

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS  
GENERAL MANAGER 

DATE: DECEMBER 7, 2018



## PRESENTATIONS AND REPORTS

The following presentations and reports are scheduled:

- C-1) DIRECTORS' ANNOUNCEMENTS OF DISTRICT AND COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES AND SEMINARS.  
Receive Announcements and Reports from Directors
  
- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS  
GENERAL MANAGER 

DATE: DECEMBER 7, 2018

## AGENDA ITEM

### D

DECEMBER 12, 2018

### 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 removed. If discussion is desired, the item may be removed from the Consent Agenda by a Board member and will be considered separately at the conclusion of the Administrative Items. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda, unless an item is pulled for separate consideration. The recommendations for each item are noted in bracket. Members of the public may comment on the Consent Agenda items.

**Questions or clarification may be made by the Board members  
without removal from the Consent Agenda.**

- D-1) WARRANTS  
[RECOMMEND APPROVAL]
- D-2) APPROVE NOVEMBER 28, 2018 REGULAR BOARD MEETING MINUTES  
[RECOMMEND APPROVE MINUTES]
- D-3) ACCEPT FIRST QUARTER FISCAL YEAR 2018-2019 QUARTERLY FINANCIAL  
REPORT [RECOMMEND RECEIVE AND FILE]
- D-4) AWARD CONSTRUCTION CONTRACT FOR SUPPLEMENTAL WATER  
PROJECT JOSHUA ROAD PUMP STATION PUMP #4 IMPROVEMENTS TO  
SPIESS CONSTRUCTION CO., INC. [RECOMMEND, BY MOTION AND ROLL  
CALL VOTE, ADOPT RESOLUTION AWARDED CONTRACT TO SPIESS  
CONSTRUCTION CO., INC. IN THE AMOUNT OF \$238,800, AUTHORIZE  
STAFF TO EXECUTE CONTRACT, AND AUTHORIZE CHANGE ORDER  
CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$12,000]
- D-5) APPROVE 2019 BOARD MEETING SCHEDULE [RECOMMEND REVIEW AND  
APPROVE 2019 BOARD MEETING SCHEDULE]
- D-6) APPROVE INTENT TO SERVE LETTER FOR FIRE SERVICE AT APN 091-325-  
022, SANDYDALE DRIVE AND NORTH FRONTAGE ROAD, NIPOMO  
[RECOMMEND CONSIDER INTENT TO SERVE LETTER AND APPROVE  
WITH CONDITIONS].
- D-7) APPROVE NEWTON GEO-HYDROLOGY 2019 CONSULTING SERVICES  
CONTRACT SCOPE AND BUDGET [RECOMMEND APPROVE SCOPE AND  
\$90,000 BUDGET FOR NEWTON GEO-HYDROLOGY CONSULTING  
SERVICES

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER

FROM: LISA BOGNUDA  
FINANCE DIRECTOR

DATE: DECEMBER 7, 2018

**AGENDA ITEM**  
**D-1**  
**DECEMBER 12, 2018**

**WARRANTS**

**HANDWRITTEN CHECKS**

None

VOIDS – NONE

**TOTAL COMPUTER CHECKS**

\$258,909.94

**COMPUTER GENERATED CHECKS – SEE ATTACHED**



Nipomo Community Services District

# Item D-1 Warrants DECEMBER 12, 2018

By Payment Number

Payment Dates 12/12/2018 - 12/12/2018

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 4342</b>				
Abalone Coast Analytical, Inc.	Lab tests	4332	12/12/2018	5,540.50
				<b>Payment 4342 Total:</b>
				<u>5,540.50</u>
<b>Payment: 4343</b>				
Alexander's Contract Services,	Meter reading	2018112170872	12/12/2018	2,496.45
				<b>Payment 4343 Total:</b>
				<u>2,496.45</u>
<b>Payment: 4344</b>				
AmeriPride	Uniforms	1502278346	12/12/2018	251.84
AmeriPride	Uniforms	1502282285	12/12/2018	248.56
AmeriPride	Uniforms	1502286452	12/12/2018	248.34
				<b>Payment 4344 Total:</b>
				<u>748.74</u>
<b>Payment: 4345</b>				
Aqua-Metric Sales, Co.	3/4" and 1" meters	INV0071692	12/12/2018	20,173.73
				<b>Payment 4345 Total:</b>
				<u>20,173.73</u>
<b>Payment: 4346</b>				
ASAP Reprographics	Bid plans for Joshua Pump #4	173114	12/12/2018	419.06
ASAP Reprographics	Bid documents - Southland W	173090	12/12/2018	339.17
				<b>Payment 4346 Total:</b>
				<u>758.23</u>
<b>Payment: 4347</b>				
AT&T	Telephone	12230376	12/12/2018	27.70
AT&T	Telephone	12230378	12/12/2018	228.35
AT&T	Telephone	12230377	12/12/2018	164.91
				<b>Payment 4347 Total:</b>
				<u>420.96</u>
<b>Payment: 4348</b>				
Brenntag Pacific, Inc.	Sodium hypochlorite	895358	12/12/2018	469.11
Brenntag Pacific, Inc.	Sodium hypochlorite	895359	12/12/2018	270.65
Brenntag Pacific, Inc.	Sodium hypochlorite	897125	12/12/2018	902.14
Brenntag Pacific, Inc.	Sodium hypochlorite	897687	12/12/2018	487.16
Brenntag Pacific, Inc.	Sodium hypochlorite	897124	12/12/2018	431.77
Brenntag Pacific, Inc.	Sodium hypochlorite	897686	12/12/2018	287.43
Brenntag Pacific, Inc.	Sodium hypochlorite	895360	12/12/2018	451.07
Brenntag Pacific, Inc.	Sodium hypochlorite	895357	12/12/2018	458.83
				<b>Payment 4348 Total:</b>
				<u>3,758.16</u>
<b>Payment: 4349</b>				
Burdine Printing	Postage for Prop 218	37925B	12/12/2018	265.64
Burdine Printing	Prop 218 mailing	37925A	12/12/2018	267.16
				<b>Payment 4349 Total:</b>
				<u>532.80</u>
<b>Payment: 4350</b>				
California Highway Patrol	Collision report request -FH #	NOV2018	12/12/2018	10.00
				<b>Payment 4350 Total:</b>
				<u>10.00</u>
<b>Payment: 4351</b>				
California Rural Water Associa	Membership renewal	NOV2018	12/12/2018	1,302.00
				<b>Payment 4351 Total:</b>
				<u>1,302.00</u>
<b>Payment: 4352</b>				
California Special Districts Ass	2019 membership dues	DEC2018	12/12/2018	7,252.00
				<b>Payment 4352 Total:</b>
				<u>7,252.00</u>
<b>Payment: 4353</b>				
CalPERS	Quarterly OPEB contributions	DEC2018	12/12/2018	21,842.50
				<b>Payment 4353 Total:</b>
				<u>21,842.50</u>

## Item D-1 Warrants DECEMBER 12, 2018

Payment Dates: 12/12/2018 - 12/12/2018

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 4354</b>				
Camacho, Miguel	Uniform - Boot reimbursemen	DEC2018	12/12/2018	150.00
				<b>Payment 4354 Total:</b> 150.00
<b>Payment: 4355</b>				
Cannon Corporation	Standpipe water tank evaluati	67487	12/12/2018	900.00
				<b>Payment 4355 Total:</b> 900.00
<b>Payment: 4356</b>				
Central Coast Fence	Fence installed at 806 Juniper	513	12/12/2018	2,485.00
				<b>Payment 4356 Total:</b> 2,485.00
<b>Payment: 4357</b>				
Charter Communications	Internet - Shop and/or Office	DEC2018B	12/12/2018	224.97
Charter Communications	Internet - Shop and/or Office	DEC2018A	12/12/2018	204.16
				<b>Payment 4357 Total:</b> 429.13
<b>Payment: 4358</b>				
DLT Solutions, LLC	Computer expense - Autocad	SI413144	12/12/2018	372.40
DLT Solutions, LLC	Computer expense - Autocad	SI413906	12/12/2018	170.00
				<b>Payment 4358 Total:</b> 542.40
<b>Payment: 4359</b>				
Electricraft, Inc.	Preventative maintenance - S	15504	12/12/2018	9,380.00
				<b>Payment 4359 Total:</b> 9,380.00
<b>Payment: 4360</b>				
Excel Personnel Services, Inc.	Employment agency	2664611	12/12/2018	347.20
				<b>Payment 4360 Total:</b> 347.20
<b>Payment: 4361</b>				
Famcon Pipe and Supply, Inc.	Air-vac valve enclosures	620	12/12/2018	3,410.55
				<b>Payment 4361 Total:</b> 3,410.55
<b>Payment: 4362</b>				
FGL Environmental	Lab tests	883250	12/12/2018	494.00
FGL Environmental	Lab tests	883252	12/12/2018	276.00
				<b>Payment 4362 Total:</b> 770.00
<b>Payment: 4363</b>				
Gibbs International Truck Cen	Vehicle repair/maintenance	51024	12/12/2018	428.04
				<b>Payment 4363 Total:</b> 428.04
<b>Payment: 4364</b>				
GLM Landscape Management	Landscape maintenance	Nov 2018	12/12/2018	474.78
				<b>Payment 4364 Total:</b> 474.78
<b>Payment: 4365</b>				
Integrated Industrial Supply, I	PVC pipe/fittings and ball valv	57548	12/12/2018	419.44
Integrated Industrial Supply, I	Disposable gloves	57610	12/12/2018	301.84
				<b>Payment 4365 Total:</b> 721.28
<b>Payment: 4366</b>				
Lechowicz & Tseng Municipal	Blacklake sewer rate study	Nov 2018	12/12/2018	2,201.72
				<b>Payment 4366 Total:</b> 2,201.72
<b>Payment: 4367</b>				
Lee Central Coast Newspapers	Public notice - Ordinance	NOV2018	12/12/2018	279.75
				<b>Payment 4367 Total:</b> 279.75
<b>Payment: 4368</b>				
Miner's Ace Hardware	Supplies	Nov 2018	12/12/2018	444.61
				<b>Payment 4368 Total:</b> 444.61
<b>Payment: 4369</b>				
Municipal Maintenance Equip	Credit for Inv. #s 0132655, 01	0132822-CM	12/12/2018	-593.69
Municipal Maintenance Equip	3/4" rotary joint, clamp hose,	0132806	12/12/2018	523.84
Municipal Maintenance Equip	3/4" reel swivle	0132655	12/12/2018	567.34
Municipal Maintenance Equip	2.5" male thread coupler	0132793	12/12/2018	47.28
				<b>Payment 4369 Total:</b> 544.77

## Item D-1 Warrants DECEMBER 12, 2018

Payment Dates: 12/12/2018 - 12/12/2018

Vendor Name	Description (Payable)	Payable Number	Payment Date	Amount
<b>Payment: 4370</b>				
Newton Geo-Hydrology Cons	Litigation support	Nov 2018	12/12/2018	6,563.28
Newton Geo-Hydrology Cons	General consultation	Nov 2018a	12/12/2018	2,220.00
<b>Payment 4370 Total:</b>				<b>8,783.28</b>
<b>Payment: 4371</b>				
Nunley & Associates, Inc.	PCIA-Sandberg	5035	12/12/2018	170.00
Nunley & Associates, Inc.	PCIA-Frank Court	5034	12/12/2018	243.75
Nunley & Associates, Inc.	Joshua Pump Station #4	5018	12/12/2018	612.75
Nunley & Associates, Inc.	Sludge drying bed covers	5027	12/12/2018	3,653.56
Nunley & Associates, Inc.	PCIA-Dana Elementary	5033	12/12/2018	247.50
Nunley & Associates, Inc.	Interconnection design	4992	12/12/2018	7,546.00
Nunley & Associates, Inc.	Southland WWTP Screw Press	5043	12/12/2018	6,771.63
Nunley & Associates, Inc.	PCIA-Tract 2441	5032	12/12/2018	50.00
Nunley & Associates, Inc.	PCIA-Tract 2650	5019	12/12/2018	466.35
<b>Payment 4371 Total:</b>				<b>19,761.54</b>
<b>Payment: 4372</b>				
Office Depot	Office supplies	234490924001	12/12/2018	149.06
<b>Payment 4372 Total:</b>				<b>149.06</b>
<b>Payment: 4373</b>				
Pollard Water	DCHLR Tablets	0124302	12/12/2018	1,694.73
<b>Payment 4373 Total:</b>				<b>1,694.73</b>
<b>Payment: 4374</b>				
Praxair Distribution, Inc.	Cylinder rent	86257886	12/12/2018	50.08
<b>Payment 4374 Total:</b>				<b>50.08</b>
<b>Payment: 4375</b>				
Pryor Learning Solutions, Inc.	Pryor+ training renewal - Wall	5158920	12/12/2018	199.00
Pryor Learning Solutions, Inc.	Pryor+ training renewal - Cah	5158918	12/12/2018	199.00
<b>Payment 4375 Total:</b>				<b>398.00</b>
<b>Payment: 4376</b>				
Quinn Company	Caterpillar repair	WON20006483	12/12/2018	3,036.69
Quinn Company	Caterpillar Brushcutter	G3646301	12/12/2018	7,441.01
<b>Payment 4376 Total:</b>				<b>10,477.70</b>
<b>Payment: 4377</b>				
Santa Maria Ford Lincoln	Vehicle repair/maintenance	173560	12/12/2018	323.04
Santa Maria Ford Lincoln	Vehicle repair/maintenance	173731	12/12/2018	899.55
<b>Payment 4377 Total:</b>				<b>1,222.59</b>
<b>Payment: 4378</b>				
Santa Maria Sun, LLC	Conservation ads	289744	12/12/2018	396.00
Santa Maria Sun, LLC	Conservation ads	290385	12/12/2018	396.00
<b>Payment 4378 Total:</b>				<b>792.00</b>
<b>Payment: 4379</b>				
South County Sanitary Service	Solid Waste tax liens	Nov 2018	12/12/2018	465.70
<b>Payment 4379 Total:</b>				<b>465.70</b>
<b>Payment: 4380</b>				
Staples	Office supplies	NOV2018	12/12/2018	130.75
<b>Payment 4380 Total:</b>				<b>130.75</b>
<b>Payment: 4381</b>				
State Water Resources Contro	T-1 certification	AYALA2018D	12/12/2018	70.00
<b>Payment 4381 Total:</b>				<b>70.00</b>
<b>Payment: 4382</b>				
State Water Resources Contro	Annual permit fees - 3SSO102	WD-0141565	12/12/2018	2,286.00
State Water Resources Contro	Annual permit fees - 3SSO102	WD-0139649	12/12/2018	2,286.00
State Water Resources Contro	Annual permit fees - 3 400104	WD-0138494	12/12/2018	5,145.00
State Water Resources Contro	Annual permit fees - 3 401028	WD-0140559	12/12/2018	5,145.00
State Water Resources Contro	Annual permit fees - 4DW013	WD-0143628	12/12/2018	550.00
<b>Payment 4382 Total:</b>				<b>15,412.00</b>

