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NIPOMO COMMUNITY SERVICES DISTRICT
AGENDA

MAY 5, 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

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF APRIL 21, 1999

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. INTRODUCTION OF AN ORDINANCE TO ADJUST/CLARIFY FEES (PUBLIC HEARING)

Ordinance to increase Town Division water fees, to cover legal costs, Black Lake sewer fees, to cover O & M costs, clarify Sewer Capacity Fees and Reimbursement Agreements

4. DRUMM LANE SEWERS

Review extension of sewer line in Southland St. & Drumm Lane

5. RITE-AID PHARMACY DEVELOPMENT

Request for water & sewer service for Rite-Aid Project at Tefft & Mary Streets

6. OAKGLEN-MALLAGH WATER LINE EASEMENT

Accept water line easement between Oakglen & Mallagh Streets

7. **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 of clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

- a) CAL PERS DEFERRED COMP PLAN (Approve)
Employee participation in PERS Deferred Plan Plan
- b) ACCEPTANCE OF TRACT 1940 (BONITA HOMES) IMPROVEMENTS (Approve)
Resolution accepting water and sewer improvements for a 9-lot development
- c) ACCEPTANCE OF LIBRARY IMPROVEMENTS (APPROVE)
Resolution accepting sewer line extension to the County Library
- d) NOTICE OF COMPLETION OF THE SUN DALE WELL (APPROVE)
Approving the Notice of Completion of the Sun Dale Well

FINANCIAL REPORT

8. APPROVAL OF WARRANTS

OTHER BUSINESS

9. MANAGER'S REPORT

1. BUDGET STUDY SESSION
2. SCHOOL DISTRICT CORRESPONDENCE
3. FIRST QUARTER INCIDENT REPORT

10. DIRECTORS COMMENTS

COMMITTEE REPORTS

- a) Draft FY 99-00 Budget
- b) Nipomo Advisory Counsel
- c) Chamber of Commerce

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL (a) and (b) GC\$54956.8

- a.) NCS D vs. Shell Oil, et. al. Case No. CV 077387
- b.) SMVWCD vs NCS D 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 St.
- d.) KOCH CALIFORNIA LTD. vs. NCS D CASE NO. CV 990266

ADJOURN

Copy of document found at www.ReviewWipTax.com

**NIPOMO COMMUNITY SERVICES DISTRICT
MINUTES**

APRIL 21, 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**
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STAFF

DOUGLAS JONES, **GENERAL MANAGER**
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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 April 21, 1999 meeting to order at 7:01 p.m. and led the flag salute.

ROLL CALL

At Roll Call, all Board members were present.

APPROVAL OF MINUTES

1. SPECIAL MEETING OF MARCH 31, 1999

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved the Minutes of the March 31, 1999 Special Meeting.

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. COUNTY SERVICE AREA (CSA-1F) GALAXY PARK

CSA-1F sewers connecting to NCSO system (Status Report - Co Engr. Dept.)

Mr. Jones explained the situation in the CSA-1F area of Galaxy Park.

Mr. Tony Boyd, Hydrologist for the San Luis Obispo County Engineering Department explained that the County was urged by the Regional Water Quality Control Board to connect CSA-1F to the Nipomo Wastewater Facility.

Paavo Ogren, from Cannon Associates employed by the County, spoke to the Board.

There were no public comments.

The Board asked questions. A Sub-committee, consisting of Directors Kaye and Mobraaten, was formed to meet with the County Engineering Department to discuss issues in connecting to the District sewer system.

4. SEWER PROHIBITION AREA EXEMPTION REQUEST

Request for exemption (variance) to install a septic tank system at 760 Drumm Lane

Mr. Jones described the situation at 760 Drumm Lane. The property owners are requesting a variance from connecting to the District sewer system so they may install a septic tank system on Lot No. 134 (APN 092-331-033) to construct a house.

President Blair excused himself from the Board because of a conflict of interest.

Vice-President Kaye took the Chair.

MINUTES SUBJECT TO BOARD APPROVAL

8. INTENT-TO-SERVE/CONDITIONAL WILL-SERVE LETTERS
Establishing expiration dates for Intent-to-Serve/Conditional Will-Serve letters

Mr. Jones explained the need to establish an expiration date and renewal fees for Intent-to-Serve letters and Conditional Will-Serve letters. There were no public comments. Upon motion of Director Mobraaten and seconded by Director Kaye, the Board unanimously adopted Resolution 99-680 as amended.

RESOLUTION 99-680
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING EXPIRATION DATES FOR INTENT-TO-SERVE/CONDITIONAL WILL-SERVE LETTERS

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 of clarification may be made by the Board members without removal from the Consent Agenda. The recommendations for each item are noted in parenthesis.*

Mr. Jones presented the following items to the Board for approval. President asked if any Board Member wished to pull an item for discussion. No. President Blair asked for Public Comment. There were none. Upon motion of Director Kaye and seconded by Director Mendoza, the Board unanimously approved the five items on the consent Agenda

- a) ACCEPTANCE OF TRACT 1924 (WITTSTROM) IMPROVEMENTS (Approve)
Resolution accepting water improvements for a 36-lot development
RESOLUTION NO. 99-681
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT ACCEPTING
WATER IMPROVEMENTS FOR TRACT 1924 (WITTSTROM)
- b) ACCEPTANCE OF TRACT 2210 (NEWDOLL) IMPROVEMENTS (Approve)
Resolution accepting water and sewer improvements for a 15-lot development
RESOLUTION NO. 99-682
A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS FOR TRACT 2210 (NEWDOLL)
- c) ACCEPTANCE OF APN 92-341-014 (NEWDOLL) IMPROVEMENTS - HONEY GROVE LANE (Approve)
Resolution accepting water & sewer improvements/22 existing lots & the sewer system in Southland St
RESOLUTION NO. 99-683
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR APN 092-341-013 & 014 (Honey Grove Lane-Newdoll)
- d) CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) (Approve)
Resolution amending District contract with PERS for miscellaneous members
RESOLUTION NO. 99-684
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING AN AMENDMENT TO THE PERS CONTRACT
- e) SAFETY MEETING (Receive and file)
Minutes of March 25, 1999 Safety Meeting

MINUTES SUBJECT TO BOARD APPROVAL

TO: BOARD OF DIRECTORS
 FROM: DOUG JONES
 DATE: MAY 5, 1999

AGENDA ITEM
 MAY 05 1999



**INTRODUCTION OF ORDINANCE
 ADJUST/CLARIFY FEES**

ITEM

Introduction of an ordinance to amend certain District codes for clarification and adjusting the Town Division water rates to cover litigation costs. The items to be adjusted are as follows:

1. Adjust Town Division water and Black Lake Division sewer fees
2. Clarification of Town Division sewer capacity charges
3. Clarify requirement for reimbursement agreement

BACKGROUND

The Nipomo Community Services District has been brought into the groundwater adjudication by the Santa Maria Valley Water Conservation District (SMVWCD) vs NCSD Case No. CV 770214, Santa Clara County. The costs for litigation will come from the Black Lake and Town Divisions' Water Funds.

Water user fees should be adjusted next fiscal year to assist in the ground water litigation costs estimated to be \$100,000.00. The District fees are established pursuant to the California Government Code.

The Black Lake Water Fund consumes approximate 16% of the water consumed by the entire District, therefore, it is appropriate that this fund's share of the legal fees for the groundwater litigation be 16%. The Black Lake Division Water Fund has adequate reserves, at this time, to fund their share of the litigation, therefore, a rate increase in the Black Lake Division is not recommended.

The Town Division Water Fund is insufficient to cover the estimated legal costs, therefore, existing fees need to be adjusted. It is proposed that the Town Division water fees be modified as follows:

	<u>Current</u>	<u>Proposed Increase</u>	<u>Total</u>
Flat Fee/bi-monthly	\$13.00 per billing period (bi-monthly)	4.50 per billing period	\$17.50
Less than (<) 4000 cu ft bi-monthly	\$0.75 per hundred cubic feet	\$ 0.05/hcf	\$0.80/hcf
Over (>) 4000 cu. ft. bi-monthly	\$1.15/hcf	None	\$1.15

It is estimated that this increase in fees will generate approx. \$85,000 per year to pay for the Town Division's water share of the groundwater litigation.

Town Division - Sewer Capacity Charges (clarification only -no modification proposed)

In 1997, the Board of Directors adopted the Town Division Sewer Capacity Charges of \$2,370 per DUE with a future increase in the year 2001 of \$2,500. Exhibit A of the proposed ordinance reaffirms these fees, which will be incorporated into the District Code as Exhibit A.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

INTRODUCTION OF ORDINANCE
ADJUST/CLARIFY FEES
Page 2

Black Lake Sewer Fees

The Black Lake Sewer Fund presently has no reserves and periodically is in a deficit position. A normal operating fund has about three months cash reserve to cover unforeseen events. To have adequate funds, it is recommended that the monthly Sewer User Fee be increased \$1.50 per month. "The Legends" 57 homes are expected to be built out by the end of next fiscal year (6/30/00). The Black Lake Advisory Committee has met and support the increase of \$1.50 per month.

