

*Johanna Ingels*  
\$ 7.70

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**AGENDA**

JUNE 16 1999 7:00 P.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

**BOARD MEMBERS**

ROBERT BLAIR, **PRESIDENT**  
GENE KAYE, **VICE PRESIDENT**  
AL SIMON, **DIRECTOR**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **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**

1. ROLL CALL

**PUBLIC COMMENTS PERIOD**

2. PUBLIC COMMENTS

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

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

3. **OLDE TOWN PRESENTATION - PROPOSED PARK**  
Review park proposal and installation of a fence around pump station
4. **STREET LIGHTING - TRACT 2304 (WITTSTROM)**  
Create a Street Lighting Improvement District for Tract 2304
5. **RETRO-FIT POLICY**  
General discussion with staff on establishing policy
6. **PAYMENT OF DISTRICT CAPACITY FEES**  
Approve a methodology of securing Capacity Fees payments for subdivisions
7. **DISTRICT INSURANCE COVERAGE**  
Review two proposals for insurance coverage
8. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*
  - a) **BOARD MEETING MINUTES (APPROVE)**  
Approval of minutes of the June 2, 1999 Regular Board meeting.

**FINANCIAL REPORT**

9. APPROVAL OF WARRANTS

**OTHER BUSINESS**

10. **MANAGER'S REPORT**
  1. Article on water banking
  2. Legislative update
11. **DIRECTORS COMMENTS**

**CLOSED SESSION**

- CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§54956.8
- a. NCSD vs. Shell Oil, et. al. Case No. CV 077387
  - b. SMVWCD vs NCSD Case No. CV 770214
  - c. Real Property Neg, Dist. Rep. Gen. Mgr., Prop rep. Dana Estates, acquisition of tank site easement at Dana-Foothill & Tefft
  - d. Koch California LTD. vs. NCSD Case No. CV 990266
  - e. Public Employee Performance Evaluation - General Manager GC§ 54957

**ADJOURN**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 16, 1999

**AGENDA ITEM**

**3**

JUN 16 1999

OLDE TOWN PRESENTATION - A PROPOSED PARK

**ITEM**

Presentation from the Olde Town Association on a proposed park and possible installation of a fence around the Tefft Street lift station located at Tefft St. and Carillo St.

**BACKGROUND**

The land area between the Tefft Street sewer lift station and the District office belongs to the San Luis Obispo County and a local proposal is to make it into a park. If this concept develops, then a fence should be installed around the Tefft St. lift station to secure the lift station and enhance the visual aspects of it.

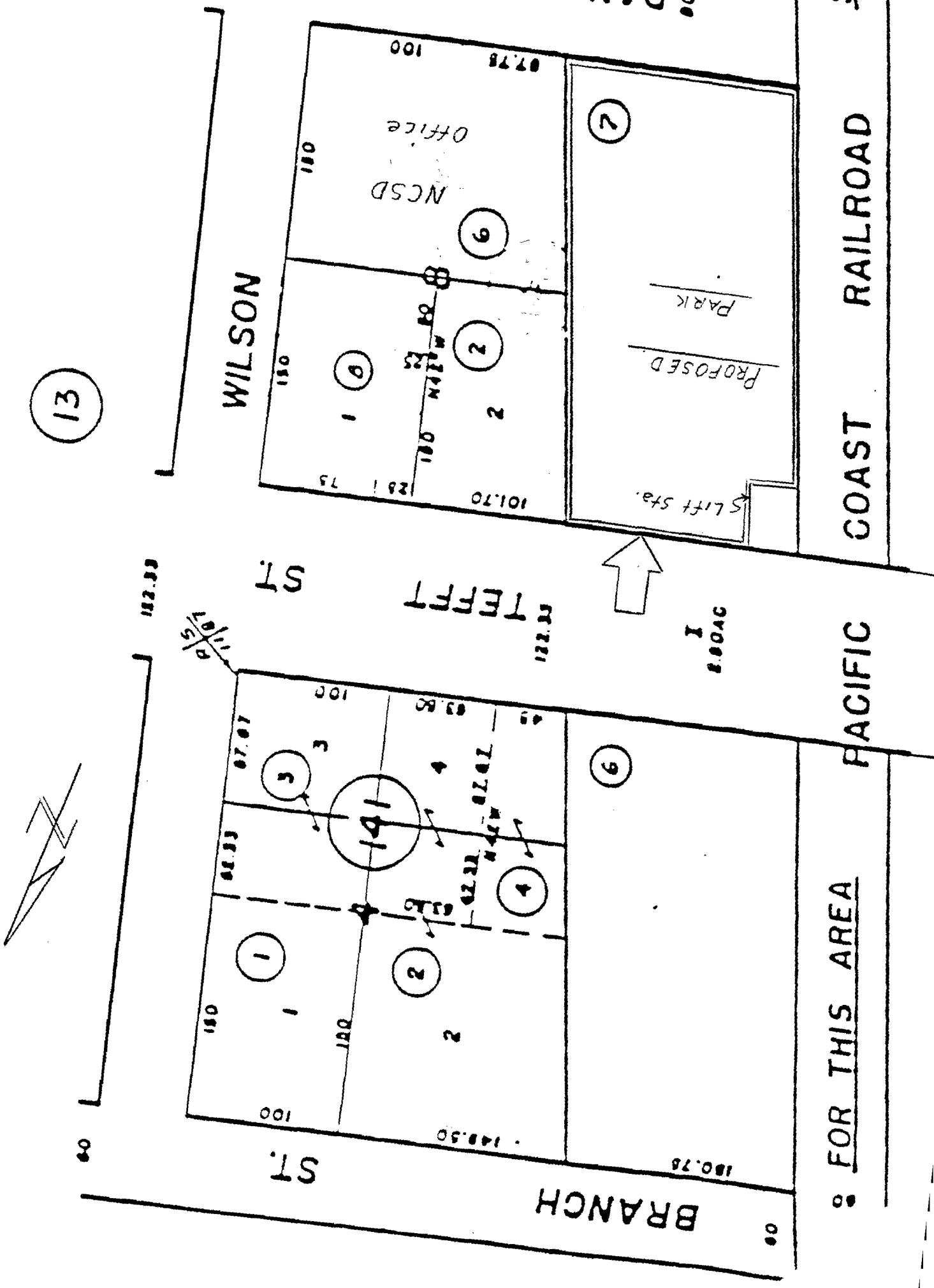
The District tried to acquire this property in conjunction with building the new office building, but at the time the County wanted \$200,000.00 for the property. The District felt it was not warranted to purchasing the property at that price and went ahead and built the office on the District-owned property.

The County was contacted and they have no present plans to develop a park on this property.

**RECOMMENDATION**

It would be staff's recommendation to investigate the type of fencing that would most enhance the area and secure the lift station.

C:\W:Bd99\Fencing Tefft.DOC



COAST RAILROAD

PACIFIC

FOR THIS AREA

DANA ST.

WILSON ST.

ST. TEFFT

BRANCH ST.

