

TO: BOARD OF DIRECTORS  
REVIEWED: MICHAEL S. LEBRUN *M.S.L.*  
GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E. *P.V.S.*  
DIRECTOR OF  
ENGINEERING & OPERATIONS

**AGENDA ITEM  
E-1  
JULY 22, 2015**

DATE: JULY 16, 2015

**AUTHORIZE CHANGE ORDER FOR  
SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4**

**ITEM**

Consider authorizing Change Order for construction of Knollwood Well Chloramination Improvements as part of Supplemental Water Project Phase 1 Bid Package 4 [RECOMMEND ADOPT RESOLUTION AUTHORIZING STAFF TO ISSUE CHANGE ORDER NOT TO EXCEED \$252,900 TO SPIESS CONSTRUCTION INC. FOR CONSTRUCTION OF THE KNOLLWOOD CHLORAMINATION IMPROVEMENTS AS PART OF SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4].

**BACKGROUND**

The Nipomo Supplemental Water Project Phase 1 (Project) interconnects the District water distribution system with the City of Santa Maria water distribution system. The Project consists of approximately 7500 lineal feet of 24 inch diameter ductile iron pipe (DIP) waterline, 2600 lineal feet of 24 inch nominal inside diameter high-density polyethylene (HDPE) pipe under the Santa Maria River, a flow meter and flow control station, a 400 gallon per minute (gpm) pump station with two (2) pumps, a chloramination system, and related power, back-up power, controls and instrumentation systems, a pressure reducing station, and chloramination systems at four (4) existing District production wells. The Project is in the process of being commissioned.

The Project will deliver 650 acre-feet per year (AFY) of supplemental water purchased by the District from the City of Santa Maria and will allow the District to reduce pumping from existing wells to slow the depletion of groundwater and reduce the potential for seawater intrusion on the Nipomo Mesa. The Project will also increase the reliability of the District water supply by providing an additional source other than groundwater. The Project is consistent with the settlement agreement and the judgment related to the groundwater adjudication of the Santa Maria Groundwater Basin.

The Project included the construction of chloramination facilities at four (4) existing District productions wells – Sundale, Eureka, Via Concha and Blacklake Well #4. These wells were selected to provide the District with the ability to meet system demand if the Project was out of service for an extended period of time. A “portable” chloramination system was planned for the Knollwood Well if the District needed to activate the well to meet system demand.

Since 2008 when the initial planning was performed for the Project, the District has experienced several well pump failures. In addition, implementing chloramination facilities at the 4 existing well sites has proven to be more difficult and costly than originally envisioned. Thus, in order to provide increased system reliability and provide operational flexibility, staff recommends that a “permanent” chloramination system be constructed at the Knollwood Well similar to the other wells.

District staff, with assistance from MNS, is in the process of negotiating a change order with Spiess Construction Co. Inc. for construction of chloramination improvements at the Knollwood Well. The cost is expected not to exceed \$252,900. The cost is slightly higher than the original bids for the other well sites two years ago due to price increases since that time.

**FISCAL IMPACT**

The total Supplemental Water Project Phase 1 construction costs, including contingency, were estimated at approximately \$14.665 million. A summary of costs to date is as follows:

<b>Contract</b>	<b>Contract Cost</b>	<b>Notes</b>
BP 1 – Santa Maria River Crossing	\$6,068,278	Completed
BP 3 – Blosser Road Watermain	\$2,841,610	Completed
BP 4 – Joshua Road Pump Station	\$5,205,595	Current contract cost
Remaining Contingency	\$550,087	Available for construction
<b>Estimated Construction Total</b>	<b>\$14,665,570</b>	

Thus, funding for the chloramination improvements at the Knollwood Well is available within the existing construction budget for Supplemental Water Project Phase 1.

**STRATEGIC PLAN**

Goal 1 – WATER SUPPLY – Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

**RECOMMENDATION**

Staff recommends that the Board, by motion and roll call vote, adopt a resolution authorizing staff to issue a change order to Spiess Construction Co. Inc. for a not to exceed amount of \$252,900 for the construction of the Knollwood Well Chloramination Improvements as part of the Supplemental Water Project Phase 1 Bid Package 4.

