

TO: BOARD OF DIRECTORS  
FROM: MARIO E. IGLESIAS  
GENERAL MANAGER  
DATE: OCTOBER 6, 2017

**AGENDA ITEM  
E-2  
OCTOBER 11, 2017**

**INTRODUCE AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
NIPOMO COMMUNITY SERVICES DISTRICT AMENDING DISTRICT  
CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140**

**ITEM**

Introduce an ordinance of the Board of Directors of the Nipomo Community Services District ("Nipomo CSD") amending Nipomo CSD District Code Sections 3.03.110, 3.03.120, 3.03.180, and 3.04.140, [RECOMMEND INTRODUCE ORDINANCE BY READING TITLE ONLY AND WAIVING FULL READING (BY MOTION AND ROLL CALL VOTE), AND SET ORDINANCE FOR SECOND READING AND ADOPTION AT NEXT REGULAR BOARD MEETING ON OCTOBER 25, 2017]

**BACKGROUND**

At your March 13, 2013 Board Meeting your Board heard the first reading of an Ordinance 2013-118 revising District water code allowing the general manager to grant customer relief from high water bills under limited Circumstances. Nipomo CSD policy holds that all water metered to a customer is the customer's responsibility regardless of circumstance. When leaks occur on the customer side of the water meter and go undetected, high water use and high water bills can result.

The methodology established for providing relief to customers must be modified. Currently, Nipomo CSD calculates the relief provided to customers with high water bills caused by customer-side water leaks by lowering the adjusted amount of water loss into Tier 2. With a uniformed unit cost structure, Nipomo CSD can no longer use this methodology. Instead, Nipomo CSD will calculate the level of customer relief by deducting the supplemental water cost. Supplemental water costs are factored into Nipomo CSD's budget. Therefore, any additional water usage, or in the case of water loss caused by a customer side leak, would increase the amount of pumped groundwater from Nipomo CSD groundwater wells.

**3.03.120 – Investigation and possible relief for water customers**

A. Relief for District water customers.

1.ii.

(2) All excess usage (over and above the average normal usage) will be billed at the ~~Tier 2 rate in place at the time of the high bill~~ a rate equivalent to the otherwise applicable water rates minus the portion of the rate associated with supplemental water, as established by Resolution.

Additionally, the Ordinance would set a minimum level of relief at \$100 for qualification of a leak adjustment. The efforts to confirm, calculate, and adjust customer accounts is significant. The leak adjustment option is intended to provide for significant cost burdens caused by customer-side leaks. And while significant cost burden is subjective, the cost to Nipomo CSD customers to provide relief below the set limit is inefficient. In addition, leak adjustments are only available to customers every 18 months. Receiving an adjustment under \$100 removes the opportunity for a customer to utilize the leak adjustment option for 18 months. A majority of leak adjustment requests trend to a much greater cost than the \$100 minimum.

**3.03.120 – Investigation and possible relief for water customers**

A. Relief for District water customers.

1. ii.

(3) Leak adjustments will only be processed if the adjustment is greater than \$100.

A marked-up copy of the proposed modifications to the Ordinance language currently within the District Code is attached [Attachment A] for review and consideration. A clean copy with the mark-ups removed from the text is also provided [Attachment B] for ease of reading and comprehension.

Additional language changes are included for review. The modifications are generally suggested to provide clarity of the process, outlining time periods and workflow processes. The recommended language modifications also makes clear how water and sewer rates are presented and enacted and removes references to rates that are no longer relevant.

**FISCAL IMPACT**

Minor staff time administrating Ordinance and 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.

Goal 6. GOVERNANCE AND ADMINISTRATION . Conduct District activities in an efficient, equitable and cost-effective manner.

6.4 Periodically review, update and reaffirm District policies and procedures.

**RECOMMENDATION**

Recommend introduce Ordinance by reading title only and waiving full reading (by motion and roll call vote), and set Ordinance for second reading and adoption at next Regular Board Meeting on October 25, 2017.