13

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 16, 1999

**AGENDA ITEM**

**4**

JUN 16 1999

## STREET LIGHTING FOR TRACT 2304

### ITEM

Creating a street lighting maintenance district for maintaining the street lights in Tract 2304

### BACKGROUND

The District has requested the developer of Tract 2304, Mr. Wittstrom, to install street lighting in Tract 2304, primarily at the intersections to assist people to locate streets in the area at night. It is proposed that nine (9) street lights be installed in the tract. To maintain and pay for the power, a street lighting district needs to be formed. The assessments would be placed annually on the tax roll. It is estimated that the cost per lot per year would be approximately \$30.00.

Garing, Taylor & Assoc. Engineering Firm has established the assessment per Prop 218 for the appropriate fee to be charged and to maintain the street lights.

Process:

1. The District adopt a Resolution initiating proceedings to establish a Lighting District (Improvement District No. 1)
2. A petition signed by the property owner(s) requesting the formation of the Lighting District
3. Hold a public hearing on the establishment of the Lighting District

### RECOMMENDATION

It is staff's recommendation that your Honorable Board proceed with establishing a street lighting district for Tract 2304 by adopting the attached Resolution initiating proceedings for Improvement District No. 1 and set August 4, 1999 for a hearing on the Lighting District. The Developer is to pay for the cost of establishing the Lighting District.

C:\W:\Bd99\Tract 2304 Lighting district.DOC

RESOLUTION NO. 99- \_\_\_\_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
INITIATING PROCEEDINGS**

**STREET LIGHTING IMPROVEMENT DISTRICT NO. 1**

**WHEREAS**, the Nipomo Community Services District (herein District) is authorized to provide street lighting pursuant to Government Code Section 61600(f); and

**WHEREAS**, Black Lake Ranch Estates, a California Partnership, the Developer of Tract 2304 (herein the Project) is required to construct certain street lighting improvements within the Project and to provide for their operation and maintenance; and

**WHEREAS**, Black Lake Ranch Estates, a California Partnership (herein Developer), as the sole Owner and Developer of Tract 2304, has filed a petition with the District's Secretary requesting the District to form an Improvement District pursuant to Government Code Section 61710 et seq. to provide a means for payment of costs of the maintenance and operation (including administrative costs, and establishing a reasonable reserve), for the above-referenced street lighting improvements,

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

1. The petition of the Developer is received and filed and all reports, diagrams, formulas and assessments referenced in said petition are hereby approved and incorporated herein by reference.

2. The Board proposes to form an Improvement District for the following purposes:

Levying assessments to provide for the annual costs of maintenance and operation (including administrative costs and a reasonable reserve) for the street lighting improvements within Tract 2304.

3. The proposed Improvement District shall be designated the Nipomo Community Services District Improvement District No.1, Nipomo Community Services District, San Luis Obispo County, California, and shall include the land designated on Tentative Tract Map 2304, attached hereto as Exhibit "A", and is hereby approved.

4. The District Engineer of Nipomo Community Services District is hereby designated Engineer for the purpose of these formation proceedings.

5. The regularly scheduled meeting of the District Board of Directors set for August 4, 1999 is the hearing date established for:

(a) Hearing protests to the formation of Nipomo Community Services District Improvement District No. 1.

- (b) Approving the formation of Nipomo Community Services District Improvement District No. 1.
- (c) Receiving and counting ballots establishing assessments.
- (d) Approving assessments for Nipomo Community Services District Improvement District No. 1.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this 16<sup>TH</sup> day of June, 1999.

\_\_\_\_\_  
ROBERT BLAIR  
President of the Board  
Nipomo Community Services District

ATTEST:

APPROVED:

\_\_\_\_\_  
DONNA K. JOHNSON  
Secretary to the Board

\_\_\_\_\_  
JON S. SEITZ  
District Legal Counsel

resol initiating proceedings 6-09-99

**PETITION**

**PETITION REQUESTING FORMATION  
OF NIPOMO COMMUNITY SERVICES DISTRICT  
STREET LIGHTING IMPROVEMENT DISTRICT NO. 1**

**100% PROPERTY OWNER PETITION/BALLOT**

**WITNESSETH:**

A. WHEREAS, the Petitioner, Black Lake Ranch Estates, a California Partnership, is the sole owner and developer (herein "Developer") of that certain real property located in the Nipomo Community Services District (herein "District"), County of San Luis Obispo, State of California, more particularly described as follows:

Being a division of Lots 18, 19 and 20 of the Los Berros Tract, being a subdivision of Lots 15, 19 and 20 of Nipomo Ranch in the County of San Luis Obispo, State of California.

APN: 91-311-02

B. WHEREAS, Douglas Fillipponi and Karl Wittstrom, are the sole partners of Developer; and

C. WHEREAS, Developer is developing the Property as a single family residential subdivision tentatively approved as Tract 2304 (hereinafter referred to as the "Project"). The tentative map is attached hereto as Exhibit "A"; and

D. WHEREAS, for the purposes of this Petition the terms "Property" and "Project" are often used interchangeably; and

E. WHEREAS, as a condition to final approval of the Project and the recordation of the final tract map to be recorded on the Project, the District has required the Project be improved with street lighting (herein Street Lighting Improvements), and that the undersigned Developer provide a means satisfactory to the District for assuring the continued maintenance and operation of the Street Lighting Improvements.

The placement of Street Lighting Improvements is depicted on Exhibit "A"; and

F. WHEREAS, pursuant to Government Code Section 61710, the District may form an Improvement District to levy assessments to provide for the maintenance and operation of the Street Lighting Improvements; and

G. WHEREAS, Developer as the owner of all of the real property to be benefited by the Street Lighting Improvements has requested the District Board of Directors to establish an assessment district to provide for the cost of the maintenance and operation (including administrative costs and establishing a reasonable reserve) for the Street Lighting Improvements; and

H. WHEREAS, attached hereto as Exhibit "B" is the District Engineer's (or District Assessment Engineer's) assessment for each parcel or lot and formula for calculating such assessments for:

1. The total amount of the assessment for the Project; and
2. The amount to be apportioned among subdivision lots or parcels within the proposed Project.

**NOW, THEREFORE,** by this Petition, the undersigned Developer requests the District Board of Directors to form Street Lighting Improvement District No. 1 for the purpose of levying an annual assessment against the Property and each lot or parcel therein in the amount, for the purpose, and otherwise subject to the terms and conditions set forth herein.

1. **Purpose of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel to be created therein shall be used exclusively for the purpose of funding the annual costs of the maintenance and operation (including administrative costs and establishing a reasonable reserve) for the Street Lighting Improvements. The undersigned Developer agrees that such public improvements and the operation and maintenance of same are of special benefit to the Property and each lot or parcel to be created therein.

2. **Description of Land to be Included in Proposed Improvement District.** The land to be included in the proposed Street Lighting Improvement District No. 1 is the property



described in Tentative Tract Map 2304, attached hereto as Exhibit "A".

3. **Names of all Owners of Land Within Street Lighting Improvement District No. 1.** Black Lake Ranch Estates is the sole owner whose address is P.O. Box 1655, Paso Robles, CA 93447.

