

# NIPOMO COMMUNITY SERVICES DISTRICT AGENDA

SEPTEMBER 17, 1997 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET 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**

*John*  
24  
11/2

## CALL TO ORDER AND FLAG SALUTE

## ROLL CALL

## APPROVAL OF MINUTES

1. REGULAR MEETING OF SEPTEMBER 3, 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. COUNTY POLICY ON STATE WATER  
Review and comments on present County Policy on using State Water
4. JANITORIAL SERVICE FOR NEW OFFICE BUILDING  
Request for proposal for janitorial service for District building
5. SAFETY COMMITTEE MINUTES  
Review and approve Minutes of 9/8/97 Safety Meeting
6. NEW OFFICE BUILDING CONTRACT (Deferville)  
Item continued from Sept 3, 1997, Board meeting to review work to be completed.
7. BOARD ROOM USE POLICY  
Establish a policy for use of Meeting Room by others

## FINANCIAL REPORT

8. APPROVAL OF WARRANTS

## OTHER BUSINESS

9. MANAGER'S REPORT
  1. Open House
  2. LAFCO Correspondence
  3. U.S. News Information
  4. Black Lake STP Status
  5. CSDA Information
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, Dana-Doty water line easement, GC§54956.8

\*GC§ refers to Government Code Sections

## ADJOURN

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

SEPTEMBER 3, 1997 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET 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 7:00 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 AUGUST 20, 1997

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved the Minutes of the August 20, 1997 Regular Meeting with corrections as recommended by Mr. Jones.

### **PUBLIC COMMENTS PERIOD**

2. PUBLIC COMMENTS

Public comments on matters other than scheduled items. Presentations limited to three (3) minutes  
There were no public comments.

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

3. DISTRICT FEES DISCUSSION (Miller)

Review current District fees for a commercial development at Burton & Dana St.

Mr. Jones reviewed the procedure followed by the developer of Project D940110D (Miller). The Board asked many questions and reviewed all documents presented. Don Miller, the developer, (425 Terrace St.) explained that the fee for the 1½" meter was paid on October 2, 1996 in good faith as a deposit to hold services based on current fee structure and that his family relied on the fees being set when seeking financing for the project. On the foregoing basis, Mr. Miller requested that the developer not be charged for the 6" fire system. Peggy Miller restated that they were planning to pay the amount specified in the October 2, 1996 letter from the District.

Upon motion of Director Simon, seconded by Director Blair, the Board granted the relief requested by the Millers. The Board ordered that the current system fees, excluding the 6" fire system capacity fees would be paid by the developer based on the findings below:

1. Deposit on October 2, 1996 was paid in good faith. The fire capacity fee was not in effect at that time.
2. Developer relied on fees being set when seeking financing for the project.

4. NEW OFFICE BUILDING CONTRACT (DEFERVILLE)  
Review work to be completed and possible default of contractor.

Mr. Jones explained that Mr. Barry Williams asked that the Board postpone taking any action against Deferville Construction at this time. Upon motion of Director Blair and seconded by Director Simon, the Board unanimously agreed to table this item to a future meeting.

5. TRACTS 1712 & 2261 AND PARCEL MAPS 97-089 & 97-090 INTENT-TO-SERVE (NEWDOLL)  
Request for water & sewer service for 4 projects in the new Annex. No. 15 area.

Mr. Jones described the request from EDA for Intent-to-Serve letters for the following projects.

ITEM	DEVELOPMENT	LOCATION
Tract 1712	8 lot subdivision	Intersection of Hazel Lane and Tefft St.
Tract 2261	16 lot subdivision	Intersection of Tefft St. and Tejas Place
Parcel Map 97-089	4 parcel dev.	Mesa Road and Ida Place
Parcel Map 97-090	4 parcel dev.	Martha and Ida Place

Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved the Intent to Serve letters for all of the above projects.

6. INTENT-TO-SERVE FOR TRACT 1779 (WITTSTROM)  
Request for water & sewer service for 10-lot subdivision in the Black Lake Specific Plan Area.

Mr. Jones explained that Mr. Karl Wittstrom requested water and sewer service for Tract 1779, a ten (10) lot subdivision in the Black Lake area. The service for this project will be served through Tract 2151 (Pratt). Tract 2151 must be completed before service may be rendered to Tract 1779.

