

John

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

JULY 15, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
KATHLEEN FAIRBANKS, **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**

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF JULY 1, 1998

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Members of the public, wishing to address the Board on matters other than scheduled items, may do so when recognized by the Chairperson. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda. **Presentations are limited to three (3) minutes.**

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. REQUEST FOR WILL-SERVE LETTER AT 378 TYRUS CT APN 92-111-028
Request for sewer service in CSA 1-A, Galaxy Park
4. LA PLACITA PLAZA - REQUEST FOR SERVICE (D96-00053D)
Review request for water and sewer service for a commercial project at Orchard & Division
5. SUN DALE WELL
Review construction bids and possible award to install pump etc for Sun Dale Well.
6. SOUTHLAND WASTEWATER PLANT EXPANSION - *Delayed*
Review amended SRF Loan contract and construction bids. Award construction bid.
7. ACCEPTANCE OF IMPROVEMENTS - TRACT 1805 (SNELLENBERGER)
Resolution accepting water and sewer improvements for Tract 1805

FINANCIAL REPORT

8. APPROVAL OF WARRANTS
9. QUARTERLY INVESTMENT POLICY REPORT

OTHER BUSINESS

10. MANAGER'S REPORT
 1. SENATOR JACK O'CONNELL'S LETTER ON JUVENILE JUSTICE SUMMIT
 2. REVIEW RWQCB - WATER QUALITY CONTROL PLAN CORRESPONDENCE
 3. CAL WATER JOURNAL ON ENVIRONMENTAL SPECIES ACT (ESA)
 4. CSDA QUICK NEWS
11. DIRECTORS COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

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

Potential Litigation GC§ 54956.9

1. SMVWCD vs CITIES OF SANTA MARIA, GUADALUPE & SO. CAL. WATER CO. et. al, Case No. CV 770214

Public Employee Performance Evaluation GC § 545957

1. General Manager

ADJOURN

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JULY 1, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
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GENE KAYE, **DIRECTOR**

STAFF

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

CALL TO ORDER AND FLAG SALUTE

President Mendoza called the July 1, 1998 meeting of the Nipomo Community Services District Board of Directors to order at 7:04 p.m. and led the flag salute.

ROLL CALL

At Roll Call all Board members were present.

APPROVAL OF MINUTES

1. REGULAR MEETING OF JUNE 17, 1998

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Minutes of the June 17, 1998 Board Meeting.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

President Mendoza opened the meeting to Public Comments. There were none.

BOARD ADMINISTRATION

3. OUTSIDE DISTRICT WATER USER RATES

Review outside the District water user rates with possible revision.

Mr. Jones explained the analysis of the Out-of-District rate. District Legal Counsel, Mike Seitz, explained that the law dictates the District justify charges for water use outside the District. There were no public comments. Director Simon made a motion to keep the Out-of-District water rate the same as it has been. Director Blair seconded. Motion passed unanimously.

4. INTENT-TO-SERVE TRACT 1924 (WITTSTROM)

Request for water service for a 69+ lot subdivision at Camino Caballo & Osage

Mr. Karl Wittstrom requested water service for an approx. 70-lot subdivision for Tract 1924. Item tabled until new plans for Phase II of the project are submitted to the District. Mr. Wittstrom also requested that a maintenance district for lighting and drainage be formed at that tract.

During this agenda item (Item #6) the following public spoke:

Ed Sauer - 363 Hazel Lane, Nipomo - questions the need for drainage ponds.

Director Fairbanks asked if the District could influence the County to make the drainage more than a fenced weedy eyesore. The Board directed staff to write a letter to County Planning suggesting a more attractive and possibly useful drainage area.

MINUTES SUBJECT TO BOARD APPROVAL

- b. Resolution requesting the District election be held the same time as the General Election.

Upon motion of Director Kaye, seconded by Director Fairbanks, the Board unanimously approved Resolution 98-658.

RESOLUTION NO. 98-658
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF
THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE
A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 3, 1998
WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE
SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTION CODE

FINANCIAL REPORT

9. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved the Warrants presented at the July 1, 1998 meeting.

OTHER BUSINESS

10. MANAGER'S REPORT

1. Southland Wastewater Treatment Facility Expansion Bid Results

Mr. Jones presented the unofficial bid results for the expansion of the Southland Wastewater Treatment Facility. No Board action is necessary until the next meeting. There were no public comments.

11. DIRECTORS COMMENTS

Director Blair feels that the proposal to make a recreational facility at Twitchell Dam is in discussion in Santa Maria. He also feels that the dam would be a good source of water for the District.

Director Simon discussed the \$30 million project in Arroyo Grande.

Director Mendoza enjoyed the breakfast meeting with Supervisor Brackett. He would like to see a meeting such as this scheduled regularly with the new supervisor.

During this agenda item (Item #11) the following public spoke:

Ed Sauer - 363 Hazel Lane, Nipomo - had complaints about the Board of Supervisors

District Counsel, Mike Seitz, explained the need to go into closed Session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

1. NCSO vs. Shell Oil, et. al. Case No. CV 077387
2. Conference with real property negotiator, Dana-Doty Water line easement GC§ 54956.8
3. Conference with legal counsel - Anticipated litigation (one case)

The Board came back into Open Session and had no reportable action.

ADJOURN

President Mendoza adjourned the meeting at 8:29 p.m.

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 15, 1998

AGENDA ITEM
JUL 15 1998

3

WILL-SERVE LETTER IN CSA 1-A
(DEBBRA STONER AT 378 TYRUS CT.)

The District has received a request from Debbra Stoner for a Will-Serve letter for a 2 way lot split of her property, a one-acre parcel at the end of Tyrus Court. The proposed lot-split is within the County's jurisdiction (CSA-1A)- Galaxy Park area.

The District and the County have an agreement whereby the District will process the sewage from CSA-1A. The agreement with the County allows up to 327 services in the Galaxy Park area. Presently, there are 327 parcels to be served even though all of them are not connected to the sewer collector system. If the Tyrus Court parcel was split and connected to the sewer, the number of parcels to be served would be more than the agreement states. The agreement would have to be amended to provide service to the additional parcel(s) or deletion of inventory parcel(s).

Since the County is the administrative authority for CSA-1A, it is recommended that the applicant contact the County requesting that the agreement between the County and the District be amended to provide additional services to parcels in County Service Area-1A.

APPROPRIATE PROCEDURE

1. Applicant should request sewer service from the County Engineering-Building/Planning Dept. for the proposed lot split.
2. County should request an amendment to the agreement with the District to allow sewer service to the proposed lot split.
3. A Will-Serve letter will be issued after:
 - a. Approval of the amendment to the District-County contract,.
 - b. Payment of the District fees
 - c. Completion of the expansion of the District Wastewater Treatment Facility (Phase 1)

Associated Information Item

The District was required to do a sanitary survey, in the tenth year of the Sewer Grant Project, to determine failures of on-site disposal systems. The survey, completed in June 1997, revealed that there were five on-site disposal failures within the District boundaries and nine in Galaxy Park, CSA-1A, area. The District gave those within the District boundary a 90-day period to connect to the District sewer system. The District is working with two of the residents to complete this requirement. The same requirement was sent to the County to abate those systems within the Galaxy Park area. To date, none of the nine residents that have failing systems have contacted the District for a Will-Serve letter so they can connect to the system. It is believed that the County has not taken any action in this matter and is in violation of Article V(C), Abatement Proceedings of the Nipomo Sewer Projects Agreement between the District and the County. The District has not received a response after numerous phone calls to the County Engineering Department. The County Health Dept. will be kept abreast of this matter.

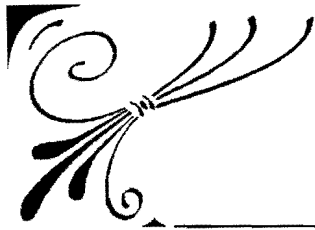
Debra Stoner, 10:18 AM 7/3/98 -, will serve letter

Date: Fri, 03 Jul 1998 10:18:04 -0700
From: Debra Stoner <dks@lightspeed.net>
Reply-To: dks@lightspeed.net
X-Mailer: Mozilla 4.02 [en]C-DIAL (Win95; U)
To: NCSD@ix.netcom.com
Subject: will serve letter

Dear Mr. Jones:

I am sending this email as a revision to the letter that I sent to you on June 22, 1998. The property that I own at 378 Tyrus Court in Nipomo will be split into a total of two parcels; not three. Thank you for your help concerning this matter.

Sincerely,
Debra Stoner



Debbra Stoner
378 Tyrus Court
Nipomo, CA 93444
(805) 929-2642
Email: dks@lightspeed.net



June 22, 1998

Douglas Jones-General Manager
Nipomo Community Services District
148 Wilson St. PO Box 326
Nipomo, CA 93444

Dear Mr. Jones:

I am writing this letter in regards to the property that I own at 378 Tyrus Ct. in Nipomo. I am in the process of splitting the existing acre parcel (APN# 92-111-28), upon which a single family residence with a septic exists, into a total of three lots. I am requesting a "will serve" letter from you to present to the San Luis Obispo Department of Panning and Building. Thank you for your expedient cooperation in this matter.

I give my full consent, and authorize Nancy Low to act as my agent in any future contacts with your company.

