area, reducing the reliance on the single pipeline within the Tefft Street bridge. The District recently completed a master plan for its sewer and water facilities. One of the highly recommended improvements in the master plan was the installation of the subject waterlines. The project involves the installation of approximately 1,800 lineal feet of water main and appurtenances. Installation will be within existing street right-of-ways and easements obtained by NCSD. The pipeline between Oakglen Avenue and Mallagh Street will cross beneath Nipomo Creek and Deleissiques Creek within the east/west extension of the Sea Street right-of-way. The pipeline will be between three and six feet below ground. The new pipelines will be for transmission purposes only. No services will be installed in the line with this project.

Project construction within the creek crossings will occur only when the creek channel is dry and free of flowing water.

**Initial Study**

An initial Study of this project was undertaken and prepared in accordance with Resolution No. 371 "A Resolution of the Board of Directors of the Nipomo Community Services District Adopting the California State Environmental Quality Guidelines as the Guidelines for the District" for the purpose of ascertaining whether this project might have a significant effect on the environment by:

Cannon Associates  
364 Pacific Street  
San Luis Obispo, CA 93401  
(805) 544-7407

Place where copy of initial study may be reviewed:

Nipomo Community Services District (NCSD)  
Doug Jones, Manager  
P.O. Box 326  
Nipomo, CA 93444  
(805) 929-1133

&

Cannon Associates  
346 Pacific Street  
San Luis Obispo, CA 93401  
(805) 544-7407

