

# NIPOMO COMMUNITY SERVICES DISTRICT

*John S. ...*  
7/15

## AGENDA

SEPTEMBER 15, 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. **AUDIT REPORT FY 1998-99**  
Report of the District audit for Fiscal Year 1998-99 - Carlos Reynoso, CPA
4. **DISPLAY OF AWARD**  
Olde Towne Association requests to display their award in the Board Room
5. **COMMUNITY CLEAN-UP EVENT**  
Clean-Up scheduled for October 16 & 17 and request for financial assistance
6. **SAN LUIS BAY APARTMENTS - INTENT-TO-SERVE (APN 092-130-048)**  
Request for service for a 120 unit apartment complex at Blume an Grande Ave.
7. **SOUTHLAND SEWER REIMBURSEMENT (Information Item)**  
Review developer's costs and cost spread for connecting to developer-constructed sewer line
8. **BOARD OF DIRECTORS BY-LAWS**  
Sub-committee report on By-Laws
9. **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 August 18, 1999 Regular Board meeting.
  - b) **WARRANTS (APPROVE)**
  - c) **AMENDMENT OF RES. NO. 99-706 (Folkerts Oaks Capacity Fees) (APPROVE)**  
Correcting the Capacity Fee transfer amount - Res No. 99-707
  - d) **NOTICE REGARDING ENVIRONMENTAL ACTION - RES. NO. 99-708 (APPROVE)**  
This action requires an annual request by the public to receive environmental determinations

### **OTHER BUSINESS**

10. **MANAGER'S REPORT**
  1. SLO COUNTY ECONOMICS ELEMENT TO GENERAL PLAN
  2. INFORMATION ON SB 985
  3. EMPLOYEE WORK HOURS
  4. CONSTRUCTION STATUS REPORT

11. **DIRECTORS COMMENTS**

### **CLOSED SESSION**

#### **CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)**

- a. **SMVWCD vs NCSD Case No. CV 770214 and related cases**  
Case Nos. CV 990556, CV 990391, CV 990392, CV 990558, CV 990266, CV 770214,  
SM 113422, SM 112867, SM 113425, SM 113421
- b. **NCSD vs. State Dept Of Health Services CV 990706**
- c. **NCSD vs. Shell Oil, et. al. Case No. CV 077387**

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

TO: Board OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

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, 1999.

Carlos Reynoso, CPA will review the audit report with your Honorable Board. 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 and file the audit report for FY 1998-99.

Board/audit report

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

AGENDA ITEM  
SEP 15 1999



DISPLAY OF AWARD  
OLDE TOWNE NIPOMO ASSOCIATION

**ITEM**

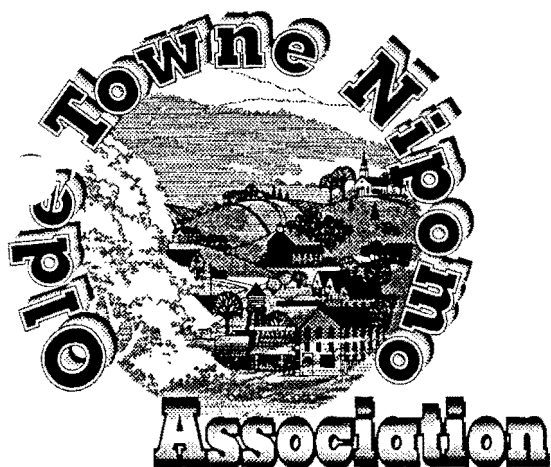
A request to display the Award of Merit received by the Olde Towne Nipomo Association

**BACKGROUND**

The District received a letter from Kathy Kubiak, Chair of the Olde Towne Nipomo Association requesting that their recently received Award of Merit for Design & Circulation Plan of the Olde Towne Nipomo be displayed in the District Board room.

The award is a framed 8½ x 11 document (sample attached). This is a policy matter of displaying such an item in the Board room. Staff is requesting direction.

Bd99/OldeTowne



Olde Towne Nipomo Assoc.  
Post Office Box 1171  
Nipomo, California 93444

September 3, 1999

Doug Jones and  
Honorable Board Members  
Nipomo Community Services District  
P.O.Box 326  
Nipomo, CA 93444

The Olde Towne Nipomo Association has recently won 2 awards for the Olde Towne Nipomo Design and Circulation Plan. Our problem, we have no public place to display them. Would it be possible to have them displayed in NCSD's meeting room.?

Thank you,

Kathy Kubiak  
Chair Olde Towne Nipomo Association

# APPA



CENTRAL COAST SECTION  
CALIFORNIA CHAPTER  
AMERICAN PLANNING ASSOCIATION

## AWARD OF MERIT

IS HEREBY RENDERED TO

*Olde Towne Nipomo Association*

PRESENTED BY THE CENTRAL COAST SECTION  
OF THE AMERICAN PLANNING ASSOCIATION,  
CALIFORNIA CHAPTER, IN RECOGNITION  
OF EXCELLENCE AND VALUE FOR

*Olde Towne Nipomo*

*Design & Circulation Plan*

*May 21, 1999*

DATE

*Yanna Minsky, AICP*  
SECTION DIRECTOR

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

**AGENDA ITEM**  
SEP 15 1999

5

## COMMUNITY CLEAN-UP EVENT

### ITEM

Nipomo Pride has sent a letter to the District requesting participation in a community clean-up event. The Board requested that this item be placed on the agenda.

### BACKGROUND

The District received a letter from Susie Morrison, the fundraising chairperson for the Nipomo Pride Clean Up Committee. Part of the request was if the District wanted to donate \$250 to defray some of the expenses of this project. Enclosed is a map showing the three phases of the clean-up program, in which most of the area will be outside the District boundary.

### RECOMMENDATION

Since the District is an enterprise operation, receiving funds from services, any donations that the Board wishes to make in this matter would have to come from the tax rate and not from the user fees. The Board may wish to direct staff how to proceed in this matter.

C:\W:\8d99\Cleanup.DOC

***Nipomo Pride***  
***A Community Cleanup Event***  
***P O Box 433***  
***Nipomo, CA 93444-0433***

Doug Jones  
P O Box 326  
Nipomo CA 93444-0326

Dear Doug ,

This letter comes to you from Nipomo Pride, an ad-hoc organization for a community cleanup event that is scheduled in four phases. This year the cleanup is scheduled for October 16<sup>th</sup> and 17<sup>th</sup> from 8:00 a.m. to 4:00 p.m. This is a major community effort and is sanctioned by the County of San Luis Obispo and co-sponsored by the Nipomo Chamber of Commerce and Olde Town Nipomo Association.

A cleanup project of this kind benefits everyone and reflects a positive solution to a problem while promoting a community based method for remedy. The citizens begin to learn how they can truly make a difference, and the sense of community is re-established and the pride of their town is renewed.

In order to achieve this goal, the committee is trying to raise money to cover the cost of collection and disposal. We are planning several activities to promote awareness and generate funds. Therefore, we are asking for your support and a donation of two hundred and fifty dollars (250.00) to help defer these expenses and make this a success. The deadline for submitting your donation is September 1, 1999. In appreciation for your generosity you will receive two Nipomo Pride tee shirts with your corporate name on the back and additional shirts may be purchased at various locations.

Please fill out the Corporate Sponsor Form enclosed. Since we are a non-profit organization, we need this for the I. R. S. to maintain our non-profit status.

Please join in. We need your support. I can be reached at 929-6141 and we meet every Monday at 6:30 p.m. at 870 Alina Lane.

On behalf of the Nipomo Cleanup Committee, we would like to extend our heartfelt gratitude and thanks for your support and donation.

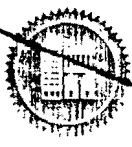
Sincerely,

A handwritten signature in cursive script that reads "Susie Morrison". The signature is written in black ink and is positioned below the word "Sincerely,".