Sincerely,

Debbra Stoner

RECEIVED

JUN 23 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

Curve Data

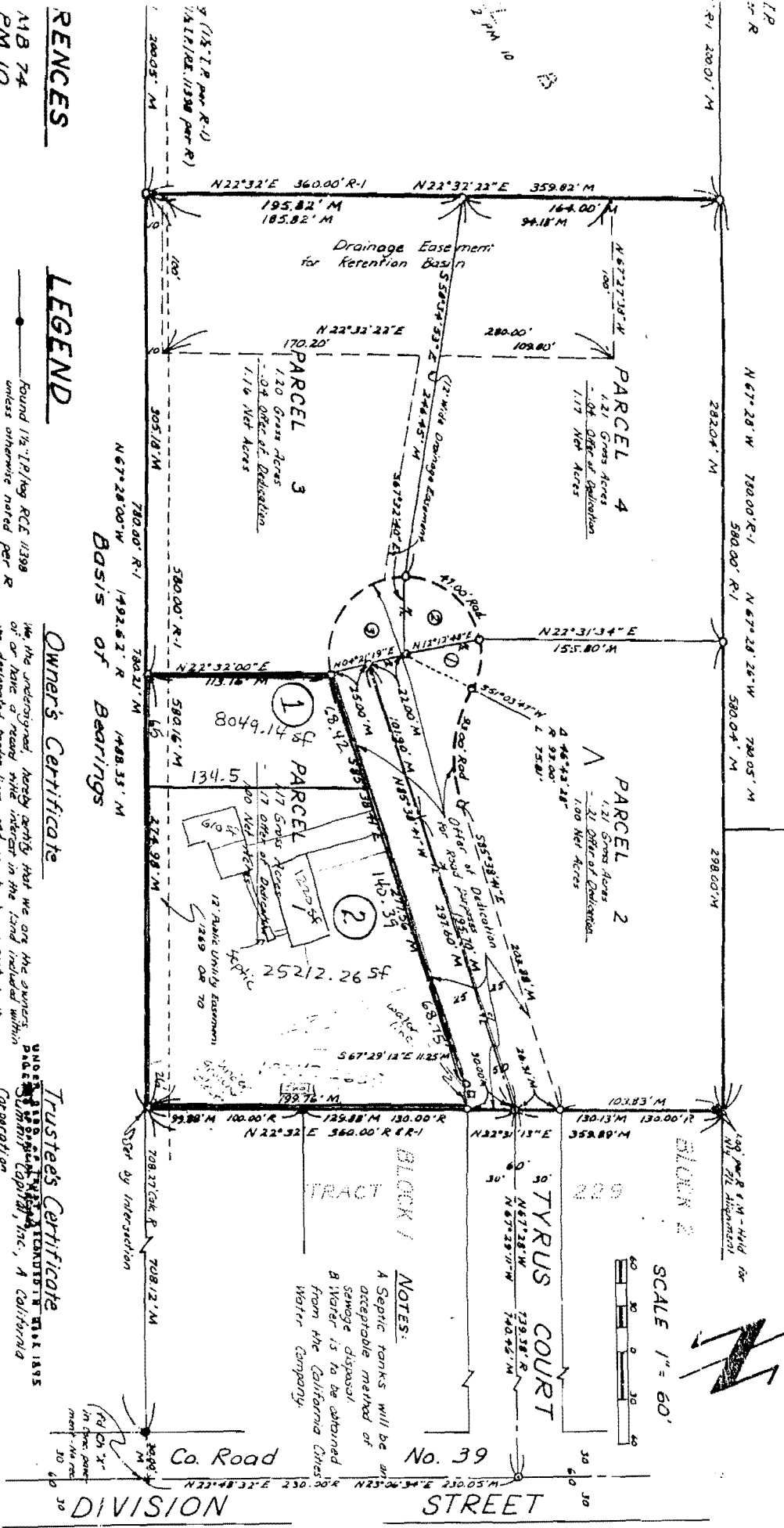
Stationing	Radius	Length
① 3851.00'	4700'	3187'
② 7945.28'	4700'	5543'
③ 10804.00'	4700'	8843'

Basis of Bearings

The Basis of Bearings for this map was taken from the south line of Lot 16 of the La Mesa Tract as shown on the map of Page 229 recorded in Book 6, Page 74 of Maps Sold bearing being noted as North 67° 28' West.

TRACT 202

TRACT 199



LEGEND

- Found 1/2" 12/16g RCE #1398 unless otherwise noted per R
- Found centerline street monument in well-stamped RCE #1398 per R
- Found centerline street monument in well-stamped RCE #1398 per R

Owner's Certificate

We, the undersigned, hereby certify that we are the owners of or have a valid title interest in the land included within the designated border lines; and we hereby consent to the preparation and recording of this map. We hereby dedicate to the public for public use all streets shown on this map and also dedicate to the public the easement for drainage purposes so designated in this map.

Trustee's Certificate

UNDEVELOPED TRACTS TRACT 199 & TRACT 202

By: *Becky A. Shuman*
Vice President

NOTES:

A septic tank will be an acceptable method of sewage disposal. B Water is to be obtained from the California Gas Water Company.

CC
Doc. #
Date

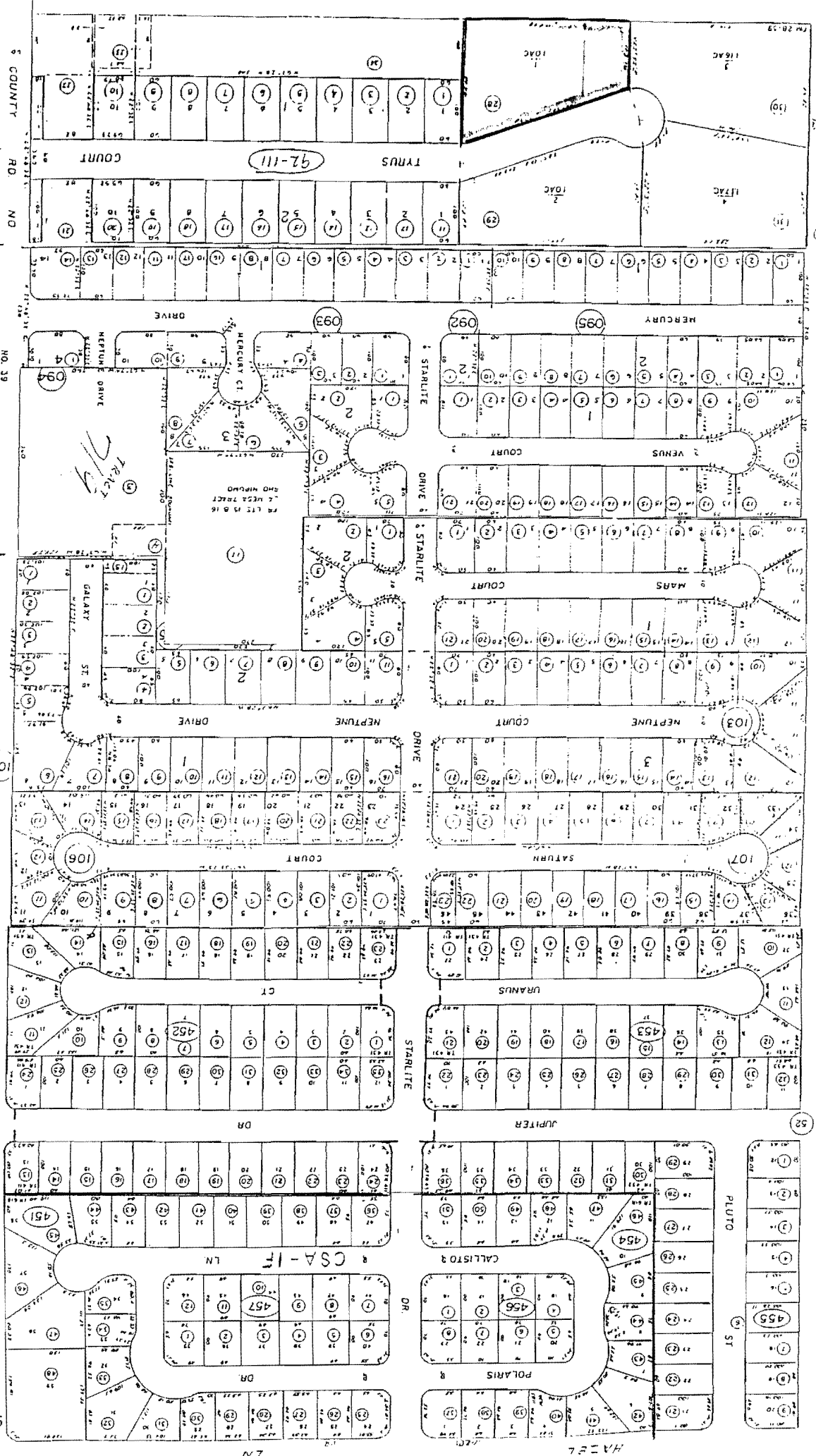
92-11

92-09

92-10

92-07

92-45



GALAXY LANE

SERVICE AGREEMENT

BETWEEN

SAN LUIS OBISPO COUNTY AND

NIPOMO COMMUNITY SERVICES DISTRICT

FOR

THE CONSTRUCTION, OPERATION AND MAINTENANCE

OF THE

NIPOMO SEWERAGE PROJECT

ARTICLE V. District to Conduct On-Site Sewage Disposal Surveys

A. Purpose

As a condition of the sewer grant, the District is required to conduct regular surveys to identify falling on-site sewerage systems, if any, within the State's moratorium area.

B. County Participation

Some of the moratorium area is outside the District, and the County agrees to reimburse the District for reasonable and necessary costs incurred in conducting such surveys outside the District.