Director Kaye made a motion to approve a tentative Intent-to-Serve letter for Tract 1779 and that it be forwarded to Black Lake Advisory Committee. If the committee has any change recommendations, the letter must come back to NCSD Board. Director Simon seconded. All members were in favor.

#### FINANCIAL REPORT

7. APPROVAL OF WARRANTS

Upon motion of Director Blair and seconded by Director Kaye, the Board unanimously approved the Warrants presented at the September 3, 1997 meeting.

**OTHER BUSINESS**

8. MANAGER'S REPORT

Manager Doug Jones presented information on the following items:

1. Report on WRAC meeting of 9/3/97 Director Blair and Mr. Jones attended.
2. State Senator O'Connell correspondence
3. Santa Maria Valley Water Conservation District -  
Received notice of meeting Sept. 2, 1997

9. DIRECTORS COMMENTS

Director Blair commented on the SLOCOG meeting. Possible 6 lane highway across the Santa Maria River. He was concerned about the lot line adjustment question for the Summit Station area. Director Kaye said that Ruth Brackett suggested taking the matter before the new Board of Supervisors.

Director Kaye explained the abstention vote on the Miller matter.

10. PUBLIC COMMENTS

There were no public comments.

Jon Seitz, District Legal Counsel, explained the need to adjourn to closed session.

**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, Dana-Doty water line easement, GC§54956.8

\*GC§ refers to Government Code Sections

The Board came back into Open Session. There was no reportable action.

**ADJOURN**

Vice-President Mendoza adjourned the meeting at 8:35 p.m.

**AGENDA ITEM**

**SEP 17 1997**

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TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 17, 1997

### COUNTY POLICY ON STATE WATER

Staff has prepared a letter to be sent to the Board of Supervisors with District comments with respect to State Water Policy which would be signed by the District Board President. After your Honorable Board has reviewed the letter and made any additions or deletions, they may move to have the President of the Board to sign the letter be sent to the County Board of Supervisors.

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**NIPOMO COMMUNITY SERVICES DISTRICT**  
**148 SOUTH WILSON STREET**  
**POST OFFICE BOX 326 NIPOMO, CA 93444**  
**(805) 929-1133 FAX (805) 929-1932**

September 17, 1997

Ruth Brackett, Chairperson and  
Members of the Board of Supervisors  
County Administrative Office, Room 370  
County Government Center  
San Luis Obispo, CA 93408

**SUBJECT: STATE WATER POLICY UPDATE**

Dear Chairperson Brackett and Members of the Board of Supervisors:

The Board of Directors of the Nipomo Community Services District ("District") has reviewed the material regarding updating State Water policies presented to the Board of Supervisors at its August 5, 1997 meeting. Please accept the following as the District's comments on the issues.

**INTRODUCTION**

The Nipomo Community Services District provides water service to approx. 8000 people in the Nipomo area and Mesa. The California Cities Water Company and other mutual water companies provide water service on the Mesa. The primary source of water comes from the Sub-Area of the Santa Maria Groundwater Basin.

In November of 1991 and in May of 1992, the voters of the District voted against the District's participation in the State Water Project as a contractor. The Board of Directors are keenly aware that this issue must be revisited if the District is to participate in the State Water Project other than on an emergency basis.

The District Board of Directors has determined that it has an obligation to acquire an alternate source of water for the purposes of addressing emergency situations for the direct protection and benefit of District residents, their property, and the surrounding area. The Coastal Aqueduct is the logical supply mechanism for the alternate emergency supply. Many water purveyors within the County have emergency connections with other water agencies. Further, the District has an interest in participating in the formation of policies that will impact the availability of alternate water sources for the Nipomo area.

With the foregoing in mind, please accept the following as the District's comments:

## UPDATED STATE WATER POLICY

### A. County Staff Recommendations

The District recommends that the Board of Supervisors adopt staff recommendation 3.b:

"Adopt a new policy that the Department may work with agencies interested in multi-year temporary transfers of part or all of the excess entitlement and bring such offers to your Board for approval in the future should they be received."

The existing State Water contractors should be the major contributor in developing State Water transfer policies consistent with existing contracts.

### B. Policy Goals

1. The primary goal of the policy should be to provide certainty and simplicity in the transfer process.

2. To clarify the available capacity in the Coastal Aqueduct for potential transfers. The District is particularly interested in clarification of the availability of capacity in the reach south of Lopez Turn-Out to the County line.