**ATTACHMENTS**

- A. Resolution 2015-XXXX SWP Phase 1 BP 4 Change Order

July 22, 2015

E-1

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2015-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING CHANGE ORDER FOR  
SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4**

**WHEREAS**, the District's Strategic Plan and 2010 Urban Water Management Plan outline the need for securing supplemental water sources; and

**WHEREAS**, the construction of Supplemental Water Project Phase 1 will increase the reliability of the District's water supply by providing an additional source other than groundwater; and

**WHEREAS**, the construction of Supplemental Water Project Phase 1 is consistent with the settlement agreement and the judgment related to the groundwater adjudication of the Santa Maria Groundwater Basin; and

**WHEREAS**, the construction of Supplemental Water Project Phase 1 will have beneficial effects on groundwater supplies within the Nipomo Mesa Management Area; and

**WHEREAS**, the District awarded the bid for the Supplemental Water Project Phase 1 Bid Package 4 to the lowest responsive and responsible bidder, Spiess Construction Co., Inc., in the amount of \$4,364,030; and

**WHEREAS**, constructing chloramination facilities at the Knollwood Well as part of the Bid Package 4 contract will increase the reliability of the District's water system as well as provide operational flexibility; and

**WHEREAS**, the Board of Directors has considered the staff report and staff presentation; and

**WHEREAS**, District staff, with assistance from MNS Engineers, is in the process of negotiating a change order with Spiess Construction Co. Inc. for construction of chloramination improvements at the Knollwood Well and the cost is not expected to exceed \$252,900.

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

1. The above recitals and findings are incorporated herein by this reference.
2. The General Manager is authorized to execute a Change Order with Spiess Construction Co. Inc. for construction of Knollwood Well Chloramination Improvements for a not to exceed cost of \$252,900.

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

**AYES:**

**NOES:**

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2015-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING CHANGE ORDER FOR  
SUPPLEMENTAL WATER PROJECT PHASE 1 BID PACKAGE 4**

**ABSENT:  
CONFLICTS:**

The foregoing resolution is hereby adopted this 22<sup>nd</sup> day of July 2015.

\_\_\_\_\_  
**CRAIG ARMSTRONG**  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
**MICHAEL S. LEBRUN**  
General Manager and Secretary to the Board

\_\_\_\_\_  
**MICHAEL W. SEITZ**  
District Legal Counsel

TO: BOARD OF DIRECTORS  
REVIEWED: MICHAEL S. LEBRUN *ML*  
GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E. *P.V.S.*  
DIRECTOR OF  
ENGINEERING & OPERATIONS  
DATE: JULY 15, 2015

**AGENDA ITEM  
E-2  
JULY 22, 2015**

**APPROVE PURCHASE OF WHEEL LOADER AND  
AMEND FY 2015/2016 BUDGET**

**ITEM**

Approve purchase of wheel loader from the Quinn Company in the amount of \$123,183 and amend FY 2015/2016 Budget [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING PURCHASE OF WHEEL LOADER AND BUDGET AMENDMENT].

**BACKGROUND**

The District's upgraded Southland Wastewater Treatment Facility (WWTF) generates biosolids as part of the wastewater treatment process. The biosolids are dried on-site in concrete lined drying beds and ultimately will be hauled off-site to a disposal or composting facility. To facilitate the drying process, it is necessary for District staff to move the biosolids within the drying beds. In addition, once dried, the biosolids are consolidated in a designated drying bed. The final step is to load the dried biosolids into a truck or roll-off container for hauling. The District is currently using a small tractor to perform this work which has proven to be very inefficient and labor intensive.

Funding for the purchase of a wheel loader for biosolids handling at the Southland WWTF was approved in the FY 2015-2016 budget. The District is a member of the National Joint Powers Alliance (NJPA), a national government purchasing cooperative, which provides the District the opportunity to purchase through nationally bid contracts. The District has purchased several generators over the last few years through a NJPA vendor at a considerable cost savings to the District. A current NJPA equipment vendor is Caterpillar Corporation and the local representative is the Quinn Company. District staff solicited a proposal from the Quinn Company for a wheel loader. Quinn provided a NJPA quote of \$123,183 for a Caterpillar Model 914K Wheel Loader.

**FISCAL IMPACT**

The approved FY 15-16 budget includes funding for a wheel loader in the amount of \$80,000. The FY 15-16 budget also includes \$200,000 for biosolids disposal. Staff anticipates that approximately \$150,000 will be required for biosolids disposal in the current fiscal year, based on a more refined estimate than was available at budget preparation time, and thus a total of \$130,000 is available for purchase of the wheel loader.