C. Abatement Proceedings

County agrees to conduct abatement proceedings as necessary to abate or correct any falling on-site sewage disposal systems identified by the District within the moratorium area and reported to the County.

The method of abatement shall not at any time require connection of any property to the Nipomo Sewerage Project, or its extensions, without the approval of the District issued in conformance with all applicable District ordinances, resolutions and connection policies.

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

August 29, 1997

Tony Boyd
Engineering Department, Room 207
San Luis Obispo County
County Government Center
San Luis Obispo, CA 93408

SUBJECT: NIPOMO GALAXY PARK SEPTIC TANK SURVEY

A sanitary survey of all on-site sewage disposal systems within the Nipomo Sewer Grant Program has been completed by the San Luis Obispo County Health Department. Part of the survey included Galaxy Mobile Home subdivision. Enclosed for your review is a copy of the results of the survey.

A number of properties were found to be connected to the sewer system that were not on the District records. There were four found in the Urban Nipomo area and three in the Galaxy Park area. The monthly service charge for these properties will begin Sept. 1, 1997. The County will be billed accordingly. You may wish to put these properties on the tax roll for collection of the monthly sewer service charge.

During the survey, nine systems within the Galaxy Park area were classified as failures and must connect to the District sewer system. The District Board of Directors would like all failing systems connected to the District system within 90 days, no later than November 28, 1997. The District will be billing the Sewer Capacity Fee in the amount of \$2,370 per connection to the County for those Non-Volunteers to the Nipomo Sewer Project. Enclosed is a list of the failures in the Galaxy Park area indicating the Volunteers and the Non-Volunteers. Please notify the District when these failures are connected so that the monthly sewer charge may be implemented.

You will note that there are a number of gray water systems within the Galaxy and Nipomo area. The District will be working with the County Health Department and Building Department to resolve this matter.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT

s/

Doug Jones
General Manager

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

September 8, 1997

Gladys Kintz
 Accounting Technician
 San Luis Obispo County Engineering Dept
 County Government Center Room 207
 San Luis Obispo, CA 93408

CONNECTION TO SEWER SYSTEM
COUNTY SERVICE AREA NO. 1

The San Luis Obispo County Health Department in coordination with Nipomo Community Services District recently completed the Sanitary Survey as required by the Federal Grant. The Sanitary Survey has identified the following properties in Galaxy Park as failures:

<u>APN</u>	<u>ADDRESS</u>	<u>VOLUNTEER OR NON-VOLUNTEER</u>
092-111-022	1254 DIVISION	VOLUNTEER
092-101-017	363 MARS	VOLUNTEER
092-097-010	318 VENUS	NON-VOLUNTEER(fee already paid)
092-101-010	320 355 MARS	NON-VOLUNTEER ✓
092-091-006	430 MERCURY	NON-VOLUNTEER ✓
092-093-006	1288 MERCURY	NON-VOLUNTEER ✓
092-104-009	471 NEPTUNE	NON-VOLUNTEER ✓
092-097-011	306 VENUS	NON-VOLUNTEER ✓
092-101-016	355 MARS	" "

The above failures must connect to the sewer system. The Board of Directors of NCSD has allowed 90 days from the date of this notice for all failed systems to connect to the sewer system.

Gladys Kintz
September 8, 1997
Page 2

Pursuant to Article V (C) of the Service Agreement between the County and the District, the County agrees to conduct the necessary abatement proceedings. The capacity fee to connect to the sewer system is \$2,370 for Non-Volunteers. Attached is an invoice for the capacity fees for the above failures.

A Will-Serve letter from the District is required for each property. In addition, the District will begin billing the monthly service charge of \$18.00 upon connection. You will need to notify the District of the date of connection of each property.

If you have any questions, please call.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones
General Manager

Enclosure

cc: SLO County Health Department

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 15, 1998

LA PLACITA PLAZA
Commercial Project (D960053D)
Castellano

The District received a letter from Mark Vasquez, Project Coordinator, of the commercial project, La Placita Plaza, requesting an updated Intent-to-Serve letter. The previous Intent to Serve letter dated September 5, 1996 (copy enclosed) has expired. The developer of this project (Andy Castellanos) is also the developer of the adjoining Tract 1661. The District has not accepted the improvements of Tract 1661 due to a number of items still outstanding as described in the letter dated May 15, 1998. These items include:

- Reproducible As-Builts
- Offer of Dedication
- Engineer's Certification
- Breakdown of the capital costs of the improvements installed

The wastewater from this commercial development will flow through Tract 1661. It would be staff's recommendation that the Intent-to-Serve letter with the following conditions for La Placita Plaza be approved but be withheld until the developer supplies the District with the requested items for Tract 1661.

Intent-to-Serve Conditions:

1. The developer must enter into a Plan Check and Inspection Agreement and pay the necessary fees.
2. The improvement plans must be presented to the District for its approval. These plans shall show all existing off-site water and sewer facilities and all proposed facilities off-site and on-site. These plans shall show how each building is to be serviced, location of each meter and associated fire protection requirements.
3. All appropriate water and sewer capacity, meter, account fees and other fees are paid.
4. An Offer of Dedication of all the off-site water and sewer improvements must be made to the District.
5. A detailed plan of the on-site improvements so that the District may count the number of fixture units in each building for determination of the Dwelling Unit Equivalents for water and sewer fees.
6. A street lighting layout.
7. Landscape development in the common area shall be designed for a minimum water use.
8. A phone line conduit must be installed from each of the meter boxes to the appropriate telephone jack on the commercial building served.
9. The final Will-Serve letter not is issued until the District has additional production and storage on-line.

Norman & Vasquez Associates

101 West Branch Street, Suite 12
Arroyo Grande, California 93420
(805) 481-5645

James R. Norman, Architect
Mark Vasquez Associate

Nipomo Community Services District
PO Box 326
Nipomo, California 93444
(805) 929-1133

June 26, 1998

ATTN: Doug Jones

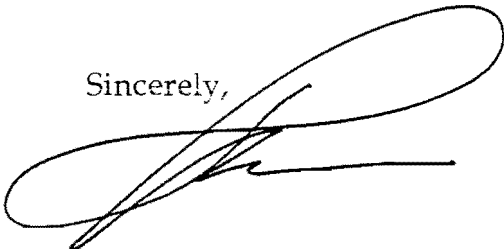
RE: Building Permit B971927, La Placita Plaza Commercial Project
D960053D/ Andys LP

Mr. Jones,

In response to our conversation today, I am writing to request renewal of the September 5, 1996 Intent to Serve letter for the aforementioned project. I also understand from our conversation that you have all of the necessary paperwork to process this request. If this is not the case please contact me as soon as possible.

If you have any further questions, please do not hesitate to contact me to discuss the project.

Sincerely,



Mark Vasquez, Project Coordinator

RECEIVED

JUN 29 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

NIPOMO COMMUNITY SERVICES DISTRICT

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

September 5, 1996

Norman & Vasquez Associates
101 West Branch Street, Suite 12
Arroyo Grande, CA 93420

**SUBJECT: D960053D/ANDYS LP
INTENT TO SERVE
COMMERCIAL DEVELOPMENT**

At their Regular Meeting on September 4, 1996, the Board of Directors of the Nipomo Community Services District considered your request for water and sewer service for Mr. Andy Castellano's project D 960053 D at the intersection of Orchard and Division in Nipomo. The Intent-to-Serve for this commercial development was granted subject to the following conditions:

1. The developer must enter into a Plan Check and Inspection Agreement and pay the necessary fees.
2. The improvement plans must be presented to the District for its approval. These plans shall show all existing off-site water and sewer facilities and all proposed facilities off-site and on-site. These plans shall show how each building is to be serviced, location of each meter and associated fire protection requirements.
3. All appropriate water and sewer capacity, meter, account fees and other fees be paid.
4. An Offer of Dedication of all the off-site water and sewer improvements must be made to the District.
5. A detailed plan of the on-site improvements so that the District may count the number of fixture units in each building for determination of the Dwelling Unit Equivalents for water and sewer fees.
6. A street lighting layout.
7. Landscape development in the common area shall be designed for a minimum water use.
8. A phone line conduit must be installed from each of the meter boxes to the appropriate telephone jack on the commercial building served.

Mark Vasquez
Norman & Vasquez Associates
Project D960053D
September 5, 1996
Page Two

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

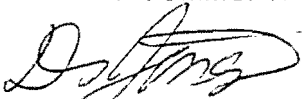
At the time a request for final approval is made to this District, the Board of Directors may agree to provide earlier service as provided at Section 2 of Ordinance No. 86-49.

This "Intent-to-Serve" letter shall be subject to the current and future rules, 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

DJ:d

cc: Andy Castellanos
Jay Johnson, Planning Dept

C:\W\projects\096-0053D.DOC

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

May 15, 1998

Manuel Palma
Westland Engineering Company
75 Zaca Lane, Suite 100
San Luis Obispo, CA 93401

TRACT 1661 – CASTELLANOS

The fees have been paid on Tract 1661 for several years now, however, the final District conditions have not been met. The following items need to be provided to the District prior the final acceptance:

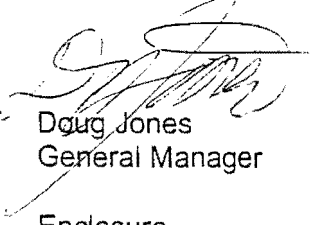
1. Reproducible As-Builts
2. Offer of Dedication (form attached)
3. Engineer's Certificate (form attached)
4. Breakdown of water and sewer improvements installed

Until final acceptance by the District, the Developer is responsible for all repairs and maintenance of the water and sewer improvements.