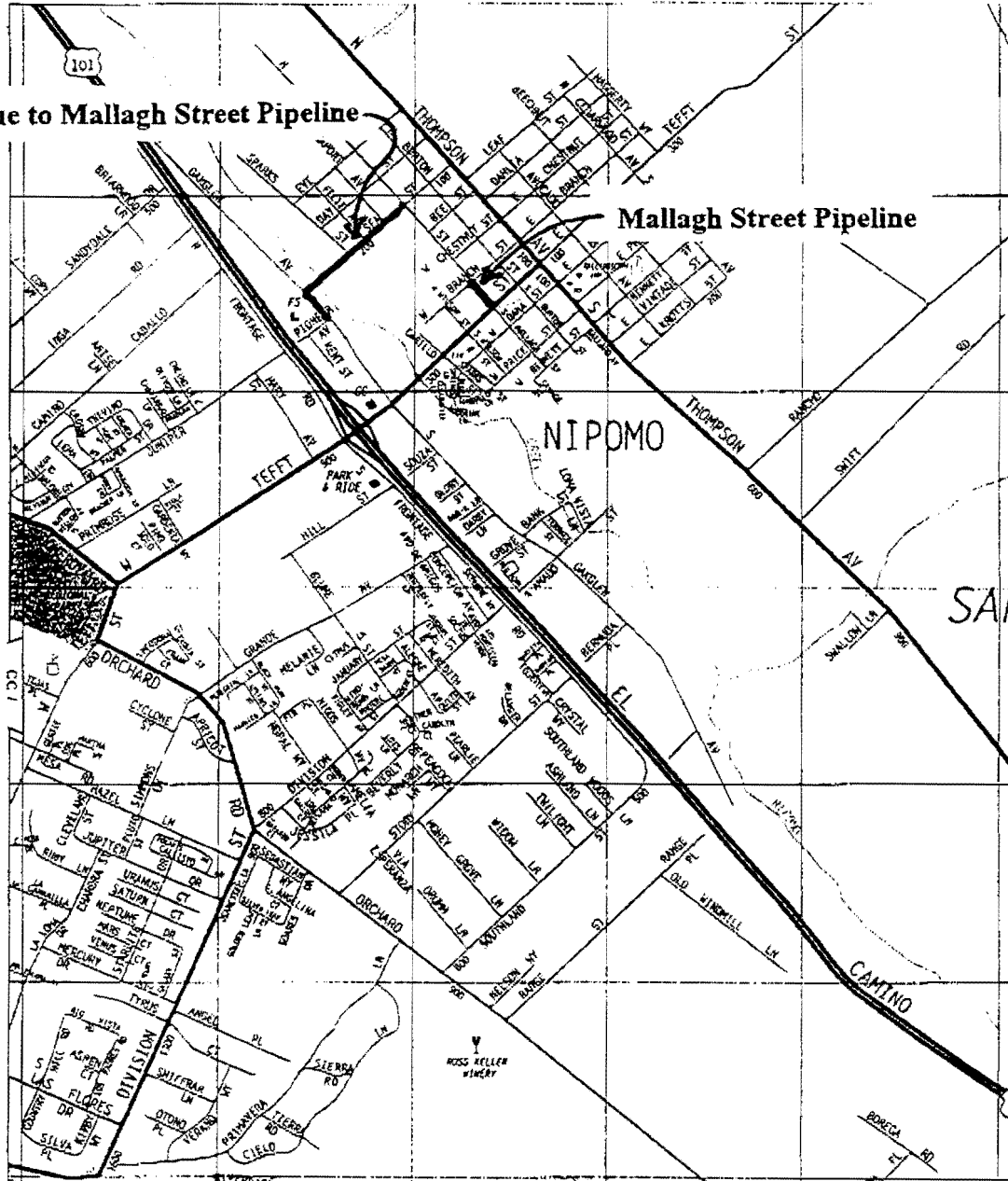
Date: \_\_\_\_\_

\_\_\_\_\_  
Russell S. Thompson  
RCE 43,069  
Exp. 3/31/00

970213/negdec

Oakglen Avenue to Mallagh Street Pipeline

Mallagh Street Pipeline



### Project Location Map

## Nipomo CSD - Water Transmission Main Project

July 8, 1997

# REEDER, GILMAN & ASSOCIATES

*Appraisers and Consultants • Real and Personal Property*

1101 South Broadway, Suite C, Santa Maria, California 93454

WARREN REEDER • MAI, SR/WA  
Certified General Real Estate Appraiser, CA#AG006521  
MEMBER -- APPRAISAL INSTITUTE

INTERNATIONAL RIGHT OF WAY ASSOCIATION  
LESLIE J. GILMAN • MBA, SR/WA  
Certified General Real Estate Appraiser, CA#AG014980  
MEMBER -- INTERNATIONAL RIGHT OF WAY ASSOCIATION

P. O. Box 726, Santa Maria, California 93456

Telephone: (805) 925-2603

Fax: (805) 925-0840

Federal Tax ID # 95-3241465

July 9, 1997

Mr. Douglas Jones, General Manager  
Nipomo Community Services District  
P. O. Box 326  
Nipomo, CA 93444

RE: Appraisal Proposal - Pipeline Project, Oakglen Avenue to Mallagh St.,  
Community of Nipomo, San Luis Obispo County, California

Dear Mr. Jones:

As you requested we are submitting this proposal for an appraisal of the subject real property affected by a proposed underground pipeline project affecting the Dana family owned property generally between Oakglen Avenue and Mallagh Street, east of the 101 Freeway in Nipomo. The proposed project consists of a 20-foot easement, approximately 1,700 feet long with an adjacent 50-foot temporary easement.

We understand that the purpose of the appraisal is to estimate just compensation for the acquisition of underground pipeline easement rights from the subject property. The function of the appraisal will be its use as a guide to value during negotiations for the acquisition for the subject easement rights.

We can provide a summary narrative appraisal report considering the pertinent factors of real estate valuation as they apply to the subject property for a fee of \$3,800. The above fee does not include charges for any additional work, if such should be required. The fee for such services as consultation, court preparation time, attendance at depositions, and appearances before a court or administrative agency shall be billed at our current rate at the time the services are performed.

If the scope of our assignment should be expanded at your request, the additional work will be billed at our current rate and added to the initial appraisal fee.

Mr. Douglas Jones, General Manager  
Nipomo Community Services District

July 9, 1997  
Page 2

Due to our present workload, we anticipate that the preparation of the appraisal report will take between four and six weeks after receipt of your authorization to proceed. Due to the need to schedule appraisal assignments in advance, this estimate is subject to revision upon changes in our work load. It is important to note that the above time frame is our best estimate at this time, but is not a guarantee. However, we will make every effort to complete the report as indicated above. By replying promptly, you will be assured that your project will receive our earliest attention.