Item D-1 Warrants DECEMBER 12, 2018

Payment Dates: 12/12/2018 - 12/12/2018

Vendor Name	Description (Payable)	Payable Number	Payment Date	(None)	Amount
<b>Payment: 4383</b>					
SWCA, Inc.	Environmental - Interconnects	87238	12/12/2018		409.50
SWCA, Inc.	Environmental - Interconnects	87241	12/12/2018		76.50
					Payment 4383 Total: 486.00
<b>Payment: 4384</b>					
Terminix Commercial	Pest control	381034487	12/12/2018		52.00
					Payment 4384 Total: 52.00
<b>Payment: 4385</b>					
Tesco Controls, Inc.	SCADA Upgrade	66103	12/12/2018		103,981.50
					Payment 4385 Total: 103,981.50
<b>Payment: 4386</b>					
Tribune	Public notices, employment a	OCT2018	12/12/2018		1,975.38
					Payment 4386 Total: 1,975.38
<b>Payment: 4387</b>					
US Bank National Association	Collections 2 renewal - Iglesia	NOV2018G	12/12/2018		92.00
US Bank National Association	Training seminar - Cahua	NOV2018D	12/12/2018		199.00
US Bank National Association	Travel and meals	NOV2018A	12/12/2018		356.22
US Bank National Association	Office supplies	NOV2018B	12/12/2018		412.29
US Bank National Association	Storage unit	NOV2018F	12/12/2018		167.00
US Bank National Association	Membership renewal CSMFO	NOV2018C	12/12/2018		110.00
US Bank National Association	Blacklake public info meeting	NOV2018E	12/12/2018		650.00
					Payment 4387 Total: 1,986.51
<b>Payment: 4388</b>					
USA Bluebook	Colorimeter and motor assem	740669	12/12/2018		1,487.87
					Payment 4388 Total: 1,487.87
<b>Payment: 4389</b>					
Verizon Wireless	Cell service	9818963443	12/12/2018		734.76
					Payment 4389 Total: 734.76
<b>Payment: 4390</b>					
Waste Connections	Waste collection - Southland	6285862	12/12/2018		193.27
Waste Connections	Waste collection - Office	6284457	12/12/2018		41.23
Waste Connections	Waste collection - Olde Towne	6285455	12/12/2018		218.69
					Payment 4390 Total: 453.19

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS  
GENERAL MANAGER

*MI*

DATE: DECEMBER 7, 2018



**APPROVE NOVEMBER 28, 2018  
REGULAR BOARD MEETING MINUTES**

**ITEM**

Approve action minutes from previous Board meetings. [RECOMMEND APPROVE MINUTES]

**BACKGROUND**

The draft minutes are a written record of the previous Board Meeting action.

**RECOMMENDATION**

Approve Minutes

**ATTACHMENT**

- A. November 28, 2018 draft Regular Board Meeting Minutes

DECEMBER 12, 2018

ITEM D-2

ATTACHMENT A

# NIPOMO COMMUNITY SERVICES DISTRICT

*Serving the Community Since 1965*

## DRAFT REGULAR MINUTES

NOVEMBER 28, 2018 AT 9:00 A.M.

JON S. SEITZ BOARD ROOM 148 SOUTH WILSON STREET, NIPOMO, CA

### BOARD of DIRECTORS

ED EBY, **PRESIDENT**  
DAN ALLEN GADDIS, **VICE PRESIDENT**  
BOB BLAIR, **DIRECTOR**  
CRAIG ARMSTRONG, **DIRECTOR**  
DAN WOODSON, **DIRECTOR**

### PRINCIPAL STAFF

MARIO IGLESIAS, **GENERAL MANAGER**  
LISA BOGNUDA, **FINANCE DIRECTOR**  
WHITNEY MCDONALD, **GENERAL COUNSEL**  
PETER SEVCIK, **DIRECTOR OF ENG. & OPS.**

Mission Statement: The Nipomo Community Services District's mission is to provide its customers with reliable, quality, and cost-effective services now and in the future.

#### A. CALL TO ORDER AND FLAG SALUTE

*Vice President Gaddis called the Regular Meeting of November 28, 2018, to order at 9:00 a.m. and led the flag salute.*

#### B. ROLL CALL AND PUBLIC COMMENT FOR ITEMS NOT ON AGENDA

*At Roll Call, Directors Woodson, Armstrong, Blair and Gaddis were present. President Eby had a planned absence.*

*Travis Young, NCSD customer, asked for leniency on the late fee policy as it relates to his situation.*

*The Board directed the General Manager to follow up with the customer.*

*Mario Iglesias, General Manager, introduced the District's newest employee, Cole Viker, Water Operator I to the Board of Directors.*

*Vice President Gaddis announced that Item E-3 would be next.*

#### E-3) CONSIDER RESOLUTION APPROVING SECOND AMENDMENT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF SAN LUIS OBISPO AND NIPOMO COMMUNITY SERVICES DISTRICT REGARDING THE TRANSFER OF OWNERSHIP IN COUNTY-OWNED REAL PROPERTY [RECOMMEND ADOPT RESOLUTION]

*Mario Iglesias, General Manager, presented the item and answered questions from the Board.*

*Phil D'Acri, Real Property manager for the County of San Luis Obispo, stated the second amendment to the Memorandum of Understanding (MOU) would provide continuity and a more efficient process going forward. Mr. D'Acri stated a signed Second Amendment by the District is needed by Thursday (11/29/18) in order for it to be placed on the Board of Supervisor's agenda for approval at their December meeting (their last meeting of the year). Otherwise, the MOU will expire on December 31, 2018.*

*Whitney McDonald, District Legal Counsel, handed out suggested changes (a red-lined version) to the Resolution that was included in the Board packet.*

*The Board of Directors requested additional language be put in the Second Amendment*

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District  
DRAFT REGULAR MEETING  
MINUTES**

*Ms. McDonald requested this item be tabled while she and Mr. D'Acri work on additional language that could be added that would be agreeable to both parties.*

*Vice President Gaddis granted Ms. McDonald's request and stated Item E-1 would be next.*

- E-1) FINANCIAL AUDIT REPORT FOR FISCAL YEAR 2017-18 [RECOMMEND BY MOTION AND ROLL CALL VOTE ACCEPT AND DIRECT STAFF TO FILE 2017-2018 AUDIT REPORT]

*Lisa Bognuda, Finance Director, introduced Mr. Terry Shea, CPA of Rogers, Anderson, Maloldy & Scott. Mr. Shea presented the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended June 30, 2018.*

*There were no public comments.*

*Upon motion of Director Armstrong and seconded, the Board unanimously accepted the CAFR for the fiscal year ended June 30, 2018.*

*Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Blair, Woodson and Gaddis</i>	<i>None</i>	<i>Eby</i>

*Vice President Gaddis announced that Item C-2 would be next.*

- C-2) DIRECTORS' ANNOUNCEMENTS OF DISTRICT & COMMUNITY INTEREST AND REPORTS ON ATTENDANCE AT PUBLIC MEETINGS, TRAINING PROGRAMS, CONFERENCES, AND SEMINARS.

Director Woodson

- *November 26, attended SCAC meeting.*

Director Gaddis

- *November 19, attended Board Officer's meeting.*

*There were no public comment.*

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]

- D-2) APPROVE NOVEMBER 14, 2018 REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]

- D-3) AWARD CONSTRUCTION CONTRACT FOR SOUTHLAND WASTEWATER TREATMENT FACILITY SLUDGE DRYING BED COVER PROJECT TO SPIESS CONSTRUCTION CO., INC. [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ADOPT RESOLUTION AWARDED CONTRACT TO SPIESS CONSTRUCTION CO., INC. IN THE AMOUNT OF \$121,900, AUTHORIZE STAFF TO EXECUTE CONTRACT, AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$6,100 AND APPROVE BUDGET ADJUSTMENT]

SUBJECT TO BOARD APPROVAL

**Nipomo Community Services District  
DRAFT REGULAR MEETING  
MINUTES**

- D-4) ADOPT RESOLUTION AMENDING SECTION 3010 AND SECTION 3020 OF THE NCSD EMPLOYEE HANDBOOK [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AMENDING THE EMPLOYEE HANDBOOK]

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Consent Agenda.*

*Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Woodson, Blair and Gaddis	None	Eby

RESOLUTION NO. 2018-1493

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE CONSTRUCTION OF SOUTHLAND WWTF DRYING BED COVER PROJECT TO SPIESS CONSTRUCTION CO., INC. IN THE AMOUNT OF \$121,900, AUTHORIZING CONSTRUCTION CONTINGENCY OF \$6,100, AND AMENDING FY 2018/2019 BUDGET

RESOLUTION NO. 2018-1494

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING SECTION 3010 AND 3020 OF THE EMPLOYEE HANDBOOK

- E-2) SCHEDULE PUBLIC HEARING FOR BLACKLAKE SEWER RATES AND AUTHORIZE PROP 218 NOTICE OF RATE HEARING [RECOMMEND BY MOTION AND ROLL CALL VOTE SET DATE FOR RATE ADOPTION HEARING, AND APPROVE NOTICE OF RATE HEARING ]

*Mario Iglesias, General Manager, presented the item and answered questions from the Board.*

*There was no public comment.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved setting the Public Hearing for the Blacklake Sewer Rate increase for January 23, 2018 and directed Staff to mail out the Prop 218 notice.*

*Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
Directors Armstrong, Woodson, Blair and Gaddis,	None	Eby

F. MANAGER'S REPORT

*Mario Iglesias, General Manager, presented the item and answered questions from the Board.*

*There was no public comment*

G. COMMITTEE REPORTS

*None*

H. DIRECTORS' REQUEST TO STAFF AND SUPPLEMENTAL REPORTS

None

*Vice President Gaddis announced the Board would return to Item E-3, previously tabled from earlier in the meeting.*

*Ms. McDonald, District Legal Counsel, stated she and Mr. D'Acri mutually agreed upon adding the following language to the Second Amendment to the Memorandum of Understanding between the County of San Luis Obispo and the Nipomo Community Services District regarding the transfer of ownership in County-owned property, subject to Board approval:*

**5. Adding new Paragraph 21 as follows:**

***Termination of MOU: In the event that the County enters into a Memorandum of Understanding or an agreement with an entity other than the District for the development and operation of the Park, this MOU shall be terminated and shall have no further force or effect.***

*There were no public comments.*

*Upon the motion of Director Armstrong and seconded, the Board unanimously approved setting the Second Amendment with the addition of the language presented above and approved the Resolution, as amended.*

*Vote 4-0.*

YES VOTES	NO VOTES	ABSENT
<i>Directors Armstrong, Blair, Woodson and Gaddis,</i>	<i>None</i>	<i>Eby</i>

**RESOLUTION NO. 2018-1495**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING A SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE NIPOMO COMMUNITY SERVICES DISTRICT AND THE COUNTY OF SAN LUIS OBISPO REGARDING THE TRANSFER OF OWNERSHIP IN COUNTY-OWNED REAL PROPERTY**

*Vice President Gaddis announced that Item C-1 would be next.*

**C-1) DISCUSSION OF SENATE BILL 998 REGARDING DISCONTINUATION OF RESIDENTIAL WATER SERVICE [RECOMMEND RECEIVE, DISCUSS, AND FILE REPORT**

Whitney McDonald, District Legal Counsel, presented an overview of Senate Bill 998 signed by the Governor on September 28, 2018 and answered questions from the Board.

In the coming year, District Staff will work on policies to address the requirements of SB 998 which must be implemented by February 1, 2020.

There were no public comments.

**I. CLOSED SESSION ANNOUNCEMENTS**

Nipomo Community Services District  
DRAFT REGULAR MEETING  
MINUTES

1. CONFERENCE WITH DISTRICT LEGAL COUNSEL RE: PENDING LITIGATION  
PURSUANT TO GC §54956.9

- a) SMVWCD V. NCSD (SANTA CLARA COUNTY CASE NO. CV 770214,  
SIXTH APPELLATE COURT CASE NO. H032750 AND A LITIGATION  
PURSUANT TO GC §54956.9 ALL CONSOLIDATED CASES)

Whitney McDonald, District Legal Counsel, stated there was no need for Closed Session.

There were no public comment.

ADJOURN

*Vice President Gaddis adjourned the meeting at 10:25 a.m.*

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	2 hours 25 minutes
Closed Session	0 hours 00 minutes
TOTAL HOURS	2 hours 25 minutes

Respectfully submitted,

\_\_\_\_\_  
Mario Iglesias, General Manager and Secretary to the Board

\_\_\_\_\_  
Date

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER

FROM: LISA BOGNUDA  
FINANCE DIRECTOR

DATE: DECEMBER 7, 2018



## **ACCEPT FIRST QUARTER FISCAL YEAR 2018-2019 QUARTERLY FINANCIAL REPORT**

### **BACKGROUND**

As of September 30, 2018, the 2018-2019 Fiscal year is 25% complete. The consolidated operating revenues are 27.08% of budget, operating expenditures are at 27.72% of budget and general and administrative expenditures are at 28.11% of budget.

Attached are the following which provide an overview of the first nine months of the fiscal year:

Page 1	Consolidated Statement of Net Position
Page 2-3	Consolidated Statement of Revenues and Expenses
Page 4	Summary of Revenues, Expenses and Cash Balances by Fund
Page 5	Summary of Approved Budget Adjustments
Page 6-7	Graphs for Consolidated Revenues and Expenses
Page 8-10	Graphs for major funds (Water, Town Sewer, and Blacklake Sewer)

### **STRATEGIC PLAN**

Goal 4. FINANCE. Maintain conservative, long-term financial management to minimize rate impacts on customers while meeting program financial needs.

### **RECOMMENDATION**

It is recommended that your Honorable Board accept report and direct Staff to file the quarterly financial report for the first quarter of fiscal year 2018-2019.