Questions:

- Is there capacity? (seasonal versus full time)
- What is the procedural framework to make use of available capacity.
- Is it possible for a non-contracting party to take seasonal delivery of water for storage or immediate use? If the answer is in the affirmative, then appropriate strategies and procedures should be developed.

3. To encourage the placement of valves in the Coastal Aqueduct to facilitate emergency transfers.

The Economic Advisory Committee and the Water Resource Advisory Committee may be valuable assets in establishing policy in which your Board would approve implementation by staff and not by the Committees.

### C. Criteria for Using State Water

1. Non-emergency use:

- a. All public agencies, public water companies regulated by the PUC, and existing mutual water companies (including agriculture) are potential transferees.

Ruth Brackett, Chairperson  
County Board of Supervisors  
September 17, 1997  
State Water Policy  
Page Three

- b. All costs must be addressed in the contract documents and paid by the contracting parties.
- c. All relevant issues must be addressed, including compliance with CEQA.

2. Emergency Transfers

The County-Wide Standard Emergency Management System(SEMS) should be directed to develop guidelines and procedures for the transfer of available water through the Coastal Aqueduct in emergency situations.

D. Insurance Water

Insurance water should be made available at the lowest possible cost to contracting and "non-contracting" parties.

On behalf of the District' Board of Directors, we thank you for the considerations given to the matters raised in this letter.

Very truly yours,

Board of Directors  
NIPOMO COMMUNITY SERVICES DISTRICT

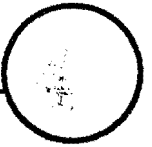
Kathleen Fairbanks  
President

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**AGENDA ITEM**

**SEP 17 1997**



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 17, 1997

REQUEST FOR JANITORIAL SERVICE

Staff is requesting approval from your Honorable Board to request proposals for janitorial services for its new office building at 148 S. Wilson Street. Attached is the "Request for Proposal" for janitorial service.

A motion and a voice vote would be in order by your Honorable Board to approve staff to request proposals. The proposals received will be brought back to the Board for final selection for janitorial service.

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**REQUEST FOR PROPOSALS**  
JANITORIAL SERVICES FOR NIPOMO COMMUNITY SERVICES DISTRICT

The Nipomo Community Services District is requesting proposals for janitorial services for its new office building at 148 S. Wilson Street. The janitorial service to be provided would be as follows:

1. Vacuum all carpeted floor areas
2. Mop all tiled and vinyl surfaces
3. Clean two restrooms, including all fixtures
4. Dust all exposed surfaces excluding desks
5. Clean kitchen-wipe down all fixtures and surfaces
6. Sweep all exterior walkways of building
7. Clean interior windows monthly
8. Clean exterior windows once ever 3 months

Janitor is to provide:

- a. All cleaning supplies and equipment necessary to provide service.
- b. Certificates of Insurance
- c. Proof of license and bond

The building is approximately 3500 sq. feet, consisting of an office area, a board room area, an entry area, a kitchen, and two restrooms. The frequency of service shall be the first and third Tuesday of the month after 4:30 p.m. Arrangements will be made with District staff for entrance to the building to provide such service.

Janitorial services personnel should review the District office building between 8:00 a.m. and 4:30 p.m. prior to submitting proposal.

Proposals are due by 2:00 p.m. October 8, 1997.

Proposals are to be submitted to:

Nipomo Community Services District  
148 S. Wilson Street  
Post Office Box 326  
Nipomo, California 93444  
(805) 929-1133

**AGENDA ITEM**



SEP 17 1997

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 17, 1997

MINUTES FROM SAFETY MEETING

The Minutes from the Safety Meeting of Sept. 8, 1997 and Sept. 9, 1997 are presented to the Your Honorable Board for your review. After review and comments, the Board of Directors may make a motion to accept and file the Safety Minutes.

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

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**NIPOMO COMMUNITY SERVICES DISTRICT  
148 SOUTH WILSON STREET  
P.O. BOX 326  
NIPOMO, CA 93444-0326  
(805) 929-1133 FAX (805) 929-1932**

NIPOMO CSD SAFETY MINUTES

Date: September 8, 1997

Present: Lee Douglas, Butch Simmons, Rick Motley, Ernest Thompson and John Caldon

Lee Douglas trained the field crew on how to safely change chlorine cylinders and how to check for leaks with ammonia. He also trained the field crew on how to safely use their air masks and air packs. There were no questions from the crew.

