

John S...
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NIPOMO COMMUNITY SERVICES District

AGENDA

SEPTEMBER 30, 1998 7:30 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 SEPTEMBER 16, 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. **AUDIT REPORT FOR FISCAL YEAR 1997-98**
Mr. Carlos Reynoso, CPA will present the District FY 1997-98 Audit Report to the Board
4. **LUCIA MAR SCHOOL DISTRICT HIGH SCHOOL #2-ENVIRONMENTAL IMPACT REPORT**
Review of the Water and Sewer sections of the Environmental Impact Report (EIR)
5. **ACCEPTANCE OF IMPROVEMENTS FOR TRACT 2151 - PRATT**
Review water, sewer and streetlighting improvements for acceptance
6. **ACCEPTANCE OF IMPROVEMENTS FOR TRACT 1779 - WITTSROM**
Review water, sewer and streetlighting improvements for acceptance
7. **SUPPLEMENTAL WATER CHARGE**
Request by Director Blair to discuss sources, costs and procedures for acquiring supplemental water
8. **COUNTY WATER ADVISORY COMMITTEE FACILITATOR PROGRAM**
Request by Director Simon to revisit the WRAC Facilitator Program
9. **CONTRACT FOR SEWER MANHOLE REHABILITATION**
Review bids received and award contract for work to rehabilitate sewer manholes
10. **REVISIONS OF DISTRICT ORDINANCES**
Second reading and adoption of District ordinances regarding water, sewer and annexation regulations

FINANCIAL REPORT

11. APPROVAL OF WARRANTS

OTHER BUSINESS

12. **MANAGER'S REPORT**
 1. CALIFORNIA WATER JOURNAL ARTICLE ON BOTTLED WATER
13. **DIRECTORS COMMENTS**

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

- A. Existing litigation GC§ 54956.9
 1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
- B. Potential Litigation GC§ 54956.9(b) 1 CASE
NCSD vs Miller

NOTE: THE OCTOBER 7, 1998 REGULAR MEETING HAS BEEN CANCELLED. THE NEXT REGULAR MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 21, 1998 AT 7:00 P.M. AT 148 SOUTH WILSON STREET, NIPOMO, CA

ADJOURN

NIPOMO COMMUNITY SERVICES District

MINUTES

AGENDA ITEM



SEPTEMBER 16, 1998 7:00 P.M.
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

SEP 30 1998

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
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NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

President Mendoza called the meeting to order at 7:00 p.m. and led the flag salute

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. **REGULAR MEETING OF SEPTEMBER 2, 1998**
Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Minutes of the Sept 2, 1998 Regular Meeting.

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.**

President Mendoza opened the meeting to Public Comment:
There were no public comments.

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

3. **REQUEST FOR SERVICE - LUCIA MAR UNIFIED SCHOOL District**
Request for water & sewer service outside the District for new high school

Mr. Jones explained that a request for service for a high school was received from Lucia Mar School District. Mr. Jones explained several items needing to be addressed.
Outside User Agreement/LAFCO; Annexation, if requested; Environmental Impact Report; Infrastructure update; Water infrastructure; Wastewater infrastructure; and Water Resources.

During this agenda item (Item #3) the following public spoke:

Perry Judd - Lucia Mar School District representative-. Hopes the Board will consider the proposal. Annexation request may be in the future but this was an expedient process to receive services.

Director Kaye asked if the outside District user rates would be in effect. Other members of the Board suggested it would be Board's discretion. Sub-Committee set up to discuss all the aspects of the service to the school. Committee consists of President Mendoza and Vice-President Fairbanks. Mr. Jones suggested that members of the school Board attend the committee meeting. Mr. Jones explained the possible water line tie-in.

MINUTES SUBJECT TO BOARD APPROVAL

4. REQUEST FOR SERVICE - McCHEVRON
Request for renewal of Intent-to-Serve and Conditional Will-Serve

Mr. Jones explained that RHL Design Group is requesting a renewal of the Intent-to-Serve letter but also a Will-Serve letter in order to begin building the restaurant.

During this agenda item (Item #4) the following public spoke:

Keith White, RHL Design Group Inc. - The applicant agrees to the conditions of the Will-Serve letter. They have started some of the process of the Letter of Credit and some of the other requirements.

District Legal Counsel, Jon Seitz, explained the typical Will-Serve letter.

Director Kaye made the motion to approve the conditional Will-Serve letter, combining the requirements of the Intent-to-Serve letter and the requirements listed in the Board letter for the conditional Will-Serve letter. The duplications will be combined. An indemnity agreement will be included in the letter. Director Blair seconded the motion. The motion passed unanimously with a roll call vote.

5. REQUEST FOR SERVICE - TRACT 1599
Request for water & sewer service for a 13 lot development at Division St. & Frontage Rd.

Mr. Jones explained the request from the developers of Tract 1599 for water and sewer service for 13 lots plus on remainder lot. The original Intent-to-Serve letter was issued in April of 1988. There have been some changes in the layout of the subdivision. There were no public comments. Upon motion of Director Fairbanks and seconded by Director Kaye, the Board unanimously approved services to Tract 1599 and that an Intent-to-Serve letter be issued with the conditions as described in the Board letter.

6. COUNTY WATER RESOURCES ADVISORY COMM-WATER PLANNING AREA #6 (NIPOMO)
County Flood Control funding a facilitator to discuss Nipomo Mesa water issues.

Mr. Jones explained the concept presented at the WRAC meeting of September 1, 1998. The committee recommended to hire a facilitator to assist communities in 3 or 4 of the water planning areas to discuss water issues. The object of a facilitator is to discuss water issues, not to do studies in the water planning areas.

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

John Snyder, 662 Eucalyptus Rd. Nipomo - He is on the WRAC committee. He was reluctant to go forward with this proposal. He feels that the facilitator should begin the process in the North County and get a reputation. The Woodland study clearly states that there is not an overdraft and the DWR that says there is an overdraft.

Ruth Brackett, 4th District Supervisor - Feels that the sooner the facilitator begins the work, the better. The funds for the facilitator would come from the SLO County Flood Control and Water Conservation District. Ideas for managing the water may come through the process without scaring the water users.

There was much Board discussion. Director Kaye made the motion to support the hiring of a facilitator to discuss general water matters in Water Planning Area #6-Nipomo Mesa. President Mendoza seconded the motion. Upon Roll Call, the motion failed with a 2-3 vote, with Directors Fairbanks, Blair and Simon voting no.

MINUTES SUBJECT TO BOARD APPROVAL

7. DISTRICT ORDINANCE REVISIONS

Introduction and first reading of revision of District ordinances regarding water, sewer & annexation regulations.

Mr. Jones explained that at the September 2, 1998 regular Board meeting, the Board reviewed a number of revisions in the updating of the District's ordinances and codes. These revisions have been incorporated into the ordinance presented for introduction and first reading. There were no public comments. Upon motion of Director Simon and seconded by Director Blair, the Board unanimously approved to read Ordinance 98-87 in title only.

Upon motion of Director Blair and seconded by Director Simon, the Board unanimously approved the introduction and first reading of Ordinance 98-87 set the next regular meeting for adoption.

Director Blair asked that an item be placed on the next agenda to discuss a possible surcharge to developers to be used for future supplemental water.

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved the Warrants presented at the September 16, 1998 meeting. There were no public comments.

OTHER BUSINESS

9. MANAGER'S REPORT

Manager Jones presented information on the following subjects:

1. Article On Climate Changes
2. DWR's Nipomo Mesa Ground Water Study
Presentation Scheduled For October 21
3. CA-NV Section AWWA Conference, Oct 6-9
4. Holding Next Board Meeting On Sept. 30

Because the CA-NV AWWA Conference is Oct 6-9 and some members of Board and staff may attend, staff recommends that the Oct. 7 meeting be moved to September 30, 1998.

Upon motion of Director Kaye and seconded by Director Blair, the Board unanimously approved to cancel the October 7, 1998 Regular and move the meeting to September 30, 1998 at 7:30 p.m. rather than 7:00 p.m.

5. County Safety Element Workshops
6. Draft EIR For The Lucia Mar Unified School District High School #2 Hearing at Dana School on September 29
7. Workshops for the County Safety Element of the General Plan..
8. EIR Woodland Specific Plan Public Hearing Sept. 24, 1998 at 8:45 a.m. at SLO County Chambers

MINUTES SUBJECT TO BOARD APPROVAL

10. DIRECTORS COMMENTS

Legal counsel, Jon Seitz, explained the need to go into Closed Session.
President Mendoza adjourned the meeting to Closed Session.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

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

- B. Conference with real property negotiator
District Negotiator-General Manager GC§ 54956.8
 - 1. Dana-Doty water line/tank easements

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

ADJOURN

President Mendoza adjourned the meeting at 9:10 p.m.

SEP 30 1998

TO: Board OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 30, 1998

ANNUAL AUDIT REPORT

The District is required by law to have an independent audit performed on its financial statements. Carlos Reynoso, CPA prepared the audit for the fiscal year ending June 30, 1998.

Carlos Reynoso, CPA is here tonight to make a formal presentation to the Board of Directors. He will answer any questions you may have regarding the financial statements.

Upon completion of the presentation and public comments, a motion would be in order to accept the audit report for June 30, 1998.

Board/audit report

SEP 30 1998

4

TO: Board OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 30, 1998

DRAFT LUCIA MAR SCHOOL District HIGH SCHOOL #2, EIR

The District has received a draft Environmental Impact Report for the Lucia Mar School District High School #2. The sections involving the water and sewer requirements are attached for the Boards review.

Staff has reviewed the water and sewer service section and has a comment on page V1-L 7 top paragraph which discusses retrofitting on a 2 to 1 basis. For clarification, the District has adopted an annexation policy that requires 4 homes to be retrofitted to create sufficient water for 1 additional home. Therefore, the 2 to 1 ratio means that 8 homes need to be retrofitted to offset 1 new home with respect to annexing to the District. Also, in the same paragraph they show the High School's water usage would be equivalent of 297 single family residences. Based on the Boyle Report, which uses .40 acre feet per year for a single family residence (SFR), this project would use a potential 80 acre feet per year. This would equate to 200 and not 297 SFRs. Based on the 200 figure, 800 SFRs would have to be retrofitted to have equivalent to 80 acre feet per year.

It is recommended that the above item along with any other Board comments with respect the EIR for the new high school be conveyed to the Lucia Mar School District.

After your Honorable Board has taken public comment on this matter they may direct staff accordingly.