Susie Morrison  
Fundraising Chairman

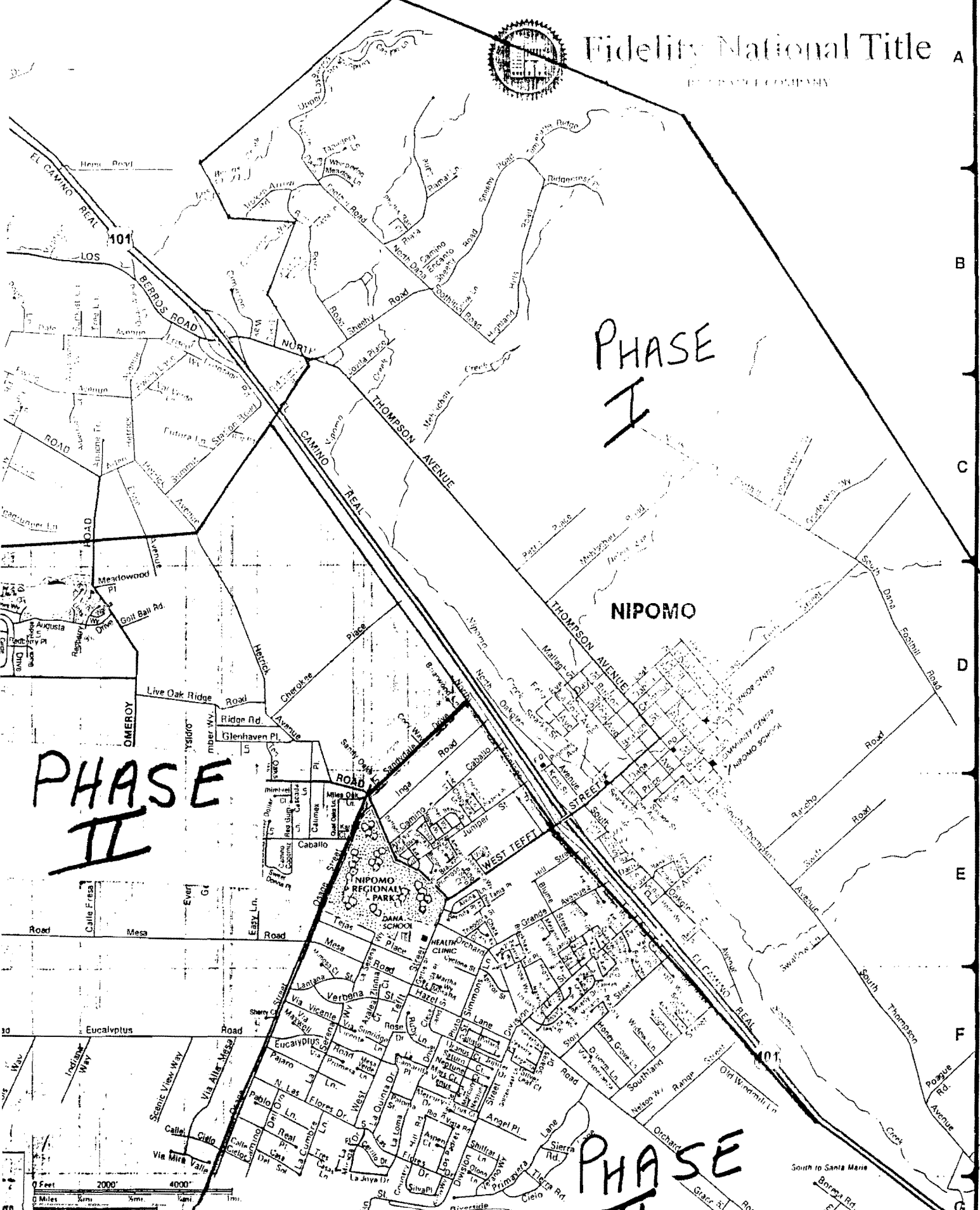
Encl.: Phase Map  
Corporate Sponsor Form





# Fidelity National Title

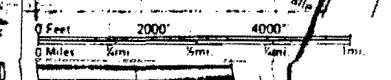
PROPERTY COMPANY



PHASE I

PHASE II

PHASE II



TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

SAN LUIS BAY APARTMENTS (APN 092-130-048)  
REQUEST FOR INTENT-TO-SERVE

The District has received a letter from Leon Mills, Regional Manager of Knopf Sharp & Associates, representing the San Luis Bay Apartments. The proposed development is a 120 unit apartment complex with a separate recreational building to be constructed at the intersection of Grande and Blume Avenues. The applicant is requesting water and sewer service for this development. It is recommended that an Intent-to-Serve be issued to the develop with the following conditions before the Will-Serve letter is issued by the District.

1. Enter into a Plan Check and Inspection Agreement and pay the appropriate fees.
2. Submit improvement plans to the District for approval showing appropriate looping and be prepared in accordance with the District Standards and Specifications.
3. Pay all appropriate District water, sewer and other fees associated with this development.
4. Submit the following:
  - a. Reproducible As-Builts
  - b. Offer of Dedication
  - c. Engineer's Certification
  - d. A summary of all water and sewer improvement costs
5. This Intent-to-Serve Letter will expire two years from date of issuance.
6. Street lighting will be provided for this development through the County Administered Nipomo Lighting District.
7. All landscaping will be designed for drought tolerance and minimum irrigation.

Upon review of the above items, the Board may approve the conditional Intent-to-Serve letter from San Luis Bay Apartments with the above conditions.

Board/San Luis Bay



# Knopf Sharp

& ASSOCIATES

*A Division of Quad Knopf, LLC*

September 9, 1999

Mr. Doug Jones, General Manager  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444-1932

Subject: San Luis Bay Apartment,  
APN 092-130-048

Dear Mr. Jones,

Per our telephone conversation this morning, I am sending this letter to request an Intent-to-serve letter for the above referenced project. We have submitted to the County of San Luis Obispo for our site plan review as of August 17, 1999.

I also understand from your letter to us dated June 15, 1999, that we will have to provide plans, and demand criteria for the District to provide a Will-serve letter.

Time is of the essence for the issuance of the Intent-to-serve letter, so your help is appreciated. Should you have any questions, please do not hesitate to call our office.