Date: September 9, 1997

Present: Doug Jones, Lisa Bognuda, Donna Johnson and Kathy Beltran

Doug Jones explained the fire safety features of the new building. There is a fire extinguisher in the kitchen, there are smoke alarms in the ceilings and there is a fire alarm pull at the main entrance of the building. The building's fire alarm is connected to the fire department. There is also "panic hardware" on the doors which means someone on the inside of the building may exit the building even if the doors have been locked from either the inside or outside. Any door may be used for an emergency exit. There were no questions from the staff.

AGENDA ITEM

SEP 17 1997



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 17, 1997

NEW OFFICE BUILDING CONTRACT (DEFERVILLE)

Mr. Barry William, the architect for the new office building, has been in conference with Deferville Construction on the punchlist and other items that need to be corrected in the building. Mr. Williams will be making a verbal presentataion or a written report on the status of the building.

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**AGENDA ITEM**

**SEP 17 1997**



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 17, 1997

### BOARD ROOM USE POLICY

Attached is a draft use policy for certain organizations to use the Board room for community meetings and events. The attached draft is for the Board's review and consideration. After the Board's review the Board may adopt this policy, by motion, for general use of the building. The policy may be modified from time to time, depending on circumstances that may arise.

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**NIPOMO COMMUNITY SERVICES DISTRICT**  
REQUEST TO USE DISTRICT BOARD ROOM

DATE OF USE \_\_\_\_\_ DATE REQUESTED \_\_\_\_\_

TIME OF USE From \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

NAME OF ORGANIZATION \_\_\_\_\_

PERSON IN CHARGE \_\_\_\_\_

DEPOSIT RECEIVED \$ \_\_\_\_\_

Certificate of Insurance  
with NCSD additional insured \_\_\_\_\_

I have read the guidelines and fully understand the conditions and guidelines contained therein and agree that the original use will comply with the conditions and obligations.

\_\_\_\_\_  
Signature Date

Approved by \_\_\_\_\_ Date \_\_\_\_\_

GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

The District Meeting Room (sometimes referred to as the "facility") is available to the community in accordance with the following rules;

1. The District Meeting Room is available Monday through Saturday. The Meeting Room is not available on Sundays and District holidays.
2. The Meeting Room is available to non-profit groups on an equitable basis regardless of their belief or affiliations. Permission by the District for a group to use the room is not an endorsement by the District of the group's policies or beliefs. Seating Capacity 64.

*Non-Profit Groups - Any organization that possesses tax exempt status from the Internal Revenue Service or whose primary purpose for existing is community oriented (e.g., adult service organizations and recreational clubs) and not for the purpose of generating profits for itself.*

3. Promotion of an event using the name of "Nipomo Community Services District" as a sponsor may not be used without specific written permission from the District Board of Directors. Any promotion initiated by an applicant prior to receiving written permission for use may result in cancellation of the reservation.
4. The District's Meeting Room is not intended for long term use by one group. Request for use must be made a minimum of ten (10) days prior to use and not more than three months in advance to allow availability of the Room to all interested groups.
5. Reservations for use of the Meeting Room must be made by an adult (over 18 years old) on the District's standard reservation form that is available at the District's office located at 148 South Wilson, Nipomo. Reservations will not be confirmed until a deposit is paid.
6. Any changes to confirm reservations must be made no later than ten (10) working days prior to the event, or they will not be honored. All changes must be made during regular business hours through the District at (805) 929-1133. Users should carefully plan their event dates, times, and setup to avoid changes to the original reservation.
7. If a need arises to cancel a reservation for the use of the District Meeting Room, the District will refund fees in full if we are given at least ten (10) working days in advance notice; otherwise the room fees will not be refunded.



GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

8. The General Manager or his/her designee is responsible for approving requests for use and may, at his/her discretion, cancel meeting room privileges for failure to observe regulations or grant exceptions to the guidelines as deemed appropriate. A written warning may be issued to any group failing to observe these regulations during their event. Groups receiving more than one warning in a one-year period will not be permitted to use the rooms for six (6) months. The District reserves the right to cancel a group's reservation if use of the room is essential for official District business.
9. The District General Manager reserves the right to refuse use of the Meeting Room to any groups for previous misuse. All uses are subject to approval based upon availability, maintenance schedules, and nature of use.
10. Requests for fee waiver shall be made in writing to the District General Manager no later than thirty (30) working days prior to the scheduled event.
11. A refundable security/cleaning deposit of \$50.00 is required for use of the facility. Deposits are refunded upon satisfactory acceptance of the facility's condition at the end of the event. Refunds are issued through the District approximately two weeks after the date of use.
12. Users are encouraged to inspect the Meeting Room upon arrival and note any problems at that time to a staff member on duty.
13. Groups shall not charge an admission fee or have merchandise sales.
14. Users are required to present evidence of suitable liability insurance in which the District is named primary additional insured. Special Events Insurance may be obtained through the District.
15. Smoking and alcoholic beverages are not allowed on the premises.
16. Food and drink are not permitted in the District Meeting Room. Kitchen facilities are not available.
17. Permission to use the room is not transferable to other groups. All reservations must be approved through the District.
18. Activities which will cause excessive wear and tear will not be allowed, such as handicrafts, activities involving pets, etc.
19. Provisions for adequate protection of exhibits are the responsibility of the sponsor. The District assumes no responsibility for exhibits or materials brought into the District Meeting Room and does not provide supervision, security or staffing for gatherings.

GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

20. Noise and activity levels should be controlled by the sponsoring group so as not to interfere with the neighborhood or normal District operations.
21. Exhibits or decorating shall not be nailed, stapled, taped, or glued to the ceilings, soundproofing panels, painted surfaces or floors. The sponsor is responsible for all costs associated with any damages incurred during its usage, including District staff time needed to correct the situation. Charges will be deducted from the cleaning/security deposit and additional billing may be necessary.
22. Security of the group's personal property as well as the District's property from theft and vandalism is the sole responsibility of the group representative whose name appears on the reservation form or their delegate. Therefore, the room should not remain unattended due to breaks, intermissions, etc., during the reserved time. In the event that the group recesses during their reserved time slot, a responsible adult should remain on site.
23. Any group who does not have the reserved room completely vacated of all their attendees at the confirmed ending time of their room reservation, will be considered late. A written warning may be issued to the group and future use of the room may be jeopardized.
24. Groups using the room are responsible for setting up and putting away all furniture needed for their event (please make sure that reservation includes sufficient time to accomplish this). NCS D is not responsible for providing additional tables and chairs. When a group takes possession of the room, the furniture will be set up in a standard configuration. Any deviation from this standard configuration (e.g., more tables, fewer chair, changes to the layout of tables and chairs) will be the responsibility of the user group and requires staff approval to ensure that fire code regulations have been met. At the conclusion of the event, tables and chairs must be returned to standard configuration (a diagram is posted in the Meeting Room for reference). If the room is not returned to the proper setup, a written warning may be issued to the group and future use of the facilities may be jeopardized.
25. Users are expected to abide by all laws and ordinances set forth by all local, state and federal agencies. Users are also expected to comply with rules and regulations for facility use and obey all District staff members in attendance at facility. Non-compliance will result in cancellation of reservation and loss of fees paid.
26. To assure the safety of the users, all occupancy requirements must be followed and fire exiting pathways must be kept clear for the duration of all reserved events.

GUIDELINES FOR USING  
NIPOMO COMMUNITY SERVICES DISTRICT  
MEETING ROOM

27. Personal items may be used in the rooms only during the reserved time slot and may not be stored overnight. In addition, they may not create a potential hazard to others or to the room. Large items, such as full size pianos, must be professionally installed, and should be coordinated with District staff to ensure that there will not be any access or clearance problems.
28. All reservation concerns should be reported to the District Manager or his/her designee, during normal working hours.
29. The District may cancel or reschedule use of the District's Meeting Room for any reason deemed necessary. Users will be given as much notice as possible. All fees will be refunded within two weeks of notification.
30. The District is not responsible for accidents, injury or loss of individual property during the facility's use.

REGULAR BUSINESS (Monday - Friday, 8:00 am - 4:30 pm)  
Nipomo Community Services District (805) 929-1133

A fee of \$ 50.00 will be charged for use of the Meeting Room to cover the cost for District personnel to open and close the building. There will be no fee for use of the Meeting Room during District's normal business hours.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 17, 1997

### MANAGER'S REPORT

**1. Open House**

Staff is requesting direction from your Honorable Board on which date an open house of the new office building would be desirable (recommend October 23, 1997) and the procedures of the open house, i.e. time, duration and activities.