Board2/schoolier

Draft

***Lucia Mar Unified
School District
High School #2***

***Environmental Impact
Report***

SCH # 98021018

PREPARED FOR:

Lucia Mar Unified School District

firma

*Landscape Architecture
Planning
Environmental Studies
Ecological Restoration*

*849 Monterey Street
San Luis Obispo CA
93401
805.781.9800*

F. PROJECT ELEMENTS AND PHASING

The basic core facility to be constructed in the first phase is comprised of about 98,172 square feet of permanent buildings. The campus will consist of a permanent core of the following buildings, with the remainder of basic classrooms being relocatable units:

<u>Use</u>	<u>Approximate Square Feet</u>
Administration/Counseling	12,200
Library/Media Center	8,000
Technology Control/Center	650
Multi-Use/Kitchen/Storage	17,860
Gym/Locker-Shower	27,700
Science Labs/Workroom	7,090
SDC Classroom	2,160
County MTU/Conference/Administration	7,700
Business Lab	1,600
Industrial Tech Lab	3,600
Music (Band/Choral Lab)	2,050
Fine Arts studio	1,500
Restrooms	5,568
Maintenance/Storage/Mechanical	5,644
Corridor (1/3 area)	4,000
Teacher Workroom, Restroom, Conference	1,500
Career Center Modular	1,440

Phase 1 relocatable units will be about 12,480 square feet. Phase 2 permanent classrooms would be about 27,840 square feet, with provision for up to 39,360 square feet of relocatable classroom to accommodate the expected enrollment of 1,800 students.

Building architectural elevations have not been developed. However, the approximate heights for most buildings would be 12-20 feet, with the exception of the gymnasium, library and administration buildings, which would be 40 feet, 35 feet and 26 feet respectively.

The preliminary site plan is shown on **Map 4—Proposed Project Site Plan**.

Site development will include the following elements:

- Roadways developed to County standards on two sides of the site (Thompson Road and Melschau Road).
- Parking for approximately 700 vehicles, divided into defined areas for students, faculty, and visitors.
- Vehicular circulation will be separated to reduce conflicts between buses, drop-off/pick-up service, students, faculty, emergency, etc.
- Emergency/maintenance/delivery access is required throughout the site on defined roadways on/around campus.
- Athletic play fields: paved, turf, tennis, swimming pool (future).
 - Football field with future bleachers for 4,000 capacity.
 - Future lighting for football, tennis, basketball, pool.
- Drainage structures to contain storm water and convey it off site in a manner required by law.

- Fire hydrant system.
- Fencing/gates to maintain campus as "closed" area.
- Landscape and irrigation.
- The entire site and buildings will be handicap accessible throughout.
- Connection to Nipomo Community Services District for sewer and water service.
- Connection to Pacific Gas and Electric for power and Southern California Gas for natural gas.

Under the proposed phasing, a freshman/sophomore class of about 850 students would attend in the initial year (2001). This class would graduate in 2005 at which time enrollment is expected to be about 1,090 students. Phase 2 facilities and certain site elements such as the stadium and stadium lighting, would be completed under a time frame yet to be determined.

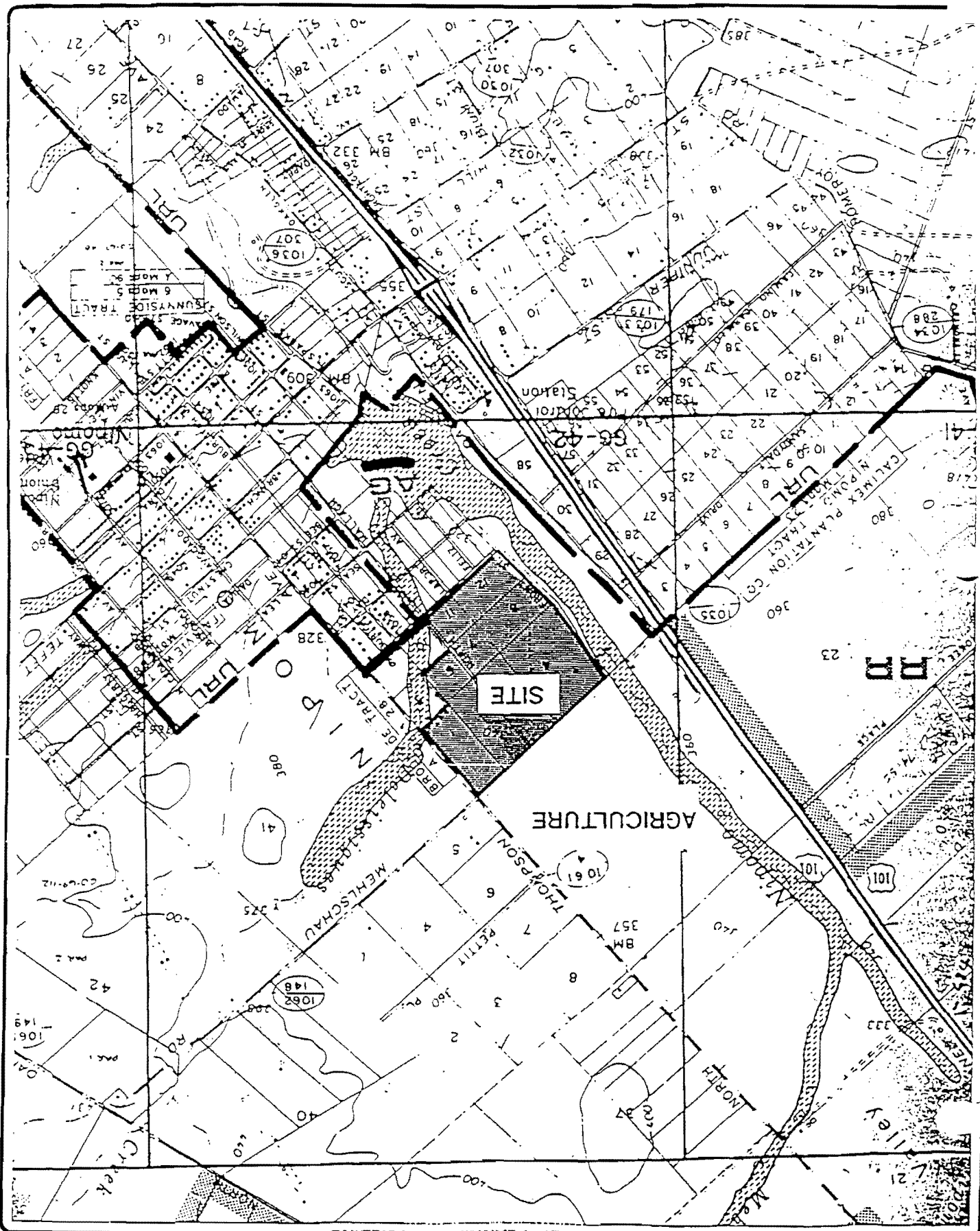
The high school will be a closed campus, meaning students are generally not permitted to leave the site during school hours, and the site will include fence, lighting and other security features.

For the purposes of this EIR the impact levels will be determined for full campus buildout, including 1,800 students and full stadium development.

G. DISCRETIONARY ACTIONS COVERED BY THE EIR

As discussed above, the purpose of the environmental review process is to provide a comprehensive, factual analysis of the environmental setting for the proposed project, the probable environmental consequences of development of the proposed project, and various alternatives to the project, as described in this EIR. This environmental information then provides the basis for the School District to consider and take discretionary action. The discretionary actions involved with the proposed project include, but may not be limited to:

- Approval and findings necessary to purchase the subject property for school development.
- Approval of the Preliminary High School Campus Site Plan.
- Approval of a resolution to override the agricultural zoning on the property and to allow development of a public facility, pursuant to the California Government Code section 53094.
- Approval of a resolution making findings pursuant to California Government Code section 51292 to locate a public facility in an agricultural preserve.



L. WATER AND SEWER SERVICE

SEWER

1. Environmental Issue

Sewage disposal will require the connection of the project to the NCSD sewer collection system or the installation of an on site septic system. The site is currently located outside the Nipomo Community Services District Boundary. The development of the school site will ultimately generate approximately 46,000 gallons of sewage per day. Connection to the NCSD system will impact existing NCSD facilities, while construction of a septic system may have detrimental effects on shallow ground water.

2. Environmental Setting

The site is currently adjacent to the northerly boundary of the Nipomo Community Services District. To obtain sewer service the high school site will require approval of annexation into the District by the Local Agency Formation Commission (LAFCO).

The site is located north of Eve Street and south of Thompson Road. The closest sewer main available to serve the site is an 8-inch main in Mallagh Street approximately 230-feet south of the Eve Street intersection. The sewage flows from the project will impact downstream sewer facilities including gravity collection mains, Tefft Street lift station, Main Lift Station and the wastewater treatment plant.

There is adequate capacity in NCSD gravity mains for current and future development in the eastern portion of the District. However, the capacity of the Tefft Street lift station per the NCSD water and sewer system master plan is currently inadequate for meeting future flows. The NCSD report states: "District Staff has observed that the existing wet well volume is inadequate, particularly to handle flows during power outages".

Construction of a septic system in this area of Nipomo is generally not a viable alternative. The soils in the area are classified as "severe" for septic systems due to very low permeability. The design of an on-site septic system will be required to meet the requirements of the Regional Water Quality Control Board's Basin Plan 83-12.

3. Environmental Impacts

Project Impacts

Construction of the high school will be in two phases. The first phase will generate approximately 22,000 gallons of sewage per day. The second phase will generate approximately 24,000 gallons per day, for a total project flow of 46,180 gallons per day.

The Nipomo Community Services District had a "Water and Sewer System Master Plan" prepared by Boyle Engineering in November 1995. In the report the Tefft Street Lift Station was identified as the only facility in the area of the proposed high school which would be undersized for the ultimate development of the area.

The existing peak daily wet weather flow is 250-gpm, and is projected to ultimately be 510 gpm. The current lift station has a capacity of 315 gpm.

The high school will initially generate a peak flow of approximately 77 gpm (average flow, based on 12 hours multiplied by a peaking factor of 2.5). The ultimate developed peak flow from the campus will be approximately 160 gpm.

Existing gravity sewer mains downstream of the campus have adequate capacity to serve the proposed campus.

Impact L1: The existing sewer lift stations downstream of the proposed campus also appear to have adequate capacity for the first phase of the high school campus. However the sewer flow from the ultimate development of the campus will exceed the capacity of the Tefft Street Lift Station.

Use of septic systems on this site is not feasible due to the clay soils and low permeability rates. The RWQCB Basin plan requires an application rate of 0.10 gallons/square foot/day, as well as a system designed for 200% of anticipated flow rates. The resulting system would need to provide a leachfield absorption area of 923,600 square feet of leachfield area. This size leachfield system could not be reasonably provided on this site.

Cumulative Impacts

The impact of this project and future development in the eastern portion of the NCSD service area will exceed the capacity of the Tefft Street Lift Station. The project would contribute fees to upgrade the lift station (see mitigation below). Development within the entire community will also exceed the capacity of the frontage road gravity mains near the sewer treatment plant and the Main Lift Station.

The Nipomo Community Services District collects connection fees and impact fees as property develops to fund system-wide improvements and capacity upgrades for such facilities as the wastewater treatment plants, lift stations and gravity main upgrades. If annexed to NCSD as proposed, the project would contribute impact fees to mitigate cumulative impacts. Therefore, this impact is less than significant.

4. Mitigation Measures

The following potential mitigation strategies for impacts on the sewer system are part of the project description:

1. Annex the proposed site into the Nipomo Community Services District to enable the project to receive sewer service.
2. Install an 8-inch sewer main extension in Mallagh Street from its current terminus between Day Street and Eve Street to the project site.