Sincerely,  
Knopf Sharp and Associates

Leon Mills  
Regional Manager



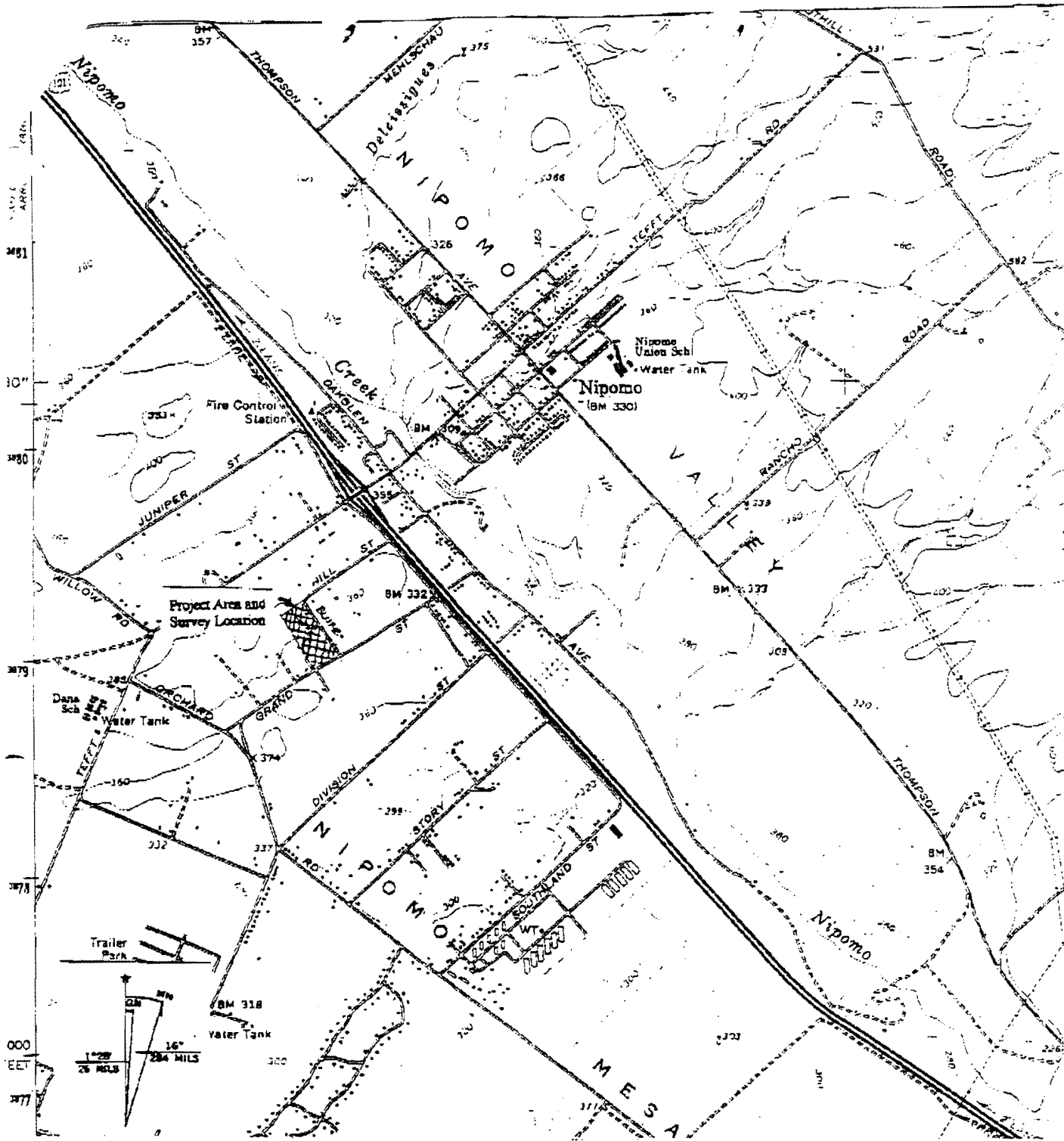


FIGURE 3: PHASE 1 SURVEY, PROJECT AREA, Blume St. and Grande Ave., Nipomo  
 Source: USGS 7.5' Quadrangle, Nipomo, California. Scale: 1:24,000, Contour Interval 40 ft.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

**SOUTHLAND SEWER REIMBURSEMENT**

**ITEM**

Mr. Robert Newdoll, the developer of the Honey Grove Lane development, has constructed sewer lines in Southland Street and has requested a reimbursement for the improvements that benefit others.

**BACKGROUND**

Robert Newdoll, R. H. Newdoll Construction, Inc., the developer of the Honey Grove Lane development, has installed sewers in Southland Street westerly from near Frontage Rd. to Honey Grove Lane to provide sewer service for his development. The District Code Chapter 5.01 (enclosed) allows developers to request reimbursement of their improvement that benefit others.

Since sewer collection is a gravity process, staff has reviewed the neighboring terrain and has developed a sewer reimbursement spread map. The spread is based on existing lots, which vary from <6000 sq. ft to 1 acre parcels. Each lot will benefit by having one connection, therefore, the distribution is spread equally among each lot or parcel. Those parcels which are not directly fronting Frontage Rd. will need a sewer line constructed to their appropriate parcel or lot. Those property owners who do and their improvements benefit others may also enter into a reimbursement agreement with the District.

The developer has presented the District with invoices for the cost of constructing the sewer lines in Southland Street. The costs have been spread to the parcels which benefit, as shown on the Sewer Reimbursement Spread exhibit. The pro-rated share is \$1,574.20 per parcel.

The procedure which should be followed:

1. Notice is sent to each benefiting property owner
2. Owners are allowed 14 days from date of mailing to protest the spread.
3. The engineer will prepare a written report with recommendations on each protest. A copy of the report will be mailed to the protester at least five days before the Board meeting.
4. If no protests are received within the 14 day period, the pro-ration shall become final.

The following schedule is presented for the Board's review.

1	Notice of Public Hearing	September 17, 1999
2	Final filing of protest	September 30, 1999
3	Engineer's report on protest received	Week of October 4, 1999
4	Public Hearing	October 20, 1999

**RECOMMENDATION**

No action is required by the Board at this time. This is an information item for review.

## SOUTHLAND SEWER REIMBURSEMENT

	<u>Southland Costs</u>	<u>Reimbursement portion</u>
Engineering	\$20,385.60	\$16,282.78
Sewer Line	58,131.20	46,690.64
Manholes*	22,160.00	19,390.00
Road Paving & Imp.	25,000.00	19,957.68
Totals	\$125,678.80	\$102,323.10

Southland costs are for construction of 2,480 feet of sewer line. The reimbursement portion cost is based on 1,980 feet fronting the area of benefit. The cost was pro-rated based on the cost per foot of improvement.

There are 65 lots or parcels that benefit from the Southland sewer line. Each lot, regardless of its size, will receive a benefit, therefore, the cost is spread equally to each lot.

$$\frac{\$102,323.10}{65 \text{ lots}} = \$1,574.20/\text{lot}$$

\* 8 manholes are included in the Southland costs and 7 manholes are included in the reimbursement portion.

# NIPOMO COMMUNITY SERVICES DISTRICT

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

## NOTICE OF PUBLIC HEARING DATE

APN 000-000-000

Name  
Address  
Nipomo, CA 93444

Dear Property Owner:

R. H. Newdoll Construction has installed a sewer line in Southland Street to provide sewer service to their Honey Grove Lane project. The developer has offered the dedication of the sewer line to the Nipomo Community Services District. The improvements were accepted on April 21, 1999.

Pursuant to District Code Section 5.01.010, any lot or parcel, which in the future may be served by this sewer line, will be required to reimburse the Developers a pro-rated share of the cost of constructing the sewer line in Southland Street. The District has determined that your property is to be included in the developer-installed sewer line reimbursement area. Attached is a copy of the reimbursement boundary area and sewer line reimbursement spread. The cost is spread equally among all the lots or parcels. This spread is made per lot or parcel regardless of the size of the parcel or the number of parcels owned.

The Board of Directors has set a Public Hearing on the proposed reimbursement allocations for Wednesday, October 20, 1999 at 7:00 p.m. in the District Board Room at 148 South Wilson Street, Nipomo, California. The Board will take public testimony before making their final determination on the proposed reimbursement allocation.

If you wish to protest your pro-rated share, the reason for your protest must be in writing and received at the District office no later than 14 calendar days from the date of this notice. A protest will be considered only with the division or spread of the actual construction costs between or among the properties to be included in the area subject to the pro-ration procedure. A protest shall not be concerned with the actual construction costs unless the protester can demonstrate fraud or willful concealment of the actual cost information as presented by the applicant or his agent to the District's engineer. The reimbursement period expires ten years after the District's acceptance of the improvements.

You are NOT required to connect to the District sewer system unless you have a failing septic tank disposal system. If you wish to connect to the sewer line, the District will require you to pay the reimbursement fee(s) as well as the District's standard Sewer Capacity Charge per parcel. The Sewer Capacity Charge is currently \$2,370 per single family unit. The charge will increase to \$2,500 on July 1, 2001. Those property owners not fronting Southland Street will incur an additional cost of extending the sewer line to their property.

APN 000-000-000

Pro-rated Share                      \$1,574.20

### SOUTHLAND SEWER LINE REIMBURSEMENT COSTS

Engineering & Permits	\$16,282.78
Sewer Line & Manholes	66,080.64
Road Paving & Imp.	19,959.68
Total	<u>\$102,323.10</u>

Shared by 65 lots                      \$1,574.20 per lot

PUBLIC HEARING DATE:                      **OCTOBER 20, 1999**

If you have any question, please feel free to contact our office at 929-1133.