Suggested motion:

"I move that we introduce the Ordinance, AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140, waive the full reading of the ordinance, and set it for second reading and adoption at our next regular Board meeting on October 25, 2017."

**ATTACHMENTS**

- A. Ordinance 2017-XXX Repealing subsection .070.B.1 of Chapter 3.05 – Mark-up
- B. Ordinance 2017-XXX Repealing subsection .070.B.1 of Chapter 3.05 – Clean Copy

October 11, 2017

ITEM E-2

ATTACHMENT A

**ORDINANCE NO. 2017-XXXX**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Section 3.03.110 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

**3.03.110 --- Investigation and amortization of delinquent bill for residential water and/or sewer service**

~~1. Investigation, amortization and relief of delinquent bills for residential water and for sewer service.~~

~~aA.~~ The General Manager, or his or her designee, is authorized to investigate complaints ~~in regards to~~ and disputes pertaining to any matters for which the water or sewer service may be discontinued; and to rectify errors and settle controversies pertaining to such disputes.

~~bB.~~ Every complaint or request for investigation by a ~~residential~~ customer that is made within five days of receiving the disputed bill for water and/or sewer service, and any request by a ~~residential~~ customer that is made within thirteen days, other than mailing of such notice required by Section 3.03.070 for an extension of the payment period of such bill asserted to be beyond the means of the customer to pay in full during the normal period of payment, shall be reviewed by the General Manager or his or her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the amount over a reasonable period of time not to exceed twelve months. The District will only permit one amortization ~~over a period of every~~ eighteen months.

SECTION 2. Section 3.03.120 of the District Code is hereby amended and replaced in its entirety to read as follows:

**3.03.120 – Investigation and possible relief for water customers**

~~A. 1. Relief for District water customers.~~

~~1. a. In regards to any complaint or~~ A written request for relief may be made by a water service customer that is made within five days of receiving a high and/or disputed bill for water service. The written request must be received by the District no later than 4:30 PM on the due date of the bill in question. The General Manager or his or her designee shall investigate such complaint in the following manner:

- i. The District Manager or his or her designee shall first determine whether or not the increase in water consumption is related to a leak occurring on the customer's side of the water service connection and

that the leak has been remedied.

ii. The District Manager or his or her designee shall review the customer's water bills for water usage for the water service customer for the same time period in the previous five years for the same time period to determine whether or not there is a significant differential in terms of water use that was evidenced by a leak. Where there is a significant difference as determined by the General Manager or his or her designee, water usage for the billing period shall be billed as follows:

- (1) The average normal usage will be billed at the Rates/Tiers in place at the time of the high bill.
- (2) All excess usage (over and above the average normal usage) will be billed at the Tier 2 rate in place at the time of the high bill a rate equivalent to the otherwise applicable water rates minus the portion of the rate associated with supplement water, as established by Resolution.
- (3) b. Leak adjustments will only be processed if the adjustment is greater than \$100.

iii. For water service customers who have not established a five year history in regards to of water usage, the General Manager shall determine equivalent water services using similar billings with a five year history to make the appropriate findings as set forth in section (a) subsections (i) and (ii) above. The customer shall then be charged according to Section A(1-a)-(ii) above.

2. c.—The relief provided by these sections is available, upon written request, for a District water service customer once during a three year period. In other words, a water service customer would may not be able to apply for relief under this Ordinance if relief had been sought and granted any time during the previous three years.

3. d.—If a leak adjustment is approved, the customer must sign an acknowledgement of the leak adjustment prior to the adjustment being made to the customer's account. Within fifteen (15) days of the original due date of the water bill, the customer is responsible for completing the leak adjustment process and paying the adjusted bill. If the customer fails to execute the leak adjustment acknowledgement and pay the adjusted bill prior to the above-referenced due date, no leak adjustment will be granted and the customer will be responsible for the paying the full, original water bill plus all additional fees and charges assessed through the date of payment.

4. Leak adjustments will not be considered for previous billing cycles and adjustments will not be made retroactively.

5. Leak adjustments are for a specific billing cycle and cannot be spread over two billing cycles.

6. The General Manager or his or her designee may consider whether the customer shall be permitted to amortize the amount equal to the excess usage over a reasonable period of time, not to exceed twelve months.