Please provide us with a status report or expected date we may expect the above referenced items. If you have any questions, please call.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones
General Manager

Enclosure

Cc: Andy Castellanos

Tracts/1661.doc

AGENDA ITEM
JUL 15 1998

5

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 15, 1998

SUN DALE WELL BIDS

The results of the bid opening for the installation of a pump and gas engine at the Sun Dale Well (on July 13, 1998) will be tabulated and presented at the July 15, 1998 Board meeting. After the Board has reviewed the bids, they may proceed to awarding the contract to the lowest responsible bidder. The appropriate documents will be presented at the Board meeting of July 15, 1998.

C:\W:BD2\SUN DALE BIDS

**NIPOMO COMMUNITY SERVICES
RESOLUTION NO. 98-Sun Dale Pump**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO _____
TO INSTALL A PUMP AND GAS ENGINE AT THE SUN DALE WELL**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("DISTRICT") is desirous of having water facilities to meet its requirements; and

WHEREAS, the DISTRICT has requested bids to install a pump and gas engine at Sun Dale Well and said bids were open on July 13, 1998 at 2:00 p.m.; and

WHEREAS, _____ bids were received and the apparent responsive and reliable low bid was from _____ in the amount of \$ _____; and

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

- 1) The contract to install a pump and gas engine at the Sun Dale Well be awarded to _____, the lowest responsible bidder, in the amount of \$ _____.
- 2) The President is instructed to execute the contract in behalf of the District.

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

AYES: Directors _____

NOES:

ABSTAIN:

ABSENT:

the foregoing resolution is hereby adopted this 15th day of July 1998.

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JULY 15, 1998

SOUTHLAND WASTEWATER TREATMENT FACILITY EXPANSION

Your Honorable Board reviewed the bids received on the expansion of the Southland Wastewater Treatment Plant at the Board meeting on July 1, 1998. This information was sent to the State. They will review it and amend the existing loan contract to reflect the bid numbers. If the District receives the State approval of the amended contract prior to July 15, 1998 Board meeting, it will be presented for the Board's review and approval and awarding contract for the expansion of the plant. If approval is not received by July 15 meeting, this item will be carried over to the Aug. 5, 1998 Board meeting.

C:\W:BD2\EXP BIDS\DOC

**NIPOMO COMMUNITY SERVICES
RESOLUTION NO. 98-SWTF EXPANSION**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO JOHN MADONNA CONSTRUCTION CO.
TO PERFORM THE SOUTHLAND WASTEWATER TREATMENT FACILITY EXPANSION**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("DISTRICT") is desirous of having sewer capacity to meet its requirements; and

WHEREAS, the DISTRICT has requested bids to expand the Southland Wastewater Treatment Facility and said bids were open on July 29, 1998 at 2:00 p.m.; and

WHEREAS, five bids were received and the apparent responsive and reliable low bid was from John Madonna Construction Company in the amount of \$771,171.50; and

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

- 1) The contract to perform the Southland Wastewater Treatment Facility Expansion be awarded to John Madonna Construction Company, the lowest responsible bidder, in the amount of \$_____.
- 2) The President is instructed to execute the contract in behalf of the District.

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

AYES: Directors _____

NOES:

ABSTAIN:

ABSENT:

the foregoing resolution is hereby adopted this 15th day of July 1998.

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

C:\W:\RES\98-SWTF EXP.doc

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 15, 1998

ACCEPTING WATER IMPROVEMENTS FOR
TRACT 1805 (SNELLENBERGER)

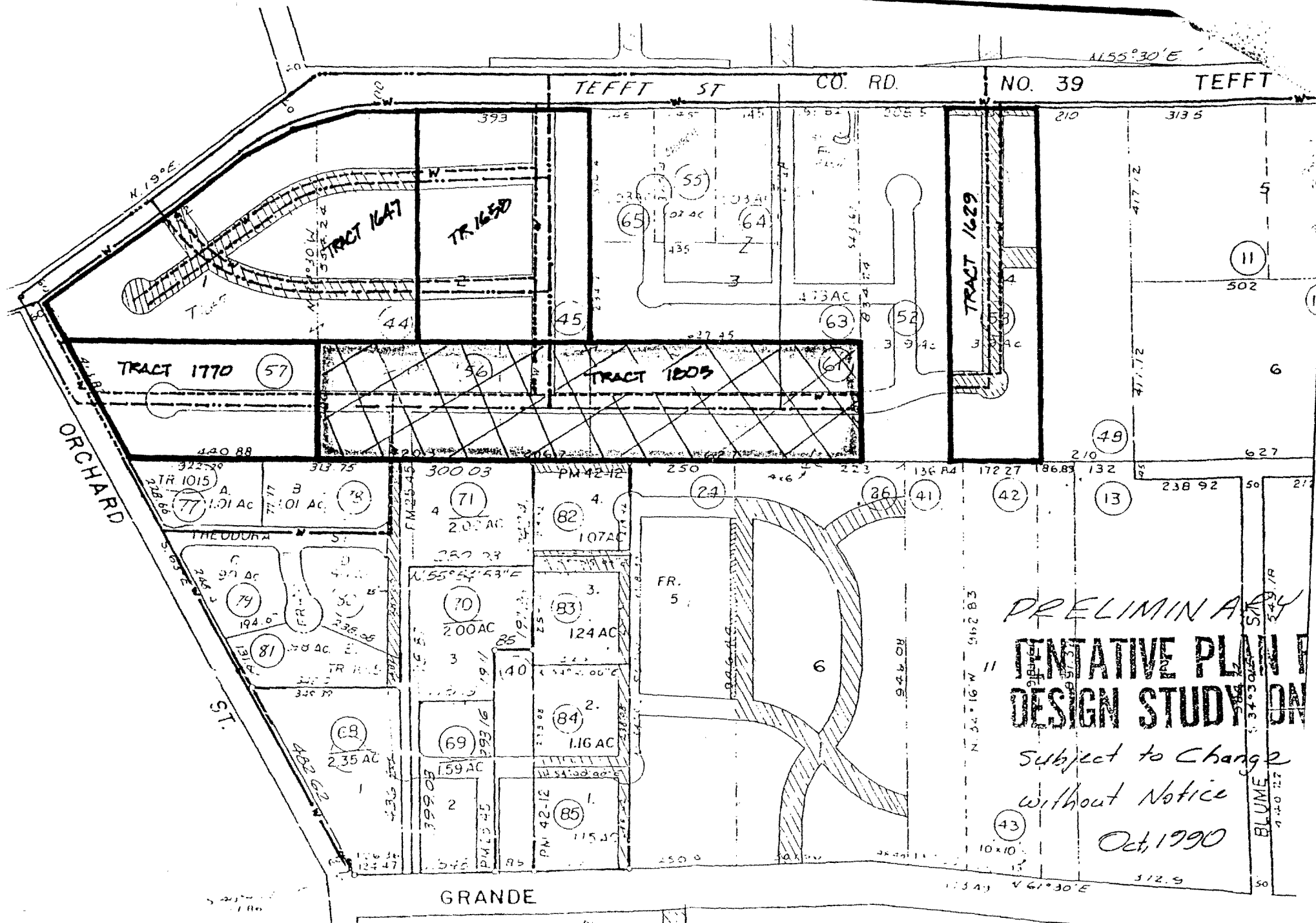
Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer for Tract 1805, a thirty eight (38) lot development on Chata Street, has installed water and sewer improvements and has met the District's conditions of installing the improvements, paid associated fees and providing the necessary paperwork, including the Offer of Dedication and the Engineer's Certification. Attached is a resolution accepting the water and sewer improvements for Tract 1805.

It is staff's recommendation that your Honorable Board approve Resolution 98-Tract 1805

NOTE:

This item was tabled at the June 17, 1998, Board meeting questioning two off-site water services, where the capacity fees, etc. had not been paid. These fees have now been paid.

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PRELIMINARY
TENTATIVE PLAN
DESIGN STUDY
 Subject to Change
 without Notice
 Oct, 1990

RESOLUTION NO. 98- 1805

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR TRACT 1805 (SNELLENBERGER)

WHEREAS, on July 19, 1989, the District Board of Directors did conditionally approve water and sewer improvements for thirty eight (38) lots created by Tract 1805 (Snellenberger), and

WHEREAS, the District approved and signed the construction plans on February 14, 1994, for the water and sewer improvements to be constructed, and

WHEREAS, the water and sewer improvements have been constructed and said improvements are complete and certified by their engineer, and

WHEREAS, on September 17, 1997, the Owner offered the water improvements to the Nipomo Community Services District, and

WHEREAS, this District has accepted such offer without obligation except as required by law, and

WHEREAS, all water fees for service, required in conformance with District Ordinances, have been paid in full for thirty eight (38) lots created by Tract 1805, and

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

That the water and sewer improvements constructed to serve the lots created by Tract 1805 are accepted by this District.

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

AYES: Directors _____

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 15th day of July 1998.

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

JUL 15 1998

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JULY 15, 1998

INVESTMENT POLICY - QUARTERLY REPORT

The Board of Directors adopted the 1998 Investment Policy for NCSD on January 21, 1998. 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).

Below is the June 30, 1998 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 1998 Investment Policy.