Doug Jones, General Manager



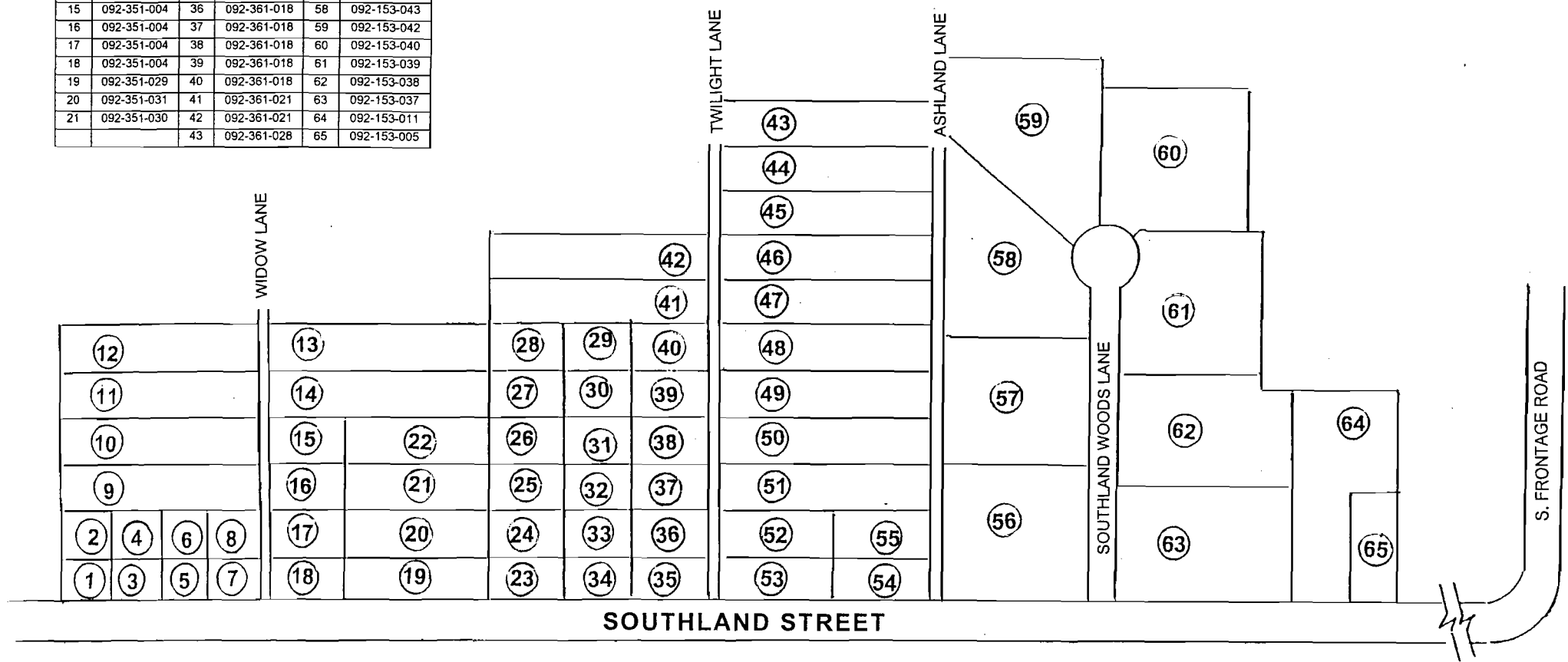
# SOUTHLAND STREET SEWER REIMBURSEMENT SPREAD DIAGRAM

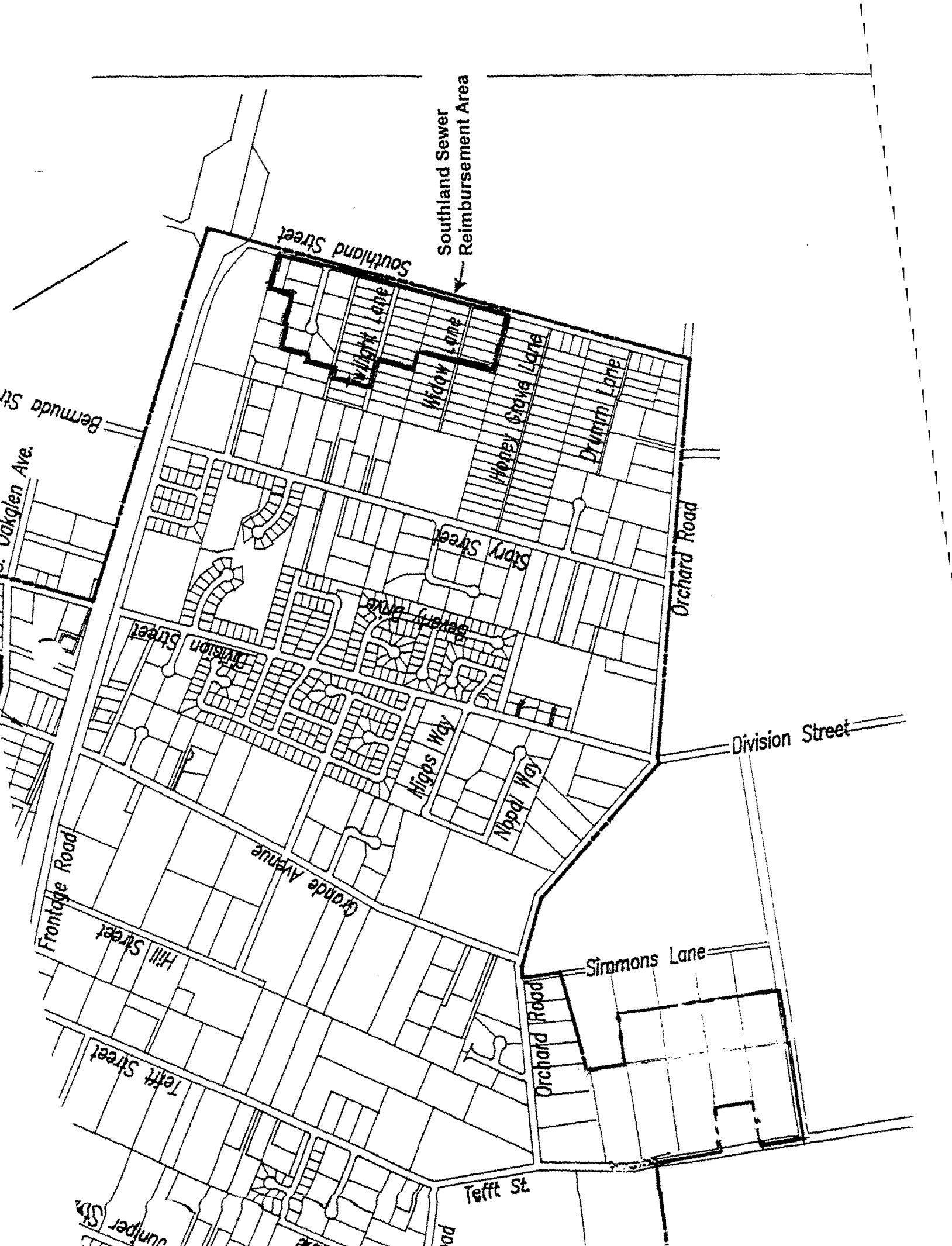
SEWER REIMBURSEMENT SPREAD SOUTHLAND STREET NIPOMO, CA NIPOMO COMMUNITY SERVICES DISTRICT					
#	APN	#	APN	#	APN
1	092-351-015	22	092-351-030	44	092-361-029
2	092-351-015	23	092-361-013	45	092-361-032
3	092-351-016	24	092-361-013	46	092-361-034
4	092-351-016	25	092-361-014	47	092-361-033
5	092-351-011	26	092-361-012	48	092-361-033
6	092-351-011	27	092-361-012	49	092-361-002
7	092-351-010	28	092-361-012	50	092-361-019
8	092-351-010	29	092-361-008	51	092-361-020
9	092-351-007	30	092-361-008	52	092-361-015
10	092-351-007	31	092-361-008	53	092-361-015
11	092-351-018	32	092-361-008	54	092-361-016
12	092-351-017	33	092-361-008	55	092-361-016
13	092-351-002	34	092-361-008	56	092-153-045
14	092-351-002	35	092-361-018	57	092-153-044
15	092-351-004	36	092-361-018	58	092-153-043
16	092-351-004	37	092-361-018	59	092-153-042
17	092-351-004	38	092-361-018	60	092-153-040
18	092-351-004	39	092-361-018	61	092-153-039
19	092-351-029	40	092-361-018	62	092-153-038
20	092-351-031	41	092-361-021	63	092-153-037
21	092-351-030	42	092-361-021	64	092-153-011
		43	092-361-028	65	092-153-005

Pro-ration Share of Reimbursement  
Cost which is equal to each lot is  
**\$1,574.50**

Reimbursement Formula  
Distribution spread equally to each lot

Legend  
① Reimbursement number





Southland Sewer Reimbursement Area

Southland Street

Twilight Lane

Widow Lane

Honey Stone Lane

Drumm Lane

Orchard Road

Stopy Street

Higgs Way

Nopal Way

Grande Avenue

Frontage Road

Hill Street

Division Street

Simmons Lane

Orchard Road

Tefft St

## Chapter 5.01

### REIMBURSEMENT AGREEMENTS

#### Sections:

- 5.01.010 **Purpose and applicability.**
- 5.01.020 **Definitions.**
- 5.01.030 **Reimbursement of excess costs.**
- 5.01.040 **Ten-year repayment obligation.**
- 5.01.050 **District to serve as collection agency.**
- 5.01.060 **District administrative costs.**
- 5.01.070 **District connections.**
- 5.01.080 **All other district water and sewer charges in effect.**
- 5.01.090 **District liability.**

#### 5.01.010 **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. (Ord. 98-87 § 38 (part), 1998)

#### 5.01.020 **Definitions.**

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

“Applicant” means subdivider, developer and/or builder.