SECTION 3. Section 3.03.180 of the District Code shall be amended and replaced in its entirety to read:

**3.03.180 - District rates and charges.**

A. Water rate shall be charged as follows:

1. Minimum Charges. A minimum monthly charge shall be paid by each customer for each bi-monthly billing period during which a service connection exists even if the meter is locked. Such charge for any billing period in which ~~such a~~ service connection has existed for less than the whole of ~~such a~~ billing period shall be prorated. Minimum monthly charges vary with the size of the meter. The minimum monthly charge for service shall be set forth in Appendix A set out at the end of this chapter reestablished by Resolution.

1. ~~Water Rates. The meter~~ metered rate for water sold, supplied, distributed, or transported to customers is set forth in Appendix B set out at the end of this chapter.

A. ~~Supplemental Water Rates.~~

2. ~~1. Fixed Charge: The minimum bi-monthly fixed charge for supplemental water shall be set forth in Appendix C set out at the end of this chapter. Bi-monthly fixed charges for supplemental water will be added to customer water bills once supplemental water deliveries into the district's water system begin. established by Resolution.~~
2. ~~Volume Charge: The volume charge for supplemental water shall be applied to each unit of water metered, sold, supplied, distributed or transported to customers shall be set forth in Appendix D set out at the end of this chapter. The volume rate for supplemental water will be added to customer bills once supplemental water deliveries into the district's water system begin.~~

C. ~~\_\_\_\_\_~~

B. Sewer rates shall be charged as follows:

1. ~~1.~~ Monthly sewer charges shall commence on the date the water meter is set.
2. ~~2.~~ District sewer charges are set forth in Appendix A of Chapter 4.12 of the district code shall be established by Resolution.

SECTION 4. Appendices A through D of Chapter 3.03 of the District Code are hereby stricken in their entirety.

SECTION 5. Subsection B.2 of Section 3.04.140 of the District Code shall be amended and replaced in its entirety, and the chart entitled "BI-MONTHLY PRIVATE FIRE PROTECTION CHARGES" stricken, so that the subsection reads:

2.——Bi-monthly charges for private fire service shall be as follows:

**BI-MONTHLY PRIVATE FIRE PROTECTION CHARGES**

Effective November 1 of each Year

Meter Size	2011-12	2012-13	2013-14	2014-15	2015-16
3"——	\$10.95	\$11.99	\$13.13	\$14.38	\$15.75
4"——	\$13.14	\$14.39	\$15.76	\$17.26	\$18.90
6"——	\$19.74	\$21.58	\$23.63	\$25.87	\$28.33
8"——	\$27.38	\$29.98	\$32.83	\$35.95	\$39.37
10"——	\$32.85	\$35.97	\$39.39	\$43.13	\$47.23

2. established by Resolution. Water used for fire suppression shall be furnished without charge.

SECTION 6. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 7. 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 8. 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 with certainty that it 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 9. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the tenth (15<sup>th</sup>) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

INTRODUCED at its regular meeting of the Board of Directors held on October 11, 2017,

and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_  
DAN GADDIS  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND LEGAL  
EFFECT:

\_\_\_\_\_  
MARIO IGLESIAS  
General Manager and  
Secretary to the Board

\_\_\_\_\_  
WHITNEY G. McDONALD  
District Legal Counsel



October 11, 2017

ITEM E-2

ATTACHMENT B

**ORDINANCE NO. 2017-XXXX**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Section 3.03.110 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

**3.03.110 -- Investigation and amortization of delinquent bill for water and/or sewer service**

- A. The General Manager, or his or her designee, is authorized to investigate complaints and disputes pertaining to any matters for which the water or sewer service may be discontinued; and to rectify errors and settle controversies pertaining to such disputes.
- B. Every complaint or request for investigation by a customer that is made within five days of receiving the disputed bill for water and/or sewer service, and any request by a customer that is made within thirteen days, other than mailing of such notice required by Section 3.03.070 for an extension of the payment period of such bill asserted to be beyond the means of the customer to pay in full during the normal period of payment, shall be reviewed by the General Manager or his or her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the amount over a reasonable period of time not to exceed twelve months. The District will only permit one amortization every eighteen months.