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

NIPOMO COMMUNITY SERVICES DISTRICT
INVESTMENT POLICY - QUARTERLY REPORT 6/30/98

The District's investments are as follows:

TYPE OF INVESTMENT	INSTITUTION	DATE OF MATURITY	AMOUNT OF DEPOSIT 6/30/98	RATE OF INTEREST	ACCRUED INTEREST 6/30/98
Money Market Checking	Mid-State Bank	n/a	\$46,231.19	1.01%	\$0.00
Savings	Mid-State Bank	n/a	\$12,697.11	2.54%	\$0.00
Pooled Money Investment	Local Agency Investment Fund	n/a	\$5,024,424.93	5.67%	\$72,256.28

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 1998 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
JUL 15 1998

10

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JULY 15, 1998

MANAGER'S REPORT

1. SENATOR JACK O'CONNELL'S LETTER ON JUVENILE JUSTICE SUMMIT
Enclosed is correspondence from Senator Jack O'Connell.

2. REVIEW RWQCB - WATER QUALITY CONTROL PLAN CORRESPONDENCE
Correspondence has been received from the Central Coast Water Quality Control Board on their water quality control plan for the Central Coast Basin.
Items on their priority list that would concern the District water supply:
 - No. 28 - Develop a Nitrogen Management Plan for the Santa Maria Groundwater Basin
 - No. 51 - Develop a Nitrogen Management Plan for Arroyo Grande Groundwater Basin
 - No. 124 - Developing a greenhouse policy

If the Board wishes to emphasize any of these items, they may direct staff to write a letter to the Regional Board with the Board's concerns.

3. CAL WATER JOURNAL ON ENDANGERED SPECIES ACT
Since the District is involved with the red-legged frog in one of its projects, this article may be of interest to the Board.

4. CSDA NEWS
Legislative update information

c:w/mgr071598

MENTO OFFICE
CAPITOL ROOM 5035
RAMENTO CA 95814
(916) 445-5405

SAN LUIS OBISPO OFFICE
1260 CHORRO STREET SUITE A
SAN LUIS OBISPO CA 93401
(805) 547-1800

SANTA BARBARA OFFICE
228 WEST CARRILLO, SUITE F
SANTA BARBARA CA 93101
(805) 966-2296

VENTURA OFFICE
89 S CALIFORNIA STREET, SUITE E
VENTURA CA 93001
(805) 641-1500

California State Senate

SENATOR
JACK O'CONNELL
EIGHTEENTH SENATORIAL DISTRICT



CHAIR
BUDGET & FISCAL REVIEW
SUBCOMMITTEE ON EDUCATION
COASTAL CAUCUS
MAJORITY CAUCUS
MEMBER
BUDGET AND FISCAL REVIEW
BUSINESS AND PROFESSIONS
CONSTITUTIONAL AMENDMENTS
EDUCATION
ENVIRONMENTAL QUALITY
JUDICIARY
NATURAL RESOURCES

June 29, 1998

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

Dear Mr. Jones:

As I am sure you are aware, issues pertaining to juvenile justice have been on the minds from everyone to law enforcement officials, legislators, teachers and parents. I am frequently asked what elected officials are doing to address the problem. That is why on August 7, 1998, from 9:00 AM to 1:00 PM, I will be hosting a Juvenile Justice Summit at the San Luis Obispo County Board of Supervisors Hearing Room at the County Government Center. It is with great pleasure that I invite you to attend the Summit. I am hopeful that as a community leader or elected official you will find the Summit to be beneficial. I am also very pleased that Senator Adam Schiff, Chair of the Senate Juvenile Justice Subcommittee, will be the keynote speaker. As you may know, Senator Schiff is a former federal prosecutor and very well versed in this subject area.

I hope you will join me at the Juvenile Justice Summit on August 7, 1998. Should you have any questions regarding the event, or to RSVP, please do not hesitate to contact Ms. Tara Getty at (805) 547-1800

Sincerely,


JACK O'CONNELL

JO:tlg
E10

JUN 30 1998
RECEIVED
JUN 30 1998



Central Coast
Regional Water
Quality Control
Board

81 Higuera Street
Suite 200
San Luis Obispo, CA
93401-5427
(805) 549-3147
FAX (805) 543-0397

June 25, 1998

To: Interested Persons

REVIEW OF "WATER QUALITY CONTROL PLAN - CENTRAL COASTAL BASIN" (BASIN PLAN)

The Regional Water Quality Control Board (Regional Board) is beginning the process of reviewing its *Water Quality Control Plan - Central Coastal Basin* (Basin Plan). This Basin Plan serves as the cornerstone water quality protection policy for the Central Coast. It identifies beneficial uses of surface and ground waters, establishes water quality objectives to protect beneficial uses, and provides an implementation plan to achieve those objectives.

Tentative water quality issues have been identified. These items are included in the attached "Preliminary 1998 Triennial Review Priority List."

The Regional Board will hold a hearing to identify and prioritize water quality issues. The public hearing is scheduled as follows:

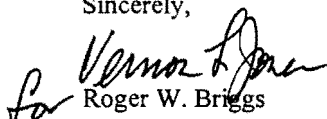
Date: December 11, 1998
Time: 8:30 A.M.
Place: Conference Room
Regional Water Quality Control Board
81 Higuera Street
Suite 200
San Luis Obispo, CA 93401-5427

Please review the attached list of water quality issues and provide additions and/or comments by August 12, 1998. **Your expedient submittal will allow the Regional Board to thoroughly analyze your comments before the Board finalizes the priority list.**

Water quality issues raised may or may not result in an amendment to the Basin Plan. The need for a Basin Plan amendment will be determined by the Regional Board placement on the Triennial Review Priority List. In general, the issues identified will be addressed as staff resources become available.

Comments or questions regarding this matter should be directed to Angela G. Carpenter at (805) 542-4624, or Vern Jones at (805) 542-4629.

Sincerely,


Roger W. Briggs
Executive Officer

ATTACHMENT: Preliminary 1998 Triennial Review Priority List

AGC\H:\WINWORD\ANGELA\BASINPLN\TRI(B)98.DOC
Task: 401-01
File: Basin Plan

RECEIVED

JUN 29 1998

WPC



Pete Wilson
Governor

1998 TRIENNIAL REVIEW PRIORITY LIST
(Highest Priority Issues are Ranked First)

<u>TASK</u>	<u>ESTIMATED TIME (Staff years and Duration)</u>
1. Develop Region-Wide Nonpoint Source Management Measures (in progress)	3 months/6 months
2. Determine Objective Compliance for Ground Water Basins/Propose Monitoring Plan and Remedial Measures	6 months/1.5 years
3. Develop Chorro Creek, Los Osos Creek, and Morro Bay Siltation Total Maximum Daily Load (TMDL)	3 months/4 years
4. Develop Las Tablas Creek; Las Tablas Creek, North Fork; Las Tablas Creek, South Fork; and Nacimiento Reservoir for Mercury TMDL	2 years/4 years
5. Develop Nitrogen Management Plan for Salinas Ground Water Basin	9 months/2 years
6. Develop Chorro Creek and Morro Bay Metals TMDL	3 months/5 years
7. Develop Chorro Creek and Los Osos Creek Nutrient TMDL	3 months/5 years
8. Develop Water Softener Use Policy -- Region-Wide	6 months
9. Develop Los Osos Creek Priority Organics TMDL	3 months/5 years
10. Develop Morro Bay Pathogen TMDL	3 months/5 years
11. Develop Carbonara Creek, Lompico Creek, and San Lorenzo River Nutrient TMDL	4 months/5 years
12. Develop Carbonara Creek, Lompico Creek, San Lorenzo River, and San Lorenzo River Estuary Siltation TMDL	4 months/5 years
13. Develop Nitrogen Management Plan for Llagas/Hollister Ground Water Basin	9 months/2 years
14. Develop Riparian Corridor Protection Policy	2 months
15. Develop Monitoring Plan for Communities without Sewer Service	8 months
16. Determine Ground Water Protective Measures for Sensitive Ground Water Resources	6 months
17. Develop San Luis Obispo Creek Nutrient TMDL	6 months/5 years
18. Develop San Luis Obispo Creek Pathogen TMDL	6 months/5 years
19. Develop Aptos Creek and Valencia Creek Siltation TMDL	6 months/5 years
20. Develop Soquel Lagoon Siltation TMDL	4 months/8 years
21. Develop Salinas River and Salinas River Lagoon (North) Siltation TMDL	1 year/7 years
22. Develop Carbonara Creek, Lompico Creek, and San Lorenzo River Estuary Pathogen TMDL	4 months/5 years
23. Develop Llagas Creek, Pajaro River, and Shingle Mill Creek Nutrient TMDL	1 year/6 years
24. Develop Llagas Creek Pajaro River, Rider Gulch Creek, San Benito River, and Shingle Mill Creek Siltation TMDL	1 year/6 years
25. Develop Water Quality Objectives to Protect Rare, Threatened, or Endangered Species Beneficial Use	6 months/1.5 years
26. Clarify Narrative Objective for Taste/Odors and Toxics	4 months
27. Develop Watsonville Slough Siltation TMDL	3 months/5 years
28. Develop Nitrogen Management Plan for Santa Maria Ground Water Basin	6 months/2 years
29. Develop Nitrogen Management Plan for Prunedale Ground Water Basin	6 months/2 years
30. Develop Nitrogen Management Plan for Pajaro Ground Water Basin	6 months/2 years
31. Develop San Luis Obispo Creek Priority Pollutant TMDL	6 months/2 years
32. Develop Old Salinas River Estuary, Salinas River, Salinas River Lagoon (North), and Salinas River Lagoon (South) Nutrient TMDL	1 year/7 years
33. Develop Espinosa Slough and Tembladero Slough Nutrient TMDL	4 months/7 years
34. Develop Old Salinas River Estuary, Salinas River, Salinas River Lagoon (North), and Salinas River Lagoon (South) Pesticides/Priority Organics TMDL	4 months/7 years