“District” means the Nipomo Community Services District.

“District facilities” means water lines, sewer mains and sewer lift stations and appurtenant facilities.

“Engineer” means district engineer. (Ord. 98-87 § 38 (part), 1998)

#### 5.01.030 **Reimbursement of excess costs.**

A. Excess costs equal the sum of the following:

1. 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.

2. 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.

B. 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 such facilities are completed by applicant and accepted by district, and such shall be paid as provided in the reimbursement agreement.

C. Proration of Costs.

1. 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 days after the notice is mailed. If not protested within the fourteen days, the proration shall become final for the purposes of this section.

2. A protest shall be 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 wilful concealment of actual cost information as presented by the applicant or his agent to the district's engineer.

3. 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.

4. 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-day

period shall be given for each such property.

5. If no protest is filed for a property within the fourteen-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. (Ord. 98-87 § 38 (part), 1998)

**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. (Ord. 98-87 § 38 (part), 1998)

**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. (Ord. 98-87 § 38 (part), 1998)

**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 of all reimbursement amounts collected from subsequent builders. (Ord. 98-87 § 38 (part), 1998)

**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 chapter. (Ord. 98-87 § 38 (part), 1998)

**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, connections or other amounts payable to the district for water and sewer service. (Ord. 98-87 § 38 (part), 1998)

**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. (Ord. 98-87 § 38 (part), 1998)

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

**AGENDA ITEM**  
**SEP 15 1999**



BOARD OF DIRECTORS BY-LAWS

**ITEM**

Sub-committee report on the Board of Directors By-laws

**BACKGROUND**

The Board of Directors in past meetings had some discussion how the Board meeting minutes should be taken and subscribed. The President of the Board appointed Alex Mendoza and Al Simon as the sub-committee to review the Board By-laws. The sub-committee will make their report to the Board of Directors on the recording of the minutes.

C:\W:Bd99\Minutes.DOC

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

**AGENDA ITEM**  
SEP 15 1999

9

#### CONSENT AGENDA

A Consent Agenda is established as a time-saving mechanism to approve a number of administrative items the Board may consider in a group. Most of these items are non-controversial and administrative in that aspect. Any one of the Board members may pull any one of the items in the Consent Agenda to be discussed individually.

- a) BOARD MEETING MINUTES (APPROVE)  
Approval of minutes of the August 18, 1999 Regular Board meeting.
- b) WARRANTS (APPROVE)
- c) AMENDMENT OF RES. NO. 99-706 (Folkerts Oaks Capacity Fees) (APPROVE)  
Correcting the Capacity Fee transfer amount
- d) NOTICE REGARDING ENVIRONMENTAL ACTION - RES. NO. 99-708 (APPROVE)  
This action requires an annual request by the public to receive environmental determinations.

C:\W:Bd99\Consent SEPT.DOC

# NIPOMO COMMUNITY SERVICES DISTRICT

## MINUTES

AUGUST 18, 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

President Blair called the August 18, 1999 meeting to order at 7:00 p.m.  
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.

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

Harold Walsh P O Box 747 Nipomo, - commented about his land near the sewer facility.

Pursuant to the Special Meeting requirements of the Brown Act, the following item has been added to the August 18, 1999 agenda.

### **ITEM 2 A**

#### **SUMMIT STATION WATER ISSUES (LIMITED DISCUSSION)**

District Legal Counsel described how a Special Meeting is called. Because of the litigation in process, the Board can take Public Comment but is directed at the end of the comments, to prepare answers for a future time.

During this agenda item, the following members of the public spoke regarding low pressure in the Summit Station area and the need for the Board to take action:

Wilbur Swanson, 1250 Futura Lane  
Cynthia Osterhout, 1337 N. Frontage  
Mary Holder, 234 Summit Station Rd.  
Tim Baird, 271 Summit Station Rd.  
Harold Walsh, P O Box 747  
Maudie Jenkins, 1250 Futura Lane

During this agenda item, the following members of the public spoke regarding high water bills in the Summit Station area and the need for the Board to take action:

Morales, 230 Summit Station Rd.  
Jim Gray, 145 Poppy Lane

Director Kaye asked that the petition read by Mr. Swanson be entered into the minutes and is attached as Exhibit A. Mr. Swanson (the second member of the public to speak) read the petition after giving a copy to the members of the Board.

Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously decided to get proposals from independent engineers with a hydrological background to evaluate the water pressure in the Summit Station area.



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

3. **FOLKERTS OAKS SEWERS**  
Review the connection of Folkerts Oaks to the District sewer system and connection fees

Mr. Jones explained that the Folkerts Oaks Subdivision community septic system is ready to be connected to the District sewer system. Jon Seitz told the Board of an addition to the resolution. In the 6<sup>th</sup> WHEREAS, add "when it".

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

Ken Crater, representative of the Folkerts Oaks Homeowners Association.

Upon motion of Director Simon and seconded by Director Mobraaten, the Board unanimously approved Resolution 99-706 with the correction.

**RESOLUTION 99-706**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE  
NIPOMO SEWER MAINTENANCE DISTRICT 76-1 (FOLKERTS OAKS) TO:**  
1. **CONNECT TO THE NIPOMO COMMUNITY SERVICE DISTRICT'S COMMUNITY-WIDE  
WASTE WATER TREATMENT FACILITY AND COLLECTOR SYSTEM; AND**  
2. **TRANSFER FUNDS TO PAY FOR NIPOMO COMMUNITY SERVICE DISTRICT'S  
SEWER CAPACITY FEES AND CHARGES**

4. **REVIEW BOARD OF DIRECTORS BY-LAWS**  
Review Section 3, Preparation of Minutes, of the By-Laws

Mr. Jones stated this item was placed on the agenda at the request of Director Kaye pursuant to District By-Laws.

Upon motion of Director Mendoza and seconded by Director Simon, the Board decided to have a Study Session to review the Board By-Laws. President Blair appointed Director Mendoza and Director Simon to be the committee to study the by-laws before the Study Session is held.

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

Georgina Aukema, General Manager of California Valley Community Services District  
spoke briefly about this item.

5. **CSDA BY-LAWS AMENDMENTS**  
Review and vote on the proposed amendments of the Calif Special Dist. Assoc. By-Laws

Pages 2 and 4 were missing from the packet. Secretary was directed to send those pages to the Board members. Board members will return ballots to the office. Mr. Jones will tally the results and send to CSDA before the September 15, 1999 deadline. There were no public comments.

6. **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 August 4, 1999 Regular Board meeting.

There were no public comments. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the Minutes of the August 4, 1999 Regular Board meeting.

7. CANCELLATION OF BOARD OF DIRECTORS MEETING

Consideration to cancel Sept. 1, 1999 Board meeting

Mr. Jones reported that there were no items which needed action by the September 1, 1999 regular meeting and suggested that it be canceled. There were no public comments. Upon motion of Director Mendoza and seconded by Director Kaye, the Board unanimously approved to cancel the September 1, 1999 Regular Board meeting unless an item needs immediate attention and a meeting will be called.

**FINANCIAL REPORT**

8. APPROVAL OF WARRANTS

There were no public comments. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the Warrants presented at the August 18, 1999 meeting.

**OTHER BUSINESS**

9. MANAGER'S REPORT

Manager Doug Jones presented information on the following:

1. NIPOMO PRIDE - CLEANUP EVENT

The Board directed this item to be place on the next agenda.

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

John Snyder, 662 Eucalyptus Rd., Nipomo

2. LONG'S DRUG STORE DEVELOPMENT

3. 1999 UPDATE SOUTH COUNTY AIR QUALITY PROGRAM

President Blair will be a committee of one to attend the meeting Thursday.

10. DIRECTORS COMMENTS

Directors Kaye and Blair commented.

District Legal Counsel, Jon Seitz, announced the need to go into Closed Session concerning the matters below.

**CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL GC§54956.9 (a) & (b)

a. SMVWCD vs NCSO Case No. CV 770214 and related cases

Case Nos. CV 990556, CV 990391, CV 990392, CV 990558, CV 990266, CV 770214,  
SM 113422, SM 112867, SM 113425, SM 113421

b. NCSO vs. STATE DEPT OF HEALTH SERVICES CV 990706

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

**ADJOURN**

President Blair adjourned the meeting at 9:50 p.m.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER 15, 1999

SEWER CAPACITY CHARGE  
(FOLKERTS OAKS)

**ITEM**

Amending Resolution 99-706 to correct the proper dollar amount to be transferred to the District Sewer Capacity Fund.

**BACKGROUND**

On August 18, 1999, your Honorable Board passed Resolution 99-706 transferring funds from the Nipomo Sewer Maintenance District 76-1 (Folkerts Oaks) to the Sewer Capacity Fund. In reviewing the map, it was found that Lot 58 (a vacant lot) was not included in the Sewer Capacity Fees to be paid. The previous attached resolution needs to be amended to include the correct dollar amount to be transferred from the Folkerts Oaks Sewer Maintenance District to the District's Sewer Capacity Fund (Town Division).

**RECOMMENDATION**

It is staff's recommendation that your Honorable Board pass Resolution 99-707 amending Resolution 99-706 showing the correct amount of fees to be transferred from NSMD 76-1 to the Sewer Capacity Fund.

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**RESOLUTION NO. 99- 707**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AMENDING RESOLUTION 99-706**

**WHEREAS**, August 18, 1999 the Board of Directors passed Resolution 99-706 transferring funds from the Nipomo Sewer Maintenance District 76-1 (Folkerts Oaks) to the District Sewer Capacity Fee Account to pay for Folkerts Oaks Sewer Capacity Fees; and

**WHEREAS**, in reviewing the number of lots, one vacant was not included in the number of Sewer Capacity Fees to be charged; and

**WHEREAS**, by amending Resolution 99-706 paragraph number two, the proper capacity funds will be transferred.

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

1. Paragraph number two of Resolution 99-706 is to be amended to read as follows:  
The NSMD 76-1 is authorized to transfer one hundred and thirty seven thousand four hundred sixty dollars to the District for payment of District capacity fees.
2. Paragraphs one, three and four are to remain the same.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 15<sup>th</sup> day of September, 1999, on the following roll call vote:

AYES: Directors  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

**RESOLUTION NO. 99- 706**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE  
NIPOMO SEWER MAINTENANCE DISTRICT 76-1 (FOLKERTS OAKS) TO:**

- 1. CONNECT TO THE NIPOMO COMMUNITY SERVICE DISTRICT'S COMMUNITY-WIDE WASTE WATER TREATMENT FACILITY AND COLLECTOR SYSTEM; AND**
- 2. TRANSFER FUNDS TO PAY FOR NIPOMO COMMUNITY SERVICE DISTRICT'S SEWER CAPACITY FEES AND CHARGES**

**WHEREAS**, pursuant to Chapter 26, Part 3, Division 7, commencing with Section 5820 of the Streets and Highway Code, on November 10, 1976 the Nipomo Community Services District (herein "District") adopted Resolution 96 establishing the Nipomo Sewer Maintenance District 76-1 (Folkerts Oaks) (herein "NSMD 76-1"); and

**WHEREAS**, the purpose of the NSMD 76-1 is to provide for the expenses and maintenance of operating facilities for the collection, treatment and disposal of sewage, waste and storm water of the NSMD 76-1 (commonly known as the Folkerts Oaks subdivision) and its inhabitants, including the cost of necessary repairs and replacement ; and

**WHEREAS**, NSMD 76-1 did construct, operate, and maintain an area wide septic and disposal system; and

**WHEREAS**, in 1987 the District constructed a community wide waste treatment facility and collector system; and

**WHEREAS**, the District's community wide waste water treatment facility and collector system has sufficient capacity to provide sewer service to NSMD 76-1; and

**WHEREAS**, Regional Water Quality Control Board Order 76-44 provides that the Folkerts Oaks subdivision is prohibited from discharging to any area other than the District's community sewer after Nipomo Community Services District's waste water treatment and disposal system when it becomes operational; and

**WHEREAS**, there exists sufficient funds in the NSMD 76-1 to pay for District capacity fees and other charges for the purposes of connecting to the district wide waste water treatment facilities; and

**WHEREAS**, Streets and Highway Code §5829.1 authorizes the NSMD 76-1 to contract with the District for the joint use sewers and/or facilities for handling, treatment and disposal of sewage or industrial waste from the District and such other areas that may be designated in said contract; and

**WHEREAS**, based on the Staff Report and testimony taken at the hearing on this matter, the District Board of Directors:

1. That this item was appropriately noticed pursuant to the Ralph M. Brown Act; and

RESOLUTION NO. 99-706  
PAGE TWO

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING THE  
NIPOMO SEWER MAINTENANCE DISTRICT 76-1 (FOLKERTS OAKS) TO:  
1. CONNECT TO THE NIPOMO COMMUNITY SERVICE DISTRICT'S COMMUNITY-WIDE  
WASTE WATER TREATMENT FACILITY AND COLLECTOR SYSTEM; AND  
2. TRANSFER FUNDS TO PAY FOR NIPOMO COMMUNITY SERVICE DISTRICT'S  
SEWER CAPACITY FEES AND CHARGES

2. That is it in the best interests of the NSMD 76-1 to abandon the on-site septic tank disposal system and to connect to the district wide waste water treatment plant; and
3. There are sufficient funds in the NSMD 76-1 accounts to pay District capacity fees.

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

1. The above recitals are true and correct.
2. The NSMD 76-1 is authorized to transfer one hundred and thirty-five thousand ninety dollars to the District for payment of District capacity fees.
3. Upon transfer of said capacity fees, the NSMD 76-1 is authorized to connect to the District's community wide waste water treatment facility and collector system.
4. Upon NSMD 76-1 connecting to the District's community-wide waste water treatment facility and collector system, District staff is directed to commence the process of abandoning the existing NSMD 76-1 on-site septic disposal system.

**PASSED AND ADOPTED** by the Board of Directors of the Nipomo Community Services District this 18<sup>th</sup> day of August, 1999, on the following roll call vote:

AYES: Directors Simon, Mobraaten, Kaye, Mendoza, and Blair  
NOES: None  
ABSENT: None  
ABSTAIN: None

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: AUGUST 18, 1999

**AGENDA ITEM**  
**AUG 18 1999**



FOLKERTS OAKS SEWER  
(Nipomo Sewer Maintenance District 76-1)

**ITEM**

The connection of the Folkerts Oaks development to the District's sewer system and payment of the Sewer Capacity Fees from the Nipomo Sewer Maintenance District 76-1 (Folkerts Oaks) Fund.