SECTION 2. Section 3.03.120 of the District Code is hereby amended and replaced in its entirety to read as follows:

**3.03.120 – Investigation and possible relief for water customers**

- A. Relief for District water customers.
  - 1. A written request for relief may be made by a water service customer receiving a high bill for water service. The written request must be received by the District no later than 4:30 PM on the due date of the bill in question. The General Manager or his or her designee shall investigate such complaint in the following manner:
    - i. The District Manager or his or her designee shall first determine whether or not the increase in water consumption is related to a leak occurring on the customer's side of the water service connection and that the leak has been remedied.
    - ii. The District Manager or his or her designee shall review the customer's water bills for the same time period in the previous five years to determine whether or not there is a significant differential in

**ORDINANCE NO. 2017-XXXX**

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140**

terms of water use that was evidenced by a leak. Where there is a significant difference as determined by the General Manager or his or her designee, water usage for the billing period shall be billed as follows:

- (1) The average normal usage will be billed at the Rates in place at the time of the high bill.
  - (2) All excess usage (over and above the average normal usage) will be billed at a rate equivalent to the otherwise applicable water rates minus the portion of the rate associated with supplement water, as established by Resolution.
  - (3) Leak adjustments will only be processed if the adjustment is greater than \$100.
- iii. For water service customers who have not established a five year history of water usage, the General Manager shall determine equivalent water services using similar billings with a five year history to make the appropriate findings as set forth in subsections (i) and (ii) above. The customer shall then be charged according to Section A(1)(ii) above.
2. The relief provided by these sections is available, upon written request, for a District water service customer once during a three year period. A water service customer may not apply for relief under this Ordinance if relief had been sought and granted any time during the previous three years.
  3. If a leak adjustment is approved, the customer must sign an acknowledgement of the leak adjustment prior to the adjustment being made to the customer's account. Within fifteen (15) days of the original due date of the water bill, the customer is responsible for completing the leak adjustment process and paying the adjusted bill. If the customer fails to execute the leak adjustment acknowledgement and pay the adjusted bill prior to the above-referenced due date, no leak adjustment will be granted and the customer will be responsible for the paying the full, original water bill plus all additional fees and charges assessed through the date of payment.
  4. Leak adjustments will not be considered for previous billing cycles and adjustments will not be made retroactively.
  5. Leak adjustments are for a specific billing cycle and cannot be spread over two billing cycles.
  6. The General Manager or his or her designee may consider whether the customer shall be permitted to amortize the amount equal to the excess usage over a reasonable period of time, not to exceed twelve months.

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AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140

SECTION 3. Section 3.03.180 of the District Code shall be amended and replaced in its entirety to read:

**3.03.180 - District rates and charges.**

A. Water rate shall be charged as follows:

1. Minimum Charges. A minimum monthly charge shall be paid by each customer for each bi-monthly billing period during which a service connection exists even if the meter is locked. Such charge for any billing period in which a service connection has existed for less than the whole of a billing period shall be prorated. Minimum monthly charges vary with the size of the meter. The minimum monthly charge for service shall be established by Resolution.
2. Water Rates. The metered rate for water sold, supplied, distributed, or transported to customers shall be established by Resolution.

B. Sewer rates shall be charged as follows:

1. Monthly sewer charges shall commence on the date the water meter is set.
2. District sewer charges shall be established by Resolution.

SECTION 4. Appendices A through D of Chapter 3.03 of the District Code are hereby stricken in their entirety.

SECTION 5. Subsection B.2 of Section 3.04.140 of the District Code shall be amended and replaced in its entirety, and the chart entitled "BI-MONTHLY PRIVATE FIRE PROTECTION CHARGES" stricken, so that the subsection reads:

2. Bi-monthly charges for private fire service shall be established by Resolution. Water used for fire suppression shall be furnished without charge.