**STRATEGIC PLAN**

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT. Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

**RECOMMENDATION**

Staff recommends that the Board, by motion and roll call vote, adopt a resolution authorizing purchase of a Caterpillar Model 914K Wheel Loader from the Quinn Company in the amount of \$123,183 and approving a budget amendment transferring \$50,000 from Fund 130 Operating Expenditures, Repairs and Maintenance, to Fund 130 Fixed Asset Expenditures.

**ATTACHMENTS**

- A. Resolution 2015-XXXX Wheel Loader

July 22, 2015

E-2

ATTACHMENT A



**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2015-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES  
DISTRICT AUTHORIZING PURCHASE OF WHEEL LOADER FROM  
QUINN COMPANY IN THE AMOUNT OF \$123,183 AND AMENDING FY 2015/2016 BUDGET**

**WHEREAS**, the District's upgraded Southland Wastewater Treatment Facility (WWTF) generates biosolids as part of the wastewater treatment process; and

**WHEREAS**, to facilitate the drying process, it is necessary to move the biosolids within and between drying beds and the small tractor the District is currently using to perform this work has proven to be very inefficient and labor intensive; and

**WHEREAS**, funding for a wheel loader for biosolids processing was approved in the FY 2015-2016 budget in the amount of \$80,000 and the FY 15-16 budget also includes \$200,000 for biosolids disposal and based on the anticipated total cost of \$150,000 for biosolids disposal, \$50,000 is available; and

**WHEREAS**, the District is a member of the National Joint Powers Alliance (NJPA), a national government purchasing cooperative, which provides the District the opportunity to purchase through nationally bid contracts; and

**WHEREAS**, District staff obtained a NJPA quote for a Caterpillar Model 914K wheel loader from the Quinn Company in the amount of \$123,183.

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

- 1) The above recitals are true and correct.
- 2) The District Board of Directors does hereby approve a budget amendment transferring \$50,000 from Fund 130 Operating Expenditures, Repairs and Maintenance, to Fund 130 Fixed Asset Expenditures.
- 3) The District Board of Directors does hereby approve the purchase of a wheel loader from the Quinn Company in the amount of \$123,183.

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

**AYES:**

**NOES:**

**ABSENT:**

**CONFLICTS:**

The foregoing resolution is hereby adopted this 22<sup>nd</sup> day of July 2015.

\_\_\_\_\_  
**CRAIG ARMSTRONG**  
President, Board of Directors

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
**MICHAEL S. LEBRUN**  
General Manager and Secretary to the Board

\_\_\_\_\_  
**MICHAEL W. SEITZ**  
District Legal Counsel

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: JULY 17, 2015

**AGENDA ITEM**  
**E-3**  
**JULY 22, 2015**

## **INTRODUCE ORDINANCE TO REPEAL CHAPTER 3.24 OF DISTRICT CODE**

### **ITEM**

Introduce and edit, if necessary, an Ordinance to repeal Chapter 3.24 of District code pertaining to superseded policy. [RECOMMEND BY MOTION AND ROLL CALL VOTE AUTHORIZE STAFF TO READ PROPOSED ORDINANCE BY TITLE ONLY AND THEN, BY SEPARATE MOTION, INTRODUCE ORDINANCE AND SET HEARING DATE FOR ADOPTION]

### **BACKGROUND**

On April 23, 2014, your Board adopted the Water Shortage Management and Response Plan. The Plan supersedes and replaces Chapter 3.24, Water Conservation and Emergency Water Shortage Regulation.

### **FISCAL IMPACT**

Staff time preparing board materials.

### **STRATEGIC PLAN**

Goal 1. WATER SUPPLIES. Actively plan to provide reliable water supply of sufficient quality and quantity to serve both current customers and those in the long-term future.

### **RECOMMENDATION**

By motion and roll call vote authorize staff to read proposed Ordinance by title only and then, by separate motion, introduce Ordinance and set hearing date for adoption.