<u>TASK</u>	<u>ESTIMATED TIME (Staff years and Duration)</u>
35. Develop Espinosa Slough, Moro Cojo Slough, and Tembladero Slough Pesticides/Priority Organics TMDL	4 months/7 years
36. Develop Salinas River and Salinas River Lagoon (South) Salinity/TDS/Chlorides TMDL	1 year/7 years
37. Develop Clear Creek and Hernandez Reservoir Mercury TMDL	1 year/7 years
38. Develop Watsonville Slough Metals TMDL(10/06-04/07)	3 months/7 years
39. Develop Watsonville Slough Oil and Grease TMDL	3 months/7 years
40. Develop Watsonville Slough Pathogens TMDL	3 months/7 years
41. Develop Watsonville Slough Pesticide TMDL	3 months/7 years
42. Develop Monterey Harbor and Monterey Bay South Metals TMDL	9 months/7 years
43. Develop Blanco Drain and Salinas Reclamation Canal Pesticide/Priority Organics TMDL	4 months/8 years
44. Develop Ground Water Cleanup Policy	6 months
45. Develop Soil Cleanup and Disposal Policy/Develop Area -Wide Objectives	6 months
46. Develop Oilfield Waste Policy	3 months
47. Develop Narrative Biological Objective/Protect from Dominance of Nuisance Species	2 months
48. Develop Backflow Prevention Policy	3 months
49. Revise Turbidity Objective	3 months
50. Develop Nitrogen Management Plan for Paso Robles Ground Water Basin	6 months/2 years
51. Develop Nitrogen Management Plan for Arroyo Grande Ground Water Basin	6 months/2 years
52. Develop Santa Ynez River Nutrient TMDL	1 year/7 years
53. Develop Santa Ynez River Salinity/TDS/Chlorides TMDL	1 year/7 years
54. Develop Santa Ynez River Siltation TMDL	1 year/7 years
55. Develop Elkhorn Slough and Moss Landing Harbor Pesticides TMDL	4 months/8 years
56. Develop Elkhorn Slough and Moss Landing Harbor Siltation TMDL	4 months/8 years
57. Develop Moro Cojo Slough Siltation TMDL	6 months/5 years
58. Develop Aptos Creek and Valencia Creek Pathogen TMDL	6 months/8 years
59. Determine Beneficial Uses for Arguello Hydrologic Area	2 months
60. Develop Nitrogen Management Plan for San Luis Obispo Ground Water Basin	6 months/2 years
61. Develop Nitrogen Management Plan for Cuyama Ground Water Basin	6 months/2 years
62. Develop Nitrogen Management Plan for Carrizo Ground Water basin	6 months/2 years
63. Develop Nitrogen Management Plan for Santa Ynez Ground Water Basin	6 months/2 years
64. Develop Ground Water Objectives for Llagas/Hollister Ground Water Basin	4 months/2 years
65. Develop Nitrogen Management Plan for Chorro Ground Water Basin	4 months/2 years
66. Develop Nitrogen Management Plan for Seaside Ground Water Basin	4 months/2 years
67. Update On-Site Septic Tank Policy/Update MOUs	9 months
68. Develop Septic Tank Prohibition for Santa Margarita Area	7 months/1 year
69. Develop Paso Robles Ground Water Basin Management Plan	3 months
70. Develop Nitrogen Management Plan for Scotts Valley Ground Water Basin	4 months/2 years
71. Evaluate and Revise "Inorganic" Water Quality Objectives	3 months
72. Develop Well Abandonment Policy	1 month
73. Develop Septage Disposal Policy	3 months
74. Update Waiver Policy/Add Waiver for Green Waste used in Composting	2 months
75. Develop Ground Water Objectives for Los Osos Ground Water Basin	4 months/1.5 year
76. Update "Rare" Beneficial Use	3 months
77. Develop Water Diversion Policy (to address water quality impacts)	2 months
78. Develop Nutrient Water Quality Objectives and Management Measures for Lower Salinas	6 months/2 years

<u>TASK</u>	<u>ESTIMATED TIME (Staff years and Duration)</u>
79. Reevaluate Water Quality Objectives for Irrigation Water	3 months
80. Develop Schwan Lake Pathogen TMDL	6 months/8 years
81. Develop Soquel Lagoon Pathogen TMDL	4 months/8 years
82. Develop Schwan Lake Nutrient TMDL	6 months/8 years
83. Develop Soquel Lagoon Nutrient TMDL	4 months/8 years
84. Develop Waddell Creek, East Branch Nutrient TMDL	1 year/8 years
85. Develop Arroyo Burro Creek Pathogen TMDL	1 year/8 years
86. Develop Carpinteria Creek Pathogen TMDL	1 year/8 years
87. Develop Goleta Slough/Estuary Pathogen TMDL	3 months/8 years
88. Develop Mission Creek Pathogen TMDL	6 months/8 years
89. Develop Pacific Ocean at Rincon Creek Pathogen TMDL	1 year/8 years
90. Develop Carpinteria Marsh Nutrient TMDL	3 months/8 years
91. Develop Carpinteria Marsh Organic Enrichment/Low Dissolved Oxygen TMDL	3 months/8 years
92. Develop Carpinteria Marsh Priority Organics TMDL	3 months/8 years
93. Develop Carpinteria Marsh Siltation TMDL	3 months/8 years
94. Develop Goleta Slough/Estuary Metals TMDL	3 months/8 years
95. Develop Goleta Slough/Estuary Priority Organics TMDL	3 months/8 years
96. Develop Goleta Slough/Estuary Siltation TMDL	3 months/8 years
97. Develop San Antonio Creek Siltation TMDL	1 year/8 years
98. Develop Mission Creek Toxicity TMDL	6 months/8 years
99. Develop Elkhorn Slough and Moss Landing Harbor Pathogen TMDL	4 months/8 years
100. Develop Monterey Harbor Toxicity TMDL	1 year/8 years
101. Develop Monterey Bay South Pesticide TMDL	1 year/8 years
102. Develop Nutrient Water Quality Objectives and Management Measures for Franklin Creek	6 months/2 years
103. Develop Nutrient Water Quality Objectives and Management Measures for Santa Monica Creek	6 months/2 years
104. Develop Nutrient Objectives and Management Measures for Lopez Lake	6 months/2 years
105. Develop Boatyard Best Management Practices	2 months
106. Develop Total Chlorine Residual Objective	1 month
107. Develop Ammonia Objective	9 months
108. Develop Nutrient Objective and Management Measures for Perfumo Creek	6 months/2 years
109. Evaluate Cadmium and pH Objective for Fish Spawning	4 months
110. Update Table 2-2, "Existing and Anticipated Uses of Coastal Waters"	3 months/2 years
111. Update Monitoring Table in Chapter Six	2 months/6 months
112. Develop Maintenance/Repair Standards for On-Site Systems	3 months
113. Update Mound System Guidelines	3 months
114. Develop Abandoned Mine Policy	4 months
115. Reevaluate Llagas Creek Water Quality Objectives	3 months/1 year
116. Update Rare, Threatened, or Endangered Species Beneficial Use	2 months
117. Develop Horse Corral Best Management Practices	2 months
118. Determine Appropriate Beneficial Uses for Carizzo Plain Ground Water Basin	6 months/1 year
119. Develop Shallow Ground Water Policy/Determine Appropriate Beneficial Uses	1 year
120. Add "Ground Water Recharge" Beneficial Use to Watsonville/Harkins Slough	1 month
121. Update State Board Policies	2 months
122. Update Municipal Facilities Plans	4 months

<u>TASK</u>	<u>ESTIMATED TIME (Staff years and Duration)</u>
→ 123. Develop Auto Wrecking Yard Policy	4 months
→ 124. Develop Greenhouse Policy	4 months
→ 125. Develop Low Threat to Water Quality Policy for Surface Water	2 months
→ 126. Evaluate Need for Bacteria Objective for Ocean Waters Used for Desalination Water Supply/Consider Appropriateness or MUN designation	6 months
→ 127. Assess Problems at Shooting Ranges and Develop Management Measures	3 months/2 years
→ 128. Develop Aquaculture Management Plan	3 months

WaterWorld™

Serving the Municipal Water/Wastewater Industry

Washington Update

Fertilizers, Pesticides Threaten Groundwater

By PATRICK CROW
Washington Bureau

The U.S. Geological Survey has released a series of reports on the quality of water in 20 major basin regions, including the San Joaquin-Tulare basins, which cover most of central California and are a major source of drinking water for most of the state's population.

The study examined water in streams and ground water, and aquatic ecology, focusing on the distribution of pesticides and nitrate. It concluded nitrate and ammonia generally do not adversely impact drinking water and aquatic life uses of the San Joaquin River.

But it said drinking-water sources from ground water have been degraded by fertilizers and pesticides. In particular, nitrate and DBCP have frequently exceeded drinking water standards.

And it said the potential exists for toxicity to aquatic organisms from water-

borne pesticides because concentrations of seven pesticides have exceeded aquatic life criteria at times.

Neil Dubrovsky, one of the authors, said, "Although nitrate concentrations in the San Joaquin-Tulare Basins have been increasing for over 40 years, they are still below the drinking water standard.

"Nitrate concentrations in ground water in the eastern part of the basin, in contrast, exceed the drinking water standard in 25 percent of the samples collected from household wells."