SECTION 6. Any sections, portions of sections, or subsections of the District Code not specifically amended and replaced herein shall remain in full force and effect.

SECTION 7. 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 8. 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

**ORDINANCE NO. 2017-XXXX**

**AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTIONS 3.03.110, 3.03.120, 3.03.180, AND 3.04.140**

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 with certainty that it 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 9. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the tenth (15<sup>th</sup>) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.

INTRODUCED at its regular meeting of the Board of Directors held on October 11, 2017, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2017, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:


\_\_\_\_\_  
DAN GADDIS  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM AND LEGAL  
EFFECT:

\_\_\_\_\_  
MARIO IGLESIAS  
General Manager and  
Secretary to the Board

\_\_\_\_\_  
WHITNEY G. McDONALD  
District Legal Counsel

TO: BOARD OF DIRECTORS  
REVIEWED: MARIO IGLESIAS   
GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF ENGINEERING  
AND OPERATIONS  
DATE: OCTOBER 6, 2017

**AGENDA ITEM  
E-3  
OCTOBER 11, 2017**

**SEWER SERVICE REQUEST FOR DANA ELEMENTARY SCHOOL,  
920 WEST TEFFT STREET, NIPOMO**

**ITEM**

Consider request for sewer service only (Intent-to-Serve Letter) for Dana Elementary School, 920 West Tefft Street, Nipomo [RECOMMEND CONSIDER INTENT TO SERVE LETTER AND APPROVE WITH CONDITIONS].

**BACKGROUND**

The Nipomo Community Services District (NCSD) received an application for sewer service only (Intent-to-Serve Letter) for the Dana Elementary School, 920 W. Tefft Street, Nipomo, APN 092-121-087, on September 5, 2017. Dana Elementary School is an existing public elementary school that is owned and operated by the Lucia Mar Unified School District. The school has been a NCSD domestic water customer since 2006 and currently relies on a septic system for wastewater disposal. The school utilizes an on-site well to provide most irrigation water. The School District is requesting to connect the school site to the NCSD sewer collection system so that the existing septic system can be abandoned. No change to the existing water service is planned. The application is attached to the staff report as Attachment A.

The school is within the District's Town Division sewer service area. The proposed sewer connection point is south of the school site, across Tefft Street in Vista Verde Lane. The proposed alignment goes through an existing public utility easement between Tefft Street and Vista Verde Lane. The proposed site plan is attached to the staff report as Attachment B.

The project will be required to obtain sewer service in compliance with current District standards. Sewer demand was estimated by the applicant, using District minimum sewer flow rate design standards, at approximately 13,000 gallons per day. Sufficient capacity for the project is available in the District's Southland Wastewater Treatment Facility. Sewer collection system impacts will be evaluated as part of the plan review process.

**FISCAL IMPACT**

District sewer capacity fees are based on the domestic meter size. The estimated fee deposit for the project is \$83,751 based on the current District fee schedule and the existing 3-inch domestic water service.

The applicant will be required to enter into a Plan Check and Inspection Agreement and cover all District administrative, engineering and legal costs incurred to process the project.

**RECOMMENDATION**

Staff recommends that the Board approve the Applicant's request for a Sewer Only Intent-to-Serve letter for the project with the following conditions:

**PROJECT-SPECIFIC CONDITIONS**

- Applicant shall install a gravity sewer system, in accordance with District standards, from the school site to the existing District sewer collection system in Vista Verde Lane.
- A sewer master plan review of project impacts will be required.
- Owner's use of the Property that increases or has the potential to increase sewer discharges or sewer strength from those uses identified in the project application or approved plans are prohibited unless specifically authorized in writing by District. Sewer strength for this project is classified as non-residential, low strength. Applicant shall provide the District, for District's approval, a recordable document referencing the prohibited use restrictions. Prohibited uses include, but are not limited to, the following:
  - Swimming pools
  - Photographic film processing
  - Self-regenerating water softeners
  - Laundry facilities
  - Food preparation
- The District retains the right to increase sewer fees in the event of a change in use for the property.