4. **Amount of the Annual Assessment.** The formula for establishing the assessment and the annual assessment to be levied against the Property to fund the operation and maintenance of the Street Lighting Improvements is described in Exhibit "B", attached hereto. The annual assessment to be charged shall be levied against the Property during each fiscal year the Improvement District remains in effect, effective at the date the Street Lighting Improvements are accepted by the District. The undersigned Developer agrees that the annual assessment established in Exhibit "B" does not exceed the cost of operating and maintaining the Street Lighting Improvements.

5. **CPI Adjustment to the Amount of the Annual Assessment.** Commencing with the first District fiscal year following the date Street Lighting Improvements are accepted, and each fiscal year thereafter that the assessment District remains in effect, the annual assessment to be levied against the Property shall be increased in an amount necessary to reflect the increase in the cost of operating and maintaining the Street Lighting Improvements due to inflation. The determination of whether there has been an increase in the cost of operating and maintaining the Street Lighting Improvements and the amount of the increase in the annual assessment which is proportional to the increase in such costs shall be based exclusively on the percentage increase in CPI Index for Urban Wage Earners and Clerical Workers in San Francisco/San Jose for March 31 of the current year over the previous year's index on the same date. The undersigned Developer agrees that the foregoing consumer price index most accurately reflects the likely annual increase in the cost of operating and maintaining the Street Lighting Improvements due to inflationary factors.

6. **Credits Against Annual Assessment.** If, in any fiscal year in which an assessment is levied against the Property to operate and maintain the Street Lighting Improvements, the amount of such assessment is greater than the actual cost of operating and maintaining the Street Lighting Improvements

(including administrative costs and establishing a reasonable reserve), the difference between the assessment and the actual cost of operating and maintaining the Street Lighting Improvements shall be credited against the assessment levied against the Property during the next succeeding fiscal year. As a result, the assessment levied against the Property during such next succeeding fiscal year will be reduced during that fiscal year, and that fiscal year only, by an amount equal to the amount of such credit.

**7. Apportionment of Annual Assessments Among Subdivision Lots or Parcels.** At such time as the Property is subdivided into a number of separate lots and/or parcels by reason of the recordation of a final subdivision map or final parcel map, the assessments shall be apportioned among the lots or parcels as established in Exhibit "B", attached hereto. The undersigned Developer agrees that the formula used to calculate the assessments accurately reflect the proportionate special benefit received by each such lot or parcel arising from the operation and maintenance of the Street Lighting Improvements, and therefore is an appropriate way of apportioning the cost of operating and maintaining the Street Lighting Improvements among such lots or parcels.

**8. Duration of the Annual Assessment.** The annual assessment to be levied against the Property and each lot or parcel created therein to operate and maintain the Street Lighting Improvements shall continue until such time as the District Board of Directors shall determine to abolish the Improvement District.

**9. Waiver of Notice of Assessment District Protest Hearing.** The undersigned Developer, as sole Owner(s) of the property to be included in Street Lighting Improvement District No. 1, hereby waives the resolution, report, notices of hearing, and right of majority protest.

**10. Ballot in Favor of Assessment District.** The undersigned Developer executes this Petition both as the Owner's Petition for the formation of Street Lighting Improvement District No. 1, and as the Owner's Ballot in favor of the assessments to be charged or levied against the Property and the individual lots and parcels therein. Attached hereto as Exhibit "C" is Owner's Ballot. In addition, the undersigned Owner hereby authorizes the District Secretary to file this Petition as Owner's Ballot in favor of forming Street Lighting Improvement District No. 1. Further, the

undersigned Developer herein authorizes District Secretary to file Exhibit "C" as Owner's Ballot in favor of the annual assessments.

11. **Hearing/Revocation of Petition/Ballot.** The hearing on the undersigned Developer's ballot will be set concurrently with the District's hearing for the formation of Street Lighting Improvement District No. 1, and at least forty-five (45) days from the date this Petition/Ballot is filed with the District. The undersigned Developer may revoke this Petition/Ballot up to and including the time of the public hearing set by the District for approval of the formation of Street Lighting Improvement District No. 1. A revocation of any portion of this Petition and the attached Ballot shall be considered a revocation of the entire Petition and Ballot.

12. **Effect of Revocation.** In the event this Petition and Ballot is revoked by Developer, then the District shall have no obligation for the maintenance, operation and service of the Street Lighting Improvements.

13. **Notices.** Unless otherwise provided, all notices herein required shall be in writing and delivered in person or sent by United States First Class Mail, postage prepaid. Notices required to be given shall be addressed as follows:

DISTRICT: . .

DISTRICT GENERAL MANAGER  
Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

DEVELOPER:

KARL WITTSTROM  
Black Lake Ranch Estates  
P.O. Box 1655  
Paso Robles, CA 93447

14. **Successors and Assigns.** The District and Developer agree that this Agreement/Petition shall run with the land and shall be binding upon the Developer, his/her heirs, successors, executors, administrators and assigns, and shall inure to the benefit of District and its successors and assigns.

15. **Incorporation of Recitals.** Recitals A through H of this Petition are incorporated herein by this reference and made a part hereof.

16. **Authority to Execute Agreement.**

The undersigned hereby represent that the individuals executing this Petition are expressly authorized to do so for and on behalf of Black Lake Ranch Estates, a California Partnership.

PROPERTY OWNER/ DEVELOPER:

BLACK LAKE RANCH ESTATES,  
a California Partnership

By: \_\_\_\_\_,  
DOUGLAS FILLIPPONI, Partner

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

By: \_\_\_\_\_,  
KARL WITTSTROM, Partner

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

(SIGNATURES MUST BE NOTARIZED)

street lighting petition 6-09-99

Exhibit "C"

OFFICIAL BALLOT

NIPOMO COMMUNITY SERVICES DISTRICT SPECIAL PROPERTY OWNER  
PROTEST PROCEEDING TO PROPOSE THE LEVY AND COLLECTION OF  
ASSESSMENTS AND ASSESSMENT FORMULA FOR THE NIPOMO COMMUNITY  
SERVICES DISTRICT STREET LIGHTING IMPROVEMENT DISTRICT NO. 1

HEARING DATE: August 4, 1999

HEARING TIME: 7:00 pm

HEARING LOCATION: District Board Room  
148 South Wilson  
Nipomo, California

This Ballot represents: Name: KARL WITTSTROM/DOUGLAS FILLIPPONI  
BLACK LAKE RANCH ESTATES, A  
CALIFORNIA PARTNERSHIP  
Address: P.O. Box 1665  
City, State: Paso Robles, CA 93447  
Property: Tract 2304  
Area 1: Annual levy amount: \$1,385.10 for  
the Project, and \$30/year per  
parcel subject to annual CPI  
adjustment pursuant to paragraph 3  
of the Petition for Formation

According to Section 4, Sub-Section 4(e) of Article XIIID of the California Constitution, the ballots are weighted according to the proportional financial obligation of the affected property. The proposed assessment for your property is presented above and the total proposed Balance to Levy for the Area is \$1,385.10 and is subject to an annual CPI adjustment pursuant to paragraph 3 of the Petition for Formation.