**2. LAFCO Correspondence**

LAFCO is proposing to pass a resolution accepting all the special districts outside service areas that have been served prior to January 1, 1994. Any new outside of District services will need approval of LAFCO after January 1, 1994. LAFCO correspondence and proposed resolution is attached for your review.

**3. U.S. News Information**

Enclosed is an article from U. S. Water News on climate and water, for the Board's information.

**4. Black Lake STP Status**

An oral report was made to the Board on the status of the Black Lake Treatment Plant expansion.

**5. CSDA Information**

Attached is CSDA annual election information. The election will be taking place at the annual meeting in Anaheim on September 26, 1997. Director Blair is planning to go to the conference. It is staff's recommendation that that the District support Kit Carter for re-election to Region 4 Seat A. The Board may direct Mr. Blair to vote accordingly.

**LAFCO • Local Agency Formation Commission**  
Serving the Area of San Luis Obispo County

**TO: ALL COUNTY SPECIAL DISTRICTS**  
**FROM: PAUL L. HOOD, LAFCO EXECUTIVE OFFICER**  
**DATE: SEPTEMBER 3, 1997**  
**SUBJECT: VALIDATION OF EXISTING OUTSIDE USER AGREEMENTS**

COMMISSIONERS

BYRON BRILEY, Chair  
Special District Member  
GENE GATES, Vice-Chair  
City Member

RUTH BRACKETT  
County Member

WILLIAM ENGELS  
Special District Member

DUANE PICANCO  
City Member

CRAIG PRITCHARD  
Public Member

MICHAEL P. RYAN  
County Member

ALTERNATES

PETE DOUGALL  
City Member

CAROLYN MOFFATT  
Special District Member

LAURENCE LAURENT  
County Member

RICHARD ROBERTS  
Public Member

STAFF

PAUL L. HOOD  
Executive Officer

KATHY BOUCHARD  
Legal Counsel

NIKKI J. SCHMIDT  
Clerk to the Commission

As part of the process of seating special districts on the San Luis Obispo Local Agency Formation Commission, in April 1994 LAFCO requested that all special districts provide a list of existing functions and services and outside user agreements in place on January 1, 1994. The Commission now has the authority to approve or deny any outside user agreements that are entered into after that time.

As part of this process, the Commission has asked staff to present an agenda item that will validate those agreements that were in place on January 1, 1994 to provide a "baseline" for future applications. Legal Counsel has determined that an amendment to the Commission's "General Standards for the Evaluation of Proposals" is the most appropriate means of officially establishing this baseline list.

Please review the enclosed "draft" resolution amending the Commission's "General Standards for the Evaluation of Proposals" and provide me with any comments at your earliest convenience. Attached to the resolution that will be presented for adoption by LAFCO will be the actual responses to the April 1994 request for a list of functions, services, and outside user agreements. Because of the length of the responses, they are not attached to the resolution but are available for review in the LAFCO Office by any member of the public. After the Commission approves the resolution, the responses will be used as the baseline list for future services outside special district boundaries.

RECEIVED

SEP 08 1997

NIPOMO COMMUNITY  
SERVICES DISTRICT

# DRAFT

IN THE LOCAL AGENCY FORMATION COMMISSION  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, \_\_\_\_\_

PRESENT:

ABSENT:

RESOLUTION NO. 97-22

RESOLUTION DETERMINING THE VALIDITY OF  
SPECIAL DISTRICT SERVICES PROVIDED BY CONTRACT  
OUTSIDE JURISDICTIONAL BOUNDARIES

The following resolution is now offered and read:

**WHEREAS**, on April 29, 1994, LAFCO staff requested that all special districts in San Luis Obispo County submit a list and map of all functions, services, and services areas, including outside user agreements that existed on or before January 1, 1994; and

**WHEREAS**, a number of special districts provided such an inventory to the Executive Officer; and

**WHEREAS**, at the May 15, 1997, meeting the Commission directed the Executive Officer to prepare language validating the outside user agreements that were listed as existing on or before January 1, 1994.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, that the San Luis Obispo County LAFCO's General Standards for the Evaluation of Proposals for the Formation of Municipalities and Special Districts and Annexations shall be clarified as follows:

**ADD: 16.** Any proposal involving new or extended services, by contract or agreement, outside jurisdictional boundaries shall comply with Government Code 56133.