### **ATTACHMENTS**

- A. Ordinance 2015-XXX Repeal Chapter 3.24 Water Shortage
- B. Chapter 3.24 Water Conservation and Emergency Water Shortage Regulations
- C. Resolution 2014-1336 Water Shortage Response and Management Plan

July 22, 2015

E-3

ATTACHMENT A

**ORDINANCE NO. 2015-XXX**

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING CHAPTER 3.24 OF THE DISTRICT CODE**

**WHEREAS**, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to §61100(a) of the Community Services District Law, and

**WHEREAS**, Chapter 3.24, Water Conservation and Emergency Water Shortage Regulations, of the District Code has been superseded by the adoption of the Water Shortage Response and Management Plan by the Board of Directors on April 23, 2014, Resolution 2014-1336; and

**WHEREAS**, the District Board of Directors, at a public meeting, on July 22, 2015, considered a Staff Report, and public testimony regarding repealing Chapter 3.24 of the District Code; and

**WHEREAS**, on August 12, 2015, the District Board of Directors, at a public meeting, took the following actions in considering the repealing of Chapter 3.24:

- A. Considered the facts and analysis as presented in the Staff Report prepared for the adoption of this Ordinance;
- B. Conducted a public hearing to obtain public testimony on the proposed Ordinance;

**WHEREAS**, based on the Staff Report, staff presentation, and public comment, the District Board of Directors finds:

- A. Chapter 3.24 is no longer applicable and has been superseded by the Water Shortage Response and Management Plan.

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

**Section 1. Chapter 3.24 of the District Code**

Chapter 3.24 of the District Code is hereby repealed in their entirety.

With the repeal of Chapter 3.24, the following are hereby repealed:

- Ordinance 92-65 in its entirety
- Resolution 2008-1098 in its entirety
- Section 7 of Ordinance 2005-105
- Ordinance 2009-113 in its entirety

And replaced with

Chapter 3.24 Water Shortage Response and Management Plan

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING CHAPTER 3.24 OF THE DISTRICT CODE

**Section 2. Incorporation of Recitals**

The recitals to this Ordinance are true and correct and are incorporated herein by this reference.

**Section 3. Severability**

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 4. 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 5. Inconsistency**

To the extent that the terms of provision of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations adopted by the District, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

**Section 6 — CEQA**

The Board of Directors of the District finds that the policies and procedures adopted by this Ordinance are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the rules and regulations established by this Ordinance is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the action will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

**Section 7 — California Department of Fish and Wildlife Certificate of Fee Exemption**

Pursuant to § 711.4 (c)(2)A of the Fish and Game Code, the District Board of Directors finds that rules and regulations adopted by this Ordinance will have no effect on fish and wildlife. The General Manager is authorized to file a California Department of Fish and Game Certificate of Fee Exemption.

AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
REPEALING CHAPTER 3.24 OF THE DISTRICT CODE

**Section 8. Effective Date**

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Ordinance shall be published once with the names of the members of the Board of Directors voting for and against the Ordinance in a paper of general circulation.

Introduced on the 22nd day of July, 2015 and adopted by the Board of Directors of the Nipomo Community Services District August 12, 2015, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAINING:

\_\_\_\_\_  
CRAIG ARMSTRONG  
President of the Board

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
MICHAEL S. LEBRUN  
General Manager and Secretary to the Board

\_\_\_\_\_  
MICHAEL W. SEITZ  
District Legal Counsel

July 22, 2015

E-3

**ATTACHMENT B**

## Chapter 3.24 - WATER CONSERVATION AND EMERGENCY WATER SHORTAGE REGULATIONS

**Sections:**

## 3.24.010 - Definitions.

"Applicant" means person who requests water from the district.

"Customer" means person receiving water from the district distribution system.

"District" means Nipomo Community Services District.

"HFC" means hundred cubic feet.

"Potentially severe water shortage conditions" means the finding of the Nipomo Mesa Management Area Technical Group that a potentially severe water shortage condition exists within the Nipomo Mesa Management Area pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation (Santa Maria Valley Water Conservation District vs. The City of Santa Maria, et al. Case No. CV 770214)

*(Ord. 92-65 1, 1992)*

*(Ord. No. 2009-113, § 1(Exh. A), 10-14-2009)*

## 3.24.020 - Voluntary restrictions on non-essential and/or wasteful use of water.

## A. The waste of district water includes:

1. Use through any meter when the utility has notified the customer in writing to repair a broken or defective lateral, sprinkler, watering or irrigation system and the customer has failed to effect such repairs within five business days;
2. Use of potable water for washing streets with trucks, except to protect the health and safety of the public;
3. Operation of commercial car washes without recycling at least fifty percent of the potable water used per cycle; and
4. The use of potable water to jet wash sewer lines, except where required for public health or safety; and
5. Individual private washing of cars, trucks, trailers, and commercial vehicles with a hose except with the use of a positive action shut-off nozzle.