Reimbursement Agreement

The District has established a reimbursement agreement for developers who construct the sewer and/or water lines that may benefit other property. The developer may receive reimbursements for facilities they install for future users. This amendment to the reimbursement agreement indicates that the developer is to supply the District all the costs associated with the improvements within 90 days after the District accepts the project. If the cost information is not presented to the District within the 90 days, the applicant will waive its rights to reimbursement.

RECOMMENDATION

It is staff recommendation to have a public Hearing and to introduce Ordinance No. 99-88 amending the District Codes by:

1. Adjusting water and sewer fees
2. Clarification of Town Division sewer capacity charges
3. Clarifying requirements for reimbursement agreements

After the Board has introduced the ordinance and had the first reading and received public comment on the ordinance, a motion would be in order to accept the first reading of the ordinance and set May 19, 1999 for the second reading and adoption.

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**NIPOMO COMMUNITY SERVICES DISTRICT
ORDINANCE NO. 99-88**

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING TITLE 3, TITLE 4 AND TITLE 5 OF THE
NIPOMO COMMUNITY SERVICES DISTRICT CODE TO:**

1. **ADJUST MONTHLY WATER RATES FOR THE TOWN DIVISION;**
2. **ADJUST MONTHLY SEWER RATES FOR THE BLACK LAKE DIVISION;**
3. **CLARIFY CALCULATIONS FOR ESTABLISHING SEWER CAPACITY CHARGES; AND**
4. **CLARIFY REQUIREMENTS FOR REIMBURSEMENT AGREEMENTS**

WHEREAS, it is the purpose of this Code Amendment to:

A. Adjust water rates to maintain adequate levels of revenue equitably collected from all classes of water customers within the Town Division to meet the District's financial obligations pertaining to a lawsuit titled Santa Maria Valley Water Conservation District v. City of Santa Maria, the Nipomo Community Services District, et al.;

B. Adjust sewer rates to maintain adequate levels of revenue equitably collected from sewer customers within the Black Lake Division.

C. To clarify the computation for establishing sewer rates and charges; and

D. To clarify the timing of applications for reimbursement for facility extensions; and

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

A. This public meeting has been properly noticed pursuant to Government Code Section 54954.2 (The Brown Act); ~~and that the District has complied with the requirements of Government Code Section 66016; and~~

B. The fees, rates and charges that are the subject of this Ordinance do not exceed the estimated reasonable cost of providing the services for which the fees and/or charge or charges are imposed,

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

Section 1. Authority.

1.1. This Ordinance is enacted pursuant to Government Code Sections 61600(a) and (b), 61621, 61621.5, 61623.

WATER RATES AND CHARGES

Section 2.

Appendix A and B to Chapter 3.03 of the District Code is amended to read as follows:
Appendix A

Bi-Monthly Minimum Charge

Size of Meter (Inches)	Minimum	Litigation
	See Footnote 4	See Footnotes 1,2,3
	A	B
1" or less	\$13.00	\$17.50
1 ½"	\$30.00	\$36.00
2"	\$42.00	\$50.00
3"	\$60.00	\$70.00
4"	\$90.00	\$100.00
6"	\$150.00	\$165.00

Appendix B

Bi-Monthly Water Rates

0-40 units	\$0.75 per unit	\$.080 per unit
Over 40 units	\$1.15 per unit	\$1.15 per unit

Footnote 1: The litigation rates referenced in Column "B" apply to the Town Division only.

Footnote 2: Unless further action is taken by the District Board of Directors, the rates established in column B shall terminate at the time the District's financial obligations regarding Santa Maria Valley Water Conservation District v. City of Santa Maria, the Nipomo Community Services District, et al. have been satisfied and thereon the rates will revert to those established in Column "A"

Footnote 3: The effective date of the Column "B" water rates is July 1, 1999.

Footnote 4: The minimum charges established in Column "A" shall continue to apply to the Black Lake Division.

SEWER RATES AND CHARGES

Section 3.

Subsection B.2. of Section 3.03.180 of the District Code is repealed in its entirety and replaced with the following:

- "B. Sewer rates shall be charged as follows:
1. (unchanged)
 2. Monthly sewer charges are set forth in Exhibit B of the Appendix to Chapter 4.12."

Section 4.

Appendix C to Chapter 3.03 of the District Code is repealed in its entirety. Exhibit B of the Appendix to Chapter 4.12 is reaffirmed as amended by this Ordinance.

Section 5.

Subsection A of Section 4.12.080 is repealed in its entirety and replaced with the following:

"A. Computation Method and Unit Cost. Except as limited elsewhere in this code, the capacity charge shall be computed by multiplying the customer's dwelling unit equivalent (DUE) as determined by the district, times capacity charge. Capacity charges are stated in Appendix A to this chapter.

Section 6.

The District hereby reaffirms the following capacity charges established as Exhibit A to the Appendix of Chapter 4.12:

Appendix to Chapter 4.12

Exhibit A

Cost of Sewer Capacity Charge – Nipomo Division
per Dwelling Unit Equivalent (DUE)

Future increases will take effect on July 1st of the year 2001:

	<u>1997</u> (Existing)	<u>2001</u> (Future)
Per DUE	\$2,370	\$2,500

Note: Volunteers (Properties within the Nipomo Sewer Project Assessment District) with existing structures or new construction replacing structures existing prior to 1985 and having no greater DUE will not have a sewer capacity charge. All other new construction on volunteer property as zoned in 1985 shall have the option to pay the District Sewer Capacity Charge, as defined above or \$2,100/DUE.

Section 7.

Exhibit B of the Appendix to Chapter 4.12 is repealed in its entirety and replaced with the following:

Appendix to Chapter 4.12

Exhibit B

Bi-Monthly Sewer User Fees

Town Division

Bi-Monthly Operation & Maintenance Charge	Per DUE
All sewer customers Town Division	\$36.00
All sewer customers Black Lake Division	\$43.00
Montecito Verde II Sewer Maintenance District	\$28.00 See Footnote 1
Folkert Oaks Sewer Maintenance District	\$12.00 See Footnote 1
Folkert Oaks Sewer Stand-by Charge	\$ 6.00 See Footnote 1

Footnote 1: Upon connection to the Town Division Wastewater Treatment Plant, the identified Sewer Maintenance District bi-monthly operation and maintenance charges shall be the same as the charges collected from sewer customers of the Town Division.

REIMBURSEMENT AGREEMENTS

Section 8.

Section 5.01.031 is added to the District Code to read as follows:

“5.01.031 Applications for Reimbursement.

A. In order to qualify for reimbursement of excess costs, pursuant to this Chapter, Applicant shall, within ninety days of District’s acceptance of District facilities, deliver to District the following:

1. Written application requesting reimbursement of excess costs; and
2. A certified statement showing the Applicant’s actual costs in constructing District facilities.

B. The Applicant shall cooperate with the District’s Engineer in reviewing costs. If Applicant does not submit the request and the certified statement of costs within ninety days of District’s acceptance, Applicant shall have waived all right to reimbursement.

MISCELLANEOUS

Section 9. CEQA Finding

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

The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this ordinance and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

Section 10. Repeal of Prior Ordinances and Resolutions

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

Section 11. Repeal Shall not Revive any Ordinances.

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

Section 12. Effect of Repeal on Past Actions and Obligations.

This ordinance does not affect prosecutions for ordinance violations committed prior to the

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

Section 13. Severance Clause.

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

Section 14. Effect of Headings in Ordinance.

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

Section 15. Effective Date.

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of fifteen (15) days after passage it shall be posted in three (3) public places with the names of the members voting for and against the ordinance and shall remain posted thereafter for at least one (1) week. The ordinance shall be published once with the names of the members of the Board of Directors voting for and against the ordinance in the Five Cities Times Press Recorder.

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

AYES:
NOES:
ABSENT:
ABSTAINING:

ROBERT BLAIR
President of the Board
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

DONNA JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

AGENDA ITEM
MAY 05 1999



DRUMM LANE SEWERS

ITEM

At the April 21, 1999 Regular Meeting, your Honorable Board reviewed a request from Gary and Carol Mitchell for extending a sewer line in Southland to Drumm Lane so they could build on an existing vacant half-acre lot. The Board felt that the variance or request for exemption from the Prohibition Zone would be under the jurisdiction of the Regional Water Quality Control Board and not the District. The District did not support a variance. The Board directed staff to come back to the next meeting with some options for extending the sewer line in Southland Street.

The following are some methods to extend the sewer line in Southland Street.

1. Owner (developer) extension of the sewer line
2. Form a Benefit District to extend the sewer line
3. District install facilities using District funds
4. Community block grant funds to extend the sewer

BACKGROUND (DISCUSSION)

1. Owner (developer) extension of the sewer line

This is the simplest and least expensive method of extending the sewer lines to the owners property. This is where the owner finances and hires their own consultants to install the facilities needed for their project. The District would inspect the improvements and accept them after completion.