This appraisal report will be made in conformity with and subject to the requirements of the Code of Professional Ethics and Uniform Standards of Professional Appraisal Practice of the Appraisal Institute.

We thank you for your interest in our firm's services and for giving us the opportunity to be of service to you. If this proposal meets with your approval, please send written authorization to proceed with the appraisal. We have enclosed a copy of our Professional Qualifications for your review.

Very truly yours,

REEDER, GILMAN & ASSOCIATES  
REAL ESTATE APPRAISERS

  
\_\_\_\_\_  
Warren Reeder, MAI, SRWA  
Certified General Real Estate Appraiser, CA#AG006521

WR:cjm



**JUL 16 1997**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JULY 16, 1997

PROPOSALS FOR  
WATER RATE STUDY

As requested by your Honorable Board, staff sent requests for proposals for a water rate study for the Town Division of the Nipomo Community Services District. Requests for proposal were sent to consultants. Others inquired about the proposal. The following three proposals were received:

1. Economic and Engineering Services, Inc.
2. Elizabeth Ytell Associates
3. Cannon Associates

It is recommended that the Finance Committee, along with staff, review the proposals received and make a recommendation to the full board.

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TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JULY 16, 1997

INVESTMENT POLICY - QUARTERLY REPORT

The Board of Directors adopted the 1997 Investment Policy for NCSD on January 8, 1997. The Policy states that the Finance Officer shall file a quarterly report that identifies the District's investments and their compliance with the District's Investment Policy. The quarterly report must be filed with the District's auditor and considered by the Board of Directors within thirty (30) days after the end of each quarter (i.e., by May 1, August 1, November 1, and February 1) (California Government Code Section 53646).

Attached is the June 30, 1997 Quarterly Report for your review. The Finance Officer is pleased to report to the Board of Directors that the District is in compliance with the 1997 Investment Policy.

After Board consideration and public comment, it is recommended that your Honorable Board accept the quarterly report by motion and minute order.

board/invpol

**NIPOMO COMMUNITY SERVICES DISTRICT  
INVESTMENT POLICY - QUARTERLY REPORT 6/30/97**


The District's investments are as follows:

TYPE OF INVESTMENT	INSTITUTION	DATE OF MATURITY	AMOUNT OF DEPOSIT 6/30/97	RATE OF INTEREST	ACCRUED INTEREST 6/30/97
Money Market Checking	Mid-State Bank	n/a	\$401.47	1.02%	\$0.00
Savings	Mid-State Bank	n/a	\$38,214.55	2.54%	\$0.00
Certificate of Deposit	Mid-State Bank	12/11/97	\$22,000.00	5.10%	\$63.40
Pooled Money Investment	Local Agency Investment Fund	n/a	\$4,620,291.73	5.63%	\$63,829.47

n/a = not applicable

As District Finance Officer and Treasurer, I am pleased to inform the Board of Directors that the District is in compliance with the 1997 Investment Policy and that the objectives of safety, liquidity, and yield have been met. The District has the ability to meet cash flow requirements for the next six months.

Respectfully submitted,

  
Doug Jones  
General Manager and  
Finance Officer/Treasurer

AGENDA ITEM

9

JUL 16 1997

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JULY 16, 1997

### MANAGER'S REPORT

The following conference information is for the Board's review:

1. American Desalting Association Conference
2. AWWA Water Resources Conference

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# American Desalting Association First Annual Conference September 10-12, 1997

American Desalting Association

## Wednesday, September 10, 1997

6:00 p.m. - 8:00 p.m. Registration  
6:00 p.m. - 8:00 p.m. Welcome Reception

## Thursday, September 11, 1997

8:00 a.m. - 8:30 a.m. Registration/Coffee  
8:30 a.m. - 10:00 a.m. Welcome

*Ian C. Watson, AEP/ROS/TEK, Inc.*  
President, American Desalting Association  
General Session and Membership Meeting

### "Vision for the Future"

10:00 a.m. - 10:15 a.m. Break  
10:15 a.m. - 11:15 a.m.