**STANDARD CONDITIONS**

- Enter into a Plan Check and Inspection Agreement and provide a deposit to cover all District costs to process project.
- Project shall obtain sewer service for all project parcels and buildings.
- Pay all appropriate District fees associated with this project.
- Sewer connection fees will be based on size of existing domestic water service.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval. Applicant shall provide plans consistent with current District Standards and based on the proposed project consistent with the County project conditions of approval.
- Any easements required for sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Applicant shall make a non-refundable deposit ("Deposit") at the time the District issues a Will Serve Letter in an amount equal to the then calculated Fees for Connection.

- Fees for Connection shall be calculated and owing as of the date the connection to District facilities is completed and accepted by the District from which the amount of the Deposit shall be deducted.
- Construct the improvements required and submit the following:
  - Reproducible "As Builts" - A mylar copy and digital format disk (PDF) which includes engineer, developer, and sewer improvements
  - Offer of Dedication
  - Engineer's Certification
  - Summary of all sewer improvement costs
- The District will begin sewer service upon the District's acceptance of improvements to be dedicated to the District and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than public facility.
- Intent-to-Serve letters shall automatically terminate three (3) years, from date of issuance. However, Applicant shall be entitled to a one-year extension upon the following conditions:
  - Applicant makes written application for the extension prior to the expiration of the Intent-to-Serve Letter.
  - Applicant provides proof of reasonable due diligence in processing the Project.
  - Applicant agrees to revisions of the conditions contained in the Intent-to-Serve letter consistent with then existing District policies.
- This Intent-to-Serve letter shall be subject to the current and future rules, agreements, regulations, fees, resolutions and ordinances of the District.
- This Intent-to-Serve letter may be revoked, or amended, as a result of conditions imposed upon the District by a court or availability of resources, or by a change in ordinance, resolution, rules, fees or regulations adopted by the Board of Directors.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

**ATTACHMENTS**

- A. Application
- B. Site Plan



October 11, 2017

ITEM E-3

ATTACHMENT A



# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET  
POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932  
Website: ncsd.ca.gov

Office use only:  
Date and Time  
Complete  
Application and  
fees received:  
\_\_\_\_\_

## INTENT-TO-SERVE APPLICATION

- This is an application for:  Sewer and Water Service \_\_\_\_\_ Water Service Only
- SLO County Planning Department/Tract or Development No.: Dana Elementary
- Attach a copy of SLO County application.
- Project location: 920 West Tefft Street, Nipomo, CA 93444
- Assessor's Parcel Number (APN) of lot(s) to be served: 092-121-087
- Owner Name: Lucia Mar Unified School District
- Mailing Address: 602 Orchard Street, Arroyo Grande, CA 93420
- Email: bryan.hagwood@lmusd.org
- Phone: (805)431-2304 FAX: (805)473-5594
- Agent's Information (Architect or Engineer):  
Name: L. Alberto Lopez, PE - DPSI, Inc.  
Address: 1998 Santa Barbara Avenue, Suite 120, San Luis Obispo, CA 93401  
Email: alopez@dpsiinc.com  
Phone: 805-250-2891 FAX: 805-250-2896
- Type of Project: (check box) (see Page 3 for definitions)

<input type="checkbox"/> Single-family dwelling units	<input type="checkbox"/> Multi-family dwelling units
<input checked="" type="checkbox"/> Commercial Dana Elementary School	<input type="checkbox"/> Mixed Use (Commercial and Residential)

- Total Number of Dwelling Units N/A Number of Low Income Units N/A
- Does this project require a sub-division?  Yes  No  
If yes, number of new lots created \_\_\_\_\_
- Site Plan:

**For projects requiring Board approval, submit six (6) standard size (24" x 36") copies and one reduced copy (8½" x 11"). Board approval is needed for the following:**

- more than four dwelling units
- property requiring sub-divisions
- higher than currently permitted housing density
- commercial developments

**All other projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11").**

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable.