## B. In addition to those restrictions referenced in subsection A above, during periods of potentially severe water shortage conditions, the waste of district water includes:

1. Use of potable water to irrigate turf, lawns, gardens, or ornamental landscaping between the hours of 7:00 a.m. and 7:00 p.m. without quick acting positive action shut-off nozzle;
2. Use of potable water for decorative fountains or the filling or topping off of decorative lakes or ponds. Exceptions are made for those decorative fountains, lakes, or ponds which utilize recirculated water; and
3. Service of water by any restaurant except upon request of a patron.

*(Ord. 92-65 2, 1992)*



*(Ord. No. 2005-105, § 7, 10-26-2005; Ord. No. 2009-113, § 1(Exh. A), 10-14-2009)*

### 3.24.030 - Water conservation stages.

- A. Stage I: Voluntary Conservation. Customers of the Nipomo Community Services District are requested to voluntarily limit the amount of water used from May 15th to October 15th of each year to that amount absolutely necessary for health and business. A fifteen percent reduction in water use is requested.

*(Ord. 92-65 3, 1992)*

#### **Editor's note—**

Res. No. 2008-1098, § 1a—d, adopted July 23, 2008, suspended §§ 3.24.030(B)(C) related to stage II and Stage III mandatory conservation, 3.24.04 related to stage implementation, 3.24.060 related to violation and enforcement, and Exhibit "A" to Chapter 3.24 that establishes the policy for implementing the emergency conservation plan which derived from Ord. No. 92-65, §§ 3, 4, 6, 1992.

### 3.24.040 - Stage implementation.

#### **Editor's note—**

Res. No. 2008-1098, § 1a—d, adopted July 23, 2008, suspended §§ 3.24.030(B)(C) related to stage II and Stage III mandatory conservation, 3.24.04 related to stage implementation, 3.24.060 related to violation and enforcement, and Exhibit "A" to Chapter 3.24 that establishes the policy for implementing the emergency conservation plan which derived from Ord. No. 92-65, §§ 3, 4, 6, 1992.

### 3.24.050 - Water-saving devices.

- A. All customers are encouraged to install and use the following water conservation devices:

1. Low flush toilets 1.6 gallons per flush or less;
2. Low flow shower heads 2.0 gallons per minute or less;
3. Drip irrigation.

- B. No person, corporation or association shall be given relief on appeal unless the customer has installed all water-saving devices which are feasible.

*(Ord. 92-65 § 5, 1992)*

### 3.24.060 - Violation and enforcement.

#### **Editor's note—**

Res. No. 2008-1098, § 1a—d, adopted July 23, 2008, suspended §§ 3.24.030(B)(C) related to stage II and Stage III mandatory conservation, 3.24.04 related to stage implementation, 3.24.060 related to violation and enforcement, and Exhibit "A" to Chapter 3.24 that establishes the policy for implementing the emergency conservation plan which derived from Ord. No. 92-65, §§ 3, 4, 6, 1992.

July 22, 2015

E-3

ATTACHMENT C

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN  
PURSUANT TO WATER CODE § 375**

**WHEREAS**, the Nipomo Community Services District ("District") provides water service within the District's water service area pursuant to § 61100 (a) of the Community Services District Law which provides:

“(a) Supply water for any beneficial uses, in the same manner as a municipal water district, formed pursuant to the Municipal Water District Law of 1911, Division 20 (commencing with Section 71000) of the Water Code. In the case of any conflict between that division and this division, the provisions of this division shall prevail”; and

**WHEREAS**, § 61060 (b) of the Community Services District Law provides in relevant part:

“A district shall have and may exercise all rights and powers, expressed and implied, necessary to carry out the purposes and intent of this division, including, but not limited to, the following powers:

(b) To adopt, by ordinance, and enforce rules and regulations for the administration, operation, and use and maintenance of the facilities and services listed in Part 3 (commencing with Section 61100)”; and

**WHEREAS**, California Water Code Section 375 States in pertinent part:

“(a) Notwithstanding any other provision of the law, any public entity which supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of the public entity may, by ordinance or resolution adopted by a majority of the members of the governing body after holding a public hearing upon notice and making appropriate findings of necessity for the adoption of a water conservation program, adopt and enforce a water conservation program to reduce the quantity of water used by those persons for the purpose of conserving the water supplies of the public entity; and”