### **ATTACHMENT**

- A. Pages 1-10 – NCSD Quarterly Financial Report

DECEMBER 12, 2018

ITEM D-3

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
STATEMENT OF NET POSITION - (Unaudited)  
SEPTEMBER 30, 2018**

**ASSETS**

Current assets:	
Cash and cash equivalents	\$ 17,125,118
Accounts receivable	530,207
Unbilled utilities receivable	1,025,000
Accrued interest receivable	90,132
Due from partner purveyors	170,759
Contracts receivable, current portion	101,819
Total current assets	<u>19,043,035</u>
Noncurrent assets:	
Restricted cash-NSWP funded replacement	624,996
Cash with fiscal agent	605,014
Deposits and other assets	417,733
Contracts receivable, less current portion	6,658,254
Net OPEB asset	0
Capital assets:	
Capital assets, net of depreciation	65,327,210
Total noncurrent assets	<u>73,633,207</u>
Total assets	<u>92,676,242 (A)</u>

Deferred Outflows of Resources	
OPEB related	87,370
Pension related	763,644
Total deferred outflows of resources	<u>851,014 (B)</u>

**LIABILITIES**

Current liabilities:	
Accounts payable	596,847
Deposits	313,176
Accrued Liabilities	348,211
Current portion of long-term debt	284,229
Total current liabilities	<u>1,542,463</u>
Noncurrent liabilities:	
Net OPEB liability	648,238
Net pension liability	1,686,681
Long-term debt, less current portion	20,000,000
Total noncurrent liabilities	<u>22,334,919</u>
Total liabilities	<u>23,877,382 (C)</u>

Deferred Inflows of Resources	
OPEB related	40,084
Pension related	57,871
Total deferred inflows of resources	<u>97,955 (D)</u>

**NET POSITION**

Net investment in capital assets	44,662,685
Restricted for system expansion, replacement and debt service	12,079,117
Unrestricted	<u>12,810,117</u>
Total net position	<u>\$ 69,551,919</u>

(A)+(B)-(C)-(D)

**NIPOMO COMMUNITY SERVICES DISTRICT  
STATEMENT OF REVENUES AND EXPENSES - (Unaudited)  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2018**

	YEAR-TO- DATE	BUDGET	% OF BUDGET
<u>OPERATING REVENUES</u>			
Water fixed charges	\$ 303,082	1,162,000	26.08%
Water usage charges	1,286,103	4,380,000	29.36%
Sewer charges	632,098	2,547,000	24.82%
Miscellaneous fees and charges	47,274	151,900	31.12%
Street light and landscape maintenance charges	0	40,030	0.00%
Franchise fees	2,816	62,000	4.54%
NSWP - collections from purveyors for water purchased	140,034	480,058	29.17%
NSWP - collections from purveyors for related expenses	30,723	56,332	54.54%
Operating transfers in - Funded Administration	117,678	482,760	24.38%
Operating transfers in - Funded Replacement	289,500	1,158,000	25.00%
Total Operating Revenues	<u>2,849,308</u>	<u>10,520,080</u>	<u>27.08%</u>
<u>OPERATING EXPENSES - OPERATIONS AND MAINTENANCE</u>			
Wages and benefits	292,260	946,500	30.88%
Purchased water -NCS D share	280,235	961,000	29.16%
Purchased water-purveyors	140,034	480,058	29.17%
Electricity	195,940	618,700	31.67%
Water	2,335	4,420	52.83%
Chemicals	22,636	80,000	28.30%
Lab tests	23,263	93,000	25.01%
Operating supplies	46,761	204,000	22.92%
Outside services	47,182	189,500	24.90%
Permits and operating fees	153	47,000	0.33%
Repairs and maintenance	57,312	230,000	24.92%
Engineering	7,590	15,500	48.97%
Fuel	7,554	30,300	24.93%
Meters	16,667	50,000	33.33%
Safety program	555	3,000	18.50%
Uniforms	3,836	15,400	24.91%
Landscape maintance district	1,455	8,000	18.19%
Solid waste program	875	7,500	11.67%
Conservation program	3,069	50,000	6.14%
Operating transfer out - Funded Replacement	289,500	1,158,000	25.00%
Subtotal - Operating Expenses (Operations and Maintenance)	<u>1,439,212</u>	<u>5,191,878</u>	<u>27.72%</u>

continued on next page

**NIPOMO COMMUNITY SERVICES DISTRICT  
STATEMENT OF REVENUES AND EXPENSES - (Unaudited)  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2018**

	YEAR-TO- DATE	BUDGET	% OF BUDGET
<u>OPERATING EXPENSES - GENERAL AND ADMINISTRATIVE</u>			
Wages and benefits	169,478	454,000	37.33%
Outside services	6,461	17,575	36.76%
Bank charges and fees	2,489	10,300	24.17%
Computer expense	33,367	105,500	31.63%
Dues and subscriptions	31,501	20,900	150.72%
Education and training	1,709	8,000	21.36%
Elections	0	0	0.00%
Liability insurance	24,190	85,000	28.46%
Landscape and janitorial	4,360	15,000	29.07%
Legal counsel-general	24,651	127,500	19.33%
Legal counsel-water	14,307	75,000	19.08%
Professional services	45,624	234,050	19.49%
Miscellaneous	408	7,000	5.83%
Newsletters and mailers	0	10,000	0.00%
Office supplies	4,847	17,000	28.51%
Postage	4,356	25,700	16.95%
Public notices	428	8,300	5.16%
Repairs and maintenance	3,091	28,550	10.83%
Property taxes	0	1,400	0.00%
Telephone	2,109	8,500	24.81%
Travel and mileage	3,195	13,500	23.67%
Utilities	4,719	19,500	24.20%
Operating transfer out - Funded Administration	117,678	482,760	24.38%
Subtotal - Operating Expenses (General and Administrative)	498,968	1,775,035	28.11%
 Total Operating Expenses	 1,938,180	 6,966,913	 27.82%
 Total Operating Surplus (Deficit)	 911,128	 3,553,167	 25.64%
<u>NON-OPERATING INCOME (EXPENSES)</u>			
Interest income	96,642	384,565	25.13%
Property tax revenue	2,024	654,400	0.31%
Cell site revenue	10,337	41,000	25.21%
Other revenue - purveyors	53,044	521,238	0.00%
Capacity Charges collected	216,585	0	0.00%
Interest expense	(80,995)	(851,116)	9.52%
Total non-operating revenues (expenses)	297,637	750,087	
 Total Operating and Non-operating Surplus (Deficit)	 \$ 1,208,765	 4,303,254	

NIPOMO COMMUNITY SERVICES DISTRICT  
SUMMARY OF REVENUES AND EXPENSES BY FUND  
THREE MONTHS ENDING SEPTEMBER 30, 2018

FUND	FUND #	YTD REVENUES	YTD EXPENSES	SUBTOTAL	FUNDED REPLACEMENT	TRANSFERS B/W FUNDS	YTD SUPRPLUS/ (DEFICIT)
Administration	110	124,030	(124,030)	0	0	0	0
Water	125	1,645,847	(1,052,750)	593,097	(148,750)	0	444,347
Water Rate Stabilization	128	2,123	0	2,123	0	0	2,123
Town Sewer	130	560,170	(280,715)	279,455	(98,750)	0	180,705
Town Sewer Rate Stabilization	135	1,597	0	1,597	0	0	1,597
Blacklake Sewer	150	84,868	(81,391)	3,477	(42,000)	0	(38,523)
Blacklake Sewer Rate Stabilization	155	265	0	265	0	0	265
Blacklake Street Lighting	200	82	(7,192)	(7,110)	0	0	(7,110)
Street Landscape Maintenance	250	56	(1,851)	(1,795)	0	0	(1,795)
Solid Waste	300	4,130	(418)	3,712	0	0	3,712
Drainage Maintenance	400	367	0	367	0	(46,600)	(46,233)
Supplemental Water Capacity Fees	500	137,898	(64,713)	73,185	0	0	73,185
Property Taxes	600	3,559	(19,571)	(16,012)	0	46,600	30,588
Water Capacity Fees	700	1,008	0	1,008	0	0	1,008
Town Sewer Capacity Fees	710	98,883	0	98,883		0	98,883
Funded Replacement-Water	805	19,917	0	19,917	148,750	0	168,667
Funded Replacement-Town Sewer	810	20,976	0	20,976	98,750	0	119,726
Funded Replacement-BL Sewer	830	4,659	0	4,659	42,000	0	46,659
NSWP Operations & Maintenance	910	469,397	(446,019)	23,378	0	0	23,378
NSWP Funded Replacement	915	107,583	0	107,583	0	0	107,583
TOTAL		3,287,415	(2,078,650)	1,208,765	0	0	1,208,765

CASH BALANCE OF EACH FUND

FUND	FUND #	CASH BALANCE 9/30/2018
Administration	110	52,913
Water	125	2,069,618
Water Rate Stabilization	128	412,740
Town Sewer	130	978,434
Town Sewer Rate Stabilization	135	310,363
Blacklake Sewer	150	236,834
Blacklake Sewer Rate Stabilization	155	51,593
Blacklake Street Lighting	200	12,131
Street Landscape Maintenance	250	10,004
Solid Waste	300	258,569
Drainage Maintenance	400	37,591
Supplemental Water	500	1,923,269
Property Taxes	600	251,780
Water Capacity Fees	700	1,699,938
Town Sewer Capacity Fees	710	474,614
Funded Replacement-Water	805	3,941,173
Funded Replacement-Town Sewer	810	4,111,045
Funded Replacement-BL Sewer	830	922,847
NSWP	910	(25,324)
NSWP-Funded Replacement	915	624,996
Restricted		(624,996)
Funds Held by Trustee		(605,014)
TOTAL		17,125,118

NOTE:

BALANCE SHEETS AND STATEMENTS OF REVENUES AND EXPENSES FOR EACH FUND ARE AVAILABLE FOR REVIEW UPON REQUEST

NIPOMO COMMUNITY SERVICES DISTRICT  
SUMMARY OF APPROVED BUDGET AMENDMENTS  
FISCAL YEAR JUNE 30, 2019

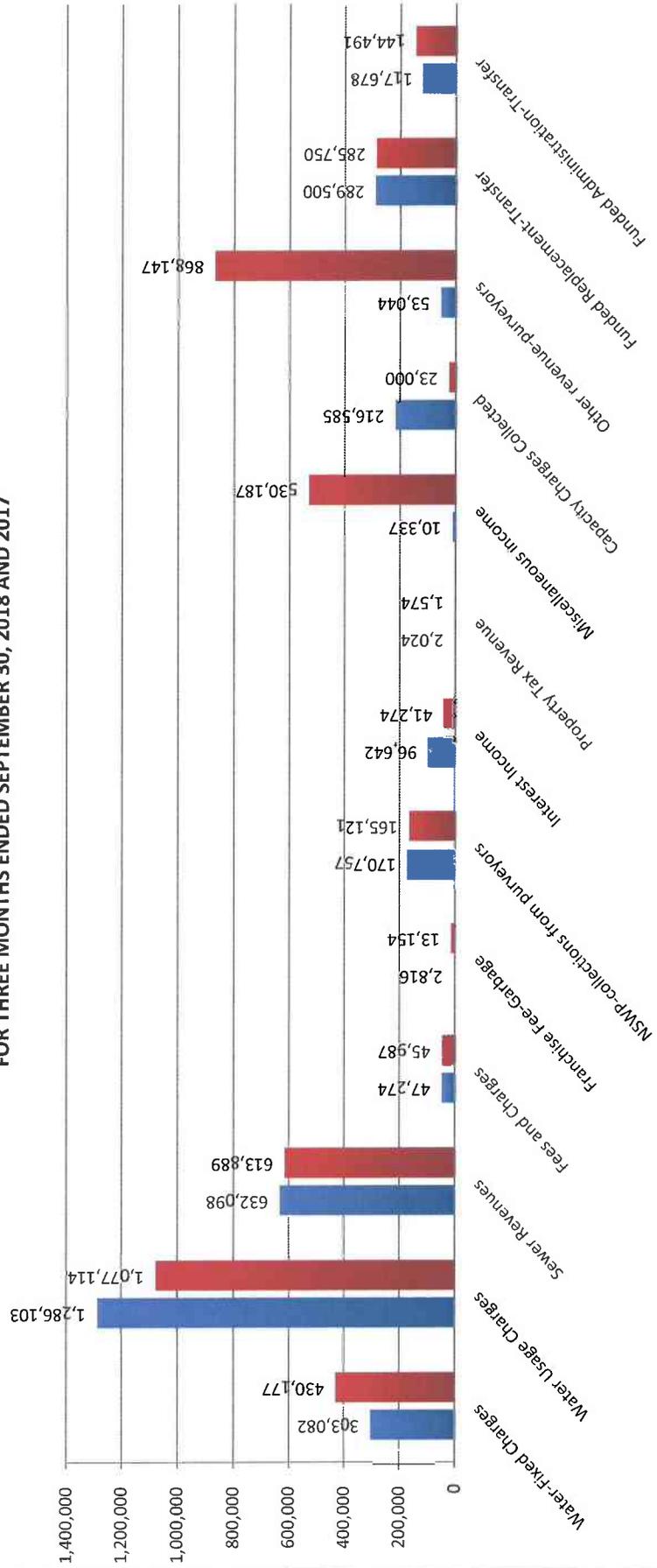
FIRST QUARTER ENDING SEPTEMBER 30, 2018

DATE	DESCRIPTION	FUNDS	APPROVED BUDGET	APPROVED AMENDMENT	AMENDED BUDGET
9/12/2018	Engineering services for supplemental water project	500	\$0	\$63,599	\$63,599