### "A Mildly Salient Topic for Discussion: Brackish Water Desalting"

Moderator *JD Beffort, Texas Water Development Board*  
Panel *Bill Hendershaw, Hydropio*  
*Bill Hoffman, Texas Water Development Board*  
*Mark Wilf, Hydraulitics*

12:00 p.m. - 1:00 p.m. Luncheon

### "Permitting, Skydiving, Flogging: What Terrifies You Most?"

*John Potts, Kimley Horn & Associates*  
Dessert with Table Top Exhibitors

1:00 p.m. - 1:30 p.m.

1:30 p.m. - 3:00 p.m.

### "Under the Sea: Seawater Desalting"

Moderator *Dean Bedford, Dupont*  
Panel *Iring Moch, I. Moch & Associates*  
*Susan Walker, Metropolitan Water District of  
Southern California*

TBA

3:00 p.m. - 3:15 p.m. Break

3:15 p.m. - 4:15 p.m.

### "Dirty Little Secrets: The Challenges of Desalting & Repurifying Wastewater"

Moderator *Bob Yamada, San Diego County Water Authority*

Panel *Jim Daber, Metropolitan Water District of  
Southern California*

\* *Paul Gagliardo, City of San Diego*

\* *Paul Jones, Central/West Basin Municipal  
Water District*

*Peter MacLaggan, WaterReuse Association of  
California*

5:00 p.m. - 6:30 p.m. Reception

## Friday, September 12, 1997

8:00 a.m. - 8:30 a.m. Continental Breakfast

8:30 a.m. - 10:00 a.m.

### "Project Economics: Buy it, Lease it or Rent it? That is the Question."

Moderator *Ian C. Watson, AEP/ROS/TEK, Inc.*

Panel *Privatization - Peter Waldron, Ionics*

*Financing - \*Adam Wenner, Vison & Elkins*  
*Design/Build - \*Bill Swatt, Camp Dresser &  
McKee*

*Conventional - John Potts, Kimley Horn &  
Associates*

10:00 a.m. - 10:15 a.m. Break

10:15 a.m. - 11:15 a.m.

### "Issues in the Membrane"

Moderator *Bob Oreskorich, Dare County Water*

Panel \* *David H. Paul, David H. Paul and Associates*

*Bob Oreskorich, Dare County Water*

\* *Bill Dumivin, Orange County Water District*  
*Jerry Knipple, City of Dumedin*

12:00 p.m. - 1:00 p.m. Lunch

1:00 p.m. - 3:00 p.m.

### "Searching For Answers: Linking Together the Desalting Industry and American Research Enterprises"

*Ron Linsky, National Water Research Institute*  
*Ian C. Watson, AEP/ROS/TEK, Inc.*