**WHEREAS**, it is essential for the protection of the health, welfare, and safety of the residents of the District and the public benefit of the State of California ("State"), that the groundwater resources of the Nipomo Mesa be conserved; and

**WHEREAS**, Governor Jerry Brown on January 17, 2014 proclaimed that the entire State of California to be in a Drought State of Emergency; and

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

**WHEREAS**, the District's current water supply is limited to groundwater extracted from the Nipomo Mesa Management Area (NMMA) (also referred to as the Nipomo Mesa Water Conservation Area (NMWCA) by the County of San Luis Obispo), of the Santa Maria Groundwater Basin; and

**WHEREAS**, the District is a party to groundwater adjudication, Santa Maria Valley Water Conservation District v. City of Santa Maria, etc. et al., Case No. CV 770214 ("Groundwater Litigation"); and

**WHEREAS**, pursuant to Section VI D(1) of the June 2005 Stipulation as incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation the Nipomo Mesa Management Area Technical Group declared that a Potentially Severe water shortage condition has existed within the Nipomo Mesa Management Area since the spring of 2008 and during the intervening year, the drought continued and it is anticipated that in May of 2014 that the Nipomo Mesa Management Area Technical Group will declare a Severe water shortage condition; and

**WHEREAS**, the San Luis Obispo County Department of Planning and Building's 2004 Resource Capacity Study for the Water Supply in the Nipomo Mesa Area recommended a Level of Severity III (existing demand equals or exceeds dependable supply) be certified for the Nipomo Mesa Water Conservation Area (NMWCA) and that measures be implemented to lessen adverse impacts of future development (said Study and referenced documents are incorporated herein by reference); and

**WHEREAS**, on June 26, 2007, the San Luis Obispo County Board of Supervisors certified the waters underlying the NMWCA at a Severity Level III; and

**WHEREAS**, the resource protection goals of the San Luis Obispo County South County Area Plan include the following:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels; and

**WHEREAS**, District Code §3.28.020 provides:

"...all intent-to-serve letters shall be based on findings that sufficient excess water and sewer capacity exists to serve the project..."; and

**WHEREAS**, Water Code § 71640 of the Municipal Water Service District Law provides:

"A district may restrict the use of district water during any emergency caused by drought, or other threatened or existing water shortage, and may prohibit the

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

wastage of district water or the use of district water during such periods for any purpose other than household uses or such other restricted uses as the district determines to be necessary. A district may also prohibit use of district water during such periods for specific uses which it finds to be nonessential"; and

**WHEREAS**, the District Board of Directors has noticed this public meeting pursuant to Water Code § 375 and has considered the Staff Report and public testimony regarding the adoption of this Resolution; and

**WHEREAS**, The District Board of Directors wishes to set forth a Water Shortage Response and Management Plan that provides a range of alternative actions that allows for flexibility in responding to a water shortage emergency; and

**WHEREAS**, based on the Staff Report, staff presentation, the reports and studies referenced in this Resolution and public comment, the District Board of Directors finds that:

- (a) That the Nipomo Mesa Management Area Technical Group has declared the Mesa to be in a Potentially Severe water shortage condition for the past six years; and
- (b) That based upon the lack of rainfall during the winter of 2013/2014 and the increase pumping by District and other purveyors in response, it is anticipated that in the near future, Nipomo Mesa Management Area Technical Group will find that the Nipomo Mesa is in a Severe water shortage condition; and
- (c) That it is necessary for the District to adopt a Water Shortage Response and Management Plan to be able to respond to the lack of available groundwater for the purpose of serving District residents.

**WHEREAS**, based on the Staff Report, staff presentation and public comment, the Board further finds:

- A. That the purpose and intent of this Resolution is consistent with the purposes found in the Judgment and Stipulation in the Groundwater Litigation imposing a physical solution to assure long-term sustainability of the groundwater basin and the San Luis Obispo County's certification of a Severity Level III for the waters underlying the NMWCA; and
- B. That adoption of the Water Shortage Response and Management Plan will provide greater assurances that there will be adequate groundwater to meet the present needs of District residents consistent with District Code §3.28.020 and the resource protection goals of the San Luis Obispo County South County Area Plan; and
- C. That adopting this Resolution will further conserve the water supply for the greater public benefit, with particular regards to domestic use, sanitation and fire protection; and
- D. That this Resolution adopts Rules and Regulations for the administration, operation and use of District services; and