SECOND QUARTER ENDING DECEMBER 31, 2018

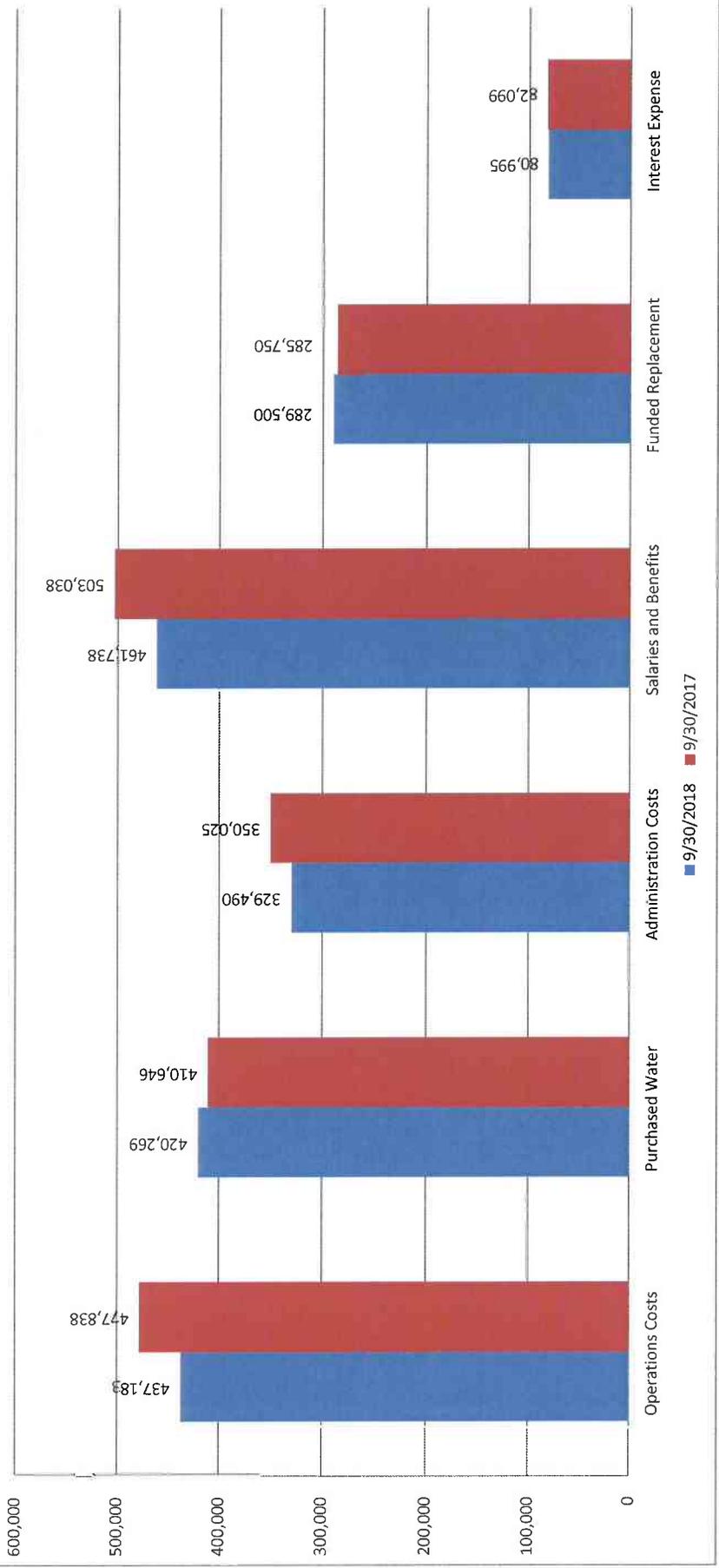
DATE	DESCRIPTION	FUNDS	APPROVED BUDGET	APPROVED AMENDMENT	AMENDED BUDGET
10/10/2018	Sludge Drying Bed Cover Project and defer Storage Building project	710	\$150,000	(\$100,000)	\$50,000
		130	\$0	\$100,000	\$100,000
11/28/2018	Sludge Drying Bed Cover Project and defer Storage Building project	710	\$50,000	(\$43,000)	\$7,000
		130	\$100,000	\$43,000	\$143,000

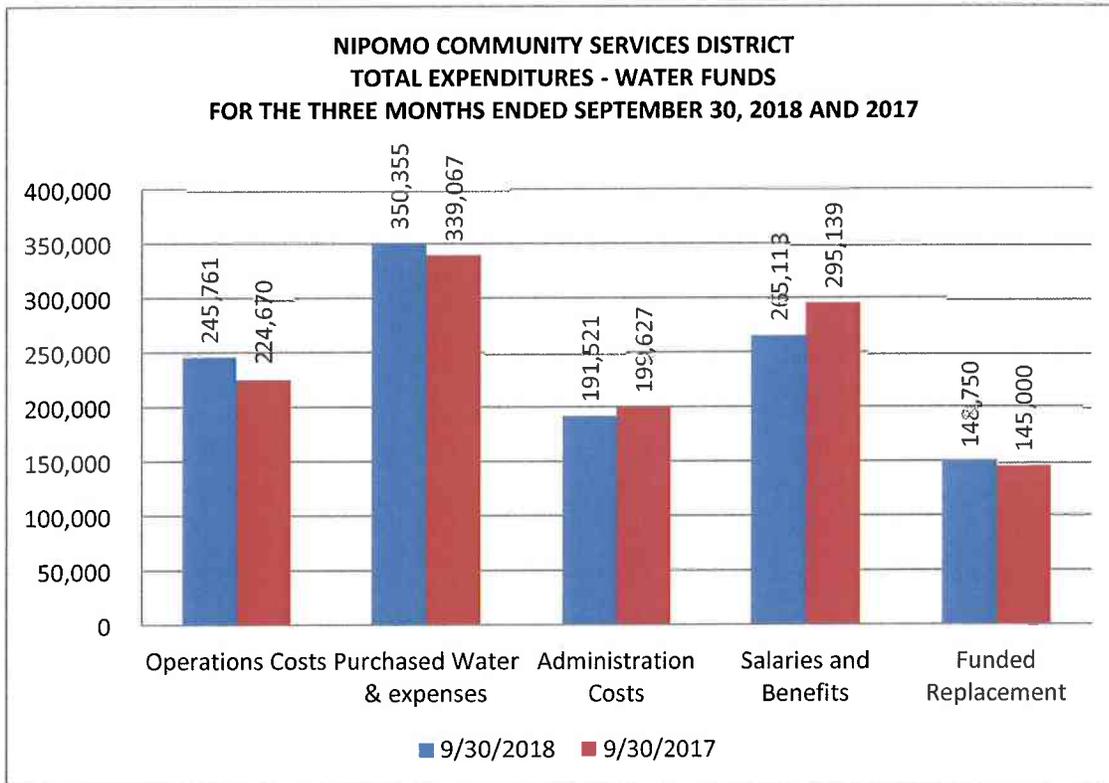
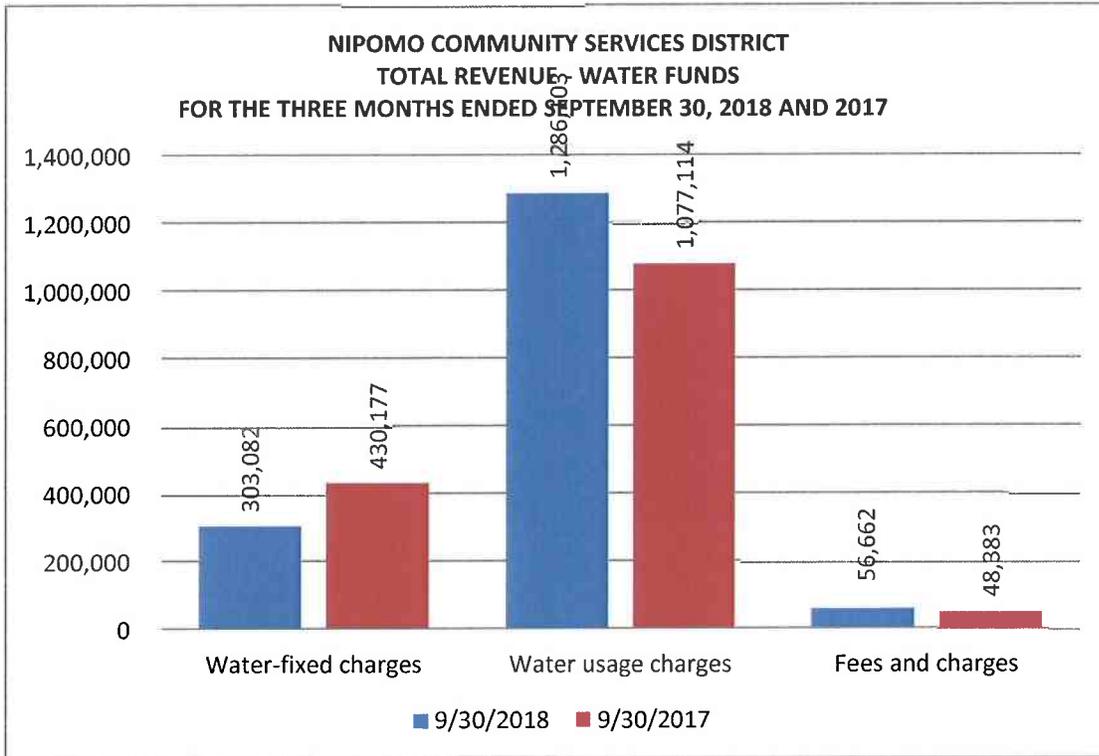
**NIPOMO COMMUNITY SERVICES DISTRICT  
TOTAL REVENUES  
FOR THREE MONTHS ENDED SEPTEMBER 30, 2018 AND 2017**

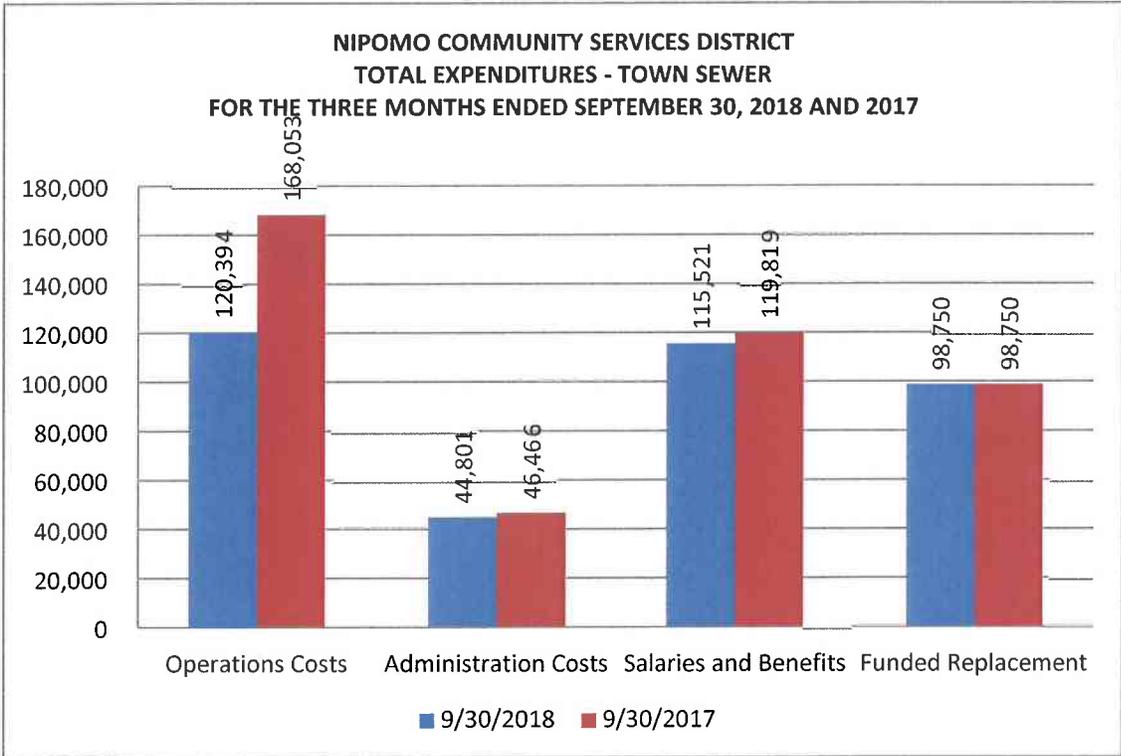
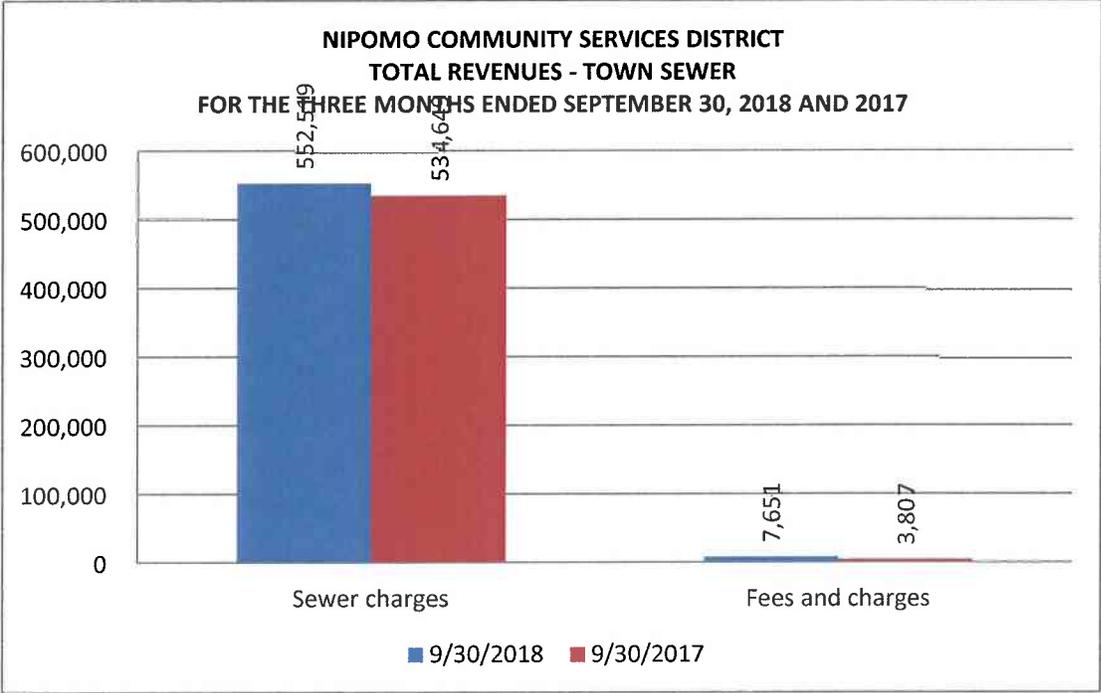


■ 9/30/2018 ■ 9/30/2017

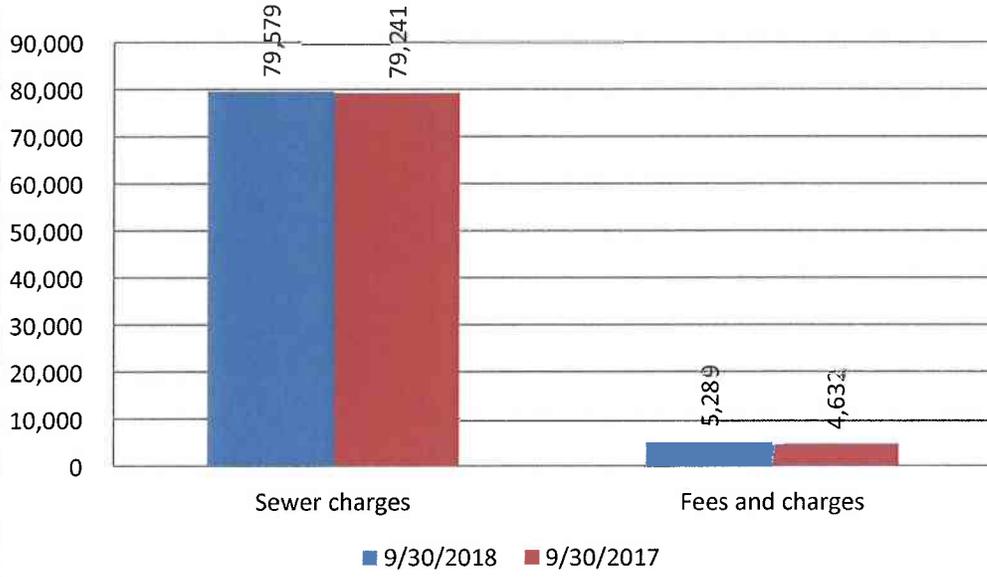
**NIPOMO COMMUNITY SERVICES DISTRICT  
TOTAL EXPENDITURES  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2018 AND 2017**