In comparison with the other 19 basin areas, Dubrovsky said that streams in the San Joaquin-Tulare Basins have more degraded fish communities, and higher concentrations of pesticides in water and PCBs and organochlorine insecticides in streambed sediment and fish tissue.

He said, "Detections and concentrations of nitrate and pesticides in ground water exceed national averages. In many cases, the presence of nitrate or particular pesticides can be attributed to present, or



often past, use of agricultural chemicals."

But he said only two pesticides, both banned long ago, have been found in ground water at concentrations that exceed drinking water standards.

The report summarized major findings that emerged from the USGS's National Water Quality Assessment program, which assesses water-quality conditions in sources of drinking water used by about 70 percent of the U.S. population.

Congressional outlook

With relatively few days remaining on the legislative calendar before Congress adjourns in October, no key water legislation is expected to pass.

The focus will be on appropriations this

summer as committees in both houses work on the administration's fiscal 1999 budget request.

The administration has proposed increased funding for the drinking water state revolving fund but less spending on water research. It also wants Congress to fund its Clean Water Action Plan.

Congressional committees also may hold oversight hearings on the Safe Drinking Water Act this summer.

Committees have indicated they may want to look at how the SDWA reforms are working.

Congress has enacted the Intermodal Surface Transportation Efficiency Act (ISTEA), which contained a one-call excavation notification provision.

The law would require that excavators participate in a one-call system if their state elects to apply for a federal one-call grant. The bill allows states to exempt utilities if they judge the costs will outweigh the benefits, or if there is minimal risk to the environment.

ENVIRONMENTAL ISSUE

Critics Call for ESA Overhaul

*Studies show after 25 years of enforcement
only few species have been helped.*

Critics say its time for Congress to get its act together and amend and reauthorize the federal Endangered Species Act. Congress is required to review, make amendments if suitable, and reauthorize funding for the 1973 law every five years. The last authorized funding for the ESA ended in 1992 when the then Democrat-controlled Congress failed to renew it. Since taking over Congress, Republicans have done only a little better. They've introduced — but so far haven't passed — House and Senate bills to amend and reauthorize the ESA. In the mean time, Congress continues to appropriate funds each year to carry out the act.

As the law marks its 25th anniversary, the official number of endangered species is near its all-time high. According to the U.S. Fish and Wildlife Service, 1,135 plants and animals are on the brink of extinction. By contrast, only 27 species have been "delisted" — that is, taken off the list because they are no longer endangered.

Although the law was enacted with noble motives and high hopes, critics say it has proved a bust. For 25 years it

has imposed severe controls and prohibitions on any use of any property that might in any way threaten an endangered species. A law with sharp teeth, it has stopped multi-million-dollar construction projects in their tracks to protect the habitat of a tiny fish or little-known weed. Yet after a quarter-century of relentless protection, more than 97% of the listed species, by the government's own reckoning, are still endangered — a clear sign to critics that the law is not working.

That soon could be 96 percent. After facing stinging criticism of the law in Congress, Interior Secretary Bruce Babbitt has just proposed de-listing 29 more species. That would leave 1,106 to go — but critics say don't break out the champagne just yet.

There are clearly huge problems with a law that has taken so long to accomplish so little and delisting a few species is not a fix. But rather than acknowledge those problems and try to correct them, Babbitt insists that the ESA is a ringing success.

"We can finally prove one thing con-

see ESA page 8

As from page 1

clusively," he declared in an April speech in Massachusetts, "The Endangered Species Act works. Period."

Critics sharply differ.

Brian Seasholes of the Competitive Enterprise Institute in Washington, D.C., says that almost none of the success stories on Babbitt's list are due to the Endangered Species Act. He says most of the 29 species proposed for delisting, it turns out, (a) were never endangered in the first place, (b) were revived by methods unrelated to the ESA, (c) were resurrected on lands where ESA restrictions don't apply, or (d) are not even valid species.

The Bald Eagle Recovery

He cites Babbitt's most dramatic example: the bald eagle. Babbitt tells audiences when it was listed as endangered in 1974, only 1,600 of the majestic birds were left. Today there are more than 10,000.

"One of the greatest success stories of the Endangered Species Act," cheers Babbitt.

Seasholes says absolutely untrue. For starters, the number of bald eagles was already on the rise when Congress passed the act — the 1,600 in 1974 were nearly double the 834 that had existed 10 years earlier.

Moreover, writes Seasholes, it was "the banning of the pesticide DDT in 1972, not the passage of the ESA in 1973, that was the most important factor in its resurgence."

Bald eagles were dying out because DDT was causing them to lay thin-shelled eggs that broke before hatching. Once DDT was eliminated from the food chain, the birds' eggs reverted to normal — and the populations of eagles soared. Seasholes said the Endangered Species Act had little, if anything, to do with it. The Environmental Defense Fund backs up his claims. The EDF has a whole Web page on the Internet describing how the banning of DDT, not the ESA, resulted in a ten-fold increase in the numbers of bald eagles in the United States.

Another Babbitt example: the Aleutian Canada goose. Its population has indeed rebounded, but not because of restrictions imposed by the act on private landowners. According to Seasholes, the Aleutian goose nests on federal property — a National Wildlife Refuge in Alaska. Its numbers started growing when the Fish and Wildlife Service started shooting foxes. And "the provisions of wintering habitat, almost totally by private landowners was the second most important factor."

Seasholes says time and again, it is private initiative that has saved threatened species from extinction or depletion.

Critics like Seasholes say the fact that the vast majority of endangered species are still listed shows that the law has not come even close to accomplishing its primary goal and therefore needs to be overhauled.

For example, the half-million members of Ducks Unlimited, many of them avid duck hunters, have preserved more than 6 million acres of wetlands in the organization's 60 years. The Peregrine Fund breeds falcons, condors and other birds of prey for release into the wild.

The Nature Conservancy, which often avoids mainstream environmental activism, quietly goes about raising hundreds of millions of dollars to purchase land for preservation. This is in sharp contrast to other mainstream environmental groups that claim their primary interests are preserving wildlife but spend most of their time raising funds, which are then almost never spent directly on environmental projects.

Critics say the motives of the some of the mainstream environmental groups should be questioned by donors. "If my donation is to be used to protect spotted owls, how much of it will go directly to improving spotted owl habitat?" The answer is usually none.

Seasholes and others say what the true conservation organizations have in common is a reliance on private initiative and property rights to preserve species and cultivate habitat. They recognize that no one has a greater incentive to be a good steward of nature than those who have the freedom to benefit by it.

The Endangered Species Act does the reverse. It strips property owners of their rights, punishing them for owning land on which a listed species makes its home. It imposes economic costs so harsh — forcing owners to sacrifice the use of their property without reimbursing them for the loss — that there is no incentive to protect habitat that might nurture species.

Shoot, Shovel and Shut Up

Under the Endangered Species Act, writes Joseph Blast, Peter Hill, and Richard Rue in their 1994 book "Eco-Sanity," the discovery "of an eagle or spotted owl nesting on private land means a forest can no longer be logged, or a house cannot be built, or part of a golf course or campground must be closed. To avoid losing use of a valuable asset, a landowner might be tempted to destroy a nest or even kill an endangered animal. Alternatively, the owner might allow critical habitat to be destroyed by logging or development as quickly as possible, before anyone else can see and report the protected animal. "Shoot, Shovel and Shut Up" was a phrase coined in the southeast of the United States to describe the frustration.

The law may protect some plants and animals that would otherwise disappear. But it has undoubtedly caused the deliberate destruction of numerous endangered plants and animals. Seasholes and others believe that is one of the reasons why, after 25 years, 97% of the endangered species list remains endangered.

Critics like Seasholes say the fact that the vast majority of endangered species are still listed shows that the law has not come close to accomplishing its primary goal — that of reviving endangered species — and therefore needs to be overhauled.

Does Congress Have the Authority to Regulate the Environment?

Courts agree that enforcing federal environmental laws in some cases violates the Commerce Clause of the Constitution

Reed Hopper, a principal attorney with the Pacific Legal Foundation, says we are so accustomed to the federal government regulating our lives that we seldom ask whether it has the right. But he says some are asking that question now and the answer may be shocking to many of us.

Most people are surprised to learn that Congress does not have the same authority as the states to regulate for the general welfare, including environmental protection. Instead, Congress must rely on specific grants of authority enumerated in the Constitution. This does not seem to constrain Congress much, however, since Congress takes an increasingly broad view of the Constitution so as to maximize its powers.

Likewise, federal bureaucrats take a very broad view of their authority and often seem to expand their regulatory reach well beyond what Congress has delegated to them or the Constitution allows. But, some of that is changing.

Congress passes environmental laws like the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act and the Endangered Species Act under the Commerce Clause of the U.S., Constitution. This clause authorizes Congress to regulate "interstate and foreign commerce," but our federal environmental laws do much more. They govern our sources of energy; emissions from our cars and homes; our use of pesticides and chemicals; our methods of agricultural production; our manufacturing techniques; our access to and use of natural resources, including minerals, timber and water; and much more.

In effect, these federal laws dictate what we eat, how we travel, where we recreate, how and if we can build, and who can do what on our property. In one way or another, our federal environmental laws touch almost every aspect of physical human

endeavor. We are told this is for our good, of course. And yet, while we may take comfort in being cradled in the nurturing arms of the government, we have to question whether Congress has taken its Commerce Clause too far. James Wilson claims Congress has gone too far and he found a court that agrees.