Mitigation L1: In order to accommodate campus buildout wastewater flows, if NCSD has not expanded the wet well and pumping capacity of the Tefft Street Lift Station prior to

the construction of Phase 2 campus improvements, the School District will construct the necessary lift station improvements and enter into a reimbursement agreement with the NCSD to recoup the construction costs in excess of the School Districts proportional share of the improved capacity.

Mitigation Implementation/Monitoring

- 1) Action to be Taken: District to enter into a reimbursement agreement with NCSD and construct Tefft Street Lift Station improvements when warranted.
- 2) Entity to Take Action: District to enter into agreement with NCSD.
- 3) Timing/Duration: Secure agreement prior to annexation into NCSD. Construct improvements concurrent with Phase 2 expansion.
- 4) Interested Agencies/Department: School District and NCSD.

Level of Significance After Implementation of the Mitigation Measure: Construction of additional capacity at the Tefft Street Lift Station will reduce potential impacts to less than significant.

WATER

5. Environmental Issues

The site is located outside of, but contiguous to, the Nipomo Community Services District (NCSD) boundary and water service area. The project site is located in an area of extremely limited groundwater. Future on-site wells may not, in the long term, produce sufficient amounts of irrigation water and may be detrimental to surrounding groundwater wells.

6. Environmental Setting

According to the recently released State Department of Water Resources (DWR) draft "Water Resources of the Arroyo Grande-Nipomo Mesa Area", dated April, 1998, the easterly boundary of the Santa Maria Groundwater Basin is located roughly along the alignment of U.S. Highway 101 in the area adjacent to the site. The water bearing alluvium on the East Side of U.S. Highway 101 is generally shallow and relatively unproductive in this area.

The County of San Luis Obispo South County Area Plan-Inland Land Use Element states in the "Water Supply (RMS)" portion of the document that groundwater extractions in the Nipomo area may equal or exceed current supplies and there is difficulty in managing the basin as a long-term supply.

Groundwater east of U.S. Highway 101 is so limited that local agricultural land owners have formed the "Nipomo Valley Mutual Water Company" and are currently in the process of obtaining a turn-out location to access water from the coastal branch of the State Water Project. The NVMWC has requested one acre-foot per year per acre of subscriber land, or 1400-1500 acre feet per year. It is unclear at this time if the school

district could be included in this group. Participation by the school district would require approval of current members and the San Luis Obispo County Flood Control and Water Conservation District.

The site is currently outside of the Nipomo Community Service District and would require an annexation approval by LAFCO. The project site is located immediately north of an 8-inch main in Thompson Road and a 6-inch main in Mallagh Street (see Map 13—Water and Sewer Mains).

The water wells of the District's Town Division have an operational pumping capacity of approximately 1,840 gal/min or 2,930 AFY. Based on the South County General Plan and an average consumption of one-half (1/2) acre foot per year per account, the projections of the District's water supply to the year 2010 would be approximately 2,600 AFY. This consumption corresponds with the 1995 Water and Sewer Master Plan developed by Boyle Engineering for the District. The Boyle Report indicates that the population would be approximately 15,000 by the year 2010 and that the District water needs would be approximately 2,582 AFY. The report also indicates that the District would need additional storage and well production to meet future peaking demands during summer months.

Fire hydrant flow test performed for Boyle's Master Plan Analysis measured fire flows between Thompson Road and Mallagh Street near Bee Street at approximately 1,300 gpm with a residual pressure of 69 psi. Fire flows and residual pressure on the proposed site can be expected to be slightly lower due to its higher elevation than the hydrant tested.

7. Environmental Impacts

Impact Significance Criteria

The project would have a significant impact on groundwater resources if groundwater areas in overdraft are affected, or if the project is unable to meet NCSA annexation requirements for offsetting mitigation for the annexed area.

Project Impacts

Water demand for the project will be 46,180 gallons per day for domestic consumption and 59,922 gallons per day for irrigation. Annual water consumption will be approximately 75 to 80 acre-feet per year.

Based on the findings contained in the DWR report and information from local well drillers the project site does not overlay a groundwater aquifer which can be expected to produce sufficient flow rate or volume for domestic and irrigation needs. There are also water quality concerns in the area.

Preliminary indications from the Nipomo Community Services District are that they are willing to annex the project site into the District, based on the project meeting District criteria. NCSA requires that all annexed property have its own water source, sufficient to

Mehlschau rd

THOMPSON

ROAD

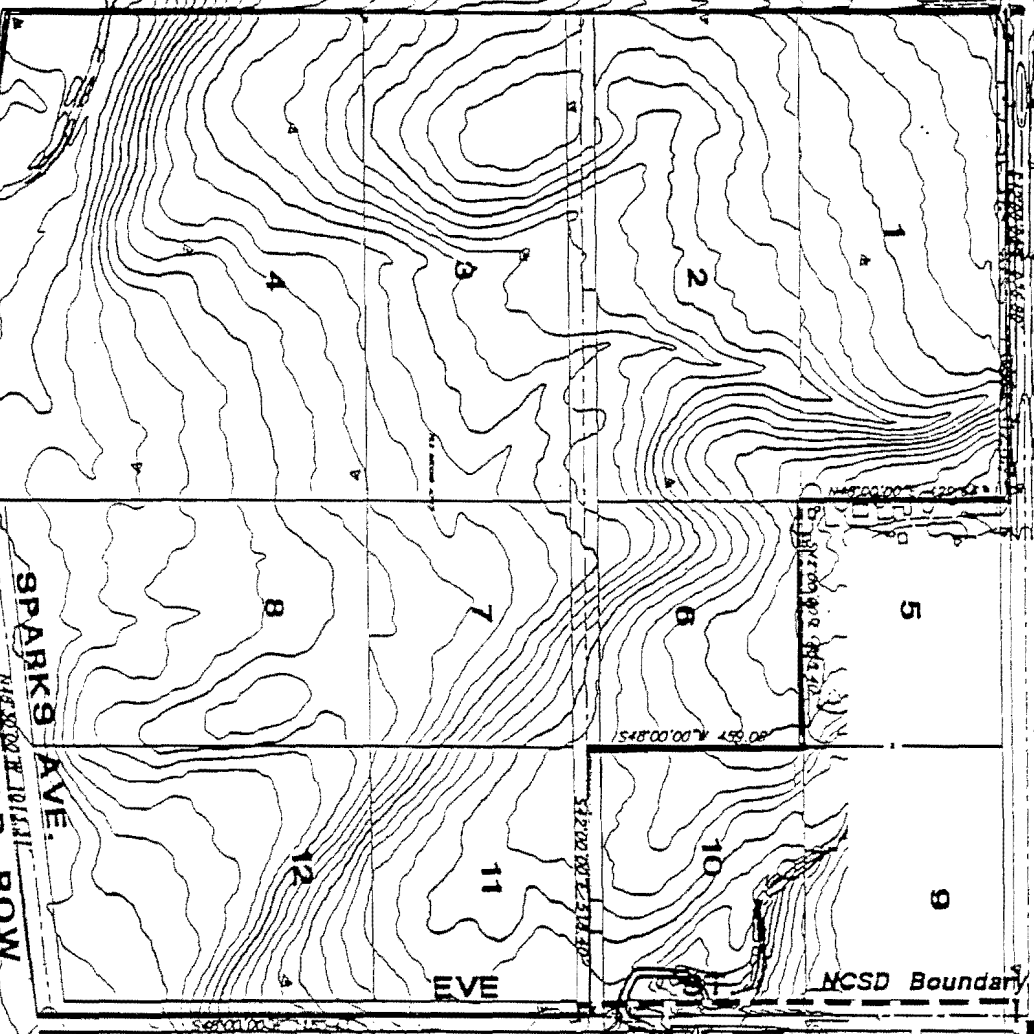
THOMPSON

EXISTING 8" WATER MAIN

N 17° 02' 27" E 206.16 FT
N 17° 02' 27" E 206.00 FT

SOURCE: NCSD
Cannon Assoc.
N 44° 09' 33" W 112.45 FT
N 44° 09' 33" W 112.45 FT
N 44° 09' 33" W 112.45 FT
N 44° 09' 33" W 112.45 FT

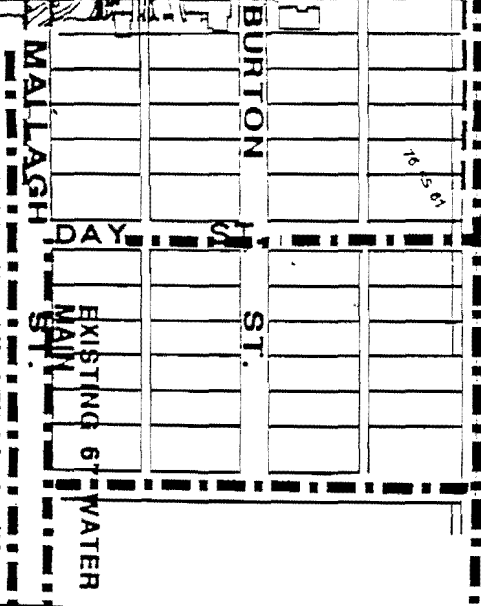
Nipomo Creek



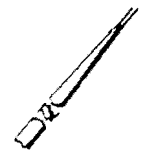
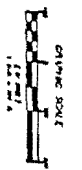
SPARKS AVE.
OLD P.C.R.R. ROW

EVE

NCSO Boundary



Contour Interval = 1 foot



Title: WATER & SEWER SERVICE

Scale
1" = 400'

North

Map
13

supply or offset its water needs so that no net increase in water demand on existing sources occurs. The District will consider existing wells, well sites, retrofit and State Water as potential options to meet this requirement.

NCSD has recently completed a new well in the westerly portion of the District to help meet peak summer water demand. However the well capacity is not considered available to support new development.

The project water demand would require a well source of approximately 100 gpm, pumped for a period of between 9 and 16 hours per day to supply the domestic and irrigation needs for the entire school year.

Lucia Mar Unified School District has two existing wells within the NCSD at Nipomo Elementary and Dana Elementary. These wells currently produce approximately 50 gpm each. According to School District Officials, the well at Nipomo Elementary was connected to the NCSD water system during an NCSD water shortage for approximately eight months. Once NCSD facilities were back to full production the connection was removed. The well at Dana Elementary is a small diameter well used for domestic and irrigation needs. This well is located in an area which has several wells producing 200 gpm or more for the Cal Cities Water Company.

According to the DWR report the groundwater levels west of the Dana school well site have steadily decreased over the past ten years, however, groundwater levels at the school site itself have not significantly changed. The installation and use of a larger diameter, higher production well at the Dana Elementary School site may impact wells in the surrounding area by creating a localized lowering of the water table and reducing water production. Prior to construction of the production well a test well and several piezometers should be installed and test pumped over several days to evaluate the impact on adjacent wells and water table levels.

Impact L2: The project would have a significant impact on groundwater resources if it relies on an on-site water well or does not meet NCSD annexation requirements for offsetting project water demand.