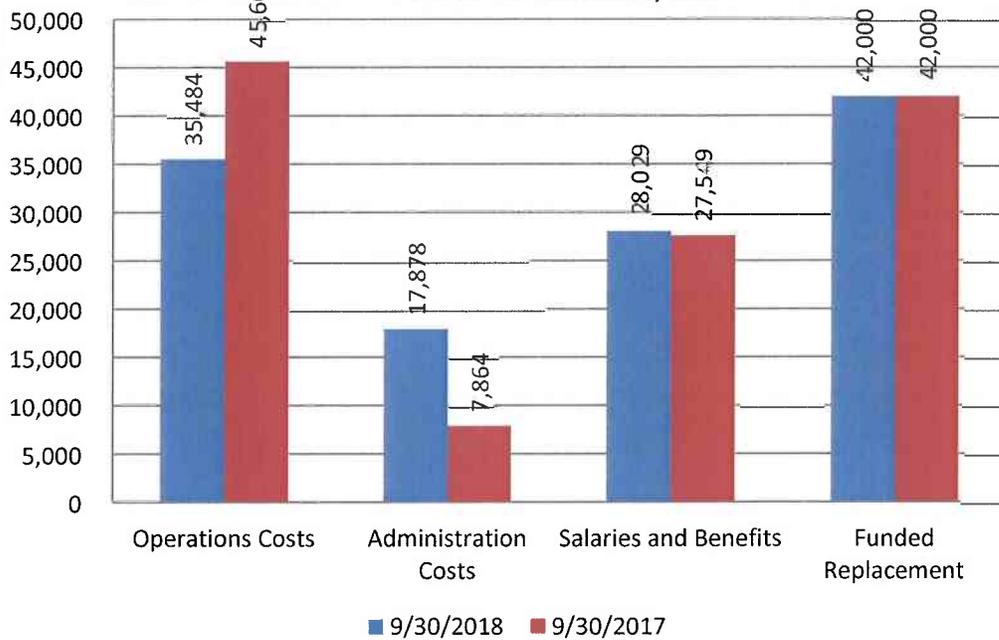




**NIPOMO COMMUNITY SERVICES DISTRICT  
TOTAL REVENUES - BLACKLAKE SEWER  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2018 AND 2017**



**NIPOMO COMMUNITY SERVICES DISTRICT  
TOTAL EXPENDITURES - BLACKLAKE SEWER  
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2018 AND 2017**



TO: BOARD OF DIRECTORS  
REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER  
FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF  
ENGINEERING & OPERATIONS  
DATE: DECEMBER 5, 2018



**AWARD CONSTRUCTION CONTRACT FOR  
SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION  
PUMP #4 IMPROVEMENTS TO SPIESS CONSTRUCTION CO., INC.**

**ITEM**

Award construction contract for Supplemental Water Project Joshua Road Pump Station Pump #4 Improvements to Spiess Construction Co., Inc. [RECOMMEND, BY MOTION AND ROLL CALL VOTE, ADOPT RESOLUTION AWARDED CONTRACT TO SPIESS CONSTRUCTION CO., INC. IN THE AMOUNT OF \$238,800, AUTHORIZE STAFF TO EXECUTE CONTRACT, AND AUTHORIZE CHANGE ORDER CONSTRUCTION CONTINGENCY IN THE AMOUNT OF \$12,000].

**BACKGROUND**

The Nipomo Supplemental Water Project (Project) delivers water purchased by the District from the City of Santa Maria and allows the District to reduce pumping from existing wells to reduce the potential for seawater intrusion on the Nipomo Mesa. The Project also increases 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. Construction of the project is phased to manage the high capital cost of the project as well as track with the phased water delivery schedule.

The current Project phasing plan includes the installation of Pump #4 at the Joshua Road Pump Station in FY 2018/2019. The installation of a fourth pump at the Joshua Road Pump Station will allow the District to provide redundancy and operational reliability for supplemental water deliveries up to 1000 AFY.

The Board authorized staff to bid the Supplemental Water Project Joshua Road Pump Station Pump #4 Improvements at the October 10, 2018 Board meeting. On November 29, 2018, bids for the Project were opened from two (2) contractors as listed below:

Contractor	Total Bid Price
Spiess Construction Co., Inc.	\$238,800
Pacific Hydrotech Corporation	\$270,500

**ITEM D-4, SWP JRPS PUMP #4 IMPROVEMENTS  
CONSTRUCTION CONTRACT AWARD  
DECEMBER 12, 2018**

**PAGE 2**

The apparent low bidder was Spiess Construction Co., Inc. with a bid of \$238,800. Staff reviewed the bid and determined that the bid is responsive and the bidder is responsible. The engineer's estimate for construction of the project was \$250,000.

**SCHEDULE**

The tentative schedule is as follows:

- Contract Award – December 2018
- Construction – January 2019 to June 2019

**FISCAL IMPACT**

Funding in the amount of \$300,000, Fund #500, Supplemental Water Project, is available for the project in the FY 2018-2019 budget.

**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.

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.

Goal 5. OPERATIONS. Maintain a proactive program to ensure readiness of systems and cost-effectiveness of operations.

**RECOMMENDATION**

Staff recommends that the Board, by motion and roll call vote, adopt Resolution 2018-XXXX SWP JRPS Pump #4 Improvements Bid Award to:

1. Award the bid for the Supplemental Water Project Joshua Road Pump Station Pump #4 Improvements to Spiess Construction Co., Inc. in the amount of \$238,800 and authorize the General Manager to execute the construction agreement.
2. Authorize the General Manager to issue Change Orders for construction of the project with an aggregate total amount not to exceed \$12,000.

**ATTACHMENTS**

- A. Resolution 2018-XXXX SWP JRPS Pump #4 Improvements Bid Award

DECEMBER 12, 2018

ITEM D-4

ATTACHMENT A

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2018-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE  
CONSTRUCTION OF SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION PUMP #4  
IMPROVEMENTS TO SPIESS CONSTRUCTION CO., INC. IN THE AMOUNT OF \$238,800, AND  
AUTHORIZING CONSTRUCTION CONTINGENCY OF \$12,000**

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

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

**WHEREAS**, the current Supplemental Water Project phasing plan includes the installation of a fourth pump at the Joshua Road Pump Station in FY 2018/2019; and

**WHEREAS**, the design drawings and technical specifications for the Pump #4 Improvements, dated October 2018, were developed by District staff and MKN Associates; and

**WHEREAS**, the Board authorized staff to solicit bids for the project on October 10, 2018; and

**WHEREAS**, based on the staff report, staff presentation and public comment, the Board makes the following findings:

1. The project was advertised for bids in accordance with State of California Public Contracts Code requirements.
2. The District received two (2) bids for the project.
3. Staff has reviewed the project bids and has determined that Spiess Construction Co., Inc., the apparent low bidder, submitted a responsive bid and is a responsible bidder.

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

1. The bid for the Supplemental Water Project Joshua Road Pump Station Pump #4 Improvements is hereby awarded to the lowest responsive and responsible bidder, Spiess Construction Co., Inc., in the amount of \$238,800, and the General Manager is authorized to execute the construction agreement.
2. The General Manager is authorized to issue Change Orders for construction of project with an aggregate total amount not to exceed \$12,000.
3. The above recitals and findings are incorporated herein by this reference.

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 12<sup>th</sup> day of December 2018.

**NIPOMO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2018-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
NIPOMO COMMUNITY SERVICES DISTRICT AWARDING THE BID FOR THE  
CONSTRUCTION OF SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION PUMP #4  
IMPROVEMENTS TO SPIESS CONSTRUCTION CO., INC. IN THE AMOUNT OF \$238,800, AND  
AUTHORIZING CONSTRUCTION CONTINGENCY OF \$12,000**

**ED EBY**  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

**MARIO IGLESIAS**  
General Manager and Secretary to the Board

**WHITNEY G. MCDONALD**  
District Legal Counsel

TO: BOARD OF DIRECTORS

FROM: MARIO E. IGLESIAS  
GENERAL MANAGER

DATE: DECEMBER 7, 2018

**AGENDA ITEM  
D-5  
DECEMBER 12, 2018**

**APPROVE 2019 BOARD MEETING SCHEDULE**

**ITEM**

Review and approve 2019 schedule of Regular Board Meetings. [RECOMMEND REVIEW AND APPROVE 2019 BOARD MEETING SCHEDULE]

**BACKGROUND**

Section 2.1 of the Board By-Laws states:

*Subject to holiday and scheduling conflicts, regular meetings of the Board of Directors shall commence at 9:00 a.m. on the second and fourth Wednesday of each calendar month in the Board Room at the District Office located at 148 South Wilson, Nipomo, CA. The Board of Directors reserves the right to cancel and/or designate other dates, places, and times for Director Meetings due to scheduling conflicts and holidays.*

Proposed Regular Board Meeting Schedule for 2019

<b>1<sup>st</sup> Meeting of Month</b>	<b>2<sup>nd</sup> Meeting of Month</b>
January 9	January 23
February 13	February 27
March 13	March 27
April 10	April 24
May 8	May 22
June 12	June 26
July 10	July 24
August 14	August 28
September 11	September 25
October 9	October 23
November 13	November 27
December 11	Cancelled – Holiday Season

Special Meetings will be called subject to Section 2.2 of the Board By-Laws as follows:

*Special meetings may be called by the President or three (3) Directors with a minimum of twenty-four (24) hours public notice.*

All meetings will be noticed pursuant to the Brown Act.

**RECOMMENDATION**

Staff recommends that your Board by motion and roll call vote approve the 2019 Board Meeting Schedule as presented above.

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER

*MIG*

FROM: PETER V. SEVCIK, P.E.  
DIRECTOR OF ENGINEERING  
AND OPERATIONS

DATE: DECEMBER 7, 2018



**APN 091-325-022 FIRE SERVICE REQUEST  
SANDYDALE DRIVE AND NORTH FRONTAGE ROAD, NIPOMO**

**ITEM**

Consider request for a private fire service only Intent-to-Serve Letter for a proposed RV storage facility on APN 091-325-022 on the corner of Sandydale Drive and North Frontage Road, Nipomo [RECOMMEND CONSIDER INTENT TO SERVE LETTER AND APPROVE WITH CONDITIONS].

**BACKGROUND**

The Board considered a request for a private fire service for APN 091-325-022, on the corner of Sandydale Drive and North Frontage Road, in Nipomo, on August 8, 2018 and authorized staff to issue an Intent-to-Serve (ITS) letter for the project. Staff issued the ITS letter and the project applicant, Howard and Pepper, Inc., returned a signed copy of the letter on October 24, 2018, not within 30 days of issuance as required. Thus, the Intent-to-Serve letter is no longer valid.

The District received a new application for a private fire service for the project on December 2, 2018. The application is the same as the project that the Board previously approved.

The applicant is requesting a private fire service connection for a RV trailer storage lot. The applicant is represented by Dennis Schmidt, Granite Ridge Development Consultants. The fire service is necessary in order for the project to comply with CAL FIRE requirements. The application is attached to the staff report as Attachment A.

The project location does not currently receive water service from the District and no water service is requested at this time, only fire service. Thus, the request does not conflict with the current Stage IV District Water Shortage Response and Management Plan implementation requirements.

The applicant estimates a 6-inch fire service connection will be required. The applicant will be required to construct the fire service connection in compliance with current District standards. An analysis of the District's existing water distribution system's ability to meet the project demands will be conducted as part of the project review process.

### **FISCAL IMPACT**

District fire capacity fees are based on the connection size. Fire service capacity charges are equal to 12.5% of the District's Water Capacity Charge. The estimated capacity charge for the project is \$44,230 based on the current District fee schedule and a 6-inch fire service connection. Once the project is completed and accepted by the District, a bimonthly fire protection charge will apply. The bimonthly charge is currently \$71.71 for a 6-inch connection.

The applicant will also be required to enter into a Plan Check and Inspection Agreement with the District and pay a deposit to cover all of the District's administrative, engineering and legal costs incurred while processing the project.

### **RECOMMENDATION**

Staff recommends that the Board approve the Applicant's request for an Intent-to-Serve letter for fire service only for the project with the following conditions:

### **PROJECT SPECIFIC CONDITIONS**

- No domestic water service or irrigation water service will be provided by the District.
- Private fire service shall be designed and certified by a California registered civil engineer in accordance with District Ordinance Code 3.04.140.B.
- Applicant shall install a single six (6) inch fire service and backflow assembly for the project.
- CAL FIRE of SLO County must approve the fire service plans prior to District approval.

### **STANDARD CONDITIONS**

- Enter into a Plan Check and Inspection Agreement and provide a deposit to cover all District costs to process project.
- Pay all appropriate District fees associated with this project.
- Fire service connection fees will be based on size of required 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 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 fire service shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All 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 improvement costs
- The District will begin fire 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 project is other than a fire service for a RV storage lot.
- 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

DECEMBER 12, 2018

ITEM D-6

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:

RECEIVED

DEC - 6 2018

NIPOMO COMMUNITY  
SERVICES DISTRICT

## INTENT-TO-SERVE APPLICATION

- This is an application for: \_\_\_\_\_ Sewer and Water Service  Water Service Only
- SLO County Planning Department/Tract or Development No.: \_\_\_\_\_ DRC 2016-00068
- Project location: \_\_\_\_\_ North Frontage Road and Sandysdale Drive
- Assessor's Parcel Number (APN) of lot(s) to be served: \_\_\_\_\_ 095-325-022
- Owner Name: \_\_\_\_\_ Howard and Pepper, Inc
- Mailing Address: \_\_\_\_\_ 215 North Frontage Road, Nipomo, CA 93422
- Email: \_\_\_\_\_
- Phone: \_\_\_\_\_ 805 929-3582 FAX: \_\_\_\_\_ 805 461-0851
- Agent's Information (Architect or Engineer):  
Name: \_\_\_\_\_ Granite Ridge Development Consultants  
Address: \_\_\_\_\_ 8679 Santa Rosa Road, Atascadero, CA 93422  
Email: \_\_\_\_\_ dennis@graniteridgegroup.com  
Phone: \_\_\_\_\_ 805 835-3582 FAX: \_\_\_\_\_ 805 461-0851
- 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	<input type="checkbox"/> Mixed Use (Commercial and Residential)

11. Total Number of Dwelling Units NA Number of Low Income Units NA

12. Does this project require a sub-division?  Yes  No  
If yes, number of new lots created NA

13. 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: NCSO only provides one domestic meter per Assessor Parcel Number**

14. **RESIDENTIAL SERVICE**

~~Single-Family Residential (SFR)~~

<del>Number of APN's created</del>	<del></del>	<del>Number of SFR to be built</del>	<del></del>
------------------------------------	-------------	--------------------------------------	-------------

~~Multi-Family Residential (MFR)~~

<del>Number of APN's created</del>	<del></del>	<del></del>	<del></del>
<del>Number of Domestic Meter(s)</del>	<del></del>	<del>Estimated Meter Size(s)</del>	<del></del>
<del>Number of Landscape Meter(s)</del>	<del></del>	<del>Estimated Meter Size(s)</del>	<del></del>
<del>Number of Fire System(s)</del>	<del></del>	<del>Estimated Meter Size(s)</del>	<del></del>

15. **Commercial Projects Service Demand Estimates:** Request is for the installation of a private 6" water line to be used solely for emergency services purposes only. No meter for domestic use requested.