To vote, make a cross (+) in the voting square next to the word "YES" or the word "NO", sign and date the ballot. If you wrongly mark, tear, or deface this ballot, return it to the District Manager and obtain another. Mail or deliver this completed ballot to:

District Secretary  
Nipomo Community Services District  
P.O. Box 326  
148 South Wilson  
Nipomo, CA 93444

Ballots may be sent or delivered to the District Secretary at any time between the time it is received by you and the close of the Public Hearing on August 4, 1999. Completed ballots MUST be received by the District Secretary no later than before the conclusion of the Public

Hearing scheduled on August 4, 1999, and held at the District Offices, 148 South Wilson, Nipomo, California.

PLEASE CAST YOUR VOTE BY MARKING AND SIGNING BELOW

\_\_\_\_ Yes, I approve of the proposed assessment of \$1,385.10 for the property and \$30.00 per parcel for the 1999/2000 fiscal year on the parcel(s) identified on this ballot, and the establishment of an annual assessment of \$30.00 per parcel adjusted for inflation as provided in Section 3 of the Petition Requesting Formation of Street Lighting Improvement District No.1.

\_\_\_\_ No, I do not approve the proposed assessment of \$1,385.10 for the property and \$30.00 per for the 1999/2000 fiscal year on the parcel(s) identified on this ballot, and the establishment of an annual assessment of \$30.00 per parcel adjusted for inflation as provided in Section 3 of the Petition Requesting Formation of Street Lighting Improvement District No.1.

The undersigned hereby represent that the individuals executing this ballot are expressly authorized to do so for and on behalf of Black Lake Ranch Estates, a California Partnership.

PROPERTY OWNER/ DEVELOPER:

BLACK LAKE RANCH ESTATES,  
a California Partnership

By: \_\_\_\_\_,  
DOUGLAS FILLIPPONI, Partner

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

By: \_\_\_\_\_,  
KARL WITTSTROM, Partner

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

street lighting ballot 6-09-99

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 16, 1999

AGENDA ITEM

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JUN 16 1999

## RETROFIT POLICY

### ITEM

Establishing a retrofit policy priority and time schedule with respect to providing a water source for development

### BACKGROUND

The District Board of Directors have established a policy that any new annexation or service outside the District boundary have an established water supply sufficient for the proposed development.

One method of creating a water supply is through retrofitting older plumbing fixture units creating sufficient savings to establish a water supply for the proposed development. The Board has established the number of retrofits needed to develop a water source for an additional development. (Resolution No. 96-576)

Since there are a limited number of retrofits available in the District, a priority policy should be established which would set a time frame for completing the retrofits.

Since it is unknown how many people wish retrofits, an applicant should complete their requirements before another applicant begins. The District does not wish the applicant to get halfway through the retrofit program and run out of retrofits and therefore would not qualify for the necessary water supply for their development.

It is proposed that a retrofit agreement be prepared in which the applicant would sign indicating the number of retrofits that need to be completed and a time frame in which to complete the retrofits.

The priority would be first come-first served based on the date of signing the retrofitting agreement.

The attached correspondence to R.H. Newdoll Construction is background information on this item.

### RECOMMENDATION

The Board may direct staff to develop a Retro-fit Agreement to reflect a policy the Board may wish to adopt.

# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444-0326  
(805) 929-1133 FAX (805) 929-1932

December 11, 1998

R. H. Newdoll Construction, Inc.  
P O Box 364  
Grover Beach, CA 93483

SUBJECT: RETROFIT PROPOSAL

This letter is in response to your retrofit proposal dated December 9, 1998 for Annexations 15 & 17. To clarify a number of items in respect to the retrofit program, the following is presented:

## RETROFIT DEFINED

A single retrofit is defined as replacing all of the toilets, showerheads, and faucet aerators at an existing residence or unit with water conservation devices. To construct one new residence, retrofitting of eight (8) single family residences (or equivalent) is required. When replacing a toilet, the original toilet must be one that uses 3.5 gallons or more of water per flush. The replacement must be an approved water conservation toilet using 1.6 gallons or less per flush. When replacing showerheads, the replacement fixture must be one that uses 2.75 gallons or less when measured at 80 psi. When replacing faucet aerators, the replacement fixture must be one which uses 2.5 gallons or less when measured at 80 psi. A retrofit must include the installation of a pressure reducing device (if one is not already installed) if the pressure is in excess of 50 psi. The new or existing pressure reducing valve must be adjusted not to exceed 50 psi.

The homeowner or the owner of the site being retrofitted may choose any appropriate color and/or brand desired upon agreement with the person conducting the retrofitting.

Plumbing retrofits shall be conducted so that the entire residence or commercial structure shall be brought up to the standard required.

Plumbing retrofits shall be conducted by a licensed, bonded and insured contractor. The District's General Manager may require the plumber to put a bond or cash deposit on file with the District

The plumbing contractor shall be responsible for disposal of the old toilet(s) and the replacement of the toilet seat(s) if required by the homeowner. All refuse and discarded materials generated by the retrofit shall be removed from the premises on the same day that the work is performed. All additional repairs to make the retrofit in the bathroom as well as repairs for damage shall be at the plumber's expense.

A written certification of completion of the retrofit must be signed by the homeowner and plumber and submitted to the District.

## NOTIFICATION

The District has a list of approx. 1500 households that were built prior to 1990. The District will notify the homeowner about the retrofit program and ask if they wish to participate. Upon the receipt of \$1,000, the District will proceed to send out the notices. This fee will pay for the material and postage for this notification.



R H Newdoll  
December 11, 1998  
Page Two

The Board of Directors of the District established a policy that any new annexations must supply their own water source through a physical water source or through retrofitting prior to approval. The intent of the annexation policy is that the water supply should be secured prior to finalization of the annexation procedures. Therefore, all the retrofitting should be completed prior to the District issuing any Will-Serve letters for any of your developments. The following developments for Annexation No. 15 have been submitted to the District for service.

DEVELOPMENT	# OF UNITS
Tract 1712	8
Tract 2277	4
Tract 2261	16
Parcel Map 97-090	4
<b>Total</b>	<b>32</b>

Since the District requires eight houses or units to be retrofitted, for one new unit, the total of 256 units need to be retrofitted prior to the District issuing a Will-Serve letter.

Annexation #17

The District received a request for development of Tract 2266, a 17-lot subdivision in Annexation #17. Therefore, 136 retrofits of existing homes will need to be completed prior to the District issuing a Will-Serve letter for any of the homes in Tract 2266.