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

- E. The Board of Directors of the District finds that the policies and procedures adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378 (b) (2) because such policies and procedures constitute general policy and procedure making. The Board of Directors further finds that the adoption of the policies and potential actions established by this Resolution is not a project as defined in CEQA Guideline Section 15378, because it can be seen that the adoption of a Water Shortage Response and Management Plan will not result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The District incorporates by reference the CEQA findings in support of San Luis Obispo County Ordinance 3090, the County of San Luis Obispo's certification of a Severity Level III for the NMWCA

**WHEREAS**, by readopting this Resolution, the District does not intend to limit other means of managing, protecting and conserving the groundwater basin by the District. Further, the District intends to work cooperatively with the NMMA Technical Group and other agencies, such as the County of San Luis Obispo, to implement regional solutions such as groundwater management and the importation of Supplemental Water to the NMMA\NMWCA; and

**WHEREAS**, based on the Staff Report, staff presentation and public comment, the District Board of Directors further finds this Resolution is adopted for the protection of the health, safety and welfare of District water customers who depend on the underlying groundwater basin as their source of water supply.

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

1. That the above recitals are true and correct.
2. The Board approves the Water Shortage Response and Management Plan originally approved on April 9, 2014, attached as Exhibit "A" to this Resolution.
3. The Board of Directors reserves the right to order or not order all of the provisions within the Water Shortage Response and Management Plan based upon the circumstances at the time that this policy needs to be enforced.
4. The General Manager is directed to prepare and file an appropriate notice of exemption and file a Certificate of Exemption.
5. The General Manager is directed to publish this Resolution in its entirety in a newspaper of general circulation in the District within ten (10) days.


**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

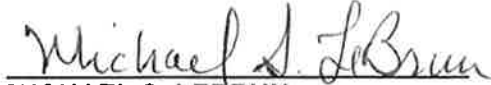
Upon motion by Director Vierheilig, seconded by Director Blair, on the following roll call vote, to wit:

**AYES: Directors Vierheilig, Blair, Gaddis, Harrison and Armstrong**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

the foregoing Resolution is hereby passed and adopted this 23rd day of April, 2014.

  
**CRAIG ARMSTRONG,**  
President of the Board of Directors

ATTEST:

  
**MICHAEL S. LEBRUN**  
General Manager and Secretary to the Board

APPROVED:  
  
**MICHAEL W. SEITZ**  
District Legal Counsel

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN  
PURSUANT TO WATER CODE § 375**

**EXHIBIT "A"**

**NCS D WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN**

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
I	All times	<ul style="list-style-type: none"> <li>• Active outreach and education programs regarding water conservation best management practices.</li> <li>• Four Tier escalating water rates.</li> <li>• Recommended Customer Measures:               <ul style="list-style-type: none"> <li>○ Fix all plumbing and irrigation leaks immediately.</li> <li>○ Irrigate after 8PM and before 9AM.</li> <li>○ Minimum to no irrigation in winter months.</li> <li>○ Check all irrigation systems monthly.</li> <li>○ Do not allow excessive run off.</li> <li>○ Recirculate water in ornamental water features (fountains)</li> </ul> </li> <li>• New applications for water service are accepted and processed.</li> <li>• Supplemental water is allocated to all new projects</li> <li>• New water service connections are made.</li> </ul>	Not Applicable.
II	Potentially Severe Water Shortage Conditions exists	<ul style="list-style-type: none"> <li>• More aggressive conservation outreach and education efforts.</li> <li>• Four-Tier escalating water rates.</li> <li>• Encourage customers to implement the following practices:               <ul style="list-style-type: none"> <li>○ All Stage I Measures</li> <li>○ Cover Swimming Pools and spas.</li> <li>○ Do not use water to wash down exterior surfaces (e.g. driveway, deck, home)</li> </ul> </li> <li>• New applications for water service are accepted and processed.</li> <li>• Supplemental water is allocated to new projects.</li> <li>• New water service connections are made.</li> </ul>	Potentially Severe Water Shortage no longer exist.