Commercial and Mixed Use

Number of APN's created			
Number of Domestic Meter(s)		Estimated Meter Size(s)	
Number of Landscape Meter(s)		Estimated Meter Size(s)	
Number of Fire System(s)		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 02 Dec 2018

Signed

Dennis Schmidt  
 (Must be signed by owner or owner's agent)

Print Name

Dennis Schmidt, Agent

**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, 2018**

PROJECT SIZE/TYPE	TOTAL AMOUNT DUE AT TIME OF APPLICATION**
Residential <4 units	\$1,196.96
Residential 4-20 units	\$1,644.14
Residential > 20 units	\$1,935.77
Commercial <1 acre	\$1,644.14
Commercial 1-3 acres	\$1,935.77
Commercial > 3 acres	\$2,674.55
Mixed Use with less than 4 Dwelling Units	\$1,935.77
Mixed Use with four or more Dwelling Units	\$2,674.55
*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.

TO: BOARD OF DIRECTORS

## AGENDA ITEM

FROM: MARIO IGLESIAS  
GENERAL MANAGER



## D-7

DATE: DECEMBER 5, 2018

DECEMBER 12, 2018

### APPROVE NEWTON GEO-HYDROLOGY 2019 CONSULTING SERVICES CONTRACT SCOPE AND BUDGET

#### ITEM

Consider scope and budget for calendar year 2019 for Newton Geo-Hydrology Consulting Services [RECOMMEND APPROVE SCOPE AND \$90,000 BUDGET FOR NEWTON GEO-HYDROLOGY CONSULTING SERVICES]

#### BACKGROUND

Dr. Brad Newton has provided litigation support services and general hydrologic consulting services to the District throughout the groundwater adjudication process. Dr. Newton represents the District on the Nipomo Mesa Management Area Technical Group.

The contracts for Dr. Newton's services are reviewed by your Board each calendar year. The attached scopes of work from Newton Geo-Hydrology present the proposed scope of services and budget for 2019.

The proposal covers two tasks, General Consultation (not to exceed limit of \$10,000) and Santa Maria Groundwater Adjudication support (not to exceed limit of \$80,000).

#### FISCAL IMPACT

The approved FY 18-19 Budget includes funding for six months of Dr. Newton's services. The remaining six months of services will be included in the FY 19-20 Budget.

#### 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.

1.6 Continue to monitor and participate in water supply issues and programs with other local and regional organizations

#### RECOMMENDATION

Staff recommends the Board of Directors by motion and roll-call vote, approve the 2019 Support Services Contract with Newton Geo-Hydrology Consulting Services, LLC for a not to exceed amount of \$90,000.00 and direct staff to issue Task Order 2019-1 in the amount of \$10,000 and Task Order 2019-2 in the amount of \$80,000.

#### ATTACHMENTS

A. Newton Geo-Hydrology Consulting Services, LLC 2019 Task Orders and Exhibits

DECEMBER 12, 2018

ITEM D-7

ATTACHMENT A

ATTACHMENT #1 To EXHIBIT "A"

to  
AGREEMENT FOR PROFESSIONAL SERVICES

Between  
NIPOMO COMMUNITY SERVICES DISTRICT  
and  
NEWTON GEO-HYDROGEOLOGY CONSULTING SERVICES, LLC

January 1, 2019

REQUEST FOR SERVICES – TASK ORDER # 2019-1

**AUTHORIZATION FOR SERVICES:**

At the request of the Nipomo Community Services District, Engineer Consultant is to provide services as described herein. The terms and conditions of the Agreement for Professional Engineering Services, dated June 11, 2013 are incorporated herein by this reference. The scope of services requested along with the schedule and fees for said services are set forth below as follows:

**SCOPE OF SERVICES REQUESTED** (Additional information may be attached as an Exhibit.):

General consultation as further described in the December 2018 Proposal for Services attached as Exhibit A.

**TIME FOR PERFORMANCE** (Additional information may be attached as an Exhibit.):

Continuing

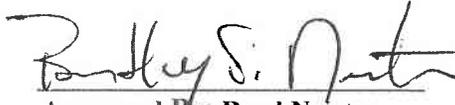
**ENGINEERING FEES:**

The Engineering fees for these services is not to exceed \$10,000.

NIPOMO COMMUNITY SERVICES

\_\_\_\_\_  
Approved By: Mario E. Iglesias  
Title: General Manager  
Date:

ENGINEER-CONSULTANT

  
Approved By: Brad Newton  
Title: Manager  
Date: 12/7/18



## Newton Geo-Hydrology Consulting Services, LLC

### **Exhibit A for Task Order # 2019-1**

Task Order #2019-1, General Consultation, is to allow for Newton Geo-Hydrology Consulting Services (Consultant) to provide the following services, on an as-requested basis, that are not included within the scope of other Task Orders. Such services include Part A and Part B as follows:

- A. Preparation of Spring and Fall Ground Water Index (GWI) technical memoranda and presentation thereof to the District Board of Directors. It is understood that reports will, in whole or in part, be based on confidential information obtained in confidence from landowners related to private wells, (see specifically Section 26 of the Agreement related to confidential information). The estimated cost for the GWI technical memorandum and presentation at NCS D Board of Directors meeting under Task Order #2019-1 Part A is eight thousand (\$8,000) dollars, which accounts for forty (40) hours of Dr. Newton's efforts plus budget for travel, plus materials and other direct costs.
- B. Preparation of other technical memorandums at the request of either the General Manager or the District Board of Directors. The estimated budget for other technical memorandums under Task Order #2019-1 Part B is two thousand dollars (\$2,000).

### **Budget**

The total budget for Task Order #2019-1 Parts A and B, through December 31, 2019, is ten thousand (\$10,000) dollars to be billed on a time and material basis in accordance with the Agreement.

ATTACHMENT #1 To EXHIBIT "A"

to  
AGREEMENT FOR PROFESSIONAL SERVICES

Between  
NIPOMO COMMUNITY SERVICES DISTRICT  
and  
NEWTON GEO-HYDROGEOLOGY CONSULTING SERVICES, LLC

January 1, 2019

"REQUEST FOR SERVICES – TASK ORDER # 2019-2

AUTHORIZATION FOR SERVICES:

At the request of the Nipomo Community Services District, Engineer Consultant is to provide services as described herein. The terms and conditions of the Agreement for Professional Engineering Services, dated June 11, 2013 are incorporated herein by this reference. The scope of services requested along with the schedule and fees for said services are set forth below as follows:

SCOPE OF SERVICES REQUESTED (Additional information may be attached as an Exhibit.):

General consultation related to Santa Maria Groundwater Adjudication as further described in the December 2018 Proposal for Services attached as Exhibit A.

TIME FOR PERFORMANCE (Additional information may be attached as an Exhibit.):

Continuing

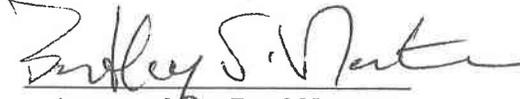
ENGINEERING FEES:

The Engineering fees for these services is not to exceed \$80,000.

NIPOMO COMMUNITY SERVICES

\_\_\_\_\_  
Approved By: Mario E. Iglesias  
Title: General Manager  
Date:

ENGINEER-CONSULTANT

  
\_\_\_\_\_  
Approved By: Brad Newton  
Title: Manager  
Date: 12/7/18



## Newton Geo-Hydrology Consulting Services, LLC

### Exhibit A for Task Order # 2019-2

Task Order # 2019-2 is to allow for Newton Geo-Hydrology Consulting Services (Consultant) to provide the following litigation support services related to the Groundwater Adjudication presented in Part A through Part D as follows:

- A. Preparation for, travel, and attendance/participation at Nipomo Mesa Management Area (NMMA) Technical Group (TG) regular monthly meetings. The estimated cost for each of NMMA TG fourteen (14) regular meetings under Task Order # 2019-2 is three thousand (\$3,000) dollars, which accounts for fourteen (14) hours of Dr. Newton's efforts plus budget for travel, plus materials and other direct costs. The estimated budget for Task Order # 2019-2 Part A is forty-two thousand dollars (\$42,000).
- B. Preparation for, travel, and attendance/participation at Management Areas (MAs) Subcommittee ad hoc meetings, including meetings with the NCMA and SMVMA representatives. The estimated cost for each of MAs Subcommittee four (4) regular meetings under Task Order # 2019-2 is one thousand five hundred (\$1,500) dollars, which accounts for six (6) hours of Dr. Newton's efforts plus budget for travel. The estimated budget for Task Order # 2019-2 Part B is six thousand dollars (\$6,000).
- C. Preparation of the Annual Report to the Court pursuant to the Final Judgment of the Santa Maria Groundwater Litigation. The estimated budget for Task Order # 2019-2 Part C, which accounts for one hundred seventy (170) hours of Dr. Newton's efforts plus budget for travel, plus materials and other direct costs, is thirty-two thousand dollars (\$32,000).
- D. Preparation of reports and technical memorandums related to NMMA TG functions with the prior approval of either the District General Manager or District Legal Counsel, and other opinions requested by District Legal Counsel. It is understood that reports will, in whole or in part, be based on confidential information obtained in confidence from landowners related to private wells. (see specifically Section 26 of the Agreement related to confidential information). The estimated budget for Task Order # 2019-2 Part D is unknowable in advance of a specific scope and schedule for said reports, technical memorandums, or other opinions.

#### **Budget**

The total budget for Task Order # 2019-2 Part A, Part B, and Part C through December 31, 2019, is eighty thousand (\$80,000) dollars to be billed on a time and material basis in accordance with the Agreement.

TO: BOARD OF DIRECTORS

FROM: MARIO E. IGLESIAS  
GENERAL MANAGER

DATE: DECEMBER 6, 2018

**AGENDA ITEM  
E-1  
DECEMBER 12, 2018**

**ELECTION OF 2019 BOARD PRESIDENT AND VICE PRESIDENT**

**ITEM**

Election of Board President and Vice President for 2019 [RECOMMEND DIRECTORS ELECT BOARD OFFICERS FOR 2019 CALENDAR YEAR]

**BACKGROUND**

Section 1.4 of the Board By-Laws requires the Board of Directors elect a President and a Vice President for the upcoming year at the last regular meeting of the calendar year. The term of office for the President and Vice President shall commence on January 1 and end on December 31, annually.

**RECOMMENDATION**

At your Board's direction, the General Manager will administer the election of officers of the Board of Directors as follows:

- Nominations taken for the President of the Board
- Public Comment is taken
- Voice vote taken for the President, if by acclamation
- If there are two or more candidates, Staff will distribute ballots
- Staff will announce the results of the ballots – both the voting Director and vote cast.
- Nominations taken for the Vice President of the Board
- Public Comment is taken
- Voice vote taken for the Vice President, if by acclamation
- If there are two or more candidates, Staff will distribute ballots
- Staff will announce the results of the ballots – both the voting Director and vote cast.

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS  
GENERAL MANAGER



FROM: WHITNEY MCDONALD  
DISTRICT COUNSEL

DATE: DECEMBER 7, 2018

**AGENDA ITEM**  
**E-2**  
**DECEMBER 12, 2018**

**INTRODUCE ORDINANCE AMENDING  
NIPOMO COMMUNITY SERVICES DISTRICT  
CODE SECTION 3.24**

**ITEM**

Introduce an ordinance amending Nipomo Community Services District Code Section 3.24 [RECOMMEND INTRODUCE, READ FULL TITLE, WAIVE FURTHER READING OF THE ORDINANCE, AND DIRECT DISTRICT COUNSEL AND STAFF TO PREPARE AND PUBLISH SUMMARY OF ORDINANCE PER WATER CODE SECTION 376]

**BACKGROUND**

In 2008, the Nipomo Community Services District ("District") Board of Directors adopted Resolution 2008-1069, a Water Conservation Program ("Conservation Program") that recognized and addressed the need for conserving water within the District. Subsequently, in 2014 the District adopted Resolution 2014-1336, Water Shortage Response and Management Plan ("WSRMP") that incorporated water conservation measures. The Board, at its discretion, reserved the right to order or not order those water conservation provisions within the WSRMP based on the condition of the Santa Maria Valley Groundwater Basin ("Basin") under the Nipomo Mesa.

In July 2015, the District began importing water onto the Nipomo Mesa through the Nipomo Supplemental Water Project ("NSWP"). At the time the Board adopted the resolutions regarding the Conservation Program and the WSRMP, the District relied exclusively on groundwater from the Basin. Much of the language in the Conservation Program and the WSRMP was drafted to manage the limited groundwater supply. With the addition of imported water through the NSWP, the District desires to update both the Conservation Program and the WSRMP. However, the amendments to District Code Section 3.24 being proposed at this time are specific only to the Conservation Program. The WSRMP resolution modifications will be addressed separately at a later date.

The proposed amendments to District Code Section 3.24 will clarify the effect and force of the District's Conservation Program. The amendment codifies the District's Conservation Program, where previously these water conservation requirements were adopted through resolution. Of significance, the amendment separates the District's Conservation Program from the WSRMP, an action needed as the District continues to increase its reliance on imported water through the NSWP.

At a minimum, the District will be at Stage I of the Conservation Program at all times, a voluntary level of water conservation. With the proposed amendments to Code Section 3.24, the District can implement conservation measures consistent with the Nipomo Mesa Management Area Technical Group's recommendations as the District increases imported water.

**FISCAL IMPACT**

The amendments to the Code are consistent with current water conservation program costs. There is no fiscal impact to the District other than time spent developing the ordinance which is included in the District's annual budget.

**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**

It is recommended that your Board introduce, read the full title, waive further reading of the ordinance, and direct District Counsel and staff to prepare and publish a summary of the ordinance, utilizing the following language: "I move that we introduce AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTION 3.24, waive further reading of the ordinance, and direct District Counsel and staff to prepare and publish a summary of the ordinance in accordance with Water Code section 376."