Since the retrofitting is a volunteer program, it is unknown how many retrofits will be accomplished within the District. If sufficient retrofits are not available to supply water for Annex. #15 or #17, then an alternate water source will need to be approved by the District's Board, prior to issuance of any Will-Serve letters.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones  
General Manager

cc: Other property owners in Annex 15 & 17  
NCSD Board of Directors

C:\W\newdoll retrofits

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

March 9, 1999

R.H. Newdoll Construction, Inc.  
P.O. Box 364  
Grover Beach, CA 93483

**RETROFIT-ANNEXATION #15**

On February 26, 1999, the District mailed out the retrofit letter and request form to the eligible District customers. As of today, approximately 100 request forms have been returned to the District. Pursuant to our letter dated December 11, 1998, 256 retrofits are required prior to the issuance of a Will-Serve letter for your developments within Annexation No. 15. This will summarize the status of the retrofiting:

- The District will not release the request forms and authorize you to proceed with the retrofitting until at least 275 request forms have been returned to the District. The excess request forms are required to make up for any customer who may wish to rescind their retrofit request or those that may be counted as a partial retrofit.
- Your plumber must present a copy of their license, bonding and insurance (including liability, automobile and workman's compensation) with the District prior to the release of the request form (copy of license and liability insurance delivered to NCSD 3/8/99).
- The sample of the certification of completion form must be submitted and approved by the District prior to its use.
- The entire residence must be retrofitted to be counted as complete. Partial retrofits may be combined to add up to a complete retrofit at the District's discretion.

R.H. Newdell Construction, Inc.  
March 9, 1999  
Page 2

- There is considerable concern about the model of toilet to be used in the retrofit. The District will approve the following models of toilets: Toto, Model CST-703 or Gerber, Model 21-702.
- The plumber is responsible for disposal of the old toilets and the replacement of the toilet seats if required by the homeowner. All refuse and discarded materials generated by the retrofit shall be removed from the premises on the same day that the work is performed. All additional repairs to make the retrofit and for repairs for damage shall be at the plumber's expense.
- Since retrofitting is a volunteer program, it is unknown how many retrofits will be accomplished within the District. If sufficient retrofits are not available to supply water for Annexation #15 or #17, then an alternate water source will need to be approved by the District's Board, prior to issuance of any Will-Serve Letters.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones  
General Manager

Retrofitprogram\res\cl\update.doc

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: JUNE 16, 1999

**AGENDA ITEM**

**6**

JUN 16 1999

**PAYMENT OF DISTRICT CAPACITY FEES**

**ITEM**

Approve a modified methodology of securing the District water and sewer capacity fees for subdivisions.

**BACKGROUND**

The present District policy for Water and Sewer Capacity Fees is to pay the fees prior to the issuance of a Will-Serve letter (Code Section 3.04.05(D)). The District has been asked by some Developers that the fees be paid through an escrow account in which the District would submit its Will Serve letter into escrow and the Developer would supply a letter of credit or other District approved security. The District would receive its Capacity Fees through escrow upon recording of the tract map. At the last meeting, the Board directed staff to bring this item back for further consideration.

**RECOMMENDATION**

Staff would recommend that the policy presently established by the District be maintained as the primary priority of paying the District Capacity Fees prior to issuance of the Will-Serve Letter for the development. If the developer wishes to pay the Capacity Fees through an escrow account the District could establish a policy that the Will-Serve Letter would be issued into an escrow account and the developer would submit into escrow a Letter of Credit or other financial security in the amount of the Capacity and other Fees. Also, that the developer or applicant pay a processing fee for this method of payment.

The attached Resolution is presented for the Board's consideration.

C:\w\Bd99\fee payment options.DOC

**RESOLUTION NO. 99-fees**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
SECURING PAYMENT OF DISTRICT CONNECTION FEES**

**WHEREAS**, Section 3.04.050D of Title 3 of the Nipomo Community Services District Code provides in relevant part:

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 and;

**WHEREAS**, the District Board of Directors desires to establish a policy that is consistent with Section 3.04.050D of the District Code whereby a developer/owner, upon providing District with adequate security for payment of District fees for connection, will be issued a District standard will-serve letter,

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED** by the Board of Directors of the Nipomo Community Services District as follows:

District hereby establishes the following policy:

1. Application of Policy. This policy shall apply to subdivisions of five or more lots that are developed within the District boundaries.
2. Conditions. Upon developer satisfying the District's condition of service, and depositing with District the following, the District will provide developer with a District standard Will-Serve Letter:
  - (a) A processing fee of \$200.00; and
  - (b) A letter of credit issued by a bank acceptable to District in an amount of the total fees and charges to be paid, with a demand date of the earlier of five days after recording the final map, or ninety days from the date the Will-Serve Letter is issued.
3. Return of Will-Serve Letter. Any time prior to the earlier of the demand date on the letter of credit or the recordation of the final map, the original Will-Serve Letter can be returned to District, and District will void the letter of credit upon receipt of verification that the final map will not be approved by the County.

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

NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 99-\_\_\_

AYES:

NOES:

ABSENT:

ABSTAIN:

the foregoing resolution is hereby passed and adopted this 16th day of June, 1999.

\_\_\_\_\_  
ROBERT BLAIR  
President of the Board

Nipomo Community Services District

ATTEST:

APPROVED:

\_\_\_\_\_  
DONNA K. JOHNSON  
Secretary to the Board

\_\_\_\_\_  
JON S. SEITZ  
District Legal Counsel

securing pmt connection fees 6-09-99

**AGENDA ITEM**



**JUN 16 1999**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MAY 16, 1999

District Insurance Coverage

ITEM

Review the quotes from SDRMA and Coregis and select an insurance carrier for fiscal year 1999-2000.

BACKGROUND

The District is currently insured by Special District Risk Management Authority (SDRMA), an Insurance pool. In March, the District received a quote from Coregis Insurance Company. At that time the premiums were less and the coverage appeared to be broader. Since that time, SDRMA has re-evaluated its premiums and coverages and has become competitive with the Coregis quote.

Staff has requested the final policy documents from both companies and has requested that legal counsel review the policies due to the changes made by SDRMA. Due to time constraints, the findings of legal counsel will be presented at the Board Meeting.

C:\W:Bd99\insurance coverage.DOC

**NIPOMO COMMUNITY SERVICES DISTRICT**  
**MINUTES**

JUNE 2, 1999 7:00 P.M.  
BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

**AGENDA ITEM**

JUN 16 1999

8

**BOARD MEMBERS**

ROBERT BLAIR, **PRESIDENT**  
GENE KAYE, **VICE PRESIDENT**  
AL SIMON, **DIRECTOR**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **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**

President Blair called the June 2, 1999 meeting to order at 7:02 p.m.

1. **ROLL CALL**

At Roll Call, all Board members were present.

**PUBLIC COMMENTS PERIOD**

2. **PUBLIC COMMENTS**

Any member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda, or pending before the Board. Presentations are limited to three (3) minutes or otherwise at the discretion of the Chair.

President Blair opened the meeting to Public Comments.

There were none.

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

3. **CEQA REVIEW OF THE WATER LINES AND STORAGE FACILITY PROJECT**

Recommend approval and filing a Negative Declaration on the water lines and storage project  
Mr. Jones explained that an Environmental Determination of the Water Line and Storage Facility Project would be necessary for the project.

Mr. Jim Garing, Garing Taylor & Assoc., explained that it was determined that there was no significant environmental impact on the area and a Negative Declaration was in order.

There were no public comments.

Upon motion of Director Simon and seconded by Director Mendoza, the Board unanimously approved Resolution 99-694.