With respect to the overall capacity of the Santa Maria groundwater basin the impact of this project is not by itself significant. The Dana school well site is between two sub-areas of the Santa Maria Groundwater Basin which have exhibited different trends over the past ten years. According to the DWR report the "central portion of the Nipomo Mesa" has experienced declines in groundwater levels of up to 40 feet over the past ten years while the eastern portion has generally seen a slight increase in groundwater levels. The Dana Elementary site is between these two areas and likely experiences underflow of groundwater flowing from the eastern portion of the mesa towards the pumping depression in the central portion of the mesa. The groundwater levels at the Dana Elementary site would therefore not be expected to substantially decline unless additional wells or groundwater extraction in the central portion of the mesa cause groundwater levels to the east to decline.

Retrofitting of existing pre-1990 constructed homes is a potential source of water for the project. NCSD has an established list of 1500 potential retrofit sites available to the

project to help meet the water source requirements. The standard water use per single family residence in Nipomo is 10,700 gallons per month, or 357 gallons per day. The high school equates to 297 single-family residences. Based on NCSD criteria (2:1 retrofit rate) the School District would be required to retrofit 594 residential units (or equivalents).

Cumulative Impacts

Groundwater levels in the Nipomo area currently appear to be trending downward as development continues in the area according to the DWR report. The County of San Luis Obispo has in place a Resource Management System to monitor key resources in the county including water resources. Further efforts in the form of a groundwater management district are also being discussed for the area.

Although cumulative impacts on groundwater and water infrastructure are foreseeable they are related to potential future development and are not tangible until such time that potential development obtains required County approvals and development proceeds. On a project by project basis, the NCSD policy of requiring offsetting mitigation for annexation areas will forestall some cumulative effects by not increasing net water use within the NCSD service area.

8. Mitigation Measures

The following measures are incorporated into the project description and will avoid some impacts on water resources:

- Annex the proposed site into the Nipomo Community Services District to enable the project to receive community water service.
- Install an 8-inch water main extension in Mallagh Street from its current terminus at Eve Street looped through the project site to the Thompson Road water main. (The design consultant shall verify that the proposed main size provides adequate fire flows.)

The following additional mitigation measure is necessary to reduce impacts on water resources to less than significant.

Mitigation L2: To offset the increased water demand on NCSD water sources, the School District shall pursue the installation of a groundwater well to NCSD standards at the Dana Elementary School site for dedication to the NCSD in exchange for annexation and water service. The well shall be designed and tested to verify the ability of the well to produce a minimum of 100 gpm. If the well does not fully meet the production volumes needed, the School District shall enter into agreement with the NCSD to allow them to undertake a retrofit program to generate the remaining necessary water resources to allow annexation.

Mitigation Implementation/Monitoring

- 1) **Action to be Taken:** Project will include the annexation of the property into the NCSD to obtain water service and comply with NCSD requirements to provide an off-setting water supply in the form of groundwater and retrofitting.
- 2) **Entity to Take Action:** School District to submit annexation documents to the County of San Luis Obispo and local LAFCO for approval. School District shall develop water well and participate in retrofit program.
- 3) **Timing/Duration:** Annexation into NCSD with accompanying agreements to be approved prior to construction.
- 4) **Interested Agencies/Department:** County of San Luis Obispo Engineering Department, Nipomo Community Services District, LAFCO.

Level of Significance After Implementation of the Mitigation Measure: The measure would reduce the impact to less than significant by providing off-setting water resources for the project which are not derived from areas experiencing groundwater overdraft or would offset project demand by retrofitting existing land uses with water conserving devices, resulting in no net increase in water use within the NCSD service area.

Table S: SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES (Cont.)

CLASS II. SIGNIFICANT ENVIRONMENTAL IMPACTS THAT CAN BE MITIGATED OR AVOIDED

Impact	Mitigation Measure	Level of Impact After Mitigation
<p>Impact L1</p> <p>The existing lift stations downstream of the proposed campus also appear to have adequate capacity for the first phase of the high school campus. However the sewer flow from the ultimate development of the campus will exceed the capacity of the Tefft Street Lift Station.</p>	<p>Mitigation L1</p> <p>In order to accommodate campus buildout wastewater flows, if NCSD has not expanded the wet well and pumping capacity of the Tefft Street Lift Station prior to the construction of Phase 2 campus improvements, the School District will construct the necessary lift station improvements and enter into a reimbursement agreement with the NCSD to recoup the construction costs in excess of the School Districts proportional share of the improved capacity.</p>	Less than significant
<p>Impact L2</p> <p>The project would have a significant impact on groundwater resources if it relies on an on-site water well or does not meet NCSD annexation requirements for offsetting project water demand.</p>	<p>Mitigation L2</p> <p>To offset the increased water demand on NCSD water sources, the School District shall pursue the installation of a groundwater well to NCSD standards at the Dana Elementary School site for dedication to the NCSD in exchange for annexation and water service. The well shall be designed and tested to verify the ability of the well to produce a minimum of 100 gpm. If the well does not fully meet the production volumes needed, the School District shall enter into agreement with the NCSD to allow them to undertake a retrofit program to generate the remaining necessary water resources to allow annexation.</p>	Less than significant

CLASS III. OTHER ENVIRONMENTAL IMPACTS WHICH ARE ADVERSE BUT NOT SIGNIFICANT

<p>Impact C1</p> <p>Development of the project would not expose future users to chlorinated pesticides that may exist in groundwater at the project site. There were no detectable limits of chlorinated pesticides in the soil samples collected, although there may be detectable levels in the groundwater. The School District intends to connect to the public water supply. Therefore, the impact from potentially contaminated groundwater would not pose a potentially significant impact.</p>	<p>Mitigation C1</p> <p>None required.</p>	Less than significant
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TO: Board OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 30, 1998

ACCEPTANCE OF TRACT 2151 - PRATT

The developers of Tract 2151, a 40 lot subdivision in the Black Lake Golf Course Development, is in the process of complying with the inspection agreement. There are numerous items that are required to be submitted to the District prior to the acceptance of the project improvements. The required items that have been received so far include the following:

1. Reproducible mylar as built
2. Engineer's certification of the project
3. Affidavit by the developer certifying that the contractor, subcontractors and materials have been paid

The following items are still pending (at agenda preparation):

1. Maintenance warranty agreement along with the surety
2. Copy of the final recording map showing required easements and dedications for the utilities of the project
3. The meter fee and account for the remaining 36 lots needs to be paid in the amount of \$180.00 per lot or \$6,480.00
4. Offer of Dedication

It is anticipated that all of the above items will be submitted to the District prior to the Board meeting to be held on September 30, 1998. If everything is in order, staff would recommend adopting the attached Resolution 98-T2151 accepting the improvements for Tract 2151.

If all of the items are not submitted to District staff by the Board meeting on September 30, 1998, it would be staff's recommendation to conditionally approve the attached Resolution pending the receipt and approval of the missing items rather than continuing this item to the next meeting. The conditional approval would also authorize staff to issue the final will serve letter upon receiving all of the appropriate documents.

Board2/2151acceptance

13. Conditions Precedent to Notice of Acceptance.

The District shall not provide a written notice of acceptance of the Project until the following have occurred:

- (a) The Project is finally inspected and approved by the District;
- (b) An engineer's certification that the Project is constructed in substantial conformance with the plans and specifications submitted to the District;
- (c) All funds to be advanced and paid to the District by Applicant have been so advanced and paid;
- (d) The Maintenance Guarantee required by paragraph 11 hereof is delivered;
- (e) All real property, easements, rights-of-way, permits, licenses, and other approvals to be obtained and delivered to the District pursuant to this Agreement have been so obtained and delivered to the District;
- (f) The record drawings, specifications, accounting, operation manuals and instructions, CAD disk and warranties required pursuant to paragraph 10 hereof have been provided to the District; and
- (g) Applicant has paid the District all applicable fees and charges of the District, all in accordance with the rules and regulations for the District.
- (h) Applicant has provided District with an affidavit certifying that all contractors, subcontractors and materialmen have been paid in full.

13. Ownership.

After final inspection and acceptance by the District of the Project, the Project shall become the property of the District on the date that a notice of acceptance is mailed to the Applicant. The District shall own and be free in every respect to operate, manage, expand, and improve the Project as it deems appropriate.

14. Applicant Assistance.

Applicant shall both before and after the notice of acceptance secure and provide any information or data reasonably needed by the District to accept ownership, operation and maintenance of the Project, and obtain, execute and provide any and all documents needed to expeditiously complete or implement the transfer of the Project.

15. District Service.

The District shall not provide water, sewer or street lighting service to Tract 2151 until the date of its notice of acceptance of the Project. All such service shall be supplied in accordance with the District's rates, ordinances, rules and regulations, as the same may be amended from time to time. The Applicant shall not allow any person to use or commence operation of any part of the Project prior to the notice of acceptance by the District without the express written consent of the District.

RESOLUTION NO. 98-t2151

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2151**

WHEREAS, on December 15, 1993, the District Board of Directors did conditionally approve water and sewer improvements for Tract 2151 (a 40 lot development), and

WHEREAS, the District approved and signed the construction plans on May 22, 1996 for the water and sewer improvements to be constructed, and

WHEREAS, the water and sewer improvements have been constructed and said improvements are substantially complete, and

WHEREAS, on _____, 1998 the Owner offered the water and sewer 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 Tract 2151, 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 2151 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 30th day of September 1998.

Alex Mendoza, Vice President
Nipomo Community Services District

ATTEST:

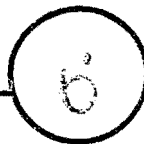
APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

AGENDA ITEM

SEP 30 1998



TO: Board OF DIRECTORS

FROM: DOUG JONES

DATE: SEPTEMBER 30, 1998

ACCEPTANCE OF TRACT 1779 - WITTSTROM

The developer of Tract 1779 has met all of the requirements of the District's inspection agreement and has paid all appropriate fees including \$180.00 per lot. It would be staff's recommendation that the District approve the attached Resolution 98-T1779 accepting the improvements for Tract 1779 provided that the District accepts Tract 2151. One of this Tract's conditions was the acceptance of Tract 2151 by the District since the sewer from Tract 1779 flows into the sewer system of Tract 2151.

If the Board of Directors conditionally approve Tract 2151, it would be staff's recommendation to also conditionally approve Tract 1779 pending the final acceptance of Tract 2151.

Board2/17791acceptance

RESOLUTION NO. 98-t1779

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 1779**

WHEREAS, on September 3, 1997, the District Board of Directors did conditionally approve water and sewer improvements for Tract 1779 (a 10 lot development), and

WHEREAS, the District approved and signed the construction plans on September 15, 1998 for the water and sewer improvements to be constructed, and

WHEREAS, the water and sewer improvements have been constructed and said improvements are substantially complete, and

WHEREAS, on December 23, 1997 the Owner offered the water and sewer 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 fees for service, required in conformance with District Ordinances, have been paid in full for Tract 1779, 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 1779 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 30th day of September 1998.