**ATTACHMENTS**

- A. Ordinance 2019-XXXX, AN ORDINANCE OF BOARD OF THE DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AMENDING NIPOMO COMMUNITY SERVICES DISTRICT CODE SECTION 3.24
- B. Ordinance 2019-XXXX, Redline depicting changes to existing District Code Section 3.24

DECEMBER 12, 2018

ITEM E-2

ATTACHMENT A

ORDINANCE NO. 2019-XXXX

AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
AMENDING NIPOMO COMMUNITY SERVICES DISTRICT  
CODE CHAPTER 3.24

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

SECTION 1. Recitals:

- A. The Central Coast region of California, like other parts of the state, frequently suffers from severe droughts, the most recent occurring during the years 2012-2017.
- B. In response to the most recent drought, the Governor of the State of California declared a drought state of emergency and imposed a number of emergency water conservation requirements. Following the conclusion of the drought in 2017, the Governor terminated the 2014 Drought State of Emergency and a number of orders and other declarations issued pursuant to that declaration of emergency. However, in so doing, the Governor specifically retained the orders and provisions contained in Executive Order B-36-16, entitled "Making Water Conservation a California Way of Life." The purpose of this Order is to ensure that water conservation requirements remain in effect in perpetuity in order to protect the ongoing availability of water resources.
- C. The District is a party to the Santa Maria Groundwater Adjudication, *Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.* Case No. CV770214 ("Groundwater Litigation"). Pursuant to Section VI of the 2005 Stipulation incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group ("NMMA TG") adopted a Water Shortage Conditions and Response Plan and a Well Management Plan addressing measures that may be implemented in the event of potentially severe or severe water shortage conditions. The Well Management Plan includes a "List of Recommended Water Use Restrictions" which the Nipomo Mesa Management Area ("NMMA") water suppliers, such as the District, may be requested to implement in response to water shortage conditions in the NMMA.
- D. Water Code section 375 allows public entities such as the District that supply water for the benefit of persons within their service areas to "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." (Water Code § 375(a).) The statute also provides that, with respect "to water delivered for other than agricultural uses, the ordinance or resolution may specifically require the installation of water-saving devices that are designed to reduce water consumption." (Water Code § 375(b).)
- E. Similarly, Water Code section 71640, et seq., made applicable to the District by Government Code section 61100(a), allows the District to enact an ordinance setting forth restrictions, prohibits, and exclusions for the use of District water. As stated in Water Code section 71640:

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

ORDINANCE NO. 2019-XXXX

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

water shortage, and may prohibit the 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.

- F. The District wishes to enact a Water Conservation Ordinance in order to establish certain water conservation measures that may be needed to address drought, threatened or existing water shortages, the waste of District water, or potentially severe or severe water shortage conditions identified by the NMMA TG. The District Board of Directors finds and declares that this Water Conservation Ordinance is necessary to enable the District to meet current and future water conservation requirements and to ensure the ongoing availability of water to meet the needs of the District's customers.

SECTION 2. Chapter 3.24 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

**Chapter 3.24 - WATER CONSERVATION REQUIREMENTS**

Sections:

**3.24.010 - Water Conservation Measures**

By Resolution of the Board of Directors, the District may order any or all of the following actions to conserve water during times of drought, to address threatened or existing water shortages, or to respond to potentially severe or severe water shortage conditions as identified by the Nipomo Mesa Management Area Technical Group:

Stage	Conservation Measures
I	<ul style="list-style-type: none"><li>a. District customers shall comply with all state mandates.</li><li>b. District customers may be required to implement any or all of the following additional measures:<ul style="list-style-type: none"><li>i. Fix all plumbing and irrigation leaks immediately.</li><li>ii. Irrigate after 8:00 p.m. and before 9:00 a.m.</li><li>iii. Use minimal irrigation at all times.</li><li>iv. Check all irrigation systems periodically.</li><li>v. Do not allow excessive irrigation run off.</li><li>vi. Recirculate water in ornamental water features and fountains.</li></ul></li></ul>

ORDINANCE NO. 2019-XXXX

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

II	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none"><li>i. Implement all Stage I conservation measures.</li><li>ii. Cover swimming pools and spas when not in use.</li><li>iii. Do not use water to wash down exterior surfaces (e.g. driveways, sidewalks, decks, walls, etc.)</li></ul>
III	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none"><li>i. Implement all Stage I and II conservation measures.</li><li>ii. Turn off all automated irrigation systems.</li><li>iii. Provide minimum necessary irrigation to preserve trees and shrubs.</li><li>iv. Do not use water for dust control or construction.</li><li>v. Do not use hoses without automatic shut-off devices to wash cars or equipment.</li><li>vi. Turn off ornamental water features and fountains.</li></ul>
IV	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none"><li>i. Implement all Stage I, II, and III conservation measures.</li><li>ii. Do not use District water for irrigation or outdoor uses of any sort.</li></ul>
V	<p>a. District customers shall comply with all state mandates.</p> <p>b. District customers may be required to implement any or all of the following additional measures:</p> <ul style="list-style-type: none"><li>i. Implement all Stage I, II, III, and IV conservation measures.</li><li>ii. Additional measures to reduce water use as identified by the District.</li></ul>

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AN ORDINANCE OF THE NIPOMO COMMUNITY SERVICES DISTRICT  
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**3.24.020 - Penalties.**

Violation of any mandatory requirements of this Chapter or of any Resolution of the Board of Directors implementing Section 3.24.010 may be enforced pursuant to District Code Section 3.04.370, which remedies are cumulative and in addition to any other remedies provided by law.

SECTION 3. This Ordinance supersedes and replaces the Water Conservation Program previously adopted by the District Board of Directors pursuant to District Resolution No. 2008-1069, which shall have no further force or effect as of the effective date of this Ordinance.

SECTION 4. 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 5. 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 6. The Board of Directors of the District finds that this Ordinance is not a project as defined by the California Environmental Quality Act ("CEQA"), CEQA Guidelines Sections 15378(b)(2) because it constitutes general policy and procedure making which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds that the adoption of this Ordinance is not a project as defined in CEQA Guidelines 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 Board of Directors further finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15307 because it consists of actions authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource (water), and involves procedures for protection of the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

SECTION 7. Pursuant to Water Code Section 376, this Ordinance shall take effect upon adoption. Within ten (10) days after its adoption, this Ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated in the District. Before the expiration of the fifteenth (15<sup>th</sup>) day after passage this Ordinance, District Counsel shall prepare and cause to be published once, with the names of the members of the Board of Directors voting for or against the Ordinance, a summary of the Ordinance in a newspaper of general circulation within the District.

INTRODUCED at its regular meeting of the Board of Directors held on \_\_\_\_\_, 2019, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019, by the following

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roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_

President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

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

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

DECEMBER 12, 2018

ITEM E-2

ATTACHMENT B

ORDINANCE NO. 2019-XXXX

AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
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The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Recitals:

- A. The Central Coast region of California, like other parts of the state, frequently suffers from severe droughts, the most recent occurring during the years 2012-2017.
- B. In response to the most recent drought, the Governor of the State of California declared a drought state of emergency and imposed a number of emergency water conservation requirements. Following the conclusion of the drought in 2017, the Governor terminated the 2014 Drought State of Emergency and a number of orders and other declarations issued pursuant to that declaration of emergency. However, in so doing, the Governor specifically retained the orders and provisions contained in Executive Order B-36-16, entitled "Making Water Conservation a California Way of Life." The purpose of this Order is to ensure that water conservation requirements remain in effect in perpetuity in order to protect the ongoing availability of water resources.
- C. The District is a party to the Santa Maria Groundwater Adjudication, *Santa Maria Valley Water Conservation District v. City of Santa Maria, et al.* Case No. CV770214 ("Groundwater Litigation"). Pursuant to Section VI of the 2005 Stipulation incorporated into the January 25, 2008 Final Judgment in the Groundwater Litigation, the Nipomo Mesa Management Area Technical Group ("NMMA TG") adopted a Water Shortage Conditions and Response Plan and a Well Management Plan addressing measures that may be implemented in the event of potentially severe or severe water shortage conditions. The Well Management Plan includes a "List of Recommended Water Use Restrictions" which the Nipomo Mesa Management Area ("NMMA") water suppliers, such as the District, may be requested to implement in response to water shortage conditions in the NMMA.
- D. Water Code section 375 allows public entities such as the District that supply water for the benefit of persons within their service areas to "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." (Water Code § 375(a).) The statute also provides that, with respect "to water delivered for other than agricultural uses, the ordinance or resolution may specifically require the installation of water-saving devices that are designed to reduce water consumption." (Water Code § 375(b).)
- E. Similarly, Water Code section 71640, et seq., made applicable to the District by Government Code section 61100(a), allows the District to enact an ordinance setting forth restrictions, prohibits, and exclusions for the use of District water. As stated in Water Code section 71640:

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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 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.

- F. The District wishes to enact a Water Conservation Ordinance in order to establish certain water conservation measures that may be needed to address drought, threatened or existing water shortages, the waste of District water, or potentially severe or severe water shortage conditions identified by the NMMA TG. The District Board of Directors finds and declares that this Water Conservation Ordinance is necessary to enable the District to meet current and future water conservation requirements and to ensure the ongoing availability of water to meet the needs of the District's customers.

SECTION 2. Chapter 3.24 of the Nipomo Community Services District Code, referenced herein as "District Code," shall be amended and replaced in its entirety to read as follows:

Chapter 3.24 - WATER CONSERVATION REQUIREMENTS WATER SHORTAGE RESPONSE AND MANAGEMENT PLAN[1]

Section:

Footnotes:

~~—(1)—~~

~~Editor's note — Ord. No. 2015-122, § 1, adopted August 12, 2015, repealed Ch. 3.24, §§ 3.24.010—3.24.060, which pertained to Water Conservation and Emergency Water Shortage Regulations. See also the Code Comparative Table and Disposition Table. Res. No. 2014-1336, adopted April 23, 2014, did not specifically amend the Code, but has been included herein as a new Ch. 3.24, § 3.24.010.~~

~~3.24.010 — [Adopted.]  
NCSD Water Shortage Response and Management Plan~~

~~Sections:~~

3.24.010 - Water Conservation Measures

By Resolution of the Board of Directors, the District may order any or all of the following actions to conserve water during times of drought, to address threatened or existing water shortages, or to respond to potentially severe or severe water shortage conditions as identified by the Nipomo Mesa Management Area Technical Group:

<u>Stage</u> <del>STAGE</del>	<u>GROUNDWATER</u> <u>CONDITION</u> <del>Conservation Measures</del>	<u>RESPONSE</u> <u>ACTIONS</u>	<u>RELIEF OF</u> <u>RESTRICTIONS</u>

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	All times	<p>a. <del>Active outreach and education programs regarding water conservation best management practices and District customers shall comply with all state mandates as issued from .</del></p> <p>b. District customers may be required to implement any or all of <b>the</b> State of California from time to time.</p> <ul style="list-style-type: none"> <li><del>• Four-Tier escalating water rates.</del></li> <li><del>• Recommended Customer Measures:</del> <ul style="list-style-type: none"> <li><del>◦ following additional measures:</del> <ul style="list-style-type: none"> <li>i. <u>Fix all plumbing and irrigation leaks immediately.</u></li> <li>ii. <u>Irrigate after 8:00 p.m., and before 9:00 a.m.</u> <ul style="list-style-type: none"> <li><del>◦ Minimum to no</del></li> </ul> </li> <li>iii. <u>Use minimal irrigation in winter months.</u> <ul style="list-style-type: none"> <li><del>◦ at all times.</del></li> </ul> </li> <li>iv. <u>Check all irrigation systems monthly.</u> <ul style="list-style-type: none"> <li><del>◦ periodically.</del></li> </ul> </li> <li>v. <u>Do not allow excessive irrigation run off.</u></li> <li>vi. <u>Recirculate water in ornamental water features (and fountains):</u> <ul style="list-style-type: none"> <li><del>• New applications for water service are accepted and processed.</del></li> <li><del>• Supplemental water is allocated to all new projects.</del></li> <li><del>• New water service connections are made.</del></li> </ul> </li> </ul> </li> </ul> </li> </ul>	Not Applicable.
II	Potentially Severe Water Shortage Conditions exists	<p>a. <del>More aggressive conservation outreach and education efforts.</del></p> <ul style="list-style-type: none"> <li><del>• Four-Tier escalating water rates.</del></li> <li><del>• Encourage District customers shall comply with all state mandates.</del></li> </ul> <p>b. District customers may be required to implement any or all of <b>the following</b> practices:</p> <ul style="list-style-type: none"> <li><del>◦ All additional measures:</del> <ul style="list-style-type: none"> <li>i. Implement all <b>Stage I Measures.</b></li> </ul> </li> </ul>	Potentially Severe Water Shortage no longer exist.

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		<p><del>o</del> conservation measures.</p> <p>ii. <u>Cover Swimming Pools</u> <del>swimming pools and spas.</del>  <del>o</del> when not in use.</p> <p>iii. <u>Do not use water to wash down exterior surfaces (e.g. driveway, deck, home).</u>  <del>• New applications for water service are accepted and processed.</del>  <del>• Supplemental water is allocated to new projects.</del>  <del>• New water service connections are made.</del> <u>driveways, sidewalks, decks, walls, etc.)</u></p>	
<p>III</p>	<p>Severe Water Shortage conditions exists</p>	<p>a. <del>• District targets a 30% reduction in production (Equating to a 736 acre foot or 240 million gallons of reduction in production on an annual basis).</del>  <del>• Implement <b>Stage III</b> Drought Rates to encourage reduction in customer water demand.</del>  <del>• Encourage customers shall comply with all state mandates.</del></p> <p>b. <u>District customers may be required to implement any or all of the following practices:</u>  <del>o</del> <u>All additional measures:</u></p> <p>i. <u>Implement all Stage I and II conservation measures.</u>  <del>o</del></p> <p>ii. <u>Turn off all automated irrigation systems.</u>  <del>o</del></p> <p>iii. <u>Provide minimum necessary irrigation to preserve trees and high-value landscape.</u>  <del>o Do not drain or fill swimming pools or spas.</del>  <del>o shrubs.</del></p> <p>iv. <u>Do not use water for dust control or construction.</u>  <del>o</del></p> <p>v. <u>Do not use hoses without automatic shut-off devices to wash cars or equipment.</u>  <del>o</del></p>	<p>Severe Water Shortage no longer exist.**</p>