**RESOLUTION NO. 99-694**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING AN ENVIRONMENTAL NEGATIVE DECLARATION AND  
AUTHORIZING THE GENERAL MANAGER TO FILE A NOTICE OF  
DETERMINATION FOR THE TEFFT STREET WATER LINE AND STORAGE FACILITY PROJECT**

4. **EASEMENT FOR STORAGE SITE**

Authorization of legal counsel to proceed with Eminent Domain to acquire an easement

Mr. Jones explained that the District is in the process of converting the existing lease held by the District to an easement and acquiring an additional acre easement to build a one-million gallon storage facility. All property owners except one have signed the agreement for a Right-of-Entry. There were no public comments.

Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously agreed to proceed with the Eminent Domain procedure if the matter has not been cleared up by June 9, 1999.

**MINUTES SUBJECT TO BOARD APPROVAL**



5. CONSTRUCTION OF TEFFT STREET WATER LINE & STORAGE FACILITY  
Award bid to Sansone Co. to construct the water line & storage facilities

Bids to construct the Tefft Street Water Line and Storage Facility were opened March 29, 1999. The bids were reviewed by Garing, Taylor and Assoc. The lowest responsible bidder was Sansone Co. There were no public comments. Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved Resolution 99-695 awarding the contract to Sansone Co. in the amount of \$807,101.50.

**RESOLUTION NO. 99-695  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AWARDING THE CONTRACT TO SANSONE CO. INC.  
FOR CONSTRUCTION OF NEW WATER LINES AND  
ONE MILLION GALLON STORAGE FACILITY**

6. PHASE II SEWER PLANT EXPANSION BIDS RECEIVED  
Review bid results and make a selection to send to the State for approval

Mr. Jones explained that bids for Phase II of the Southland Wastewater Treatment Plant Expansion were opened May 20, 1999. The low bidder, R. Baker, Inc. failed to submit the Attachment B, as required by the State and the EPA bid specification requirements. Sansone Construction Co. was the apparent low responsive bidder. There were no public comments. Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously agreed to reject Baker's as being a non-responsive bid and accept the bid from Sansone in the amount of \$769,519.80. The bid documents will be sent to the State for their approval.

7. REQUEST TO PAY FEES FROM ESCROW - TRACT 1658 (KENGEL)  
Developer is requesting the District Capacity Fees be paid from escrow

Mr. Jones explained that Mr. Kengel, developer of Tract 1658, requested that the District's water and sewer capacity fees be paid from an escrow account.

During this agenda item, the following member of the public spoke:

Bill Kengel, Developer for Tract 1658 - He asked that the Board be reasonable and fair.

Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved the use of a Letter of Credit through escrow as described by Mr. Seitz in lieu of paying the fees prior to the issuance of a Will-Serve Letter. The Board made a finding based on Mr. Kengel's testimony that he has a financial hardship and that a Letter of Credit is equivalent to cash. In reviewing the escrow instructions and the Letter of Credit, staff time etc. would be paid by Mr. Kengel. Mr. Seitz asked Mr. Kengel to have Mid State Bank send a proposed Letter of Credit for his approval. The Board directed staff to bring back a resolution outlining this type of policy for future developers with a hardship.

*The Letter of Credit and the will-serve letter put into escrow & when the map records District fees will be paid from escrow.*

**MINUTES SUBJECT TO BOARD APPROVAL**

8. REQUEST TO ABANDON EASEMENT - TRACT 1658 (KENGEL)  
Abandonment of District easement on APN 092-130-004

Mr. Jones explained that an easement was given to the District in 1986 but has not been used. A different layout of the tract caused the easement for the water and sewer lines to be in the roadway. There were no public comments. Upon motion of Director Mendoza and seconded by Director Simon, the Board unanimously approved Resolution 99-696 abandoning the old easement.

**RESOLUTION NO. 99-696  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
VACATING A PUBLIC SERVICE EASEMENT APN 092-130-004**

9. BLACK LAKE STREET LIGHTING CHARGES (PUBLIC HEARING)  
Establishing the annual charge to be put on the tax rolls to maintain the street lighting

Mr. Jones explained that the street lighting in the Black Lake Development is provided by NCSD. In order to maintain the street lighting, an annual charge is assessed on each parcel for the service rendered. There were no public comments. Upon motion of Director Kaye and seconded by Director Simon, the Board unanimously approved Resolution No. 99-697.

**RESOLUTION NO. 99-697  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
PROVIDING FOR THE COLLECTION OF STREET LIGHT CHARGES ON  
THE SAN LUIS OBISPO COUNTY TAX ROLLS FOR MAINTENANCE AND  
OPERATION OF EXISTING PUBLIC STREET LIGHTS IN THE  
BLACK LAKE DEVELOPMENT (GOLF COURSE AREA)**

10. DISTRICT 1999-2000 FISCAL YEAR BUDGET (PUBLIC HEARING)  
Adoption of the 1999-2000 FY Budget and Appropriation Limitation

Mr. Jones explained that the budget for 1999-2000 was presented to the Board in draft form April 21, 1999. The Board's Financial Committee reviewed the proposed budget and recommended a few minor changes. Those changes have been incorporated in the final budget. President Blair opened the Public Hearing concerning the 1999-2000 FY Budget for NCSD. There were no public comments. Upon motion of Director Kaye and seconded by Director Mobraaten, the Board unanimously approved Resolution No. 99-698 adopting the 1999-2000 FY Budget.

**RESOLUTION 99- 698  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADOPTING THE 1999-00 FISCAL YEAR BUDGET**

Mr. Jones explained that the Appropriation Limitation limits the expenditures with respect to population and revenue increases. The Appropriation Limitation has not affected the District's budget. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved Resolution No. 99-699 determining the appropriation limitation.

**RESOLUTION NO. 99-699  
RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
DETERMINING THE APPROPRIATION LIMITATION  
FOR THE 1999-2000 FISCAL YEAR**

**MINUTES SUBJECT TO BOARD APPROVAL**

11. **CONSENT AGENDA** *The following items are considered routine and non-controversial by staff and may be approved by one motion if no member of the Board wishes an item be removed. If discussion is desired, the item will be removed from the consent agenda and will be considered separately. Questions or clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

The following items were presented to the Board. There were no public comments. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the items on the Consent Agenda.

- a) **BOARD MEETING MINUTES (APPROVE)**  
Approval of minutes of the May 19, 1999 Regular Board meeting.
- b) **TRACT 1647 (KENGEL) - ACCEPT WATER AND SEWER IMPROVEMENTS (APPROVE)**  
Improvements completed, resolution to accept completion

**RESOLUTION NO. 99-700  
A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
ACCEPTING THE WATER AND SEWER IMPROVEMENTS  
FOR TRACT 1647 (KENGEL)**

#### **FINANCIAL REPORT**

##### 12. APPROVAL OF WARRANTS

Upon motion of Director Simon and seconded by Director Mendoza, the Board approved the Warrants presented at the June 2, 1999.

#### **OTHER BUSINESS**

##### 13. MANAGER'S REPORT

Manager, Doug Jones, presented information on the following items:

- 1. Letter and articles on affordable housing and planning
- 2. Cluster development across from Galaxy Park - 40 half-acre lots

##### 14. DIRECTORS COMMENTS

Director Simon asked that the District support the proposed Jim Miller Memorial Park and place fencing of the lift station on the agenda for a future meeting.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session to discuss the following item.