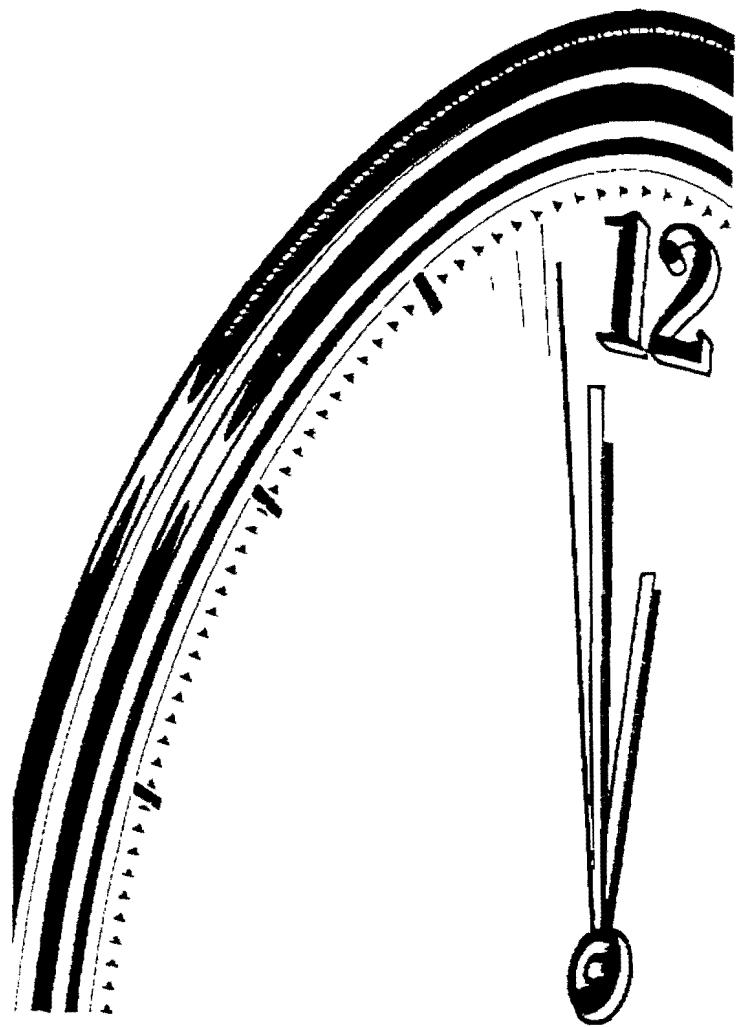
*President, American Desalting Association*

\* Invited

# TIME IS RUNNING OUT...

You still have not  
registered for AWWA's

## **Water Resource Conference?**



**Seattle, Washington • August 10–13, 1997**

Don't put off attending this first ever national conference  
dedicated solely to Water Resource Issues.

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## **CONTACT AWWA NOW!**

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Web Page: <http://www.awwa.org>

NEXT

Acc b

John S.

AGENDA ITEM



WARRANTS JULY 16, 1997

JUL 16 1997

HAND WRITTEN CHECKS

17903	Clanin	2098.54
17904	FGL Environmental	791.00
17905	Cannon & Assoc.	669.02
17906	Ikon	56.75
17907	McKesson	18.10
17908	Mission Uniform	143.38
17909	Nipomo Ace Hardware	241.83
17910	Pioneer Equipment	45.91
17911	San Joaquin Supply	80.33
17912	Garing, Taylor	6282.99
17913	P.G.E.	137.69
17914	Arroyo Grande Hosp.	34.30
17915	Wyatt & Baker	13,621.43
17916	SLO County Health	187.00
17917	FGL Environmental	14.00
17918	Earth Systems	522.50
17919	SJ Defferville	56,108.25

COMPUTER GENERATED CHECKS

9218	07/16/97	ROBERT BLAIR	\$100.00
9219	07/16/97	BOGNUDA, LISA	\$65.00
9220	07/16/97	CALIFORNIA ELECTRIC SUPPLY	\$143.74
9221	07/16/97	CATHODIC PROTECTION SERVICES CO	\$885.00
9222	07/16/97	EASTER RENTS	\$15.27
9223	07/16/97	KATHLEEN FAIRBANKS	\$100.00
9224	07/16/97	GTE CALIFORNIA INCORPORATED	\$25.90
9225	07/16/97	ICI PAINTS NORTH AMERICA	\$312.62
9226	07/16/97	IKON	\$38.00
9227	07/16/97	JOHNSON, DONNA	\$43.84
9228	07/16/97	GENE KAYE	\$100.00
9229	07/16/97	NIPOMO CHEVRON	\$56.37
9230	07/16/97	SAN LUIS OBISPO COUNTY	\$350.00
9231	07/16/97	SANTA MARIA TIRE, INC.	\$264.84
9232	07/16/97	ALBERT SIMON	\$100.00
9233	07/16/97	WEST PUBLISHING COMPANY	\$125.48
9234	07/16/97	WIRSING GRAPHICS & TYPESETTING	\$41.54

VOIDS

ck# 2238-2239

NET PAYROLL

CK# 2240-2248 \$12,597.54