**Note: NCSD only provides one domestic meter per Assessor Parcel Number**

15. **RESIDENTIAL SERVICE**

Single Family Residential (SFR)

Number of APN's created	N/A	Number of SFR to be built	
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Multi-Family Residential (MFR)

Number of APN's created	N/A		
Number of Domestic Meter(s)	N/A	Estimated Meter Size(s)	
Number of Landscape Meter(s)	N/A	Estimated Meter Size(s)	
Number of Fire System(s)	N/A	Estimated Meter Size(s)	

16. **Commercial Projects Service Demand Estimates:**

Commercial and Mixed Use

Number of APN's created	0		
Number of Domestic Meter(s)	N/A	Estimated Meter Size(s)	
Number of Landscape Meter(s)	N/A	Estimated Meter Size(s)	
Number of Fire System(s)	N/A	Estimated Meter Size(s)	

Provide an estimate of yearly water (AFY) and sewer (gallons) demand for the project prepared by a licensed Engineer/Architect.

**Agreement:**

The Applicant agrees that in accordance with generally accepted construction practices, Applicant shall assume sole and complete responsibility for the condition of the job site during the course of the project, including the safety of persons and property; that this requirement shall apply continuously and not be limited to normal working hours; and the Applicant shall defend, indemnify, and hold the District and District's agents, employees and consultants harmless from any and all claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities arising out of the performance or attempted performance of the work on this project; except those claims, demands, damages, costs, expenses (including attorney's fees) judgments or liabilities resulting from the negligence or willful misconduct of the District.


Nothing in the foregoing indemnity provision shall be construed to require Applicant to indemnify District against any responsibility or liability or contravention of Civil Code §2782

**Application Processing Fee.....See Attached Fee Schedule on Page 4**

The District will only accept cashier's check or bank wire for the payment of Water Capacity, Sewer Capacity and other related development fees.

Date 8/24/2017

Signed

  
 (Must be signed by owner or owner's agent)  
 Lucia Mar USD

Print Name Andy Stenson, Assistant Superintendent,  
Business Services

**Definitions**

(Please note – these definitions do NOT reconcile with standard SLO County Planning department definitions)

**Single-family dwelling unit** – means a building designed for or used to house not more than one family.

**Secondary dwelling units** – means an attached or detached secondary residential dwelling unit on the same parcel as an existing single-family (primary) dwelling. A secondary unit provides for complete independent living facilities for one or more persons.

**Multi-family dwelling unit** – means a building or portion thereof designed and used as a residence for three or more families living independently of each other under a common roof, including apartment houses, apartment hotels and flats, but not including automobile courts, or boardinghouses.

**Two-family dwelling units (duplex)** – means a building with a common roof containing not more than two kitchens, designed and/or used to house not more than two families living independently of each other.

**Commercial** – all non-residential and mixed-use projects.

**APPLICATION FEES AND CHARGES**  
**Effective July 1, 2016**

PROJECT SIZE/TYPE	TOTAL AMOUNT DUE AT TIME OF APPLICATION**
Residential <4 units	\$1,119.33
Residential 4-20 units	\$1,537.50
Residential > 20 units	\$1,810.21
Commercial <1 acre	\$1,537.50
Commercial 1-3 acres	\$1,810.21
<b>Commercial &gt; 3 acres</b>	<b>\$2,501.08</b>
Mixed Use with less than 4 Dwelling Units	\$1,810.21
Mixed Use with four or more Dwelling Units	\$2,501.08
*Outside Consulting and Legal fees will be billed to the Applicant at direct rate.	

\*\*Commencing on July 1, 2008 and each year thereafter the Application Fees shall be adjusted by a Consumer Price Index formula.



# Memorandum

**Date:** 9/5/17  
**To:** Nipomo Community Services District  
**From:** L. Alberto Lopez, Director of Civil Engineering  
**Project:** Dana Elementary School Sewer Connection  
**Job No.:** 161038

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Lucia Mar Unified School District proposes to tie the Dana Elementary School Sewer System into the Nipomo Community Services District sewer line in Vista Verde Ln. as shown in the included site plan. Dana Elementary School is provided domestic water by NCS D. This application would only include the addition of sewer service.