#### **CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC§54956.8  
a. NCS D vs. Shell Oil, et. al. Case No. CV 077387

The Board came back into open session and had no reportable action.

#### **ADJOURN**

President Blair adjourned the meeting at 8:55 p.m.

**MINUTES SUBJECT TO BOARD APPROVAL**

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MAY 16, 1999

AGENDA ITEM  
JUN 16 1999



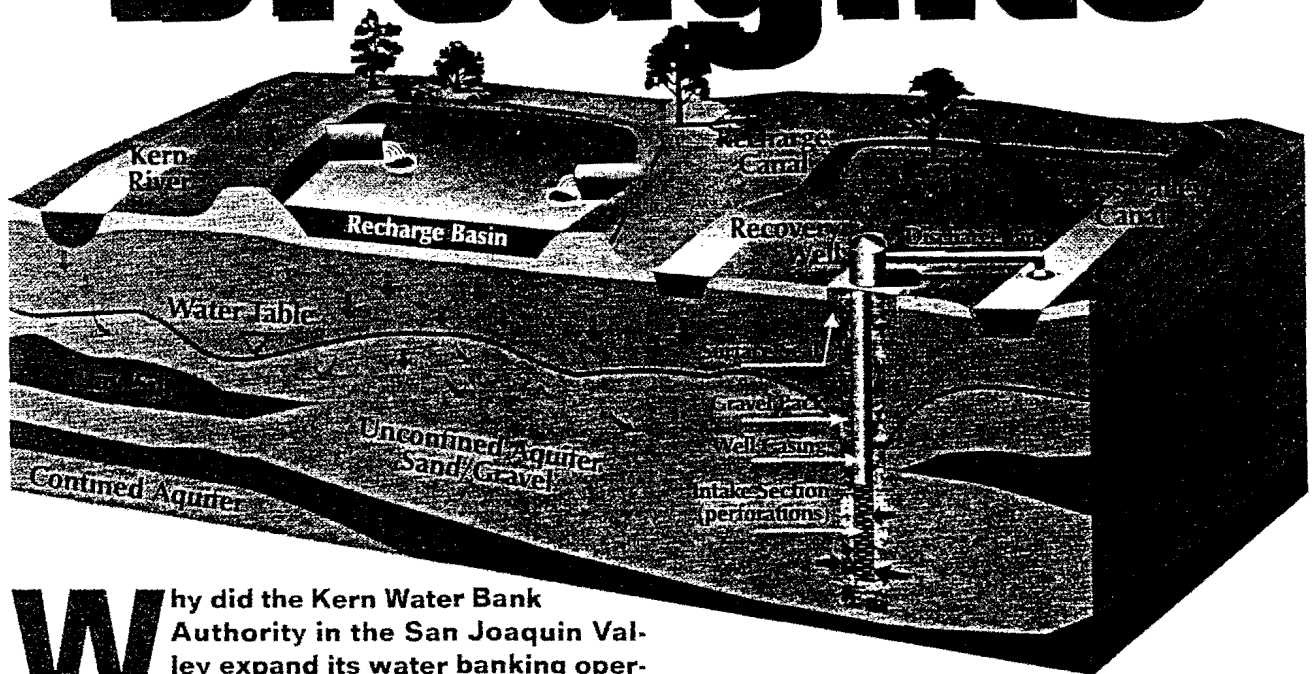
MANAGER'S REPORT

1. WATER BANKING  
Article on Ken Water Banking
2. LEGISLATIVE UPDATE  
Proposed legislation on water and land use planning

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"BANKING" WATER TO

# Alleviate Future Droughts



**W**hy did the Kern Water Bank Authority in the San Joaquin Valley expand its water banking operations following one of California's wettest rainfall seasons of the century? Because area water planners knew that the next drought would not be far behind. With the memory of the severe drought of 1987 to 1992

still fresh in mind, local farm interests and water agencies in Kern and Kings counties joined forces to ensure that the Kern Water Bank (KWB) would have enough water supply to carry the counties through the next dry cycle.

At the height of the 1987 to 1992 drought, the State Water Project slashed Kern County's agricultural water allotment to zero. In 1991 Kern County farmers were forced to abandon 12,000 acres of permanent crops (tree crops and grapes) due to lack of water, resulting in a major loss to farmers and consumers alike.

### SECURING A DEPENDABLE WATER SUPPLY

With dwindling and increasingly erratic supplies coming from the State Water Project, it was essential to

**Ken Bonesteel and Morris Taylor**  
*Mr. Bonesteel is Project Manager, Kern Water Bank Authority. Mr. Taylor is Project Manager, Kennedy/Jenks Consultants, Bakersfield, California.*

develop a plan to augment local water supplies in the southern San Joaquin Valley. The proposed state solutions were too expensive for the area's farmers, and new water projects were stalled in negotiations between urban, agricultural, marine fisheries, and environmental groups. Local

water agencies in Kern and Kings counties decided to take over the management of the floundering water banking operations that had been started by the California Department of Water Resources (DWR).

In the mid-1980s, DWR bought 20,000 acres along the Kern River with the idea of starting a groundwater recharge program. The process bogged down due to mounting costs and habitat requirements. Under DWR's operating plan, the water would have been too costly for agricultural use. In 1994, a group of local

**COVER  
STORY**

## WATER SUPPLY MANAGEMENT

water interests formed the Kern Water Bank Authority (KWBA) and negotiated with DWR to transfer the KWB to designated agricultural contractors in exchange for 45,000-acre feet of State Water Project annual water entitlements. The following year, KWBA received permission from DWR to use the KWB for water banking, obtained the necessary permits, and started recharging groundwater.

### WHAT IS WATER BANKING?

Water banking is a conjunctive use operation that stores excess water as groundwater in wet years and extracts it for use during dry cycles. The procedure can offer several advantages over importing water or storing it in reservoirs. Water banking is less costly, more flexible, and has less impact on the environment since the water is stored underground. In addition, aquifers do not lose water to evaporation as surface reservoirs do. KWBA expects to complete the KWB at a cost savings of 50-to-1 as compared to developing an aboveground reservoir.

However, certain specific geological features must be in place to make water banking feasible. Sandy soil is required to allow for permeability and to provide a good holding medium for water. Also, deep confining layers of clay are needed to keep the water in place. In addition, the site needs to be located near water supply and water delivery systems.

### UNIQUE LOCATION

The Kern Water Bank is uniquely situated in terms of geology and proximity to water supply and delivery systems. Several water supply sources

are nearby. The KWB is located where the California Aqueduct and the Kern River converge near the southern end of the San Joaquin Valley. The Kern River originates in the headwaters of the southern Sierras and is the southernmost watershed on the western side of the Sierras. It is controlled by a dam at Lake Isabella and receives a widely variable amount of snowfall. The Lake Isabella reservoir storage level is 560,000-acre feet, but snowmelt from the watershed can provide nearly twice that amount. The result is that large quantities of water are often released in early spring before the start of agricultural irrigation.