Alex Mendoza, Vice 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: SEPTEMBER 30, 1998

SUPPLEMENTAL WATER FEE

This item has been placed on the agenda at the request of Director Blair. The steps that would be necessary to acquire a supplemental water source and establish a fee would be as follows:

1. Identify the supplemental water source or sources to be acquired
2. Commission an engineering study to determine the cost of the supplemental water
3. Hold the appropriate public hearings or vote
4. Approve the appropriate fee for the supplemental water source

IDENTIFYING THE SUPPLEMENTAL WATER SOURCE

In July 1994, the District received a report from Bookman-Edmonston Engineering Corporation who was hired by the District to evaluate alternate supplemental water sources for the District. They identified potential sources as follows:

- a. Purchase State Water Project
- b. Purchase water from a SWP contractor
- c. Purchase water from federal CDP water contractors
- d. Desalting of sea water
- e. Reclamation of wastewater
- f. California Water Bank
- g. Water from fractured rock

After they reviewed the above, Bookman-Edmonston recommended that the District negotiate with the City of Santa Barbara to operate their desalination plant in exchange for a like amount of water from the State Water Project.

DETERMINATION OF COST

A consulting engineering firm would need to determine the appropriate cost of acquiring supplemental water and spreading the cost to the users. This would be in compliance with Government Code Section 66013 and/or 66016.

PUBLIC HEARINGS AND/OR VOTE

Depending on how the cost is to be administered appropriate public hearings would be held and if such cost is associated with land use then it may be affected by Proposition 218, in which a general vote would have to be taken to approve the fee.

SUPPLEMENTAL WATER FEE
SEPTEMBER 30, 1998
PAGE 2 OF 2 OF STAFF REPORT

ADOPTING THE FEE

After proceeding with the public hearings and/or vote, the Board would proceed with the appropriate legislative documents to approve the fee.

DISCUSSION

The NCSD's present water supply comes from the Nipomo Valley and the Nipomo subarea of the Santa Maria ground water basin. A number of studies have indicated that the Nipomo subarea is in a state of overdraft or the basin is mined (mined meaning taking more water out than is being put back in). The mining of a ground water basin, depending on the condition of the basin, may go on for many years before any major adverse affects are developed.

In 1997, the Town Division residents consumed approximately 1,560 acre feet per year or approximately .65 acre feet per account. The Boyle Engineering Water and Sewer Master Plan estimated the number of dwelling units in the year 2020 to be about 4,400 and consume about 2200 afy. This is equivalent to approximately .50 afy/unit. As in-fill development occurs within the District boundary the parcel size will be smaller, therefore, reducing the water using per unit from approximately .65 to .50 acre feet per year.

At the present time the Nipomo Mesa portion of the Santa Maria ground water basin has no restrictions on pumping. The District water, with the proposed improvements, should be ample to meet existing and build out requirements based on the County General Plan. Therefore, unless situations change it would be difficult to justify a supplemental water supply to meet the normal demands of the District.

If the Board wishes an alternate or back up water supply then a study would be needed to determine the amount of water that would be needed and what scenarios would be incurred to establish a back up system.

The above numbers and documentation are based upon the Town Division whereas the Black Lake Division with its present pumping capacity and back up from the Town Division is adequate to meet its build out requirements.

These items were brought to the Board as directed for a discussion item.

Board2/suppwater

§ 66013. Water or sewer connection fees; definitions

(a) Notwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.

(b) As used in this section:

(1) "Sewer connection" means the connection of a building to a public sewer system.

(2) "Water connection" means the connection of a building to a public water system, as defined in subdivision (f) of Section 116275 of the Health and Safety Code.

(3) "Capacity charges" means charges for facilities in existence at the time the charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged.

(4) "Local agency" means a local agency as defined in Section 66000.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion imposing a fee or capacity charge subject to this section shall be brought pursuant to Section 66022.

(Added by Stats.1990, c. 1572 (A.B.3228), § 19. Amended by Stats.1996, c. 1023 (S.B.1497), § 103, eff. Sept. 29, 1996.)

§ 66016. Local agency fees; new fees and increases; procedures

(a) Prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by this section is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the local agency for mailed notice of the meeting on new or increased fees or service charges. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service. At least 10 days prior to the meeting, the local agency shall make available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues. Unless there has been voter approval, as prescribed by Section 66013 or 66014, no local agency shall levy a new fee or service charge or increase an existing fee or service charge to an amount which exceeds the estimated amount required to provide the service for which the fee or service charge is levied. If, however, the fees or service charges create revenues in excess of actual cost, those revenues shall be used to reduce the fee or service charge creating the excess.

(b) Any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution. The legislative body of a local agency shall not delegate the authority to adopt a new fee or service charge, or to increase a fee or service charge.

(c) Any costs incurred by a local agency in conducting the meeting or meetings required pursuant to subdivision (a) may be recovered from fees charged for the services which were the subject of the meeting.

(d) This section shall apply only to fees and charges as described in Sections 51287, 56383, 57004, 65104, 65456, 65863.7, 65909.5, 66013, 66014, and 66451.2 of this code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code.

(e) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion levying a fee or service charge subject to this section shall be brought pursuant to Section 66022.

(Added by Stats.1990, c. 1572 (A.B.3228), § 20. Amended by Stats.1992, c. 487 (A.B.2567), § 1; Stats.1995, c. 657 (S.B.647), § 1; Stats.1995, c. 686 (S.B.660), § 6.5,

SEP 30 1998

TO: Board OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 30, 1998

COUNTY WATER ADVISORY COMMITTEE (WRAC) FACILITATOR PROGRAM

Staff has received a request from Director Simon to revisit the WRAC Committee proposal to hire a facilitator to discuss water issues within the County. As discussed at the Board meeting on September 16, 1998, a facilitator would be hired by the County Flood Control and Water Conservation District to assist interested groups and individuals within water plan areas to discuss water issues, and not do another study, in three or four planning areas of the County.

At the next regular WRAC Committee meeting to be held on October 7, 1998, the Committee will review a recommendation of hiring Chris Clarke, a lawyer/planner to be the facilitator for the water planning areas within the County and being assisted by the consultants that developed the first phase of the County Water Plan.

After the Board has discussed this matter they may direct staff accordingly.

Board2/wracfacilitator

AGENDA ITEM

SEP 30 1998

9

TO: Board OF DIRECTORS
FROM: DOUG JONES
DATE: SEPTEMBER 30, 1998

SEWER MANHOLE REHABILITATION

The District has requested bids to rehabilitate approximately 21 sewer manholes within the District's sewer collector system. Most of these manholes are located on Juniper Street and South Oakglen.

The District advertised for bids which were opened at 2:00 .m. on September 21, 1998. The following bid was received:

1. B & W Pre cast Construction \$35,094

The staff recommendation that the award to rehabilitate the manholes be awarded to B & W Pre cast Construction in the amount of \$35,094. The attached resolution awarding the contract is presented for your Honorable Board's action.

Funds for this work has been budgeted in the 1998-99 budget year in the amount of \$50,000. Therefore, there are adequate funds to proceed with this project.

RESOLUTION NO. 98-Manhole

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING SEWER MANHOLE REHABILITATION TO
B & W PRECAST CONSTRUCTION, INC.**

WHEREAS, in the 98-99 Fiscal Year budget, the Board of Directors of the Nipomo Community Services District budgeted funds to rehabilitate sewer manholes, and

WHEREAS, approx. twenty-one manholes in the District are in need of repair, and

WHEREAS, one bid was submitted by B & W Precast Construction, Inc. in the amount of \$35,094.00, and

WHEREAS, a contract (**Attachment "A"**) has been prepared.

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. That the contract, in the amount of \$35,094.00 be awarded to B & W Precast Construction, Inc.
3. 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 30th day of September 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

The Nipomo Community Services District reserves the right to reject any or all bids. If you are found to be the lowest responsible bidder and the bid is awarded, you should expect to enter into the following contract:

Nipomo Community Services District

STATE OF CALIFORNIA

CONTRACT

for

AIR-PLACED CONCRETE AND POLYURETHANE
PROTECTIVE LINING MANHOLE REHABILITATION
IN OAKGLEN AVENUE, JUNIPER STREET
AND FRONTAGE ROAD
IN NIPOMO, CALIFORNIA

THIS AGREEMENT, made and concluded, in duplicate, this _____ day of _____ 19 _____, between the NIPOMO COMMUNITY SERVICES DISTRICT, party of the first part, and _____, Contractor, party of the second part.

ARTICLE I. -- WITNESSETH, That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the said party of the first part, the said party of the second part agrees with the said party of the first part, at his own proper cost and expense, to do all the work in accordance with the Notice to Contractors, Specifications (pages 1 through 5), this Contract and the General Prevailing Wage Rates dated the month and year in which the work is performed, of the State of California, Director of Industrial Relations, which said Notice to Contractors, Specifications, General Prevailing Wage Rates are hereby specially referred to and such reference made a part hereof.

ARTICLE II. -- The said party of the first part hereby promises and agrees with the said Contractor to employ, and does hereby employ, the said Contractor to do the work according to the terms and conditions herein contained and referred to, for the prices, hereinafter set forth and hereby contracts to pay the same at the time, in the manner and upon the Conditions herein set forth; and the said parties for themselves, their heirs, executors, administrators, successors and assigns, do hereby agree to the full performance of the covenants herein contained.

ARTICLE III. -- The statement of prevailing wages as determined by the Director of Industrial Relations of the State of California pursuant to California Labor Code, Part 7, Chapter 1, Article 2, Sections 1770, 1773 and 1773.1 and which is filed at the principal office of the said party of the first part in accordance with the requirements of Section 1773.2 of said Code is hereby specifically referred to and by this reference is made a part of this contract. It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the bid or proposal of said Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

ARTICLE IV. -- By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workmen's compensation or to undertake self insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

ARTICLE V. -- And the said Contractor agrees to receive and accept the following prices as full compensation for furnishing all materials and for doing all the work contemplated and embraced in this agreement; also for all loss or damage, arising out of the nature of the work aforesaid, or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the said party of the first part and for all risks of every description connected with the work, also for all expenses incurred by or in consequence of the suspension or discontinuance of work and for well and faithfully completing the work, and the whole thereof, in the manner and according to the plans and specifications, and the requirements of the Nipomo Community Services District.

CONTRACT QUANTITIES

for
ND98-043

AIR-PLACED CONCRETE AND POLYURETHANE
PROTECTIVE LINING MANHOLE REHABILITATION
OAKGLEN AVENUE, JUNIPER STREET
AND FRONTAGE ROAD

for
The Nipomo Community Services District

Page 1 of 1

Item No.	Description	Approx. Depth (ft)	Estimated Quantity	Unit of Measure	Unit Cost	AMOUNT
1	Sewer Manhole Rehabilitation	5 to 7	8	each	1,050	8,400
2	Sewer Manhole Rehabilitation	10 to 11	5	each	1,838	9,190
3	Sewer Manhole Rehabilitation	12 to 13	8	each	2,188	17,504
		Total	21			
					TOTAL	35,094

IN WITNESS WHEREOF, The parties to these presents have hereunto set their hands the year and date first above written.