The James Wilson Wetland Case

In 1996, the federal government prosecuted and convicted Wilson under the Clean Water Act of filling wetlands without a permit on property he was developing in Maryland. Wilson was sentenced to 21 months imprisonment, one year supervised release and fined \$1 million. But Wilson appealed, claiming the wetlands had no connection with any interstate waters or commerce.

The Fourth Circuit Court of Appeals agreed and held that Clean Water Act jurisdiction does not extend to wetlands that lack any "direct or indirect surface connection" to interstate waters, navigable waters or interstate commerce. Although the federal government has regulated wetlands for years, the court stated that if Congress attempted to control certain wetlands "it would present serious constitutional difficulties, because, at first blush, it would appear to exceed congressional authority under the Commerce Clause."

It may be some time before the U.S. Supreme Court considers the Wilson case, but the decision already has some support in the 1995 case called *U.S. v. Lopez* wherein the High Court made it clear that it will not tolerate a limitless view of federal jurisdiction under the Commerce Clause.

Taken together, the Wilson and Lopez cases suggest, in some instances, that Congress may have exceeded its authority in regulating the environment. The upshot of these decisions is that property rights advocates like the Pacific Legal Founda-

tion can be expected to step up their effort to challenge federal jurisdiction of onerous environmental laws.

Fairy Shrimp Listings Challenged

In addition to the Clean Water Act, another environmental law that is susceptible to the challenge under the Commerce Clause is the Endangered Species Act. Already there are two cases pending in federal court that challenge the validity of the ESA as applied to species that live solely within the State of California and which do not affect interstate or foreign commerce.

One case involves a challenge to the government's authority to regulate certain species of the minute but hardy fairy shrimp, which flourish in seasonal wetlands, puddles and ruts and are found only in the California Central Valley. The other case involves the Delhi Sands Flower Loving Fly, an insect that resides solely within Southern California's San Bernardino and Riverside counties.

These species are not articles of interstate commerce nor do they substantially affect interstate commerce. As such, they are unlikely to fall under the purview of Congress and the Commerce Clause.

This does not mean, however, that Congress cannot regulate the environment. If *Wilson* and cases like it are upheld, it would mean only that Congress cannot regulate activities affecting the environment that fall outside the Commerce Clause and which our Constitution has left to the states.

Contrary to Congress, the states are not bound by the Commerce Clause. They have the "police power" and may regulate as necessary for the general welfare. Almost all the states have their own environmental laws that regulate air, water, land and wildlife. And, many of these state laws are much more rigorous than their federal counterparts.

WARRANTS JULY 15, 1998

HAND WRITTEN CHECKS

18029	St Water Res Cont Bd	\$500.00
18030	R Blair	100.00
18031	K Fairbanks	100.00
18032	G Kaye	100.00
18033	A Mendoza	100.00
18034	A Simon	100.00
18035	Nat Notary Assoc	13.45
18036	Nip Garbage Co	54.75
18037	TJN	435.20
18038	FGL	89.60
18039	Nip Chevron	115.91
18040	GTE Calif	27.95
18041	Postmaster	500.00
18042	Sylvester Alarms	35.00
18043	R Belcher	1,271.93
18044	T McCarthy	2,502.80
18045	R Kleinsasser	1,999.10
18046	B Zachau	2,753.65

VOIDS

10133
2494

NET PAYROLL

CK# 2493-2503 \$12,262.67

COMPUTER GENERATED CHECKS

10134	07/15/98	ALL PURE CHEMICAL CO	\$341.70
10135	07/15/98	BELTRAN, KATHY	\$50.00
10136	07/15/98	CHAMPION AMERICA, INC.	\$39.65
10137	07/15/98	CHEVRON	\$403.90
10138	07/15/98	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$89.60
10139	07/15/98	GARING, TAYLOR & ASSOCIATES, INC.	\$16,916.29
10140	07/15/98	IKON	\$91.47
10141	07/15/98	LAB SAFETY SUPPLY, INC.	\$16.48
10142	07/15/98	MISSION UNIFORM SERVICE	\$175.60
10143	07/15/98	NIPOMO ACE HARDWARE, INC.	\$232.04
10144	07/15/98	NIPOMO SHELL	\$15.00
10145	07/15/98	PIONEER EQUIPMENT CO.	\$186.19
10146	07/15/98	POSTALIA, INC.	\$16.62
10147	07/15/98	QUILL CORPORATION	\$177.19
10148	07/15/98	SAN LUIS OBISPO COUNTY HEALTH DEPART	\$821.09
10149	07/15/98	SHIPSEY & SEITZ, INC.	\$2,040.00
10150	07/15/98	TIMES PRESS RECORDER	\$33.00
10151	07/15/98	U S BANK	\$1,697.11
10152	07/15/98	FLOYD V. WELLS, INC.	\$14,583.79
10153	07/15/98	WYATT & BAKER, Lawyers	\$29,388.28

DRAFT

5

RESOLUTION NO. 98-SUN DALE

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING INSTALLATION OF PUMP/MOTOR AT SUN DALE WELL TO R. BAKER, INC.**

WHEREAS, in the 98-99 Fiscal Year Budget, the Board of Directors of the Nipomo Community Services District budgeted funds to construct the Sun Dale Well, and

WHEREAS, additional water production is needed in the District, and

WHEREAS, two bids were received to perform this work with the lowest bid submitted by R. Baker, Inc. in the amount of \$275,971.00, and

WHEREAS, the Board of Directors wish to make a budget adjustment to the Sun Dale Well Budget.

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

1. That the above recitals are true.
2. Make a budget adjustment to the Sun Dale Well Budget of an additional \$73,000 from reserves.
3. That the contract, in the amount of \$275,971.00 be awarded to R. Baker, Inc.
4. That the President of the Board is instructed to execute the contract on behalf of the District.

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

AYES: Directors _____

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby adopted this 15th day of July 1998.

 Alex Mendoza, President
 Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

DRAFT

 Donna K. Johnson
 Secretary to the Board

 Jon S. Seitz
 General Counsel

MEMO

JUL 15 1998

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 SUBJECT: SUN DALE WELL PROJECT

Attached are the bid results to complete the Sun Dale Well project. It is estimated that the total project costs will exceed our initial cost projections by 5-8%. The expenditures for this well have been budgeted over two fiscal years --- 97-98 and 98-99.

NIPOMO COMMUNITY SERVICES DISTRICT
 SUN DALE WELL DEVELOPMENT

<u>Estimated Costs to Complete Project</u>	
Pump and Equipment Bid	275,971
Engineering and inspection	5,000
Iron bacteria removal	2,500
Construction contingency (5%)	14,000
	<u>297,471</u>
Budgeted for 1998-99 fiscal year	(225,000)
Budget adjustment from Reserves	<u><u>72,471</u></u>

Overall cost of the Sun Dale Well - 97-98 and 98-99 Budgets

Estimated cost of project	<u><u>400,000</u></u> (excluding land purchase)
Well drilling	117,308
Engineering and inspection	25,000
Pump and equipment	275,971
Iron bacteria	2,500
Contingencies	14,000
Revised estimated cost of project	<u><u>434,779</u></u>

Bid Summary

Bids Opened July 13, 1998

ND 97-035

Construction of Sun Deale Way Well, Pumping Equipment, Electrical Equipment and Pump Discharge Leach Field

Nipomo Community Services District

Description	Est. Qty.	Engineer's Est.	R. Baker Inc	Sansone Co.
		Amount	Amount	Amount
1. Deep-Well Turbine Pump, Lineshaft & Column Pipe	Lump Sum	\$25,000.00	\$59,973.00	\$62,156.00
2. Natural Gas Engine, Drive Shaft, Exhaust System Heat Exchanger, Muffler & Engine Control Panel	Lump Sum	\$75,000.00	\$88,600.00	\$95,196.00
3. Gear Drive, Discharge Head & Base Plate	Lump Sum	\$4,600.00	\$11,133.00	\$10,577.00
4. Well Site Piping, Gate Valves, Check Valve, Flow Meter, Pump Control Valve, Press. Relief Valve & Supports	Lump Sum	\$16,000.00	\$15,835.00	\$28,285.00
5. Gas Chlorine Storage & Injection Equipment	Lump Sum	\$14,000.00	\$13,500.00	\$12,424.00
6. Tie-in To Exist. 16" Main Including 10" Gate Valve	Lump Sum	\$3,500.00	\$3,625.00	\$8,377.00
7. Painting Well Site Piping & Appurtenances	Lump Sum	\$1,500.00	\$1,300.00	\$1,072.00
8. 24" CMP, Rock & Geotextile Fabric Leach Field	Lump Sum	\$6,500.00	\$6,750.00	\$4,427.00
9. Electrical Work, Switchgear, Controls & Telemetry	Lump Sum	\$15,000.00	\$33,120.00	\$31,698.00
10. Well & Engine Enclosure Building	Lump Sum	\$25,000.00	\$31,285.00	\$24,552.00
11. Site Grading & Gravel Driveways	Lump Sum	\$4,500.00	\$4,350.00	\$11,030.00
12. Chain-link Fence & Gates	Lump Sum	\$5,500.00	\$5,300.00	\$4,453.00
13. Start-Up	Lump Sum	\$2,500.00	\$1,200.00	\$317.00
Total		\$198,600.00	\$275,971.00	\$294,564.00

DRAFT

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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 15th day of July 1998.

 Alex Mendoza, President
 Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

DRAFT

 Donna K. Johnson
 Secretary to the Board

 Jon S. Seitz
 General Counsel