**Water banking is a conjunctive use operation that stores excess water as groundwater in wet years and extracts it for use during wet cycles.**

The Kern River is also the terminus of the Friant Kern Canal, which is part of the federally controlled Central Valley Project. The CVP system also provides water for agriculture from the southern Sierras through a series of reservoirs. As with the Kern River supply, the snowmelt from the Friant system is highly variable, with mandatory releases frequently occurring before irrigation water is needed for crops.

Equally important to the success of the water banking operation is the geology of the Kern River fan. The sandy soil, created by years of alluvial

deposits and carried in the runoff from the southern Sierras, contains relatively few clay layers and is a perfect medium for water storage. The sandy soil is held in place by a deep underlying layer of Corcoran clay, which serves as a large bowl to hold the sand particles in place. Water rapidly soaks down through the sand to fill in the voids between particles where it is held in suspension. When it is needed, water can be easily recovered by high flow wells. There are probably only three locations in California with the appropriate geological conditions for water banking. The KWB is the only one located south of the Sacramento-San Joaquin Delta.

### EXPANDING RECHARGE OPERATIONS

Under the management of the private/public enterprise, recharge operations have resumed at the KWB. In the first three years of operation, the KWBA has recharged over 800,000-acre feet of water. The 20,000 acres that comprise the KWB are equivalent to about 31 square miles. The ponds alone equal more than 12 square miles in area. KWB's aquifers have an estimated storage capacity of one million acre feet, making this the largest known underground water storage and recovery facility in the world. The second largest is in Phoenix, and it is only half the size of the KWB.

The KWBA hired Kennedy/Jenks Consultants to help maximize water-banking operations and facilitate the delivery of water to agricultural and municipal customers in the southern San Joaquin Valley. The consultants designed an expansion of the water recharge basin system and new conveyance facilities that would include a canal system that can operate in two directions. This project is unique in being one of few canal systems designed to run two ways. The design includes six miles of canal that will take water from either end of the canal. One end will connect to the Kern River and the other to the California Aqueduct six miles away. The canal will be able to *receive water for*

The photo at left shows a diversion structure from the Kern River under construction; the photo at right shows a recharge pond.



## WATER SUPPLY MANAGEMENT

recharge from either the Kern River or the California Aqueduct and to deliver water back to the Aqueduct when water is extracted by wells from the groundwater basins. This system will allow the KWBA to recharge the aquifer in wet years and whenever excess water is available. In dry years, the KWBA will be able to pump recovered water to the Aqueduct.

Construction of the \$25-million

expansion project began in late 1998. To date, a total of 7,000 acres of recharge basins have been completed, with 55 miles of earthen levees constructed to create 55 new recharge basins. In addition, 114 interconnecting control structures and siphons have been installed. New facilities currently under construction include a six-mile canal connecting the California Aqueduct and the Kern River to

the Water Bank. The canal, which will be used for recharge and recovery, will have a capacity of 800 cfs. Also to be constructed are a 500 cfs pump station; turnouts from the Kern River and California Aqueduct; meter structures; a state highway crossing; a canal control check; 60 additional recovery wells (for a total of 88 wells); and approximately 21 miles of 12- to 54-in. diameter transmission pipeline.

### HABITAT CONSERVATION

To protect endangered species on the property, the KWBA developed the Habitat Conservation Plan (HCP) to preserve and restore habitat for threatened, endangered, and protected species. The HCP has set aside half of the KWBA's 20,000 acres for natural habitat, and KWBA manages it to protect threatened and endangered species.

The goal of the adaptive management program has been to improve upland habitat for the threatened and endangered species found on the property. The program uses methods compatible with the water banking activities and economically feasible for a large-scale project. Since desert species prefer low-density vegetation, the primary method used to control vegetation has been grazing and burning. To control tumbleweeds (the largest problem), grazing and burning activities have been timed to promote desired native plant growth, which, in turn, will retard the growth of the tumbleweeds.

Water banking has also caused a resurgence of birds and waterfowl. This amount of water has not been available to these birds since construction of the Lake Isabella Dam, which diverted water from the natural wetlands. To date, over 40 new species of birds have been sighted at the Kern Water Bank, including the Caspian tern, the white-faced ibis, the double-crested cormorant, and the tri-colored blackbird.

The Kern Water Bank received the 1998 Claire A. Hill Award from the Association of California Water Agencies for fostering excellence in California Water Agencies. **PW**

# LEGISLATIVE UPDATE

## CHANGE IS IN THE AIR FOR CALIFORNIA LAND USE

1998's Democratic victories in California are translating into big changes in state land use laws. For the last 16 years, Republican governors have vetoed most Democratic attempts to pass land use legislation, and now the pressure is on to make some of those changes. While Gov. Davis is proving to be more pragmatic centrist and consensus-builder rather than activist-reformer, his appointments to departments reveal toughness on growth issues.

Here is an update on some of the legislative activity happening now:

- **Agriculture, Water and Land Use Planning:** **SB 1130 Costa** would require General Plan amendments and Specific Plans for projects of 500 units or more to identify the source of water and the resources needed to sustain that supply. **AB 1219 Kuehl** will require the integration of water supply assessments into local General Plan changes and updates. **AB 1277 Thomson** would require water supply assessments as part of LAFCo's considerations of spheres of influence and annexations. All of these bills are currently proceeding through committees.
- **Resource Bonds:** Two significant resource bonds efforts are making their way through the legislature today. **AB 15 Villariagosa-Keely** will involve a \$1.5 billion bond issue for Urban Parks, Clean Water, and Coastal Protection. **SB 57 Hayden**, backed by the Planning and Conservation League, is a \$2 billion Parks, Coastal Recreational, and Natural Resources Bond Act. Expect a merger of these two bills into a single bond

measure that will be on the California ballot in 1999.

- **The California Coastal Commission and Local Coastal Programs:** The Governor's and the Legislature's recent appointees to the Coastal Commission promise to make a tough commission even tougher. Expect the introduction of legislation to have the Coastal Commission take control of local coastal programs and review and amend them without local government consent. This legislation, which will affect all coastal counties and communities, will require beefing up the Commission staff to handle the increased workload, and Governor Davis has already augmented funding of the Coastal Commission to handle it.

- **Expanding CEQA:** While there continue to be calls to streamline the CEQA process, watch for legislation to expand the purposes of CEQA to cover more processes than it does today, including assessing agricultural practices and lot line adjustments.

### Other Initiatives:

- Funneling state funding of infrastructure toward existing urban areas and away from developing areas.
- Encouraging use of UGB (Urban Growth Boundary) and SOAR (Save Our Agricultural Resources) measures to require public votes for any outward expansion of existing communities.

—T.Keith Gurnee  
tkgurnee@rrm-design.com

### RRM DESIGN GROUP

- Planning & Urban Design
- Architecture & Interiors
- Civil Engineering
- Landscape Architecture
- Surveying/GPS
- Traffic Engineering
- Habitat Restoration
- Resource Planning

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JUN 11 1999

NIPOMO SERVICES DISTRICT