The Nipomo Community Services District
STATE OF CALIFORNIA

Alex Mendoza Date
President of the Board

ATTEST:

Date

CONTRACTOR
B & W PRECAST CONST., INC
John R. Warren 9-17-98

Date

Licensed in accordance with an act providing for the registration of Contractors, License No. 445885.

M\spec\ND98043.jgh

AGENDA ITEM

10

SEP 30 1998

TO: Board OF DIRECTORS

FROM: DOUG JONES

DATE: SEPTEMBER 30, 1998

District ORDINANCE REVISIONS

The Board of Directors has reviewed ordinance revisions that have been presented to the Board for comments on the September 2, 1998. The ordinance had its first reading and introduction on September 16, 1998. It is now presented to your Honorable Board for its second reading and adoption.

The ordinance revisions primarily simplifies the water, sewer and annexation regulations in which the District water and sewer capacity charges and monthly rates will remain the same as now constituted.

Now is the time to have a second reading of the ordinance and receive public comments. After the public comments a motion would be in order to adopt the ordinance.

Board2/2ndreading

**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 98-87**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT:
A: ESTABLISHING A NEW METHOD OF CALCULATING
CAPACITY CHARGES FOR CERTAIN MULTI-FAMILY UNITS;
AND B: AMENDING DISTRICT ADMINISTRATIVE PROCEDURES**

WHEREAS, based upon facts and analysis presented by Staff, the Staff Report, and public testimony received, the Board of Directors finds:

- A. This public meeting has been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act); and that the District has complied with the requirements of Government Code Section 66016; and
- B. The fees, rates and charges that are the subject of this Ordinance do not exceed the estimated reasonable cost of providing the services for which the fees and/or charge or charges are imposed;
- C. Amending the District Procedures as provided in this Ordinance is in the best interest of the District and its residents:
- D. That the payment of capacity charges designated in Sections 5 and 35 of this Ordinance are a condition of development within the meaning of Article XIII.D, Section 1(b) of the California Constitution; and
- E. All references to District Code herein refer to the Nipomo Community Services District Code:

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the District as follows:

Section 1: Authority.

This Ordinance is enacted pursuant to Government Code Sections 61600(a)(b), 61621, 61621.5, 61622, 66013, and 66016.

Section 2:

Section 2.12.010 of the District Code is hereby repealed in its entirety and replaced with the following:

2.12.010 Documents adopted by reference

A. The Nipomo Community Services District Standards and Specifications originally adopted by the Board of Directors on October 1st, 1997, as may be amended from time to time, are the official standards and specifications of the Nipomo Community Services District for all improvements to be owned, operated and/or maintained by the District.

B. There shall be maintained on file in the office of the District a current copy of said Standards and Specifications.

WATER SERVICE

Section 3:

Section 3.03.050 of the District Code is repealed in its entirety and replaced with the following:

3.03.050 Delinquent accounts.

Accounts not collected within twenty five days of billing are delinquent. Delinquent accounts shall incur a basic penalty of ten percent of the charge owing and shall accrue interest at the rate of one-half of one percent per month on the charge and basic penalty.

Section 4:

Section 3.03.060B of the District Code is repealed in its entirety and replaced with the following:

B. Commencing at 8:00 AM the day following the due date stated in the Second Notice, a non-payment fee of \$50.00 will be charged to the account. Further, a work order may be generated to discontinue service for failure to make payment pursuant to subsection A of this section.

Section 5:

Section 3.03.150 of the District Code is repealed in its entirety and replaced with the following:

3.03.150 Returned checks.

A charge of fifteen dollars will be charged against any person whose check is returned by the bank due to lack of funds. Returned checks are processed as delinquent payments for purposes of applying Section 3.03.060 et seq. of the District Code.

Section 6:

Section 3.03.180B of the District Code is amended to read as follows:

- B. Sewer rates shall be charged as follows:
1. Monthly sewer charges shall commence on the date the water meter is set.
 2. District sewer charges are set forth in Appendix C to this chapter .

Section 7:

Section 3.04.010 of the District Code is repealed in its entirety and replaced with the language found in Section 3.04.030 of the District Code.

Section 8:

Section 3.04.020 is added to Chapter 3.04 of the District Code as follows:

Service Connections

- A. Each house or building under separate ownership shall be provided with its own service connection or connections.
- B. Two or more houses or buildings (such as apartments) under one ownership and located on the same lot or parcel of land may be supplied through one service connection.
- C. When a parcel or building receiving water service through one connection is subdivided into smaller lots, parcels, or units, capable of separate ownership, then the existing service connection shall be deemed appurtenant to the parcel or building unit upon which it is situated or most immediately adjacent.

D. The District reserves the right to limit the number of houses or buildings, or the area of the land under one ownership to be supplied by one service connection.

E. A service connection shall not be used to supply adjoining property of a different owner or to supply the property of the same owner on opposite sides of a public street or alley.

Section 9:

Section 3.04.030 of the District Code is repealed in its entirety and replaced with the following:

Section 3.04.030 Landscape Irrigation Connections

Except for connection to a single family residence, a separate service connection with backflow prevention device shall be provided to each parcel of property for landscape irrigation. A separate Landscape Connection Fee shall be computed pursuant to Section 3.04.050, and paid.

Section 10:

Section 3.04.040 is added to Chapter 3.04 of the District Code as follows:

Meter Size

A. Except as provided in Subsection B, below, The water meter size for each service connection shall be determined by the District pursuant to the Uniform Plumbing Code, Table 6-4 (see Appendix B to this Chapter).

B. The minimum water meter size for each service connection that serves a single family residence on one acre or larger parcel shall be one inch.

Section 11:

Section 3.04.050 is added to Chapter 3.04 of the District Code as follows:

Section 3.04.050 Connection Fees

A. Fees. New connections shall be subject to water connection fees/capacity charges based on the estimated reasonable cost of the District facilities required to provide the service. The fees shall consist of five component parts (i.e., capacity

charge, installation fee, meter fee, account set-up fee and supplemental charge (if applicable)). Said fees are established in Appendix "A" to this chapter.

B. Supplemental Charge.

(1) When a new service is connected to a District installed water line, the applicant shall be charged a front footage fee of twenty-one dollars per foot to each parcel fronting the improvements or one-half this amount when District service can be provided on both sides of the water line. Where the frontage has been subdivided, rear and front parcels are to share on a per parcel basis the frontage of the subdivision creating the parcels.

(2) When a new service is connected to a developer-installed water line pursuant to Title V, the applicant shall pay a supplemental charge pursuant to that reimbursement agreement.

C. The installation fee, meter fee, and account set-up fee shall be established and amended by resolution of the Board of Directors with reference to this code section.

D. Payment of Fees for Connection. The applicant shall pay the water capacity charge, sewer capacity charge, installation fee, meter fee and account set-up fee prior to the District's issuance of a will-serve letter. The District shall not provide water service until all fees are paid in full and the project (if applicable) is accepted by the District.

Section 12:

Section 3.04.060 of the District Code is hereby repealed in its entirety and replaced with the following:

Resale of Water

No person shall resell any water received from the District to any other person, or for use on any other premises, or for any other purposes than specified in the application for service.

Section 13:

Section 3.04.070B of the District Code is amended to read as follows:

B. Pressure Regulators and Special Facilities. Where the conditions of service are such that a pressure regulator, backflow devices, or other special facility, including but not limited to booster pumps, are required, the customer shall provide, install and maintain the necessary equipment.

Section 14:

Section 3.04.090 of the District Code is amended to read as follows:

Change in Size of Service

When a change in use of a building, premises or an area to be served, causes an increase in water use that exceeds the meter size, then a new water service shall be required or water service may be terminated. When a change in size of service is required, the following provisions shall apply:

- A. Unchanged
- B. Unchanged

Section 15:

Section 3.04.120 of the District Code is hereby repealed in its entirety.

Section 16:

Section 3.04.260 of the District Code is repealed in its entirety and replaced with the following:

Distribution Facilities

The minimum water main size in the District shall be 8 inches in diameter and if applicable shall be financed and installed by the Applicant in accordance with Title V of the District Code.

Section 17:

Section 3.04.280A of the District Code is amended to read as follows:

A. All water service pipes and equipment required to serve a customer up to and including the meter shall be owned by the District, whether installed:

1. On a public or private property; or
2. At applicant's or District's expense.

Section 18:

Section 3.04.320 of the District Code is hereby repealed in its entirety.

Section 19:

Section 3.03.060 is added to Chapter 3.04 of the District Code as follows:

Violation a Misdemeanor

No person shall make, permit, approve or allow any water connections or extensions contrary to the provisions of this chapter. Any violation hereof shall constitute a misdemeanor punishable as provided by law.

Section 20:

Section 3.04.070 is added to Chapter 3.04 of the District Code to read as follows:

Violation a Public Nuisance

Any violation of the provisions hereof shall also constitute a public nuisance. In addition to criminal prosecution or judicial abatement procedures otherwise authorized, the District shall have authority, after due notice and public hearing, to abate any violations hereof by terminating water service to all properties associated with or involved in the violation, and by assessing all costs of abatement against all property owners allowing, permitting or otherwise authorizing the illegal connection, water use or other violation.

Section 21:

Chapter 3.08 and Chapter 3.12 of the District Code are hereby repealed in their entirety.

Section 22:

Chapter 3.16 is added to Title 3 the District Code to read as follows:

Water Service Outside District

3.16.010 When allowed.

3.16.020 Rates/Conditions.

3.16.010 When allowed.

It is the general policy of the District that District water service is limited to parcels within the District boundaries. The District Board of Directors may authorize water service to parcels outside the District boundaries upon a finding that:

A. There exists an extreme hardship and there is excess capacity within the District system to serve said parcel; or

B. There is a benefit to the District or the community, such as the Applicant providing the District with a water resource.

3.16.020 Rates/Conditions.

The water usage rates and conditions for District water service outside the District boundaries shall be determined by resolution of the Board of Directors.

SEWER SERVICE

Section 23:

Chapter 4.04 of the District Code is hereby repealed in its entirety.

Section 24:

Sections 4.08.020A(5 & 6) of the District Code are hereby repealed in its entirety.

Section 25:

Section 4.08.020B of the District Code is hereby amended to include Definitions 8, 9 and 10 as follows:

(8) Sewer lateral means the sewer line from the customer's residence to the

"sewage collection system" located in the public right-of-way.

(9) "Grease" means a group of substances in wastewater, including fats, wax, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other fatty materials.

(10) "Grease trap" means a device for separation of grease from wastewater by flotation for surface removal.

Section 26:

Section 4.08.030 of the District Code is hereby repealed in its entirety and replaced with the following:

4.08.030: Connection to District's sewage collection system.

A. District will provide sewage disposal service to the following properties:
1. Properties within the boundaries of the Nipomo Community Services District;

2. Properties included in the Prohibition Zone established by the Regional Water Quality Control Board for the Nipomo Sewage Project.

