

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



DATE: AUGUST 7 , 2020



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: AUGUST 7, 2020

AGENDA ITEM

D

AUGUST 12, 2020

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 JULY 22, 2020, REGULAR BOARD MEETING MINUTES
[RECOMMEND APPROVE MINUTES]
- D-3) BIENNIAL REVIEW OF LOCAL CONFLICT OF INTEREST CODE [RECOMMEND
CONDUCT REVIEW AND DETERMINE NO UPDATE IS REQUIRED]
- D-4) CONSIDER REQUEST FOR WATER AND SOLID WASTE SERVICE (INTENT-TO-SERVE
LETTER) FOR PARCEL MAP CO 19-0082, A 4 PARCEL RESIDENTIAL
SUBDIVISION LOCATED AT 1441 EWING AVENUE [RECOMMEND CONSIDER
INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-5) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE
(INTENT-TO-SERVE LETTER) FOR 6 PARCEL RESIDENTIAL TRACT MAP
LOCATED ON TEFFT STREET, APN 092-577-006 [RECOMMEND CONSIDER
INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-6) CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE
(INTENT-TO-SERVE LETTER) FOR APN 090-384-015, A RESIDENTIAL
DEVELOPMENT LOCATED ON BRANCH STREET [RECOMMEND CONSIDER
INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS]
- D-7) AUTHORIZE STAFF TO BID SOUTHLAND WASTEWATER TREATMENT FACILITY
SCREW PRESS PROJECT [RECOMMEND AUTHORIZE STAFF TO BID PROJECT]

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

FROM: LISA BOGNUDA
FINANCE DIRECTOR

DATE: AUGUST 7, 2020

AGENDA ITEM
D-1
AUGUST 12, 2020

WARRANTS

HANDWRITTEN CHECKS
NONE

TOTAL COMPUTER CHECKS
\$212,581.84

VOIDS – NONE

COMPUTER GENERATED CHECKS – SEE ATTACHED



Nipomo Community Services District

ITEM D-1 WARRANTS AUGUST 12, 2020

By Payment Number

Payment Dates 8/12/2020 - 8/12/2020

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Payment Amount Item Amount
6241	8/12/2020 July 2020	0009 Lab tests	Abalone Coast Analytical, Inc.	9,314.40 9,314.40
6242	8/12/2020 202007300872 202007300873	0011 Meter reading Meter reading	Alexander's Contract Services, Inc.	2,684.75 2,496.50 188.25
6243	8/12/2020 15074319 15074320 15074321	0001 Telephone Telephone Telephone	AT&T	442.82 30.98 169.42 242.42
6244	8/12/2020 JUL2020	0123 Grade 3 TPO reimbursement	Baumgarten, Michael	110.00 110.00
6245	8/12/2020 11877 12052 12218	0243 Goulds pump Gaskets for Booster Pump Valve repair kit	BDP Industries, Inc.	4,718.05 3,680.85 966.76 70.44
6246	8/12/2020 48116898	0081 WaterGEMS/SewerGEMS subscription	Bentley Systems, Inc.	2,069.75 2,069.75
6247	8/12/2020 64797 BPI6795 BPI67955 BPI69081 BPI69082 BPI69083	0013 Sodium hypochlorite Sodium Hypochlorite Sodium Hypochlorite Sodium Hypochlorite Sodium Hypochlorite Sodium Hypochlorite	Brenntag Pacific, Inc.	2,848.83 561.00 346.42 546.70 862.44 180.43 351.84
6248	8/12/2020 7826-432190	0044 Ulac 120 V	California Electric Supply	296.19 296.19
6249	8/12/2020 20072702	0085 CAFR report statistics FY19-20	California Municipal Statistics, Inc.	950.00 950.00
6250	8/12/2020 73171	0157 Southland Metal Bldg Construction Mgmt	Cannon Corporation	1,015.75 1,015.75
6251	8/12/2020 0123630071320 0224495072020 0225708072220	0002 Internet - Shop and/or Office Internet - Shop and/or Office Internet - Shop and/or Office	Charter Communications	1,537.75 69.35 734.20 734.20
6252	8/12/2020 28623 28697	0016 Computer expense-May Computer expense-June	Clever Ducks	5,094.00 2,547.00 2,547.00
6253	8/12/2020 6963627	0047 Rolloff service	Coastal Rolloff	343.80 343.80
6254	8/12/2020 3553898 3557524 3561209	0321 Employment agency Employment agency Employment agency	Excel Personnel Services, Inc.	7,370.25 2,348.25 2,348.25 2,673.75