However, for the purpose of complying with the sentence in Government Code 56133 which reads, "This section shall not apply to an extended service that the city or district was providing on or before January 1, 1994.", the term "service" shall include tentative will serve agreements issued by a District prior to January 1, 1994, but only if those agreements have been properly and timely disclosed and registered with the LAFCO Executive Officer and are listed on the baseline list. A copy of the baseline list is attached to this resolution. The list shall be registered in the official minutes of LAFCO.

This resolution is a legislative act. Therefore, under police powers, rights of any parties to any agreement or rights or contract may be impacted by this resolution.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner

\_\_\_\_\_, and on the following roll call to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted. www.NoNewWipTax.com



## Will super hurricanes, or 'hypercanes,' be the storms of the future?

"Good news about climate makes fewer headlines." That was the conclusion of Charles Balling, Jr. in 1990 when research he was involved in at Arizona State University concluded that any global warming, whether man-made or natural, would result in decreases in the intensity of tropical storms and hurricanes. "The media paid no attention to that, or for that matter any related research ar-

tions of climate catastrophe. There were severe droughts in the Southeast. The Missouri and Mississippi rivers were at their lowest stages in years. Wildfires ravaged the West, particularly the fire in Yellowstone National Park that was allowed to burn unabated and produced enough smoke to require that the lights be turned on in Wrigley Field in Chicago during an afternoon game. And as if

foresaw similar changes, increases of hurricanes by 50 percent and increases in their intensity of more than 20 percent. Both these reports and others captured the imagination of the media and the popular press and made headlines throughout the nation.

What has not gained great attention by the media have been disclaimers by scientists who say the record does not support any of the above contentions. One voice has been that of William Gray, a meteorologist at Colorado State University. Since 1983, Gray has been making tropical storm forecasts that during most years have been 80 to 90 plus percent accurate. He has consistently insisted that any warming whether man-made or natural cannot be used as an indicator to predict either the number of hurricanes or their intensity. "Hurricane frequency and intensity change," he wrote in 1995, "because of general changes in both atmospheric and oceanic circulation, not because of increased temperatures."

More recently, Chris Landsea, who has worked with Gray on tropical cyclone forecasts since the Colorado State project commenced, discovered that average hurricane activity actually decreased after 1944, from an average mean intensity (m/s) of about 42 during that year to a m/s of 38 in 1995. All the while, both emissions and concentrations of  $CO_2$  and other greenhouse have been increasing. The most intense storms, in fact, were recorded in 1950. And even the intensity of Hurricane Gilbert in 1998 failed to push that year to the average of 1944:

For all of the other indications of freak weather caused by global warming, 1988 is remembered as a fairly light hurricane year except for the freakish Gilbert.

Similar information, it turns out, has been available since 1990, in a report that appeared in *Meteorology and Atmospheric Physics*, although it has not been widely publicized. That

year saw a report by Robert Balling, Sherwood Idso, and Randall Cerveny, researchers from Arizona State University, all of them, in Balling's words, members of "a band of greenhouse skeptics."

What statistical analysis indicated, based on records from 1947 to 1989 is that the number of tropical storms has decreased in direct proportion to the average annual Northern Hemisphere temperature increases. These temperatures have fluctuated from about 0.36C below average to 0.52C above average. At the low end of the scale, the historical record shows an average of almost eleven tropical storms annually. Only about nine have been recorded during the warmer regimes at the high end of the scale. There is one other aspect of the record that deserves mention here. Except for a few freak years such as 1988, more intense hurricanes and the most intense hurricanes have been recorded when the numbers of tropical storms is highest. Consequently, based on the record, more intense hurricanes might well be expected during relatively cooler years.

Like most greenhouse warming suggestions, the papers calling for an increase in hurricanes with an increase in  $CO_2$  are based on the speculations of computer models. Balling has long been a global warming opponent and in 1992, published *The Heated Debate*, a book that may be the most even-handed treatment of the controversy about global warming to date.

In 1995, he attempted to convince the editors of *Newsweek* that the patterns of tropical storminess are not likely to change much from what has been witnessed in the past and that warming does not lead to increased hurricanes. That was not newsworthy enough, and the magazine chose to blame the hurricane increases of 1995 on global warming in a 1996 cover story, helping to popularize and spread the word about future hypercanes.

## The Weather Observer

By Cliff Nielsen

iving at the same conclusion," Balling commented recently. "Unfortunately, any suggestion that anthropogenic greenhouse gases might increase hurricane numbers and intensity was widely reported, unfortunately skewing the consensus of scientific opinion."