3. Properties approved for outside user service

B. In addition to the requirements of Subsection A of this section, new sewage disposal service will be conditioned on:

1. Adequate capacity exists in the wastewater treatment plant and sewage collection system.

2. The applicant entering into District's Plan Check and Inspection Agreement prior to commencing construction;

3. All construction shall be in accordance with District's standards and specifications as amended from time to time;

4. The prior availability of adequate sewage facilities immediately adjacent to the property to be served;

5. Final approval pursuant to Section 4.08.040B of the District Code;

6. Final inspection and approval of street connections and payment of sewer inspection fee.

7. The District's receipt and approval of As-Built Plans, offers of dedication (when appropriate), easements (when appropriate), and engineer's certificates.

C. The District is not responsible for the maintenance and operation of

developer-installed sewer facilities until said facilities are formally accepted by the District.

Section 27:

Section 4.08.040 of the District Code is repealed in its entirety and replaced with the following:

4.08.040 Tentative and final approval letters.

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

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

No tentative approval shall be issued by the District prior to payment in full of the estimated plan check and inspection fees as determined by the general manager.

B. Final Approvals. The board of directors shall grant a final letter of approval upon the recommendation of the general manager, and after review of final plans at a public meeting. All appropriate fees, including, without limitation, sewer capacity charges, annexation fees, water system fees, plan check and inspection fees, shall be paid in full before the board grants final approval.

Section 28:

Chapter 4.08 of the District Code is amended to include Section 4.08.045 as follows:

4.08.045 Maintenance of Sewer Laterals. The maintenance of sewer laterals as defined in Section 4.08.020B(8) is the responsibility of the property owners served by the sewer lateral.

Section 29:

Section 4.08.050B is repealed in its entirety.

Section 30:

Chapter 4.08 of the District Code is amended to include Section 4.08.131 as follows:

4.08.131 Grease traps or grease interceptors required.

Grease, oil and sand traps or grease interceptors shall be provided on all drain lines leading from kitchens in all eating establishments or as determined by the District. They shall be sized, located and constructed pursuant to Appendix H of the Uniform Plumbing Code which provides recommended procedures for sizing commercial kitchen grease interceptors. All grease traps and grease interceptors shall be so located as to be readily and easily accessible for cleaning and inspection.

Section 31:

Chapter 4.08 of the District Code is amended to include Section 4.08.132, as follows:

4.08.132 Maintenance of grease traps and grease interceptors.

All grease, oil and sand traps and grease interceptors shall be maintained at the owner's expense, and shall remain in continuous effective operation at all times. The District may terminate District services to non-maintained traps and interceptors.

Section 32:

Section 4.08.160 of the District Code is hereby repealed in its entirety.

Section 33:

4.08.220 Sewer Service Outside District Boundary

The sewer usage rates and conditions for District sewer service outside the District boundaries shall be determined by resolution of the Board of Directors.

Section 34:

Subsections C, D and E of Section 4.12.030 of the District Code are hereby repealed in their entirety.

Section 35:

4.12.080 Sewer capacity charge computation

Appendix A to Chapter 4.12 and Section 4.12.080 of the District Code is repealed in its entirety and replaced with the following:

A. Computation Method and Unit Cost. Except as limited elsewhere herein, the capacity charge shall be computed by multiplying the customer's dwelling unit equivalent (DUE) as determined by the District, times capacity charge.

B. Determination of Dwelling Unit Equivalent. The customer's dwelling unit equivalent (DUE) shall be calculated by consideration of the combination of the number of fixture unit equivalents installed, as defined by the most recent Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, and the rated capacity of any continuous flow discharged to the sewer, on the following basis:

1. Each sixteen fixture unit equivalents rounded up to the closest multiple of sixteen, one DUE.
2. Fixture unit equivalents not included within said code shall be established by the District.

Section 36:

Section 4.12.260 of the District Code is hereby repealed in its entirety.

Section 37:

Section 4.16.030 of the District Code is repealed in its entirety.

Section 38:

Chapter 4.28 and Section 3.04.260 of the District Code are hereby repealed in its entirety and replaced with Title V, as follows:

TITLE 5

Sewer and Water Main Extensions and Appurtenant Facilities

CHAPTER 5.01

Reimbursement Agreements

5.01.10 Purpose and Applicability

A. This Chapter is intended to provide an equitable procedure for at least partial reimbursement to private parties who construct and dedicate District facilities to serve their private property, if such facilities are also used thereafter to directly serve and benefit private property owned by others.

B. Whenever an applicant is required as a condition of development, to construct and install any District water or sewer facilities, which will be dedicated to the District, and which has the future potential and capacity to provide service to real property parcels, not under the control or ownership of the applicant, the future reimbursement provisions of this Chapter shall apply, unless the District specifically provides otherwise by ordinance or resolution.

5.01.20 Definitions

As used in this Chapter the following words shall have the following meanings:

1. "District" means the Nipomo Community Services District.
2. "District Facilities" means water lines, sewer mains, and sewer lift stations and appurtenant facilities.
3. "Applicant" means subdivider, developer and/or builder.
4. "Engineer" means District engineer.

5.01.030 Reimbursement of Excess Costs

1. Excess Costs equal the sum of the following:
 - a. Oversizing: The estimated cost of installing the size of line required to serve Applicant's needs **pursuant to District's Plans and Specifications**

and the actual cost of installing a larger line at the direction of the District.

b. Off-Site Development: A pro rata share of the costs of installing District facilities and appurtenances pursuant to District plans and specifications beyond the property of the Applicant that are subject to probable future use by connectors other than Applicant.

2. Approval of Excess Costs: District shall have the right to audit the excess costs submitted by Applicant, and to approve for reimbursement only so much thereof it determines to be just and reasonable. Such excess cost, if any, shall be computed when said facilities are completed by Applicant and accepted by District, and said shall be paid as provided in the Reimbursement Agreement.

3. Proration of Costs:

A. The District's engineer shall prorate the approved excess costs against all lots or parcels which in the future may be served by direct connection thereto. The District shall send written notice of the prorated amount to the person shown on the latest county assessor's roll as the owner or agent of record for assessment purposes for each parcel. Such person may protest the prorations in writing within fourteen (14) days after the notice is mailed. If not protested within the fourteen (14) days, the proration shall become final for the purposes of this section.

B. A protest shall concerned only with the division or spread of the actual and necessary construction costs between or among the builder's property and all other properties to be included in the area subject to the proration procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of actual cost information as presented by the applicant or his agent to the District's engineer.

C. The District's Board of Directors shall hold a public hearing to consider all such written protests. All evidence in support of the protest shall be submitted in writing to the District at least ten days before the meeting. The engineer shall prepare a written report and recommendation to the board on each protest. A copy of the engineer's report shall be mailed, or otherwise delivered, to the concerned protester at least five days before the board meeting to consider the protest.

D. The Board's decision on the protest shall be in writing, and shall be final. If the Board's decision results in an increased proration amount for properties owned by anyone other than the protester or the applicant, a new notice and a new fourteen (14) day period shall be given for each such property.

E. If no protest is filed for a property within the fourteen (14) day period after the first or any subsequent notice of prorated amount is mailed for that property, the proration shall be come final as to the property.

5.01.040 Ten-Year Repayment Obligation

For a period of ten years from the date of official acceptance of any such sewer facility, the subdivider shall be eligible for reimbursement of the foregoing prorated amount from each parcel as the parcel, or portion thereof, connects to the facility.

5.01.050 District to Serve as Collection Agency

The District shall collect the prorated amount for each parcel before permitting the parcel to connect to the facility. It is the duty of the applicant to keep a current address on file with the District. Reimbursement amounts returned to the District and unclaimed within one year thereafter shall become the property of the District.

5.01.060 District Administrative Costs

As partial reimbursement to the District for its administrative and engineering costs associated with calculating reimbursement amounts, plus record keeping, collection and disbursement activities, the District shall charge, deduct and retain ten percent (10%) of all reimbursement amounts collected from subsequent builders.

5.01.070 District Connections

A. The District may make connections to the water and sewer facilities to serve public facilities without any obligation to pay any such refunds.

B. The District may also make or permit connections to the facilities to serve private property outside of the area of proration as determined by the engineer; provided, however, that the District Board reserves the right to determine at that time whether or not the owners of such private property shall be obligated to reimburse applicant as provided in this ordinance.

5.01.080 All Other District Water and Sewer Charges in Effect

Nothing herein shall be construed or applied to affect or reduce any other District charges, fees, connection or other amounts payable to the District for water and sewer service.

5.01.090 District Liability

If for any reason the reimbursable cost is or becomes uncollectible, as determined by the District, the District shall not be liable to the Applicant for the excess costs in constructing the District Facilities.

CHAPTER 5.02

Design and Construction

5.02.010 Plans and Specifications

1. Water and sewer system improvement plans and specifications shall be prepared by a California Registered Civil Engineer.
2. Water and sewer system improvements shall be designed and constructed in conformance with the District's Standards and Specifications referenced in Section 2.12.010.
3. The District General Manager may require an applicant to enter into a plan check and inspection agreement.
4. The District's administrative costs referenced in the Plan Check and Inspection Agreement shall be paid by the Applicant. Said fees shall be established by separate agreement or resolution of the Board of Directors.

Section 39:

Ordinance 80-36 is hereby repealed in its entirety.

Section 40:

Sections IV(B) and V(B) of the District Code pertaining to annexation policies are repealed in their entirety and replaced with the following:

- B. In order to be considered for annexation:
 - (1) The lands must be located within those portions of the sphere of influence zone as provided by both the Local Agency Formation Commission and the District; and

- (2) The lands should be immediately adjacent to Nipomo Community Services District facilities or the land owners must be willing to extend adequate facilities at no cost to Nipomo Community Services District; and
- (3) The proponents of such annexations must pay all applicable fees.

Section 41:

Section IV(C) and V(C) is added to the District Code pertaining to annexation policies to read as follows:

The District will not consider the annexation of land that is not capable of providing a water supply and related facilities, approved by the District, to meet the estimated demand for service to the proposed annexation. The District will consider the following in approving a water supply:

- (1) A well(s) with a historical 5 year pumping record; or
- (2) A reduction of District water usage by retrofitting on a 2:1 basis (i.e. eight residential units will be retrofitted for each new residential unit or equivalent); or
- (3) A supplemental water supply.

Section 42: CEQA Finding

The Board of Directors of the District finds that the adoption of this ordinance does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) or its implementing Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA Guidelines"). The Board further finds that the adoption of this ordinance falls within the activities described in Section 15378(b)(3) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of this ordinance were a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this ordinance and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

Section 43: Repeal of Prior Ordinances and Resolutions

All ordinances, sections of ordinances and resolutions that are inconsistent with this ordinance are hereby repealed.

Section 44: Repeal Shall not Revive any Ordinances.

The repeal of ordinances and sections of ordinances herein shall not repeal the repealing clause of such ordinances or revive any ordinances which have been repealed thereby.

Section 45: Effect of Repeal on Past Actions and Obligations.