**BACKGROUND**

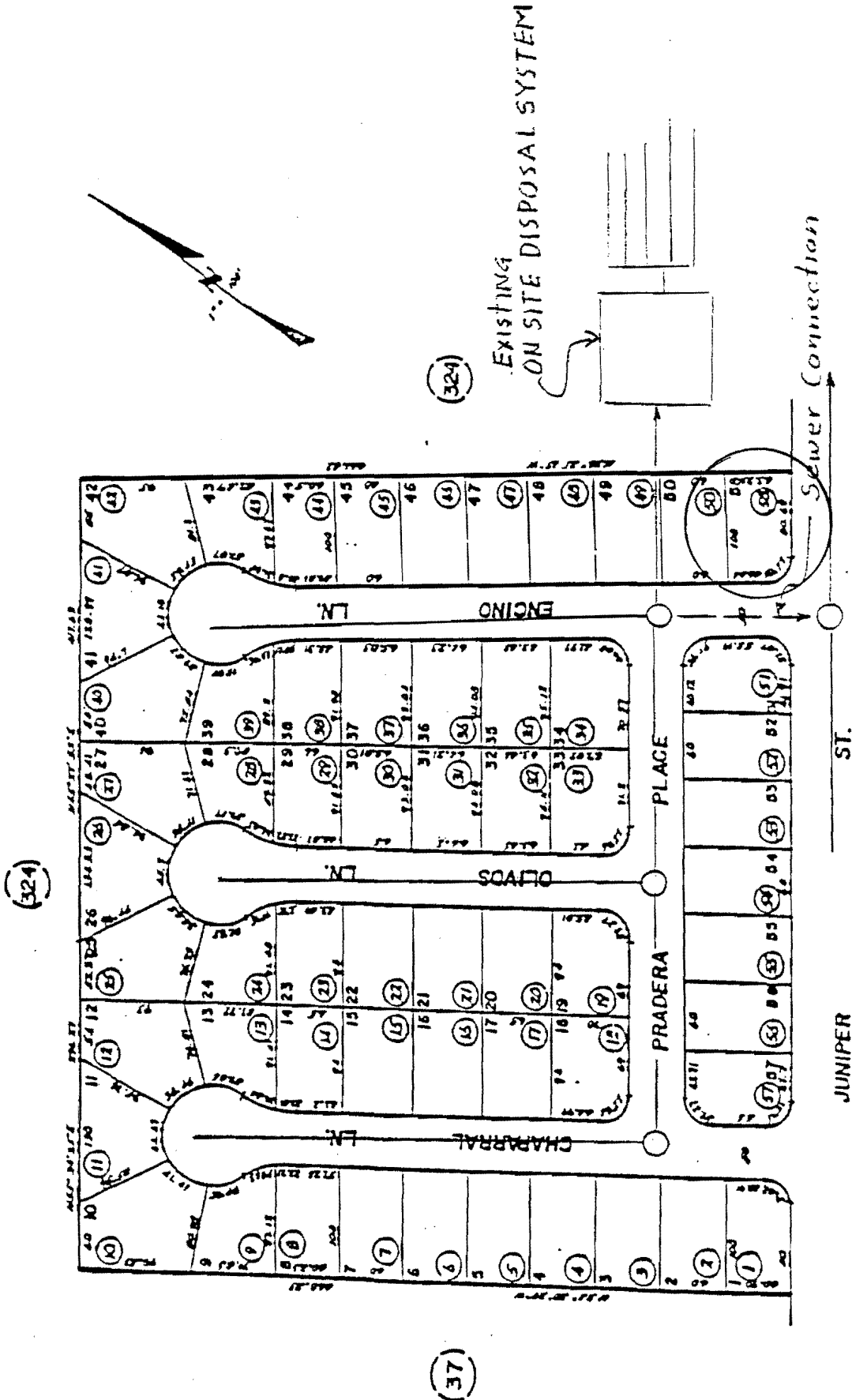
The Folkerts Oaks Development was constructed in the mid 1970's as a 57 lot subdivision with an on-site sewer disposal system consisting of a standard community septic tank system and leach lines. Since this project was constructed prior to the area-wide sewer system being available, it was developed on a community septic system and a Sewer Maintenance District was formed. The Maintenance District collected fees and tax to maintain the on-site disposal system. The original agreement with the developer, in establishing the development and the Maintenance District, was that when area-wide sewers were available, the developer or their successor would connect the Folkerts Oaks disposal system to the area-wide sewer system at their cost. The District has approved the plans to connect the two systems together. The owner is in the process of receiving bids to construct the sewer connection. The connection will be in Encino Lane, shown on the attached map. Once the connection is made, the existing on-site disposal system will be turned over to the owner for deposition and the District's easement of the septic disposal site will be returned to the owner.

Since the Folkerts Oaks Subdivision was built prior to the area-wide sewer system being constructed, this area was not charged the Sewer Capacity Fees. Therefore, the 57 lots will be charged the Sewer Capacity Fee of \$2,370 each, which would total \$135,090. As of 6/30/99, the Nipomo Sewer Maintenance District 76-1 (Folkerts Oaks) Fund has a reserve of \$166,905. It is recommended that the individual property owners not pay the Sewer Capacity Fee, but the fees be paid out of the Sewer Maintenance Fund. Once the sewer connection is completed, disposal of the septic system easement, setting a monthly sewer service charge along with the resolution of the Sewer Maintenance District will be brought to the Board for consideration.

**RECOMMENDATION**

It is recommended that a transfer of \$135,090 be made from the Nipomo Sewer Maintenance District 76-1 Fund to the Town Sewer Capacity Fee Fund to pay for the capacity fees for the 57 lots in the development. The attached Resolution 99-706 is presented for your consideration.

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BK.92

(13)

TR. 572-FOLKERTS OAKS PARK • R.M. BK.9, PG.21

TRACT 572  
SAN LUIS OBISPO CO  
CALIFORNIA

NOTE-ASSESSOR'S BLOCK & LOT NUMBERS SHOWN IN CIRCLES.  
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY.



TO: PRESIDENT AND HONORABLE MEMBERS OF THE  
BOARD OF DIRECTORS, NIPOMO COMMUNITY SERVICES DISTRICT

FROM: MICHAEL W. SEITZ, DEPUTY DISTRICT COUNSEL

DATE : September 9, 1999

ITEM

Public Request for Notice Regarding Environmental Actions.

BACKGROUND

As you are aware, the Board receives from time to time requests from members of the public for special notice regarding actions of the Board. Some of these requests deal with Board actions regarding environmental determinations such as environmental impact reports (EIRs), negative declarations, and the like.

RECOMMENDATION AND ANALYSIS

Public Resources Code §21092.2 allows a public agency, such as the Nipomo Community Services District, to require requests for such notice to be annually renewed.

By adopting the attached Resolution, the Board would determine that all requests for notice received from the public during calendar year 1999 or before, would expire on December 31, 1999. The requests received each year thereafter would expire on December 31<sup>st</sup> of that year. The proposed Resolution directs Staff to provide written notice of the new requirements to those persons having made requests during calendar year 1999 for such notice.

It is believed by Staff that the adoption of this Resolution and policy would lead to more efficient use of Staff time and less administrative costs.

MWS/clf

Bc99/Environmental

RESOLUTION NO. 99-708

RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REQUIRING ANNUAL RENEWAL OF REQUEST FOR  
PUBLIC NOTICE ON ENVIRONMENTAL MATTERS

WHEREAS, the Board of Directors of the Nipomo Community Services District is authorized, pursuant to Public Resources Code §21092.2, to require request for notice by members of the public to be renewed annually regarding matters covered in Public Resources Code §§21080.4, 21092, 21108, and 21152; and

WHEREAS, the Board has determined that staff efficiency would be promoted by the requirement of an annual renewal of a request for notice;

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

(1) Henceforth, the Nipomo Community Services District requires that all requests for public notice regarding environmental determinations pursuant to Public Resources Code §§21080.4, 21092, 21108, and 21152 shall be renewed annually.

(2) That all requests for public notices pursuant to Public Resources Code §§21080.4, 21092, 21108, and 21152 which have been filed with the District during calendar year 1999, or before, shall be construed to expire pursuant to this policy on December 31, 1999.

(3) Staff is hereby directed to provide written notice to all members of the public having made requests during calendar year 1999, or before, for public notice pursuant to Public Resources Code §§21080.4, 21092, 21108, and 21152 of the need to re-file such requests annually.

(4) Those requests for notice which are received by the District on or after January 1, 2000 are deemed to expire on December 31<sup>st</sup> of the year in which they are filed.

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

DIRECTORS  
AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

the foregoing resolution is hereby adopted this \_\_\_\_ day of September, 1999.

\_\_\_\_\_  
Robert L. Blair, President  
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Donna K. Johnson  
Secretary to the Board  
CEQA

\_\_\_\_\_  
Jon S. Seitz  
District Legal Counsel

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: SEPTEMBER <sup>15</sup>~~25~~, 1999

AGENDA ITEM  
SEP 15 1999



#### MANAGER'S REPORT

1. SAN LUIS OBISPO COUNTY ECONOMICS ELEMENT TO GENERAL PLAN

The SLO Planning Department has release a draft of the Economic Element to the SLO County General Plan. A copy is on file at the office for the public's review.

2. INFORMATION OF SB 985

Enclosed is information from a publication regarding Senate Bill 985 "Agriculture Protection Bill".

3. EMPLOYEE WORKING HOURS

Lisa Bognuda has requested a slight reduction in her work hours (6hr/wk). This should not have an impact on District staff operations.

4. CONSTRUCTION STATUS REPORT

a. BLACK LAKE INTER-TIE

The Black Lake Inter-tie is completed. The final inspection and start-up being review.