2. Form a Benefit District to extend the sewer line

The District could form a Benefit District where properties benefiting from improvements would pay their pro-rata share of the benefit. Because of Prop. 218, each individual property owner would have to agree to pay their pro rated share of the improvements.

The procedure would be as follows:

- The District would create the necessary documents to create the Benefit District. (Incur legal fees)
- The District would hire an engineer to develop plans and specifications.
- The District would go to bid for construction of the project (Pay prevailing wage on job)
- The District would complete the project and spread the total cost to each property owner.

The total project cost utilizing a Benefit Zone can be 50-100% more than when an owner installs the project. Funding for the Zone of Benefit would most likely be from a loan from the Sewer Capacity Fees Fund.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

DRUMM LANE SEWERS
Page 2

3. District install facilities using District funds

This method would be similar to #2 where the District would hire an engineer to put together plans and specifications, go to bid and install improvements with District funds. The District would adopt a similar reimbursement agreement whereas individuals who connect to the sewer line would repay the District for the appropriate share of the improvements. The District has not participated in this type of project that specifically benefits individual property owners.

4. Community Block Grant funds to extend the sewer

The District has contacted the County about a possible Community Block Grant for sewer extensions in the District. There are a number of restrictions in obtaining a Community Block Grant. This funding is usually associated with lower income families. Applications are submitted to the County for review and approval and then put on a priority list. The County usually requests applications of projects in the fall of the year. The following summer, a list of approved projects is prepared for the Board of Supervisors consideration. It is unknown at this time if the Southland sewer extension would qualify.

COMMENTS

Method #1 would be the most practical approach to extending the sewer line in Southland. The neighbors who wish to construct the sewer could get together and fund the program. It may be possible to fund this project over a period of time via mortgage loans on property.

This method is required of all new development within the District.

Method #2 is not recommended because the District is not in the financing or banking industry. The District did not participate in the funding for the sewer line extension for Mr. Newdoll to Honey Grove Lane nor Mr. Kelley on Widow Lane or any other property owner within the District.

Method #3 is not recommended for a sewer line to be constructed by the District specifically for an individual residence. Comments in Method #2 should also be considered.

Method #4 may be available for the District. If the Board wishes, staff would request an application. Funding may take a year or two to acquire.

RECOMMENDATION

1. Staff would recommend that the property owners on Drumm Lane pursue Method #1.
2. The District could investigate further the Community Block Grant Funds.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

AGENDA ITEM
MAY 05 1999



RITE-AID PHARMACY DEVELOPMENT

The District has received a request for service from Terry Payne of Engineering Development Associates (EDA) representing Rite-Aid Pharmacy. The proposed Rite-Aid Pharmacy is located in the northwest intersection of Tefft St. and Mary Ave., across from the proposed Von's Project. (See attached) An Intent-to-Serve may be approved for this commercial development subject to the following conditions:

1. Submit improvement plans for District review and approval prior to commencement of construction.
2. Enter into Plan Check and Inspection Agreement.
3. Construct an eight-inch water line (8") across the front of the property in Tefft Street. The Von's development is planning to construct an 8" water line in Mary Avenue, but if it is not constructed in a timely manner, then the Rite-Aid Pharmacy is to construct this water line.
4. Extend the sewer line in Mary Ave. to the northerly to the northerly property line.
5. Install back flow prevention device as needed on customer side of water meter.
6. Install and maintain (by property owner) any appropriate grease traps as may be required for this project.
7. Submit detailed on-site improvement plans showing all the fixture units for the District may determine the capacity and monthly user fees.
8. Pay all approve District fees.
9. Install minimum three fourths inch (3/4") phone line conduit from the water meter box to the house telephone jack for future phone meter reading capabilities. A pull string must be installed in the conduit.
10. Submit the following before final approval:
 - a) Reproducible "As-Builts"
 - b) Offer of Dedication
 - c) Engineer's Certification
 - d) Summary of costs of water improvements
11. The developer may request a reimbursement agreement, where future developers may tie on to the proposed improvements.
12. Design landscaping for minimum water use.

After the Board has reviewed this item, they may proceed to issue an Intent-to-Serve letter for the Rite-Aid Pharmacy project with the above mentioned conditions.

MARY AVENUE

TEFT STREET

RITE AID
PHARMACY
15,591 SF
100' x 152'



EDA

ENGINEERING
DEVELOPMENT
ASSOCIATES

April 13, 1999

EDA Job # 2-2307-000

Mr. Doug Jones
NCSD
148 South Wilson
Nipomo, CA 93444

Re: Rite Aid Nipomo

Dear Doug,

Please consider this a formal request for a "can and will serve" letter for the enclosed Rite Aid project located at the corner of Tefft Street and Mary Avenue in the community of Nipomo.

Please return the enclosed map with the required easement, along with a service availability letter to EDA, in care of Terry Payne.

If you have any questions concerning this project, please contact our office.

Thank you,

ENGINEERING DEVELOPMENT ASSOCIATES


Terry Payne

Enclosure

2-2307-000

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

AGENDA ITEM
MAY 05 1999

6

OAKGLEN-MALLAGH WATER LINE EASEMENT

ITEM

The acquisition of a right-of-way easement for the construction of the Oakglen-Mallagh water line improvements.

BACKGROUND

The District's Water and Sewer Master Plan indicated a second water line should be constructed across Nipomo Creek between Oakglen Ave. and Mallagh Ave. to improve the water distribution system. An easement is to be acquired from the property owner for the new water line improvements. In proceeding with this project, the property owners (Dana Estate) agreed to a Right-of-Entry to construct the line and to continue negotiations for the final easement. The easement negotiations have been completed.

Compensation for the water line easement with the Dana Estate is as follows:

1.	Payment for the 20-foot easement	\$7,800.00
2.	Payment for a temporary construction easement at \$500.00 per year pro-rated @ 79 days usage	\$ 108.00
3.	Payment of interest at the LAIF rate from Oct 3, 1998 (Notice to Proceed for construction) to May 5, 1999 (the date the warrant is approved in the amount of	\$ 241.52
	Total	\$8,149.52

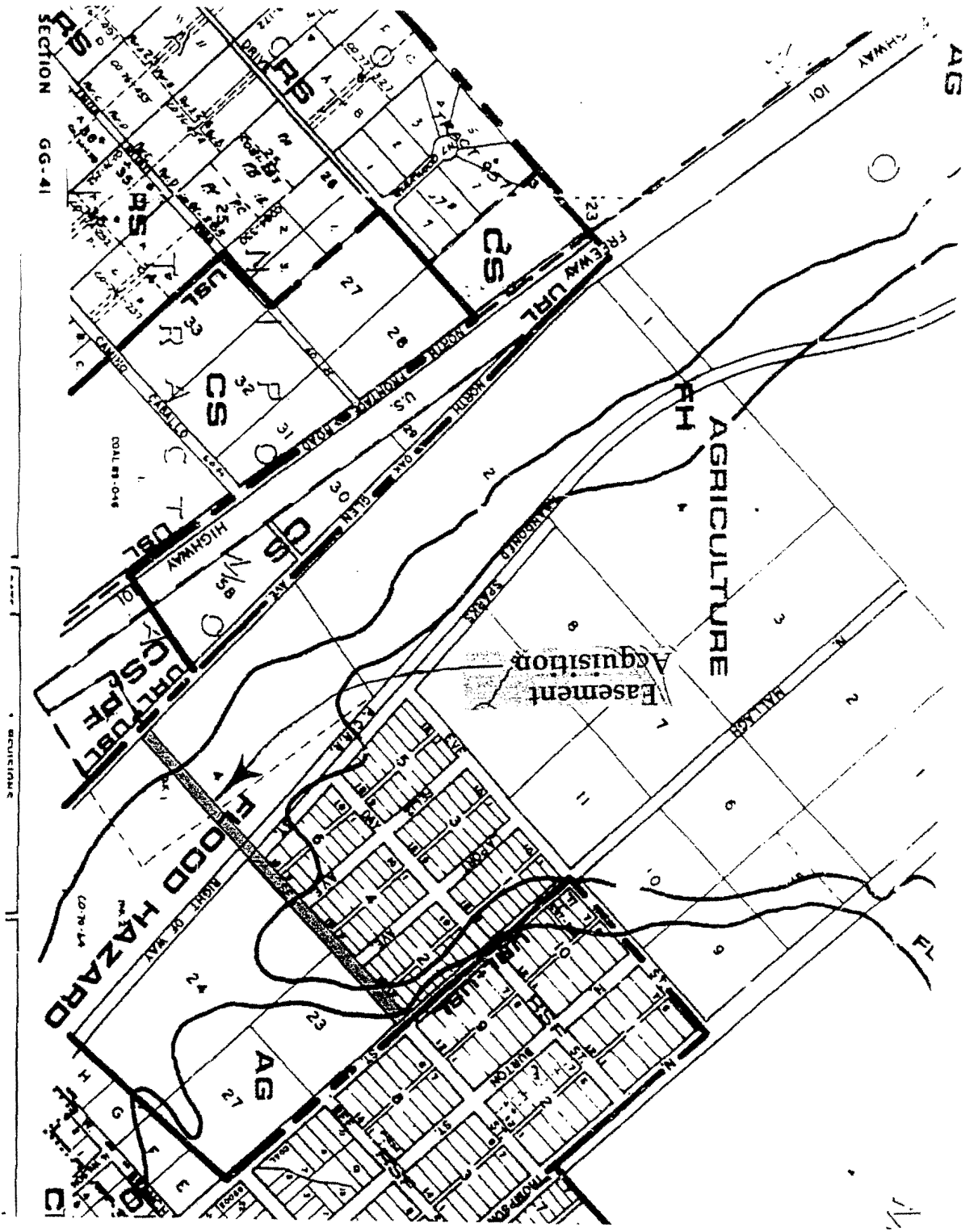
Attached is the executed easement agreement for the Dana Estate for the Board's review. The Dana's have opened an escrow with Cuesta Title for the processing and recording of this easement agreement.