**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
III	Severe Water Shortage conditions exists	<ul style="list-style-type: none"> <li>• District targets a 30% reduction in production (Equating to a 752 acre foot or 245 million gallons of reduction in production on an annual basis).</li> <li>• Implement Stage III Drought Rates to encourage reduction in customer water demand.</li> <li>• Encourage customers to implement the following practices.               <ul style="list-style-type: none"> <li>○ All Stage I and II measures.</li> <li>○ Turn off all automated irrigation systems.</li> <li>○ Provide minimum necessary irrigation to preserve trees and high-value landscape.</li> <li>○ Do not drain or fill swimming pools or spas.</li> <li>○ Do not use water for dust control or construction.</li> <li>○ Do not use hoses to wash cars or equipment.</li> <li>○ Turn off and drain ornamental fountains and water features</li> </ul> </li> <li>• Suspend accepting applications for new water service.</li> <li>• Existing applications for new water service continue to be processed with allocations of supplemental water.</li> <li>• New water service connections are made.</li> </ul>	Severe Water Shortage no longer exist.**
IV	Severe Water Shortage conditions exists for >1YEAR or is triggered by both the Key Wells Index and the Coastal Criterion.	<ul style="list-style-type: none"> <li>• District targets a 50% reduction in production (Equating to a 1,254 acre foot reduction in production on an annual basis).</li> <li>• Implement Stage IV Drought Rates to encourage reduction in customer water demand.</li> <li>• Encourage customers to implement the following practices:</li> </ul>	Severe Water Shortage conditions no longer exist.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

STAGE	GROUNDWATER CONDITION	RESPONSE ACTIONS	RELIEF OF RESTRICTIONS
		<ul style="list-style-type: none"> <li>○ All Stage I, II, and III measures.</li> <li>○ Do not use District water for irrigation/outdoor uses of any sort.</li> <li>● New applications for water service are NOT accepted (Stage III)</li> <li>● Cease processing existing applications for new water service. No allocation of supplemental water is made.</li> <li>● New water service connections are made only to projects with preexisting service commitments.</li> </ul>	
V	Severe Water Shortage conditions for >2 years with BOTH triggers (Key Wells Index and Coastal Area Criterion).	<ul style="list-style-type: none"> <li>● District targets a 60% reduction in production. (Equating to a 1,504 acre foot reduction in production on an annual basis).</li> <li>● Implement Stage V Drought Rates to encourage additional reduction in customer water demand.</li> <li>● Declaration of a Water Shortage Emergency in accordance with CA Water Code Section 350.</li> <li>● Suspend all new water service connections.</li> <li>● Encourage customers to implement all Stage I-IV measures and to use only the absolute minimum water necessary for health and sanitation purposes.               <ul style="list-style-type: none"> <li>○ All Stage I, II, and III measures.</li> <li>○ Do not use District water for irrigation/outdoor uses of any sort.</li> <li>○ Do not drain or fill swimming pools or spas.</li> <li>○ All measures possible to reduce water use.</li> </ul> </li> <li>● New applications for water service are NOT accepted (Stage III)</li> <li>● Existing applications for new water service are not processed (Stage IV)</li> </ul>	Severe Water Shortage conditions no longer exist.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2014-1336**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT  
REAPPROVING A WATER SHORTAGE RESPONSE AND MANAGEMENT  
PLAN PURSUANT TO WATER CODE § 375**

\*\* The Nipomo Mesa Management Area (NMMA) Technical Group may determine Severe Water Shortage Conditions no longer exist when groundwater quality criteria threshold are no longer exceeded in a single measurement.

General Notes

1. The implementation of all rate increases and changes in the acceptance and processing of new services applications are subject to approval by the Board of Directors at the time each stage is triggered.
2. Potentially Severe and Severe Water Shortage conditions, Key Wells Index, and Coastal Criterion are as defined in the NMMA Technical Group, Water Shortage Conditions Response Plan, dated April 2009. Key criterion are as follows:

<u><b>Potentially Severe Water Shortage Conditions</b></u>	<u><b>Severe Water Shortage Conditions</b></u>
<ul style="list-style-type: none"><li>• <i>Key Wells Index less than 31.5 ft msl</i></li><li>• <i>Greater than 250 mg/l chloride in any NMMA coastal monitoring well</i></li></ul>	<ul style="list-style-type: none"><li>• <i>Key Wells Index is less than 16.5 ft. msl</i></li><li>• <i>Greater than 500 mg/l chloride in any NMMA coastal monitoring well</i></li></ul>

3. Reduction goals are a percentage of average annual production volumes for the five calendar years prior to the first year Nipomo Supplemental Water is delivered. NCSD's 2009-2013 average (2507 AFY) is used in the table above.