What is one of the latest global warming brouhahas started more than a decade ago? That was when M.I.T. hurricane scientist Kerry Emanuel published a series of highly technical and complex papers on hurricanes. In a series that came to a total of three articles, Emanuel suggested that if sea surface temperature were to fall below 26 degrees C (78.8 F) intense hurricanes would become a physical impossibility. But in the third of those papers published in 1988, Emanuel introduced a snappy new term into the climatological lexicon, "hypercanes," or super hurricanes. The arguments in all three papers concluded that an increase in sea surface temperatures would engender a similar increase in the strength of large hurricanes, up to 30 to 40 percent for only 3 degrees C (5.4 degrees F) and even more for increases of 6 to 10 degrees C.

That year, 1988, turned out to be a nurturing environment for projec-

on the cue of Emanuel's warnings, a tropical storm named Gilbert appeared in September south of the Virgin Islands.

If ever a storm could be called a hypercane, it was Gilbert. It grew at an alarming rate. Its center pressure dropped to 885 millibars, the lowest pressure ever recorded in a Western Hemisphere hurricane, and a pressure more common at the summits of mountain peaks in the eastern U.S. Just before it struck Cancun in the Yucatan of Mexico, its sustained wind speeds reached 175 mph. In the summer and fall of 1988, we were seeing the consequences of greenhouse warming unfold before our eyes, or so it seemed.

After that frightening year, a number of articles have appeared forecasting significant increases in hurricane activity and intensity. One article by S.T. O'Brien, et al., appearing in the magazine *Climatic Change* in 1992, stated that a doubling of  $CO_2$  would raise sea surface temperatures from 1 to 4 degrees C. (1.8 to 7.1 degrees F), and increase by double the number of hurricanes. Such a change would also increase their strength by 40 to 60 percent. Another article by R.M. Harrisma, et al, published in *Climate Dynamics* in 1993

**1997 CSDA ANNUAL ELECTIONS**  
**CALL FOR NOMINATIONS - SECOND NOTICE**  
CSDA Annual Meeting and Elections  
 Friday, September 26, 1997  
**8:30 a.m.**  
 Sheraton Hotel, Anaheim

The California Special Districts Association will elect new members to its Board of Directors as part of its annual conference in Anaheim on September 24-26, 1997. The Annual Meeting and Elections will be held on Friday, September 26, 1997 at 8:30 a.m.

The Board of Directors is CSDA's governing body and is responsible for all policy decisions affecting CSDA's member services and legislative program. Its functions are crucial to the operation of the Association and to the representation of the common interests of all California's special districts and before the Legislature and the state administration.

**Election Rules**

Each of CSDA's six regional subdivisions has three seats on the board. The chart below indicates which seats are up for election in 1997. CSDA Bylaws include the following rules governing election of board members:

- **Candidates must be affiliated with a member district located within the geographical region they seek to represent.**
- **Each candidate must submit by/or at the annual election a resolution of support issued by his or her Board of Directors.**

**Procedures**

Incumbent directors are asked to announce their intentions to seek reelection prior to the conference. Those seeking reelection are listed below as candidates.

Others interested in running may be nominated by completing the accompanying nomination form and returning it to CSDA headquarters in Sacramento - 1121 L Street, Suite 508, Sacramento, CA 95814, Attn: Catherine Smith, (916) 442-7889 FAX. Sending in the form will ensure the candidate's name will appear on the ballot. Nominations will also be taken from the floor at the annual conference. Floor nominations must possess a resolution of support at that time.

<b>CSDA Board of Directors - Candidates and Vacancies</b>	
<b>Region 1 (North)</b>	<b>Seat A - Vacant (exp. 2000)</b>
<b>Region 2 (North Central)</b>	<b>Seat A - <i>Bill Porter</i> (exp. 2000)</b>
	<b>Seat B - Vacant (exp. 1998)</b>
<b>Region 3 (Bay Coastal)</b>	<b>Seat A - <i>Chuck Beesley</i> (exp. 2000)</b>
<b>Region 4 (Central Valley)</b>	<b>Seat A - <i>Kit Carter</i> (exp. 2000)</b>
<b>Region 5 (South Central)</b>	<b>Seat A - Vacant (exp. 2000)</b>
<b>Region 6 (South)</b>	<b>Seat A - <i>Harry Ehrlich</i> (exp. 2000)</b>

**IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE CONTACT CATHERINE SMITH AT CSDA (916) 442-7887.**