For a public entity to record an easement, the governing body needs to pass a resolution approving said easement for recording. Attached is a resolution for the Board's review.

RECOMMENDATION

Staff recommends that your Honorable Board approve the resolution accepting the agreement and authorize the President of the Board of Directors to execute the Easement Agreement.

Upon recordation of the resolution and easement, compensation will be made directly to the Dana Estate unless otherwise directed by Cuesta Title.



Eileen

RECORDING REQUESTED BY:
NIPOMO COMMUNITY SERVICES DISTRICT

THIRD WORKING DRAFT
February 17, 1999

WHEN RECORDED RETURN TO:

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

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY

THIS AGREEMENT, entered into this ____ day of _____, 1999, by and between Leonard E. Dana, individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust; Edwina Dana Jones, individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust; Maurice W. Doty, individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust; Gwendolyn Doty Martin, individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust; Eileen D. Ruiz, individual and Trustee of the W. G. Dana Trust; Velma D. Marsalek, individual and Trustee of the W. G. Dana Trust and Executor of the Estate of Ona C. Dana, deceased; David Dana, individual; Betty Marquess, individual; Virginia R. Dana, individual; James T. Tognazzini, individual; Dana Barnett, individual; Eugene M. Doty, individual; Paula Dana, individual; and William G. Dana, individual, herein collectively referred to as "Grantors", and the Nipomo Community Services District, herein referred to as "Grantee", or "District", depending on the context, is made with reference to the following recitals:

RECITALS

A. Grantors are the owners of certain real property located in the unincorporated area of the County of San Luis Obispo, State of California, and described as follows:

APN 090-151-009
090-151-005

Lots 23, 24, and ^{SD}27, according to the map of the Resubdivisions of the northern part of Lot 24 of H. C. Ward's Subdivisions of the Rancho Nipomo filed for record in the Office of the County Recorder of said County on April 13, 1887, in Book A, on page 15 of Maps.

B. District desires to acquire an easement to construct and maintain a water line across and under the property more particularly described in Recital A, above.

C. Grantors desire to grant an easement to District for the purposes described in Recital B, above.

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY
WATER LINE/DANA

D. It is anticipated by the parties that repair and/or replacement work will be performed by District on District facilities that are contained within said easement.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. GRANT OF EASEMENT

For valuable consideration, receipt of which is hereby acknowledged, Grantors irrevocably grant in perpetuity, an easement, described in paragraphs 2 and 4 of this Agreement, across, under, and over the property more particularly described in Recital A, above.

2. LOCATION OF EASEMENT

The easement granted herein is described in Exhibit "A" attached hereto and incorporated herein by reference and is herein referred to as THE EASEMENT.

3. SCOPE OF EASEMENT

The purpose and scope of THE EASEMENT is the present and future construction, reconstruction, operation, repair, and maintenance of a single water pipeline system (herein referred to as DISTRICT FACILITIES) in such manner and size and with such accessory parts and structures as District or its successors in interest from time to time deem necessary to install over, upon, and under THE EASEMENT.

4. OBLIGATIONS OF DISTRICT

(a) At the completion of the installation of the DISTRICT FACILITIES, the District agrees to restore the easements described in paragraphs 2 and 4, above, to their original condition. Excavation to be appropriately compacted to prevent subsistence. District shall remedy any subsistence caused by the construction, reconstruction, operation, repair, and maintenance of the DISTRICT FACILITIES.

(b) District Facilities shall be constructed pursuant to San Luis Obispo County specifications or better.

(c) The District, at its sole cost and expense, shall place a 20 foot fence with a gate at each end of THE EASEMENT.

(d) The District shall pay all costs of complying with State Department of Health Services requirements specifically in conjunction with the construction of DISTRICT FACILITIES,

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY
WATER LINE/DANA

and shall procure all related permits and licenses, pay all charges and fees, and give all notices which may be necessary.

(e) The District agrees to indemnify and hold harmless the Grantors from personal injuries and property damage caused by the installation, construction, maintenance, repair and operation of DISTRICT FACILITIES those arising out of the sole negligence of Grantors.

(f) The District, at its sole cost, agrees to place tees in the DISTRICT FACILITIES at Spark Street, Feliz Avenue, and La Port Avenue, for the potential development by Grantors.

(g) District shall pay Grantors \$7,800.00 in consideration for this EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY. Additionally, District shall pay Grantors \$500.00 per year, on a pro rata basis, for the District's use of the temporary construction easement identified in Section 4 of this Agreement.

5. OBLIGATIONS OF GRANTORS

(a) The Grantors, individually or collectively, shall not construct any improvements on, over, or under THE EASEMENT, such as retaining walls, streets, driveways, patios, sidewalks, and orchards which could obstruct District's access to THE EASEMENT or cause damage to DISTRICT FACILITIES contained within THE EASEMENT, without first receiving the written approval of District. Said approval shall not be unreasonably withheld.

(b) Grantors, individually and/or collectively, shall remove improvements constructed in violation of subparagraph (a), above, immediately at Grantor's expense. If Grantors do not remove the improvements, District is authorized to enter the property and remove them. District shall charge all costs, including administrative costs, for the removal of said improvements to Grantors, individually and/or collectively.

(c) Grantors, jointly and severally, agree to indemnify, defend, and hold harmless District and its agents and employees from any claims, suits, or losses of any kind (including attorney's fees and court costs) or any damages occurring to THE EASEMENT and/or any adjacent real or personal property due to District's exercise of its rights to remove improvements, pursuant to subparagraph (b), above.

(d) Grantors shall provide District, its employees, and agents with reasonable access to THE EASEMENT for the purposes more particularly described in paragraph 3, above.

6. MISCELLANEOUS

(a) District has the right to enforce all reimbursement remedies described in paragraph 6(b), above, by all means available to the District including those remedies and enforcement

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY
WATER LINE/DANA

procedures stated in Government Code Section 61621 at seq.

(b) At the sole cost of Grantors, the location of THE EASEMENT granted herein, along with DISTRICT FACILITIES, may be moved upon written agreement of the parties to accommodate future development. The District's written consent to Grantor's request shall not be unreasonably withheld.

(c) This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any oral representations or modifications concerning this Agreement shall be of no force and effect excepting a subsequent modification in writing, signed by the party to be charged.

(d) In the event of any controversy, claim, or dispute relating to this Agreement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorney's fees and costs.

(e) Recitals A through D of this Agreement are hereby incorporated herein by reference.

(f) This Agreement shall bind and inure to the benefit of the respective heirs, personal representatives, successors, and assigns of the parties hereto.

(g) If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

(h) This EASEMENT and Agreement Affecting Real Property shall be recorded in the Official Records in the County Recorder's Office, San Luis Obispo County.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY
WATER LINE/DANA

GRANTORS: (Each Grantor's Signature to be Notarized)

<u>Leonard E. Dana</u> 4-10-99 Leonard E. Dana, Individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust	DATE	<u>Paula Dana</u> 5/6/99 Paula Dana, Individual	DATE
<u>Edwina Dana Jones</u> 4-6-99 Edwina Dana Jones, Individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust	DATE	<u>David Dana</u> 4/6/99 David Dana, Individual	DATE
<u>Maurice W. Doty</u> 4/1/99 Maurice W. Doty, Individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust	DATE	<u>Betty Marquess</u> 7/10/99 Betty Marquess, Individual	DATE
		<u>Virginia R. Dana</u> 4/13/99 Virginia R. Dana, Individual	DATE
		<u>James T. Tognazzini</u> 3/10/99 James T. Tognazzini, Individual	DATE
		<u>Dana Barnett</u> 3/11/99 Dana Barnett, Individual	DATE
<u>X Gwendolyn Doty Martin</u> 4-6-99 Gwendolyn Doty Martin, Individual and Trustee of the Earl E. Dana and Ernest G. Dana Trust	DATE	<u>Eugene M. Doty</u> 4-6-99 Eugene M. Doty, Individual	DATE
<u>Eileen D. Ruiz</u> Eileen D. Ruiz, Individual and Trustee of the W. G. Dana Trust	DATE	<u>- Deceased -</u> William G. Dana, Individual	DATE
<u>Velma Marsalek</u> 4-6-99 Velma Marsalek, Individual and Trustee of W. G. Dana Trust and Executor of the Estate of Ona C. Dana, deceased	DATE		