This ordinance does not affect prosecutions for ordinance violations committed prior to the effective date of this ordinance, does not waive any fee or penalty due and unpaid on the effective date of this ordinance, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 46: Severance Clause.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Board of the District hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 47: Effect of Headings in Ordinance.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

Section 48: Effective Date.

This ordinance shall take effect and be in full force and effect thirty (30) days

after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the ordinance and shall remain posted thereafter for at least one (1) week. The ordinance shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Five Cities Times Press Recorder.

Introduced at a regular meeting of the Board of Directors held on _____, and passed and adopted by the Board of Directors of the Nipomo Community Services District on the ____ day of _____, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

Appendix B to Chapter 3.04

TABLE 6-3

Fixture	Number of Fixture Units	
	Private Use	Public Use
Bar sink	1	2
Bathtub (with or without shower over)	2	4
Bidet	2	4
Clotheswashers (each pair of faucets)	6	10
Dental unit or cuspidor	—	1
Drinking fountain (each head)	1	2
Hose bibb or sill cock (standard type)	3	5
Laundry tub	2	4
Lavatory	1	2
Lavatory (dental)	1	1
Lawn sprinklers (standard type, each head)	1	1
Mobile home (each)	12	12
Shower (each head)	2	4
Sink (bar)	1	2
Sink (flushing rim, clinic)	—	10
Sink or dishwasher	2	4
Sink (washup, circular spray)	—	4
Sink (washup, each set of faucets)	—	2
Urinal (flush tank)	—	3
Urinal (pedestal or similar type)	—	10
Urinal (stall)	—	5
Urinal (wall)	—	5
Water closet (flush tank)	3	5
Water closet (flushometer-tank)	3	5
Water closet* (flushometer valve)	—	—

Water supply outlets for items not listed above shall be computed at their maximum demand, but in no case less than:

3/8 inch (9.5 mm)	1	2
1/2 inch (12.7 mm)	2	4
3/4 inch (19.1 mm)	3	6
1 inch (25.4 mm)	6	10

*See Section 610.10 for a method of sizing flushometer valve installations using Table 6-5.

Table 6-4

TABLE 6-4

Fixture Unit Table for Determining Water Pipe and Meter Sizes

Inch	mm
1/2	12.7
3/4	19.1
1	25.4
1-1/4	31.8
1-1/2	38.1
2	50.8
2-1/2	63.5

Pressure Range – 30 to 45 psi* (207 to 310 kPa)**

Meter and Street Service, Inches	Building Supply and Branches, Inches	Maximum Allowable Length in Feet (meters)														
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)
→ 3/4	1/2**	6	5	4	3	2	1	1	1	0	0	0	0	0	0	0
→ 3/4	3/4	16	16	14	12	9	6	5	5	4	4	3	2	2	2	1
	3/4	29	25	23	21	17	15	13	12	10	8	6	6	6	6	6
	1	36	31	27	25	20	17	15	13	12	10	8	6	6	6	6
	3/4	36	33	31	28	24	23	21	19	17	16	13	12	12	11	11
	1	54	47	42	38	32	28	25	23	19	17	14	12	12	11	11
	1-1/2	78	68	57	48	38	32	28	25	21	18	15	12	12	11	11
	1	85	84	79	65	56	48	43	38	32	28	26	22	21	20	20
	1-1/2	150	124	105	91	70	57	49	45	36	31	26	23	21	20	20
	2	151	129	129	110	80	64	53	46	38	32	27	23	21	20	20
	1	85	85	85	85	85	85	82	80	66	61	57	52	49	46	43
	1-1/2	220	205	190	176	155	138	127	120	104	85	70	61	57	54	51
	2	370	327	292	265	217	185	164	147	124	96	70	61	57	54	51
	2	445	418	390	370	330	300	280	265	240	220	198	175	158	143	133

**Building supply, three-quarter (3/4) inch nominal size minimum.

***Available static pressure after head loss.

UNIFORM PLUMBING CODE

TABLE 6-4 (Continued)

Inch	mm
1/2	12.7
3/4	19.1
1	25.4
1-1/4	31.8
1-1/2	38.1
2	50.8
2-1/2	63.5

Pressure Range – 46 to 60 psi* (317 to 414 kPa)**

Meter and Street Service, Inches	Building Supply and Branches, Inches	Maximum Allowable Length in Feet (meters)															
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)	
→ 3/4	1/2**	7	7	6	5	4	3	2	2	1	1	1	0	0	0	0	
→ 3/4	3/4	20	20	19	17	14	11	9	8	6	5	4	4	3	3	3	
	1	39	39	36	33	28	23	21	19	17	14	12	10	9	8	8	
	1	39	39	39	36	30	25	23	20	18	15	12	10	9	8	8	
	3/4	39	39	39	39	39	39	34	32	27	25	22	19	19	17	16	
	1	78	78	76	67	52	44	39	36	30	27	24	20	19	17	16	
	1-1/2	78	78	78	78	66	52	44	39	33	29	24	20	19	17	16	
	1	85	85	85	85	85	85	80	67	55	49	41	37	34	32	30	
	1-1/2	151	151	151	151	128	105	90	78	62	52	42	38	35	32	30	
	2	151	151	151	151	150	117	98	84	67	55	42	38	35	32	30	
	1	85	85	85	85	85	85	85	85	85	85	85	85	85	83	80	
	1-1/2	2	370	370	340	318	272	240	220	198	170	150	135	123	110	102	94
	2	2	370	370	370	370	368	318	280	250	205	165	142	123	110	102	94
	2	2-1/2	654	640	610	580	535	500	470	440	400	365	335	315	285	267	250

**Building supply, three-quarter (3/4) inch nominal size minimum.
 ***Available static pressure after head loss.

Table 6-4

Table 6-4

UNIFORM PLUMBING CODE

Inch	mm
1/2	12.7
3/4	19.1
1	25.4
1-1/4	31.8
1-1/2	38.1
2	50.8
2-1/2	63.5

TABLE 6-4 (Continued)

Pressure Range – Over 60 psi*** (414 kPa)

Meter and Street Service, Inches	Building Supply and Branches, Inches	Maximum Allowable Length in Feet (meters)														
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)
→ 3/4	1/2**	7	7	7	6	5	4	3	3	2	1	1	1	1	1	0
→ 3/4	3/4	20	20	20	20	17	13	11	10	8	7	6	6	5	4	4
3/4	1	39	39	39	39	35	30	27	24	21	17	14	13	12	12	11
1	1	39	39	39	39	38	32	29	26	22	18	14	13	12	12	11
3/4	1-1/4	39	39	39	39	39	39	39	39	34	28	26	25	23	22	21
1	1-1/4	78	78	78	78	74	62	53	47	39	31	26	25	23	22	21
1-1/2	1-1/4	78	78	78	78	78	74	65	54	43	34	26	25	23	22	21
1	1-1/2	85	85	85	85	85	85	85	85	81	64	51	48	46	43	40
1-1/2	1-1/2	151	151	151	151	151	151	130	113	88	73	51	51	46	43	40
2	1-1/2	151	151	151	151	151	151	142	122	98	82	64	51	46	43	40
1	2	85	85	85	85	85	85	85	85	85	85	85	85	85	85	85
1-1/2	2	370	370	370	370	360	335	305	282	244	212	187	172	153	141	129
2	2	370	370	370	370	370	370	370	340	288	245	204	172	153	141	129
2	2-1/2	654	654	654	654	654	650	610	570	510	460	430	404	380	356	329

**Building supply, three-quarter (3/4) inch nominal size minimum.

***Available static pressure after head loss.

California

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THE NEWS OF CALIFORNIA WATER

P O T P O U R R I

So What If It's Naive Spelled Backwards

On the water front, America is split into two factions: Those that drink tap water, at a cost that rarely exceeds a penny a gallon, and those that drink bottled water, at a price that routinely tops the cost of gasoline and soft drinks.

Americans are 10 times likelier to drink bottled water today than a generation ago even though most water, tap or bottled, has no discernible taste or flavor. It's abundant and available almost free. Death by tap water is less likely as death by lightning.

Marketing experts say people aren't buying bottled water, they're buying an emblem of their discriminating taste, a global icon for health consciousness. They're buying — according to Laura Ries, a marketing consultant in Atlanta for French bottler Evian — "America's most affordable status symbol."

Thanks to explosive growth in sales of half-liter bottles, bottled water is now more portable and its consumption more visible, than ever. Demographically, it's most popular among Americans to whom appearance is most important: younger, better-educated singles in outdoorsy states like California, Texas and Florida.

Bottled-water drinkers, marketing surveys show, also are richer than tap-water drinkers. Consumer behaviorists say drinking bottled-water affirms that the drinker can afford it. To others, adds Ries, "It shows you are well-off enough to pay for sometime you don't necessarily need."

This same loopy logic applies to other aspects of the bottled-water habit:

- Drinkers consider bottled water safer than tap water, even though public health experts say U.S. tap water has to meet higher standards for contaminants.

- Drinkers say they're environmentally conscious, but plastic bottles are a big land fill pollutant in communities where they are not recycled.

- Plastic bottles cost about 10 cents or more, making them, like beer cans, far more expensive than the contents.

- Drinkers, who disdain chlorinated tap water, seem to ignore an occasional plastic taste, that's starting to worry some scientists.

Bottom line: Expect no rational answers to the nagging question of whether bottled water is worth its price.

Americans buy two kinds of bottled water. One is a substitute for tap water, the other, a substitute for soft drinks, bottled teas and fruit juices. The tap water substitute started out as a dairy sideline, so it's measured by the gallon and often sold in jugs identical to milk. Bottled water, the beverage, on the other hand, is a European tradition, measured in liters and sold at the premium prices that imports command.

Since 1976, America's taste for bottled water of both kinds has grown more than tenfold, from 255 million gallons to 3 billion. Driving growth now is the "retail premium" segment of the market — 1.5 liters or less, in clear plastic. It's got no calories and no additives. It's easy to

walk around with or fit into a gym bag.

There's room for more growth: Last year Americans drank about 12 gallons of bottled water per capita vs. 25 gallons for France. Young adults are three times as likely to drink bottled water as Americans over 65.

Still, high freight costs have made it hard for individual bottlers to get big. William Sullivan, VP and co-owner of Cobb Mountain Spring Water in Cobb, near Geyserville: "You could ship gallons within about 250 miles of your plant and make money. You can extend that range by shipping water in liter or half-liter bottles," said Sullivan. Selling half-liters, he estimates, expands your shipping radius by 500 to 1,000 miles.

Another way of beating high freight costs is to truck water from its source to bottling plants near bit cities. Hence names like Great Bear, Arrowhead and Crystal Geyser. They're not geographical, so they don't limit bottlers to single site. "As long as the label implies the water is from a bucolic, rural place," says Paul Schwartz, of the environmental group Clean Water Action, "people will figure it's safe to drink."

America's water bottlers long have claimed their products are superior to tap water but don't seem to want to prove it. Unlike, tap water providers that are required to disclose contaminant levels in an annual statement to customers, water bottlers are not. However, that could soon change. The FDA has recently proposed that water bottlers provide similar data on their labels.