**DEMAND:**

Per Table 702.1 of the CPC, the following Drainage Fixture Units (DFUs) are assigned to each proposed fixture for Private use:

Water Closet (1.6 Gallons per Flush)	=	4.0 DFU	x	29 Water Closets	=	116.0 DFU
Urinal	=	2.0 DFU	x	9 Urinals	=	18.0 DFU
Single Lavatory	=	1.0 DFU	x	21 Lavatories	=	21.0 DFU
Kitchen Sink	=	3.0 DFU	x	2 Sinks	=	6.0 DFU
Custodial Sink	=	3.0 DFU	x	3 Sinks	=	9.0 DFU
Drinking Fountain	=	0.5 DFU	x	4 Fountains	=	2.0 DFU
Classroom Sink (Lavatory)	=	1.0 DFU	x	26 Lavatories	=	26.0 DFU
Classroom Drinking Fountain	=	0.5 DFU	x	26 Fountains	=	13.0 DFU

**Total = 211.0 DFU**

Per Appendix D of the Nipomo Community Services Districts “Standard Specifications for Water and Sewer System Improvements”, dated May 2011, Public Facilities have a Design Sewer Flow Rate of 442 gallons per day per acre. The Dana Elementary campus is approximately 10.03 acres (per the County Assessor’s Office).

442 gallons per acre per day x 10.03 acres = 4,433 gal/day x 3 (Peaking factor) = **13,299 gal/day**

## Appendix D

### Sewer Flow Rates and Peaking Factors

#### Design Sewer Flow Rates - Minimums for Residential Development

Minimum sewer flow rates from residential developments shall be the greater of (a) an average of 3.2 persons per single family residential unit at an average disposal rate of 60 gallons per person per day, or (b) the rates determined using the following table.

**Residential Sewer Flow Rates** (Source: *Water and Sewer Master Plan Update 2007, Technical Memorandum 1 - Water Demand and Sewer Load Projections, page 2, Table ES-2.*)

Land Use Category	Sewer Flow Rate (gallons per day per acre)
Residential Single Family	924
Residential Suburban	330
Residential Multi-Family	2634

#### Design Sewer Flow Rates - Minimums for Non-Residential Development

Minimum sewer flow rates from non-residential developments shall be determined using the following table.

**Non-Residential Sewer Flow Rates** (Source: *Water and Sewer Master Plan Update 2007, Technical Memorandum 1 - Water Demand and Sewer Load Projections, page 2, Table ES-2.*)

Land Use Category	Sewer Flow Rate (gallons per day per acre)
Commercial Retail	1064
Commercial Service	262
Office and Professional	195
Public Facility	442

For land uses not shown in the above table (e.g., commercial and industrial), the District shall determine flows based on the proposed project.

#### Peaking Factors

Peaking factors for sewer design shall be not less than 3.0 and shall be approved by the District.

October 11, 2017

ITEM E-3

ATTACHMENT B

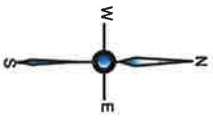


# DANA ELEMENTARY SCHOOL SITE PLAN SEWER CONNECTION



**LEGEND**

— S —	LIQUID MAINTAINED SEWER LINE (PROPOSED)
— S —	NCSD MAINTAINED SEWER LINE (PROPOSED)
— G —	EXISTING GAS LINE
— P —	EXISTING POWER LINE
— S —	EXISTING NCSD SEWER LINE
— FO —	EXISTING FIBER OPTIC LINE
— W —	EXISTING NCSD WATER LINES



SCALE: 1"=100'

**DIVERSIFIED PROJECT SERVICES INTERNATIONAL**  
 5th and 3rd Sts., Garrettsville, OH 43021-2500  
 (601) 550-2835 (614) 571-2700 (614) 571-2500  
 THE DESIGNER FOR THIS DRAWING SHOULD NOT BE CONSIDERED TO BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL PERSONS AND PROPERTY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL PERSONS AND PROPERTY. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL PERSONS AND PROPERTY.  
**PROJECT: 161038**