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY
WATER LINE/DANA

GRANTEE/DISTRICT:

President, Robert Blair
Nipomo Community Services District

Dated: _____

ATTEST:

Donna K. Johnson,
Secretary of the Board

agreemen/Dana Easement and Agreement 11-10-98

EASEMENT AND AGREEMENT AFFECTING REAL PROPERTY
WATER LINE/DANA

EXHIBIT "A"
Waterline Easement
Legal Description

A 20.00 foot wide strip of land across that parcel of land, near the Town of Nipomo, in the County of San Luis Obispo, State of California, designated as Lot 4 according to that map entitled, "Map of the Resubdivisions of the Southwesterly Part of Lot No. 24 of H. C. Ward's Subdivisions of the Nipomo Rancho, being The Property of S. A. Dana, Partly Surveyed and Map drawn by George Story, County Surveyor, in 1887" as filed December 10, 1887 by Elisha Dana in Book "A" at Page 10 of Maps in the office of the Recorder for said county, the centerline of said strip of land lies between the southwesterly boundary of the Pacific Coast Railroad Company Right-of-Way and the southwesterly boundary of said Lot 4 according to said map, and lies parallel with and offset 15.00 feet northwesterly from the southwesterly prolongation of the centerline of "C" Street according to that map entitled, "Map of the Brookside Tract, Nipomo-San Luis Obispo County, California being the property of C. E. - H. C., and P. Fry and S. A. Dana. Surveyed and Map drawn by George Story, County Surveyor, in 1887" as filed at the request of S. A. Dana on August 1, 1887 in Book "A" at Page 28 of Maps in the office of the Recorder for said county,

furthermore the sidelines of the herein above described 20.00 foot wide strip of land shall be lengthened and or shortened to intersect property boundaries.

Also:

A 20.00 foot wide strip of land, near the Town of Nipomo, in the County of San Luis Obispo, State of California, with a centerline that lies between the northeasterly boundary of the Pacific Coast Railroad Company Right-of-Way and the centerline of "Mallagh Street", and lies parallel with and offset 15.00 feet northwesterly from the centerline of "C" Street according to that map entitled, "Map of the Brookside Tract, Nipomo-San Luis Obispo County, California, being the Property of C. E. - H. C. and P. Fry and S. A. Dana, Surveyed and Map drawn by George Story, County Surveyor, in 1887" as filed at the request of S. A. Dana on August 1, 1887 in Book "A" at Page 28 of Maps in the office of the Recorder for said county,

furthermore the sidelines of the herein above described 20.00 foot wide strip of land shall be lengthened and or shortened to intersect property boundaries.

End Description

AGENDA ITEM

MAY 05 1999



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

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 of clarification may be made by the Board members without removal from the Consent Agenda. The recommendation for each item is noted in parentheses.

- a) CAL PERS DEFERRED COMP PLAN (*Approve*)
Employee participation in PERS Deferred Plan Plan
- b) ACCEPTANCE OF TRACT 1940 (BONITA HOMES) IMPROVEMENTS (*Approve*)
Resolution accepting water and sewer improvements for a 9-lot development
- c) ACCEPTANCE OF LIBRARY IMPROVEMENTS (*Approve*)
Resolution accepting sewer line extension to the County Library
- d) NOTICE OF COMPLETION OF THE SUN DALE WELL (*Approve*)
Approving the Notice of Completion of the Sun Dale Well

C:\W:Bd99\Consent050599.DOC

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

CALPERS 457 DEFERRED COMPENSATION PROGRAM

As a member of PERS, the District may offer to its employees the option of participating in a 457 Deferred Compensation Program.

A deferred compensation plan lets an employee take a certain amount of their pay before taxes have been paid on it and invest it in their choice of investment funds offered by the plan. Participation is easy because the employee's contribution is automatically deducted from their paycheck and forwarded to the program. The money the employee puts into the plan reduces their taxable income, which may lower their federal and state income tax bill. Employees do not pay taxes on the contributions or investment earnings until they withdraw the money. This means their accounts grow much faster than a regular after-tax savings account. The 457 refers to the Internal Revenue Code section that governs the tax benefits of deferred compensation plans available exclusively to public employees. Each employee is in charge of managing their own investments within the program.

There is no cost to the District with the exception of some administrative time to deduct the contribution from the employee's paycheck and forward the amount to the program.

It would be staff's recommendation to adopt the Resolution Approving Adoption of California Public Employees' Deferred Compensation Plan.



Board of Administration
P.O. Box 942701
Sacramento, CA 94229-2701
(916) 326-3932

April 22, 1999

Dear CalPERS Employer:

As President of the CalPERS Board of Administration, it is my great pleasure to announce several significant improvements to the CalPERS 457 Deferred Compensation Program. Since 1995, our program has offered public employers like you, a way to provide a secure supplemental retirement savings plan for your employees. And, beginning in July 1999, our program will bring even greater value to them.

To start, we are **reducing our administrative fees by more than half**. As a result of the program's successful growth, we are passing along a 62 percent reduction in Plan Administrative Expense. Combined with low investment management fees, this means your employees will see more of their investment dollars go directly to savings.

Next, we are **broadening our investment choices**. By offering a full spectrum of funds, employees can benefit from greater diversification. A new Small Cap Index Fund tied to the Russell 2000 Index is being added to the program's investment family. Additionally, there will be changes in the core fund management structure in order to enhance returns.

And, we are **expanding our customer services** to keep pace with the growth of the program. Additional professional, non-commissioned CalPERS representatives will be available to your employees – in your area – to provide whatever assistance your employees need. Better access to experienced customer service representatives means better education to help make wise investment choices.

If you are not yet offering the CalPERS 457 Deferred Compensation Program, the time is now! I'm confident you will find this program an excellent opportunity to help your employees reach their retirement goals. We will be sending you more details on our 1999 program improvements soon. However, if you would like to know how you can become a part of this valuable program before then, contact us at (800) 696-3907.

Sincerely,

William Dale Crist, President
CalPERS Board of Administration

MODEL RESOLUTION

RESOLUTION APPROVING ADOPTION OF CALIFORNIA
PUBLIC EMPLOYEES' DEFERRED COMPENSATION PLAN

WHEREAS, _____ (*Employer*) desires to establish a[n additional] deferred compensation for the benefit of its employees; and

WHEREAS, the Board of Administration (the "Board") of the California Public Employees' Retirement System ("CalPERS") has established the California Public Employees Deferred Compensation Plan (the "CalPERS Plan") which may be adopted by a governmental employer the employees of which are members of CalPERS; and

WHEREAS, _____ (*Employer*) believes that the CalPERS Plan and the investment options available thereunder will provide valuable benefits to its employees; and

WHEREAS, the Board has appointed State Street Bank and Trust Company and State Street Bank and Trust Company of California, N.A. (collectively, "State Street") to perform administrative services under the PERS Plan and to act as the Board's agent in all matters relating to the administration of the CalPERS Plan;

NOW, THEREFORE, BE IT RESOLVED that _____ (*Employer*) adopts the CalPERS Plan for the benefit of its employees and authorizes and directs the _____ to execute the attached adoption agreement on behalf of _____ (*Employer*), to provide State Street with the specific terms and conditions of _____ (*Employer*) participation in the CalPERS Plan, and to provide State Street with such information and cooperation as may be needed on an ongoing basis in the administration of the CalPERS plan. A copy of this resolution, the agreement, and any attachments thereto shall be on file in the office of _____.

Passed and adopted as a resolution of the _____, at a meeting held on _____.

ATTEST: _____

California Public Employees' Retirement System
CalPERS 457 Deferred Compensation Program

EMPLOYER ADOPTION AGREEMENT

By executing this Agreement, the employer identified below (the "Employer") adopts the California Public Employees' Deferred Compensation Plan (the "Plan") for the benefit of its employees. The Employer further agrees and represents as follows:

1. The Employer is a political subdivision of the State of California eligible to adopt the Plan for the benefit of its employees.
2. The Employer has duly adopted a resolution (copy attached) or taken such other official action as required for its lawful adoption and implementation of this Plan and has authorized the undersigned to execute this agreement on behalf of the Employer.
3. The Employer has been furnished with and reviewed a copy of the Plan document which explains the rights and obligations of the Employer under the Plan, as well as the rights and options available to the Employer's employees under the Plan; the Employer agrees to follow the terms of the Plan document, which are incorporated herein by reference.
4. The Employer understands and agrees that all amounts deferred under the Plan are to be invested in the Public Employees' Deferred Compensation Fund (the "Fund"), an investment entity established to hold amounts deferred under the Plan, and that the Employer shall have no right to sell, redeem, or otherwise liquidate its investments in the Fund, except as provided in Article 9 of the Plan.
5. The Employer understands that, except for certain responsibilities delegated to the Employer under the Plan, the administration of the Plan and Fund is subject to the exclusive control of the Board of Administration of the Public Employees' Retirement System (the "Board"). The Employer further understands that the board has appointed State Street Bank and Trust Company and State Street Bank and Trust Company of California, N.A. (collectively, "State Street") to perform administrative services under the Plan and to act as the Board's agent in all matters relating to the administration of the Plan; the Employer agrees to deal directly with State Street (or any successor agent duly appointed by the Board) on all matters relating to its participation in the Plan and to cooperate with State Street in the dissemination of Plan information to the Employer's employees.
6. The information set forth on the attached specifications page is complete and accurate and may be relied upon by the Board and State Street in the administration of the Plan on behalf of the Employer and its employees, unless and until the Employer has provided State Street with a written modification of such specifications.
7. The Employer has been furnished with a copy of a manual that describes the procedures to be followed by the Employer in the administration of the Plan for its employees, and the Employer agrees to adhere to the procedures set forth in that manual, and in any revisions thereof or procedural notices that are hereafter furnished, to the Employer.
8. The Employer agrees to make the Plan available to its employees and otherwise to abide by this Agreement commencing on the effective date shown on the attached specifications page; this Agreement shall remain in full force and effect unless terminated by the Employer or the Board upon sixty (60) days prior written notice.