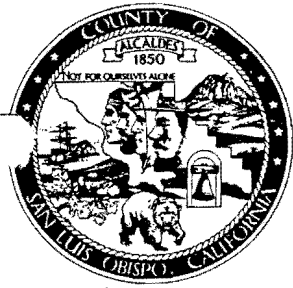
b. TANK AND WATER LINE CONSTRUCTION

The contractor has finished the tank foundation and has begun to build the water storage tank. The water line tie-ins are being constructed. It is anticipated that in about a week, the water line will be installed in Thompson and Tefft St.

c. PHASE II OF SEWER PLANT CONSTRUCTION

The contractor has been given the Notice to Proceed. The State inspector has been contacted to set up a pre-construction conference after which the sewer plant construction will begin.

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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

ALEX HINDS  
DIRECTOR

BRYCE TINGLE  
ASSISTANT DIRECTOR

ELLEN CARROLL  
ENVIRONMENTAL COORDINATOR

BARNEY MCCAY  
CHIEF BUILDING OFFICIAL

August 5, 1999

TO: Interested Agencies and Individuals

FROM: John Busselle, Senior Planner

VIA: Victor Holanda, Director, Department of Planning and Building

SUBJECT: Release of the Planning Commission recommended Economic Element of the San Luis Obispo County General Plan

RECEIVED

AUG 24 1999

MIPOLIC COMMUNITY  
SERVICES DISTRICT

The Planning Commission recommended Economic Element of the San Luis Obispo County General Plan is now available for your review and comment.

The proposed Economic Element establishes a context and priorities for economic development in the unincorporated area of San Luis Obispo county. It recognizes the importance of economic activity in enabling the county's residents to find employment and pursue the lifestyles that they value.

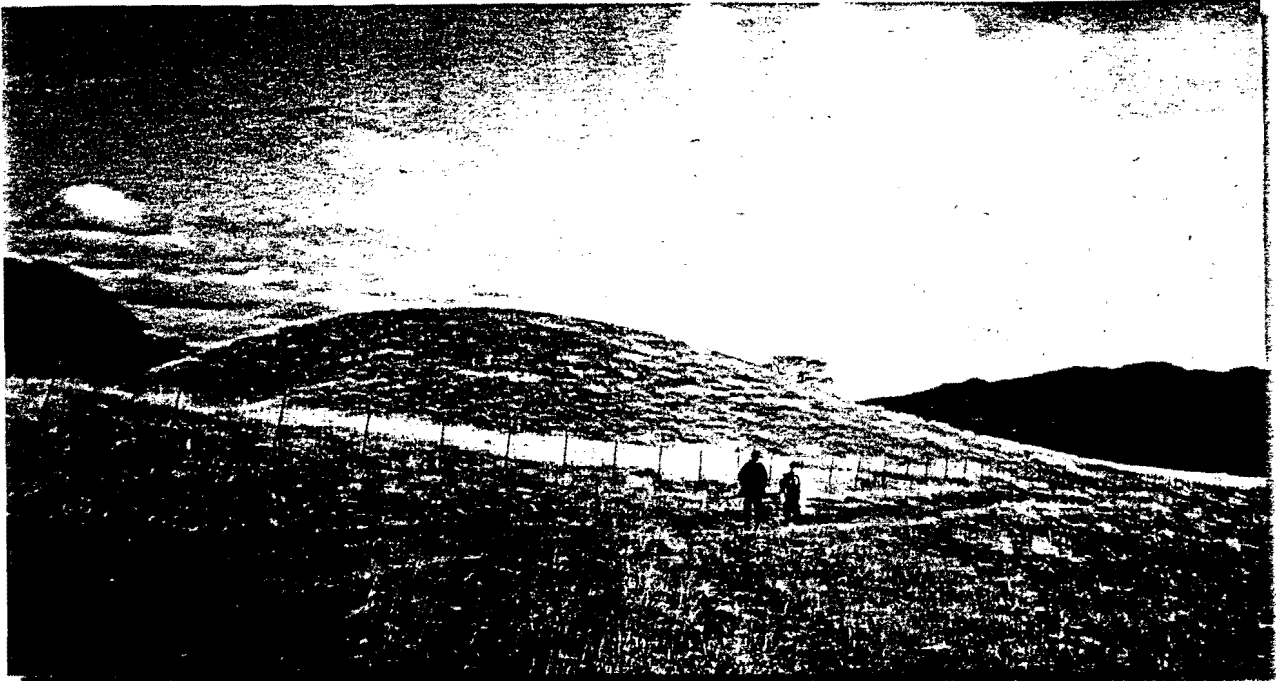
The element represents a new addition to the county General Plan. It is considered an optional element since it is not required by state general plan law. Its development was spearheaded by the county Economic Advisory Committee with funds allocated by the Board of Supervisors.

A public hearing before the Board of Supervisors is tentatively scheduled for October 5, 1999. A notice will be published confirming that date. If you wish to comment on the proposed Economic Element, you may do so by speaking at the public hearing and/or by providing written comments.

Questions about the content or development of the document should be directed to John Busselle at 805-781-5154. Copies of the element and the negative declaration are available at the Department of Planning and Building, County Government Ctr., San Luis Obispo, Ca. 93408. The documents may also be reviewed at public libraries and the libraries of Cuesta College and California Polytechnic State University, San Luis Obispo.

## LEGISLATIVE ALERT!

### SB 985: AGRICULTURAL PROTECTION OR BAIT AND SWITCH?



*Permanent preservation of agricultural lands often involves the donation and or sale of development rights. If enacted, SB985 may prevent the use of this technique to achieve permanent preservation on Williamson Act lands.*

Since 1965 the Williamson Act has been used throughout California to preserve agricultural lands and prevent their conversion to urbanization. Designed to encourage farming over an extended time in return for lower property taxes, the Williamson Act has encouraged the placement of millions of acres in agricultural preserve contracts.

Fearing attacks by urban legislators on the Act's tax incentives, the California Farm Bureau is sponsoring new legislation currently going through the State — SB 985 Johnston (Stockton). As worded, SB 985 will fundamentally change the terms and conditions under which Williamson Act contracted lands are used, including the following new restrictions:

- Limiting land divisions to only those that are "incidental" to agriculture;

- Banning recording of Certificates of Compliance on contracted lands;
- Prohibiting lot line adjustments on contracted lands; and
- Limiting recreational uses to only those which keep the land "in its natural state."

Some see SB 985 as providing extra protection for agricultural lands. Others see this last "ounce of prevention" as an alarming intrusion on their land values and a breach of existing contracts. Farmers, who have long held their properties in preserve contracts, are beginning to view SB 985 as a bait-and-switch tactic.

SB 985 is also seen as a back-door attempt to change local General Plans and the Zoning and Subdivision rules of the 47 Williamson Act counties without involving either present contractees or local govern-

ment in the decision. If enacted, it will preclude the ability to explore alternative land conservation techniques that result in far more lasting agricultural protection and preservation than under the Williamson Act, such as the agricultural clustering procedures of San Luis Obispo County.

Such issues are prompting proposed changes to SB 985. One is to either have the new provisions pertain only to new contracts executed after the effective date of the regulations, the other is to notify all Williamson Act landowners and offer them a one-year opportunity to file a Notice of Non-renewal after SB 985 is adopted. This latter provision will surely lead to a stampede of farmers out of agricultural preserves and into other land strategies.

Now on the Assembly floor, SB 985 it is expected to be voted out and

sent to the Governor when the Legislature returns from recess in early September 1999.

If SB 985 concerns you, we urge you to persuade your legislators to either seek amendments to SB 985 that would have these new provisions apply to new contracts only, hold it over as a two-year bill, or oppose the

Continued on next page...  
legislation outright.

For more information on SB 985, please e-mail T. Keith Gurnee (tkgurnee@rrm-design.com), or call us to receive a copy of the bill and our analysis.

TO: DOUG JONES  
FROM: LISA BOGNUDA (LB)  
DATE: SEPTEMBER 15, 1999

REQUEST FOR REDUCTION IN WORKING HOURS

I respectfully request to reduce my working hours by six hours per week. I do not feel that this reduction would have an impact on my ability to complete my job duties in a timely manner. The six hour reduction per week would allow me to pick up my children from school and allow them to participate in after-school activities.

If at times the workload gets heavy, I will make arrangements for my children and be available to work the additional hours.

Thank you for your consideration.