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		<p>vi. <del>Turn off and drain ornamental fountains and water features.</del></p> <ul style="list-style-type: none"> <li><del>• Suspend accepting applications for new water service.</del></li> <li><del>• Existing applications for new water service continue to be processed with allocations of supplemental water.</del></li> <li><del>• New water service connections are made and fountains.</del></li> </ul>	
IV	<p>Severe Water Shortage conditions exists for &gt; 1-YEAR or is triggered by both the Key Wells Index and the Coastal Criterion.</p>	<p>a. <del>District targets a 50% reduction in production (Equating to a 1,227-acre foot reduction in production on an annual basis).</del></p> <ul style="list-style-type: none"> <li><del>• Implement Stage IV Drought Rates to encourage reduction in customer water demand.</del></li> <li><del>• Encourage customers shall comply with all state mandates.</del></li> </ul> <p>b. District customers may be required to implement any or all of the following practices:</p> <ul style="list-style-type: none"> <li><del>o All additional measures:</del> <ul style="list-style-type: none"> <li>i. <del>Implement all Stage I, II, and III conservation measures.</del></li> <li>o</li> <li>ii. <del>Do not use District water for irrigation/ or outdoor uses of any sort.</del> <ul style="list-style-type: none"> <li><del>• New applications for water service are NOT accepted (Stage III).</del></li> <li><del>• Cease processing existing applications for new water service. No allocation of supplemental water is made.</del></li> <li><del>• New water service connections are made only to projects with preexisting service commitments.</del></li> </ul> </li> </ul> </li> </ul>	<p>Severe Water Shortage conditions no longer exist.</p>
V	<p>Severe Water Shortage conditions for &gt; 2 years with BOTH triggers (Key Wells</p>	<p>a. <del>District targets a 60% reduction in production (Equating to a 1,473-acre foot reduction in production on an annual basis).</del></p> <ul style="list-style-type: none"> <li><del>• Implement Stage V Drought Rates to encourage additional reduction in customer water demand.</del></li> <li><del>• Declaration of a Water Shortage Emergency in accordance with CA Water Code Section 350.</del></li> <li><del>• Suspend all new water service connections.</del></li> <li><del>• Encourage customers to implement all Stage</del></li> </ul>	<p>Severe Water Shortage conditions no longer exist.</p>

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<p>Index and Coastal Area Criterion)</p>	<p><del>I-IV measures and to use only the absolute minimum water necessary for health and sanitation purposes.</del></p> <ul style="list-style-type: none"> <li><del>o All Stage I, II, and III measures.</del></li> <li><del>o Do not use District water for irrigation/outdoor uses of any sort.</del></li> <li><del>o Do not drain or fill swimming pools or spas.</del></li> <li><del>o All measures possible to reduce water use.</del></li> <li><del>* New applications for water service are NOT accepted (Stage III).</del></li> <li><del>* Existing applications for new water service are not processed (Stage IV). District customers shall comply with all state mandates.</del></li> </ul> <p>b. <u>District customers may be required to implement any or all of the following additional measures:</u></p> <ul style="list-style-type: none"> <li>i. <u>Implement all Stage I, II, III, and IV conservation measures.</u></li> <li>ii. <u>Additional measures to reduce water use as identified by the District.</u></li> </ul>
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~~\*\* The Nipomo Waste 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:~~

<b>Potentially Severe Water Shortage Conditions</b>	<b>Severe Water Shortage Conditions</b>
• <del>Key Wells Index less than 31.5 ft msl</del>	• <del>Key Wells Index is less than 16.5 ft. msl</del>
• <del>Greater than 250 mg/l chloride in any NMMA coastal monitoring well</del>	• <del>Greater than 500 mg/l chloride in any NMMA coastal monitoring well</del>

~~3. Reduction goals are a percentage of average annual production volumes for the five calendar years prior to the first year Nipomo~~

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~~Supplemental Water is delivered. NCS&D's 2010-2014 average (2455 AFD) is used in the table above.~~

3.24.020 - Penalties.

Violation of any mandatory requirements of this Chapter or of any Resolution of the Board of Directors implementing Section 3.24.010 may be enforced pursuant to District Code Section 3.04.370, which remedies are cumulative and in addition to any other remedies provided by law.

SECTION 3. This Ordinance supersedes and replaces the Water Conservation Program previously adopted by the District Board of Directors pursuant to District Resolution No. 2008-1069, which shall have no further force or effect as of the effective date of this Ordinance.

SECTION 4. 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 5. 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 6. The Board of Directors of the District finds that this Ordinance is not a project as defined by the California Environmental Quality Act ("CEQA"), CEQA Guidelines Sections 15378(b)(2) because it constitutes general policy and procedure making which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. The Board of Directors further finds that the adoption of this Ordinance is not a project as defined in CEQA Guidelines 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 Board of Directors further finds that the adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15307 because it consists of actions authorized by state law to assure the maintenance, restoration, or enhancement of a natural resource (water), and involves procedures for protection of the environment. The District General Manager is directed to prepare and file an appropriate notice of exemption.

SECTION 7. Pursuant to Water Code Section 376, this Ordinance shall take effect upon adoption. Within ten (10) days after its adoption, this Ordinance shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation that is printed, published, and circulated in the District. Before the expiration of the fifteenth (15<sup>th</sup>) day after passage this Ordinance, District Counsel shall prepare and cause to be published once, with the names of the members of the Board of Directors voting for or against the Ordinance, a summary of the Ordinance in a newspaper of general circulation within the District.

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INTRODUCED at its regular meeting of the Board of Directors held on \_\_\_\_\_, 2019, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 2019, by the following roll call vote, to wit:

AYES:  
NOES:  
ABSENT:  
CONFLICTS:

\_\_\_\_\_  
President, Board of Directors

ATTEST:

APPROVED AS TO FORM:

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

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

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS  
GENERAL MANAGER



# AGENDA ITEM F

DECEMBER 12, 2018

DATE: December 7, 2018

## GENERAL MANAGER'S REPORT

### ITEM

Standing report to your Honorable Board -- *Period covered by this report is November 25, 2018 through December 8, 2018.*

### DISTRICT BUSINESS

#### Administrative

The District encourages residents to provide reports of any observed water waste. The District keeps an accounting of leak adjustments as a measure of non-revenue water lost to leaks. The table below provides the November data and the cumulative data on these activities.

#### Office Activities

	Nov-18	Jul-Nov 2018
Reports of water waste followed up on	0	4
Leak Adjustments	1	13
Leak Adjustment Amount	\$228	\$4,178

#### Water Resources

**Table 1. Total Production Acre Feet (AF)**

	Nov-18	Jul 18 - Nov 18
Groundwater Production	72.2	525.3
Supplemental Water Imported	<u>82.0</u>	<u>420.0</u>
Total Production	<u>154.2</u>	<u>945.3</u>

NCSD imported 82.0 AF of water over the 30 day period in November averaging 618 gallons per minute for a daily total of 890,659 gallons per day. For fiscal year 2018-19 [July-2018 through June-2019] the District must import 800 AF of supplemental water. However, at the current import level, the District could see up to 960 AF for this time period. The District's total production, including groundwater wells and imported water measured at the Joshua Road Pump Station, registered 945.3 AF of water for the current fiscal year.

**Table 2. FY 2019 Total Demand To-date Compared to 2013**

	Nov-18	Jul 18 - Nov 18
Total Production (AF) for FY 2018-19	154.2	945.3
Total Production (AF) for 2013	<u>198.4</u>	<u>1,259.7</u>
Reduction	<u>44.2</u>	<u>314.4</u>
Percentage Reduction	22.3%	25.0%

On the previous page, Table 2 compares the District's total water production for the month of November and the fiscal year (July 2018 through June 2019) year-end total against those same periods for 2013 (pre-drought production). 2013 is the year the Department of Water Resources ("DWR") designated as the pre-drought production year. The pre-drought production data is included in the monthly water production report and compared to current usage, all of which is submitted by water purveyors statewide to DWR. For November 2018, the community's water conservation effort reached approximately 22% compared to November 2013. The District's year-end conservation effort for fiscal year 2019 will continue to be monitored throughout the year.

**NCS D GW Reduction**

The District's purveyor customers, Golden State Water Company and Woodlands Mutual Water Company, each claim 16.66% (cumulatively 33.33%) of the imported water NCS D brings onto the basin through the NSWP. Of the 800 AF minimum imported water from the CSM, 266.6 AF will be credited to these two purveyor customers. The credited amount must be added to the District's groundwater pumping total every month to reflect the groundwater pumped by these customers in-lieu of taking imported water from the District. Table 3 below demonstrates the calculus for determining the District's groundwater pumping reduction.

**Table 3. NCS D GW Production (NCS D GW Well Production plus Purveyor Credit)**

	Nov-18	Jul 18 - Nov 18
NCS D GW Well Production	79.3	532.5
Purveyor Customer Credit (33.3% of Import Water)	<u>27.8</u>	<u>140.4</u>
NCS D Total Calculated GW Production	107.1	672.9
Average GW Production for 2009-2013	<u>179.1</u>	<u>1,243.3</u>
NCS D Percentage of GW Reduction	40%	46%

Taking into consideration the above referenced purveyor customer credit, the District can claim a groundwater pumping reduction of 40% for the month of November compared to the 5-year average from 2009 to 2013 (NMMA-TG assigned comparator). For Fiscal Year 2019, the cumulative groundwater pumping reduction is 46%. At the current Stage IV level of NMMA's Water Shortage Condition and Response Plan, the District has targeted groundwater pumping reduction level of 50% for the year.

**Table 4. 2019 Fiscal Year Forecasted Groundwater Pumping**

	Nov-17	Jul -8 : Jun-19	Target	Over/(Under)	
NCS D GW Well Production	79.3	1,032.5			
Purveyor Customer Credit (33.3% of Import Water)	<u>27.8</u>	<u>321.3</u>			
NCS D Total Calculated GW Production	107.1	1,356.7	1,266.0	(90.66)	AcFt
Average GW Production for 2009-2013	<u>179.1</u>	<u>2,533.3</u>	2,533.3		
NCS D Percentage of GW Reduction	40%	46%	50.0%		

Table 4 is a forward looking view of the District's groundwater pumping reduction efforts for Fiscal Year 2019. The targeted groundwater pumping reduction is 50%. For future months,

December 2018 through June 2019, Fiscal Year 2018 production values from the previous year are used as estimates for future use. Looking at the five months of actual data, July 2018 through November 2018, and completing the year using last year's monthly data where necessary, the District can forecast an "Over\_(Under)" value. By using this method to forecast groundwater pumping into fiscal year 2019, it can be estimated that the District will be 90.66 acre feet over the groundwater reduction target. Each year trends slightly different depending upon the weather, a major factor that drives consumer water demand. As actual data replaces projected data, the reliability of the table to provide year-end groundwater reduction becomes more reliable and aids staff in recognizing opportunities for shifting water production strategies.

**Table 5. FY 2018 v. FY 2019 Groundwater Pumping**

	<u>Nov-18</u>	<u>Jul 18-Nov 18</u>	<u>Nov-17</u>	<u>Jul 17-Nov 17</u>
NCSD GW Well Production	79.3	532.5	79.3	529.9
Purveyor Customer Credit (33.3% of Import Water)	<u>27.8</u>	<u>140.4</u>	<u>27.5</u>	<u>140.0</u>
NCSD Total Calculated GW Production	107.1	672.9	106.8	669.9
Average GW Production for 2009-2013	<u>179.1</u>	<u>1,243.3</u>	<u>179.1</u>	<u>1,243.3</u>
NCSD Percentage of GW Reduction	40%	46%	40%	46%

Table 5 compares the previous year's groundwater pumping with the current year groundwater pumping for the same time period (July through November). The comparison demonstrates a similar consumption pattern emerging where demand continues to rely on groundwater supplies slightly more than the target reduction of 50%.

**Rainfall Gauge**

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
November 2018 Total	2.28	1.65
July-2018 through Jun-2019 (Seasonal Total)	2.60	1.93
Average Annual Year Rainfall	18	16

**Safety Program**

No Accidents or Incidents to report

**Other Items and News of Interest**

No additional Items

**Supplemental Water Capacity Accounting**

The District is not currently accepting applications for new water service.

<b>Supplemental Water Available for Allocation</b>	<b>500 AFY</b>
<b>Supplemental Water Reserved (Will Serve Letter Issued)</b>	<b>-51.2 AFY</b>
<b>Subtotal Net Supplemental Water Available for Allocation</b>	<b>448.8 AFY</b>
<b>Supplemental Water Assigned (Intent-to-Serve Issued)</b>	<b>-47.4 AFY</b>
<b>Total Remaining Supplemental Water Available for Allocation</b>	<b>401.4 AFY</b>

This information is accurate through Dec. 7, 2018.

**Connection Report**

Nipomo Community Services District  
Water and Sewer Connections

**END OF MONTH REPORT**

	18-Jan	18-Feb	18-Mar	18-Apr	18-May	18-Jun	18-Jul	18-Aug	18-Sep	18-Oct	18-Nov
Water Connections (Total)	4405	4405	4405	4405	4405	4405	4407	4407	4412	4434	4434
Sewer Connections (Total)	3174	3174	3174	3174	3174	3175	3175	3176	3180	3197	3197
New Water Connections	3	0	0	0	0	0	2	0	5	22	0
New Sewer Connection	3	0	0	0	0	1	0	1	4	17	0
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	473	473	473	473	474	476	477	477	477	475	475

The Connection Report is current through November 2018.

**Meetings (November 25 through December 8)**

*Meetings Attended (telephonically or in person):*

- Nov. 26, Pilot Test Installation – Flume Leak Detector
- Nov. 27, Eng/Admin Meeting – Assist. Eng. Interview
- Nov. 27, Pilot Test Installation – Flume Leak Detector
- Nov. 28, Rotary
- Nov. 28, Regular Board Meeting
- Nov. 28, Exec. Team After-Board Meeting
- Nov. 29, NMMA Purveyor Manager’s Meeting
- Nov. 29, Assist. Eng. Interview
- Nov. 30, Tuckfield Assoc. - Rate Study
- Dec. 3, Board Officer Meeting
- Dec. 4, Management Team
- Dec. 5, Rotary
- Dec. 5, NCMA/NMMA Manager’s Meeting
- Dec. 6, Oceano CSD
- Dec. 7, Assist. Eng. Interview

**Meetings Scheduled (December 9 through December 15):**

*Upcoming Meetings (telephonically or in person):*

- Dec. 10, RWG Conference Call – GW Litigation
- Dec. 10, District Exec. Team
- Dec. 11, NMMA-TG Meeting
- Dec. 11, Eng/Admin Meeting
- Dec. 12, Rotary
- Dec. 12, Regular Board Meeting
- Dec. 12, Exec. Team After-Board Meeting
- Dec. 13, Employee Recognition/Safety Meeting
- Dec. 14, SLO Countywide Water Action Comm.

**Upcoming Water Resource and Other Meetings**

*Upcoming Standing Meetings:*

- *NMMA-TG: December 11<sup>th</sup> (Tuesday) @ 10:00 AM, NCSD Board Room*
- *RWVG: February 13<sup>th</sup> @ 10:00 AM, SLO Library*
- *WRAC: Not yet posted*
- *NMMA Purveyor Meeting: January 10<sup>th</sup> @ 10:00 AM, NCSD Admin Office*
- *NCMA/NMMA Managers Meeting: Not yet scheduled*

**RECOMMENDATION**

Staff seeks direction and input from your Honorable Board

**ATTACHMENTS**

NONE