(Name of Employer) _____

By: _____

(Title) _____

Date: _____

Accepted by State Street Bank and Trust Company on behalf of the Board of Administration of the Public Employees' Retirement System

By: _____

Date: _____ Witness: _____

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

AGENDA ITEM
MAY 05 1999



ACCEPTING WATER AND SEWER IMPROVEMENTS FOR
TRACT 1940 (BONITA HOMES)

Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer (Bonita Homes) for Tract 1940, a 9-lot development on Grande Ave. has installed water and sewer improvements and has met the District's conditions of installing the improvements, paid associated fees and provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification. Attached is a resolution accepting the water and sewer improvements for Tract 1940.

It is staff's recommendation that your Honorable Board approve Resolution 99-Tract 1940.

C:\W:Bd99\Accept Tr 1940.DOC

RESOLUTION NO. 99- ACCEPT 1940

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ACCEPTING THE WATER AND SEWER IMPROVEMENTS
FOR TRACT 1940 (BONITA HOMES)**

WHEREAS, on August 15, 1990, the District Board of Directors did conditionally approve water and sewer improvements for Tract 1940, a nine (9) lot development, and

WHEREAS, the District approved and signed the construction plans on July 13, 1998, for the water and sewer improvements to be constructed, and

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

WHEREAS, on December 2, 1998, the Owner offered the water and sewer improvements to the Nipomo Community Services District, and

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

WHEREAS, all water and sewer fees for service, required in conformance with District Ordinances, have been paid in full for nine (9) lots created by Tract 1940, and

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

That the water and sewer improvements constructed to serve the 9 lots created by Tract 1940 are accepted by this District.

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

AYES: Directors _____
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 5th day of May 1999.

Robert Blair, President
Nipomo Community Services District

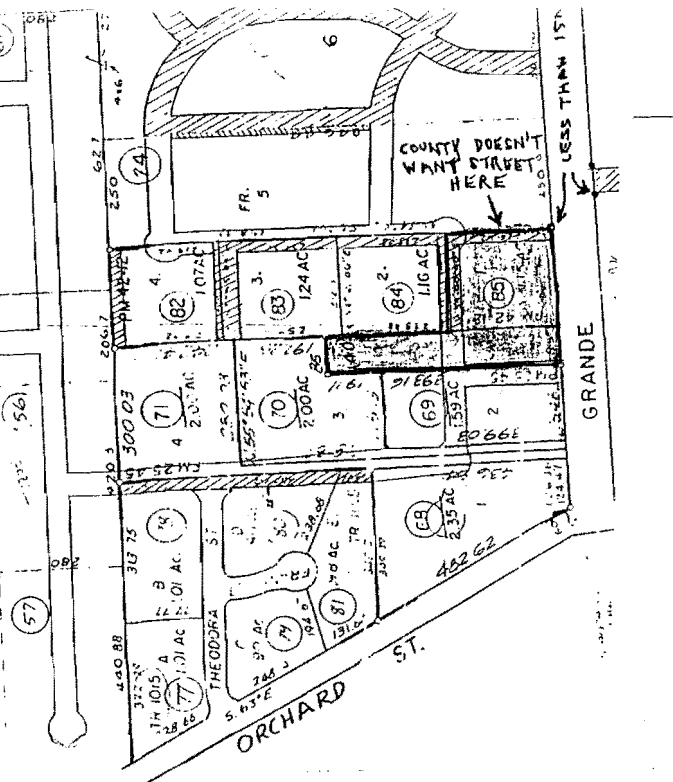
ATTEST:

APPROVED AS TO FORM:

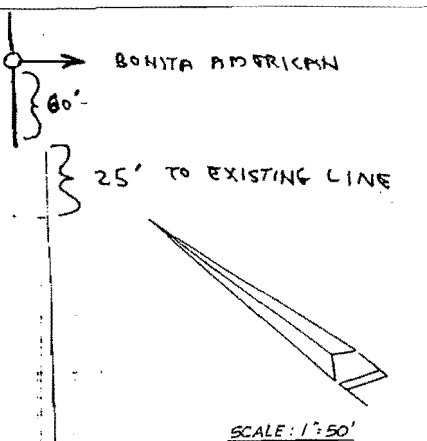
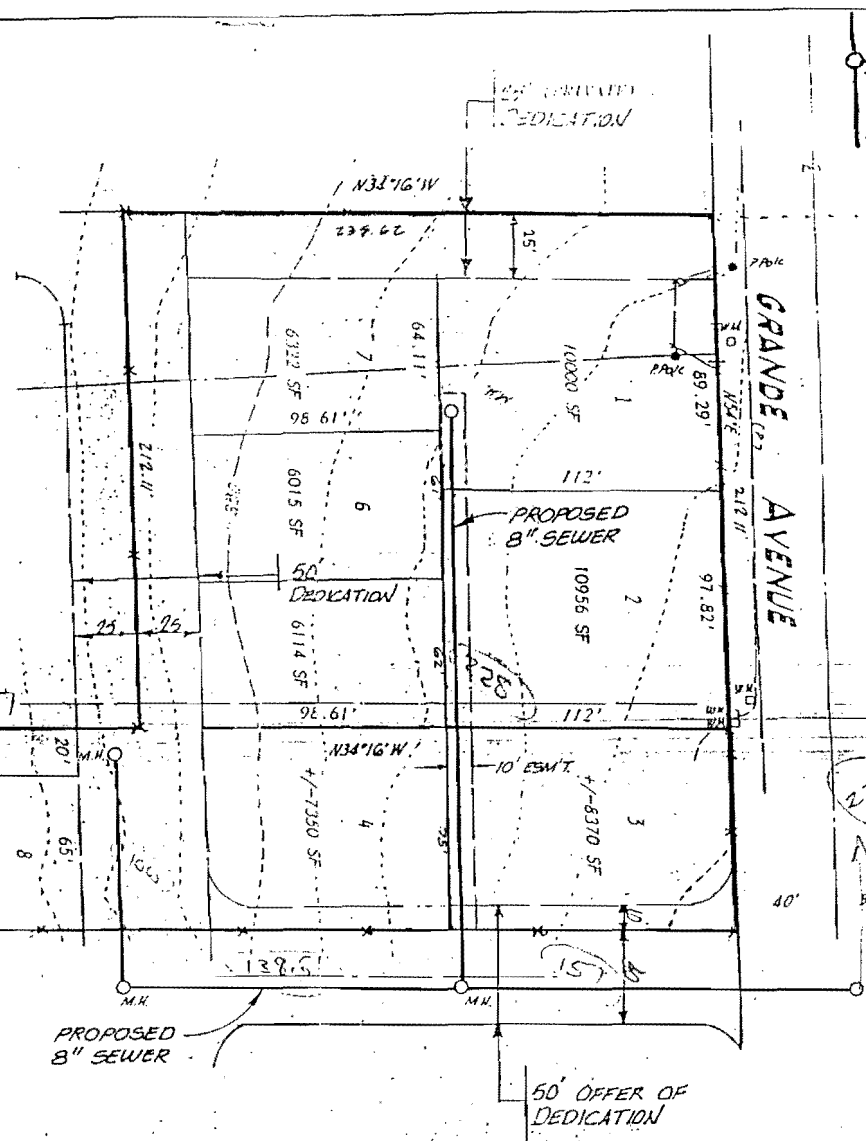
Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

Free Hand



EXIST 10" WATER EASEMENT PER 2132740/224



SCALE: 1" = 50'

PROPOSED SEWER ALIGNMENT DIAGRAM
 for:
 TENTATIVE
TRACT No. 1940

PREPARED BY

COMPLETE ENGINEERING, SURVEYING,
AND PLANNING SERVICES

179 0508 ST., SUITE #
344 LAKES COLLEGE, CA. 95041
(925) 344-7407

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

AGENDA ITEM

MAY 5, 1999



ACCEPTING WATER AND SEWER IMPROVEMENTS FOR
APN 092-122-026 - NIPOMO LIBRARY

Upon completion of a developer's project, the District accepts improvements of the project when all requirements are met. The developer (SLO County) for the Nipomo Library on Tefft Street has installed sewer improvements and has met the District's conditions of installing the improvements, paid associated fees and provided the necessary paperwork, including the Offer of Dedication and the Engineer's Certification. Attached is a resolution accepting the sewer improvements for the Nipomo Library.

It is staff's recommendation that your Honorable Board approve Resolution 99-Library.

C:\W:\Bd99\Accept Library.DOC

RESOLUTION NO. 99- Library

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SEWER IMPROVEMENTS
FOR THE NIPOMO LIBRARY (SAN LUIS OBISPO COUNTY)**

WHEREAS, on February 15, 1995, the District Board of Directors did conditionally approve sewer improvements for the Nipomo Library APN 092-122-026 (San Luis Obispo County), and

WHEREAS, the District approved and signed the construction plans for the sewer improvements to be constructed, and

WHEREAS, the sewer improvements have been constructed and said improvements are completed and certified by the engineer, and

WHEREAS, on April 6, 1999, the Owner offered the sewer improvements to the Nipomo Community Services District, and

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

WHEREAS, all water and sewer fees for service, required in conformance with District Ordinances, have been paid in full for the Nipomo Library on Tefft Street, and

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

That the sewer improvements constructed to serve the Nipomo Library (APN 092-122-026) are accepted by this District.

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

AYES: Directors _____
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 5th day of May 1999.

Robert L. Blair, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

AGENDA ITEM

MAY 05 1999



TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: MAY 5, 1999

SUN DALE WELL

The District has received notice from Jim Garing, Garing Taylor & Associates, that the Sun Dale Well is now completed. This well has had a number of delays as outlined in Mr. Garing's attached letter.

It is staff's recommendation that your Honorable Board accept this well and authorize the Manager to file the attached Notice of Completion.

C:\W:\Bd99\SundaleComplete.DOC



*Civil Engineering
Surveying
Project Development*

April 29, 1999

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

Dear Doug,

SUBJECT: Sun Dale Way Well Acceptance

I inspected the Sun Dale Way Well on Tuesday the 27th of April and found it to be complete. This includes all extra work and cleanup.

I recommend that the Board accept the project and authorize filing of a Notice of Completion.

I realize that the completion of this particular project has taken longer than originally expected, however a number of extenuating circumstances arose which were beyond the control of the Contractor as follows:

1. Between the time the well was completed by Enloe Well Drilling and the beginning of the construction of the current project, the well acquired an infestation of iron bacteria. Treatment for this iron bacteria infestation delayed the project about two weeks while coordination with Barbour Well Surveying was accomplished to treat the well.
2. The delivery of certain items was extended due to manufacturing delays, even though the Contractor ordered the items immediately after being awarded the contract. These items included well pump, surface plate and electric switchgear.
3. Although the well itself could be run on manual by the engine drive fairly early on, none of the electrical equipment could be tested until PG&E accomplished installation of the electric service which occurred in mid-January.
4. The decision by District personnel to operate the well in a full automatic mode (as opposed to the manual mode described in the specification documents), introduced some delays and coordination issues regarding integrating the well automatic gear into the District's existing SCADA system. Most of this work was accomplished by Juan Anderson and Lee Wilson as extra work. We had originally envisioned that this transfer over to full automatic operation would have been done sometime after the well had been accepted and in operation.

Mr. Doug Jones
April 29, 1999
Page 2

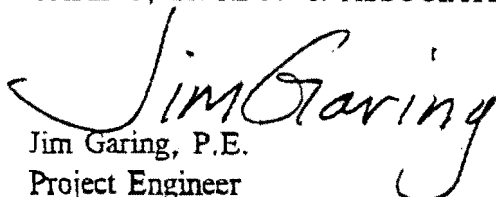
5. About mid-project, I realized that the building cooling fan would be inoperable during periods of PG&E power failure. Even though the building has gravity cooling, it might overheat with the engine drive operating during power failures if the cooling fan were not also operational. A detailed investigation into the best method to solve this problem revealed that a small standby power unit would provide building power during power outages and after discussion with you and the Contractor we all agreed that this would be accomplished as part of the project.
6. When the small standby power unit was tested, it was discovered that the manufacturer had supplied it with a propane regulator as well as a propane carburetor instead of the natural gas carburetor which had been specified by the Engineer and the Contractor. Some time lapsed while this equipment was switched out at no charge to the District.
7. A considerable amount of effort was expended in flushing the well and equipment to pass Bac-T tests. I believe this is a result of the former iron bacteria infestation and not the fault of the current Contractor.
8. During final testing it was discovered that it was impossible to set the air fuel ratio of the main engine drive correctly. This was traced to the natural gas supply regulator. Although The Gas Company had been informed of the exact gas pressure required, they at this much later date informed us that they would either supply 5 inches of gas pressure or 5 pounds per square inch of gas pressure and nothing in between. This required some thought and a secondary regulator to supply correct gas pressure to the engine and therefor be able to set the air fuel ratio properly.

Although it took longer than anticipated to complete this project, the Contractor performed the project in a workmanlike and acceptable manner. To refresh some recollection of the Board, this project, if operated at a rate of about 10 hours per day will save the District approximately \$50,000.00 per year in operational and energy costs.

If you have any questions, please contact me.

Very truly yours,

GARING, TAYLOR & ASSOCIATES, INC.


Jim Garing, P.E.
Project Engineer

Enclosures

c:\ytrs\m-z\ND97035B.jgh

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

NIPOMO COMMUNITY SERVICES DISTRICT
P.O. Box 326
Nipomo, CA 93444

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

Notice is hereby given that: The Sun Dale Well Project is completed.

1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is Nipomo Community Services District
3. The full address of the owner is Post Office Box 326
148 South Wilson Street, Nipomo, CA 93444
4. The nature of the interest or estate of the owner is: In fee.

(If other than fee, strike "In fee: and insert, for example, "purchaser under contract of purchase," or "lessee")

5. The full names and full addresses of all persons, if any, who hold title with the undersigned as joint tenants or as tenants in common are:

NAMES	ADDRESSES
Nipomo Community Services District	PO Box 326, Nipomo, CA 93444

6. A work of improvement on the property hereinafter described was completed on 5/5/99 the work done was:
Construction of a new water well, pump and motor at Sun Dale Well.

7. The name of the contractor, if any, for such work of improvement was Baker Construction Co.

8. The property on which said work of improvement was completed is in the city of Nipomo

County of San Luis Obispo, State of California, and is described as follows: Construction of a new well, pump and motor

9. The street address of said property is Sun Dale and Camino Caballo

Dated: May 5, 1999

Verification for individual Owner

Signature of owner or corporate officer of owner
named in paragraph 2 or his agent

VERIFICATION

I, the undersigned, say: I am the Manager the declarant of the foregoing
("President of", "Manager of", "A partner of", "Owner of", etc.)

notice of completion; I have read said notice of completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, 19____, at _____, California.
(Date of signature) (City where signed)

(Personal signature of the individual who is swearing that the contents of
the notice of completion are true.)



TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: MAY 5, 1999

MANAGER'S REPORT

1. BUDGET STUDY SESSION

District staff met with the Black Lake Advisory Committee and the Board Budget Committee on the proposed Budget for Fiscal Year 99-00. The committees recommended minor changes to the budget, which will be incorporated into the revised budget. It was suggested that a day Board Study Session be set to review the budget. Since there are only minor changes, the Board may wish to defer the Study Session and set the June 2, 1999 Board meeting for final review and adoption.

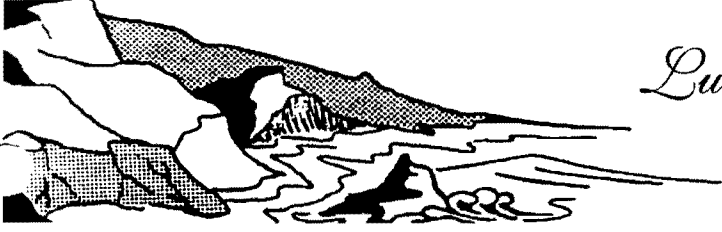
2. SCHOOL DISTRICT CORRESPONDENCE

The District has received a letter from Eric Howell, President of the Board of Education of the Lucia Mar School District with respect to new resident developments impact on school facilities. As the Board is aware, the County of San Luis Obispo has the land use authority with respect to development in Nipomo to which the District provides water and sewer services. The development in the Nipomo area is primarily associated with the County's established land use plan and the economics of the times. A copy of this letter has been forwarded to Supervisor Achadjian (Katcho) for his information.

3. First Calendar Year Quarter Incident Report

Enclosed for the Board's review is an Incident Report of January 99 through March 99.

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Lucia Mar Unified School District

602 Orchard Street ♦ Arroyo Grande, CA 93420
(805) 473-4312 ♦ Fax: (805) 473-1593

ARROYO GRANDE

NIPOMO

GROVER BEACH

OCEANO

PISMO BEACH

April 20, 1999

RECEIVED

APR 27 1999

The Honorable Board of Directors
Nipomo Community Services District
148 South Wilson Street
Nipomo, CA 93444-0326

NIPOMO COMMUNITY
SERVICES DISTRICT

RE: LUCIA MAR UNIFIED SCHOOL DISTRICT - SCHOOL FACILITIES IMPACTS

Dear Board of Directors:

The Board of Education of the Lucia Mar Unified School District ("Board") appreciates this opportunity to express its concerns about the pace of new residential construction within the Lucia Mar Unified School District ("District"). As you are aware, the District is severely impacted and attempting to remedy its capacity shortfalls through the construction of a new high school and elementary school. Although the Board strives toward solving our school facilities needs, our situation is continuously frustrated by the rapid rate of new residential construction within our boundaries.

The District is experiencing tremendous growth from various residential developments. To accommodate increased growth, the District continues to use temporary portable classrooms to meet its needs. We currently have 147 portable classrooms throughout the District with an additional seven to be added to accommodate growth in the 1999-2000 school year. In addition, we continue to persevere in our commitment to build new schools for our community. The District is moving forward with construction of Nipomo High School and hopes to have this new facility open and operating by the 2002 school year. We also plan on constructing a new elementary school in the Nipomo area and five cities area in the near future.

In addition to the challenges faced by the enormous residential growth in our district, we are also struggling with the implementation of the recently enacted Senate Bill 50/Proposition 1A. As you may be aware, the school facilities mitigation component of Senate Bill 50 became effective upon the electorate's passage of Proposition 1A. Senate Bill 50 substantially changes the developer fee mitigation process that we have grown accustomed to over the past 13 years. As a result of Senate Bill 50, the District is currently in the process of assessing its school facilities impacts consistent with the statutory requirements of this new legislation. We are in the process of conducting the School Facilities Needs Analysis and evaluating the Nipomo Community Services District's role in the school facilities planning process.

The Honorable Board of Directors
Nipomo Community Services District
April 20, 1999
Page 2

The Board respectfully requests that the Nipomo Community Services District take into account the District's need to plan for adequate school facilities concurrent with the rate of new residential development. Currently, we are unable to meet the growing needs of the District as a result of continuous approval of new development projects. We would appreciate the opportunity to meet with the Nipomo Community Services District to further explore mechanisms for addressing these critical issues. We believe it is vital for the District and the Nipomo Community Services District to work together to insure that adequate school facilities will be available to accommodate the growing needs of our community.

Again, we appreciate this opportunity to share our concerns with you and look forward to working with the Nipomo Community Services District to provide positive results for our schools in our communities.

Respectfully,



Erik Howell, President
Board of Education

EH:mg

NIPOMO COMMUNITY SERVICES DISTRICT

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

April 28, 1999

K.H. "Katcho" Achadjian
San Luis Obispo County
4th District Supervisor
County Administrative Office, Room 370
County Government Center
San Luis Obispo, CA 93408


SUBJECT: LETTER FROM LUCIA MAR SCHOOL DISTRICT, APRIL 20, 1999

Enclosed is a letter from Mr. Eric Howell, President of the Board of Education of the Lucia Mar Unified School District to the Nipomo Community Services District Directors about the local growth impact on the school district. Since San Luis Obispo County has the jurisdiction over land use (developments) in the Nipomo Area, this letter is being sent for your information.

If you have any questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones
General Manager

cc: Lucia Mar Unified School District

C:\W\Katcho-school

INCIDENT REPORT

COMPLIMENT LOG

JANUARY 1, 1999 THROUGH MARCH 30, 1999

DATE	TYPE OF COMPLIMENT	NUMBER
JANUARY	Nice building	8
FEBRUARY	Finding Leak	2
MARCH	Fast Response	8
	Quick and Nice Clean Up	3
	Helpful with a problem	12
	Information	8
	Correcting error	1
	Other	7

COMPLAINT LOG

JANUARY 1, 1999 THROUGH MARCH 30, 1999

DATE	STREET	INCIDENT REPORTED	CAUSE	ACTION TAKEN
1-4-99	Mercury	Sewer smells	Not in jurisdiction	Called county
1-4-99	W. Tefft	Sewer smells	Low vent on building	Advised customer to clean or replace
1-5-99	Lema Drive	Sand in water	Construction	Flushed
1-5-99	Citrus	Sewer smells	Contractor hooked to wrong lateral	Contractor notified
1-6-99	Sun Dale	Mess around well	Sofa and other trash dumped	Will clean up when site is complete
1-6-99	Primrose	Sewer backing up into house	Plugged lateral at house	Advised customer to call plumber
1-13-99	Primrose	Green water	Customer side	Tested for iron and copper
1-14-99	Camino Caballo	Grey water running down street	Septic	Called SLO County Health Department
1-20-99	Quail Oaks	Angle stop too tight	Rusty and unused	Cleaned and worked
1-20-99	Champions	Sediment in water	Water heater	Advised cust. to maintain water heater
1-20-99	Rosana	High pressure	No regulator on house	Tested pressure-Advised cust. to get regulator
1-29-99	Quito	Sewer smell	Cust. toilet plugged	Checked out manholes and leach field
2-2-99	W. Tefft	Sewer smell	Vent on building next to fan intake	Advised customer
2-18-99	E. Tefft	Leak at meter and mess not cleaned up	Replaced angle stop	After rain stopped, cleaned mess
3-1-99	Juniper	Sand in water	House lower than street	Flushed
3-8-99	Summit Station	Low pressure to run rainbirds for construction	Low pressure in morning System OK	Cust. got hydrant meter for construction
3-11-99	Black Oak	Water smell and dirt in line	New construction clue. Water heater set for long time	Flushed fire hydrant and advised customer to flush water heater
3-17-99	Pioneer	Low pressure	Gate valve broken	Replaced gate valve

WARRANTS MAY 5, 1999

HAND WRITTEN CHECKS

18131	SLO COUNTY RECORDERS OFFICE	28.00
18132	BONITA HOMES, INC	4,471.83
18133	BL RANCH ESTATES	2,244.57
18135	DANA ESTATE	8,149.52

NET PAYROLL

CK# 2708-2715	\$11,579.67
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VOIDS

18134
10866
2707

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COMPUTER GENERATED CHECKS

10867	04/30/99	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$869.36
10868	04/30/99	DOUG JONES	\$300.00
10869	04/30/99	PUBLIC EMPLOYEES RETIREMENT SYSTEM	\$1,799.66
10870	05/05/99	ADVANTAGE ANSWERING PLUS	\$103.95
10871	05/05/99	ROBERT BLAIR	\$100.00
10872	05/05/99	BOGNUMA, LISA	\$101.68
10873	05/05/99	CHEVRON	\$560.45
10874	05/05/99	DANA PROPERTIES	\$205.90
10875	05/05/99	FGL ENVIRONMENTAL ANALYTICAL CHEMIST	\$344.80
10876	05/05/99	GILLESPIE LANDSCAPE	\$217.00
10877	05/05/99	GOVERNMENT FINANCE OFFICERS ASSOCIAT	\$125.00
10878	05/05/99	GTE CALIFORNIA	\$27.63
10879	05/05/99	GREAT WESTERN ALARM AND COMMUNICATIO	\$25.00
10880	05/05/99	JOHNSON, DONNA	\$32.62
10881	05/05/99	GENE KAYE	\$200.00
10882	05/05/99	MCKESSON WATER PRODUCTS	\$14.26
10883	05/05/99	MADONNA, JOHN CONSTRUCTION	\$600.00
10884	05/05/99	ALEX MENDOZA	\$150.00
10885	05/05/99	MID STATE BANK-MASTERCARD	\$249.55
10886	05/05/99	MOBRAATEN, RICHARD	\$100.00
10887	05/05/99	NIPOMO REXALL DRUG	\$4.29
10888	05/05/99	P G & E	\$14,252.34
10889	05/05/99	PERRY'S ELECTRIC MOTORS & CONTROLS	\$883.62
10890	05/05/99	PERS HEALTH BENEFIT SERVICES	\$3,061.69
10891	05/05/99	PIONEER EQUIPMENT CO.	\$125.25
10892	05/05/99	POOR RICHARD'S PRESS	\$167.45
10893	05/05/99	POSTMASTER	\$500.00
10894	05/05/99	PRECISION JANITORIAL SERVICE	\$135.00
10895	05/05/99	RUSSCO	\$534.30
10896	05/05/99	SANTA MARIA TIMES	\$385.31
10897	05/05/99	ALBERT SIMON	\$150.00
10898	05/05/99	SOUTHERN CALIF GAS COMPANY	\$118.06
10899	05/05/99	STATEWIDE SAFETY & SIGNS, INC.	\$35.00
10900	05/05/99	U S POSTAL SERVICE	\$727.20
10901	05/05/99	WASTEWATER SOLIDS MANAGEMENT CO	\$24,000.00
10902	05/05/99	FLOYD V. WELLS, INC.	\$25,500.66