ITEM D-1 WARRANTS AUGUST 12, 2020

Payment Dates: 8/12/2020 - 8/12/2020

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Payment Amount Item Amount
6255	8/12/2020 72280	0052 Copper sulfate	Farm Supply Company	1,065.67 1,065.67
6256	8/12/2020 08141A 081842 081843A 081845	0021 Lab tests Lab tests Lab tests Lab tests	FGL Environmental	3,862.00 2,496.00 87.00 527.00 752.00
6257	8/12/2020 4793	0352 Set of brushes for clarifiers	Ford Hall Company	529.56 529.56
6258	8/12/2020 AUG2020	0179 BL phone	Frontier Communications	58.21 58.21
6259	8/12/2020 JUL2020	0022 Landscape maintenance	GLM Landscape Management	405.00 405.00
6260	8/12/2020 CM#3	0335 FY 19-20 Year End Reconciliation	Golden State Water Company	1,629.00 1,629.00
6261	8/12/2020 200700640101 200702062101 200702107101	0023 Alarm monitoring service Alarm monitoring service Alarm monitoring service	Great Western Alarm and Communications, Inc.	177.00 37.00 70.00 70.00
6262	8/12/2020 12034346	0054 SC200 replacement door kit	Hach Company	160.44 160.44
6263	8/12/2020 July 2020	0056 Operating supplies	Home Depot Credit Services Dept.	827.37 827.37
6264	8/12/2020 3	0373 Eureka Well	Hopkins Groundwater Consultants, Inc.	33,834.02 33,834.02
6265	8/12/2020 3620300758 3620300765	0267 Vent valve Vent valves	Hopkins Technical Products, Inc.	38.09 5.52 32.57
6266	8/12/2020 U2016031755	0048 B36 concrete lids	Iconix Waterworks (US) Inc.	80.51 80.51
6267	8/12/2020 70422 70423	0057 Mechanics gloves Disposable gloves	Integrated Industrial Supply, Inc.	279.91 21.44 258.47
6268	8/12/2020 July 2020	0025 Supplies	Miner's Ace Hardware	337.02 337.02
6269	8/12/2020 512875388 512921359 512968092	0365 Uniforms Uniforms Uniforms	Mission Uniform Service	585.16 243.28 170.94 170.94
6270	8/12/2020 75586	0160 Construction Management-Nipomo area pipeline	MNS Engineers, Inc.	42,935.93 42,935.93
6271	8/12/2020 JUL2020 JUL2020B	0143 General Consultation through 07-31-20 Litigation support through 07-31-20	Newton Geo-Hydrology Consulting Services, LLC	2,821.25 46.25 2,775.00
6272	8/12/2020 6-30-20	0005 Water-Joshua Rd pump station	Nipomo Community Services District	25.79 25.79

ITEM D-1 WARRANTS AUGUST 12, 2020

Payment Dates: 8/12/2020 - 8/12/2020

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Payment Amount Item Amount
6273	8/12/2020	0063	Office Depot	467.84
	105996642001	Office supplies		85.80
	107236785001	Office supplies		47.37
	107240834001	Office supplies		6.00
	107240886001	Office supplies		17.15
	107326363001	Office supplies		213.54
	108261154001	Office supplies		97.98
6274	8/12/2020	0340	Powerstride Battery Co., Inc.	984.34
	83867	Batteries		984.34
6275	8/12/2020	0299	Praxair Distribution, Inc.	51.10
	97885851	Cylinder		51.10
6276	8/12/2020	0164	R. Baker, Inc.	9,856.48
	NCSD1512	Beverly LS repair		9,856.48
6277	8/12/2020	0226	Rogers, Anderson, Malody & Scott, LLP	6,500.00
	63891	Progress Billing for FY 19-20 audit		6,500.00
6278	8/12/2020	0191	SAF-T-FLO Water Services	1,373.65
	20-6024	PVC solution tube and check valve		1,373.65
6279	8/12/2020	0148	SGS Guadalupe	888.03
	780136747	CAN-17		410.23
	780137020	Can 17		477.80
6280	8/12/2020	0113	SLO County Auditor Controller Treasurer Tax Collector	28,621.38
	LAFCO FY20-21	LAFCO charges FY20-21		28,621.38
6281	8/12/2020	0004	SoCalGas	37.36
	JUL2020A	Heat - shop/office		17.05
	JUL2020B	Heat - shop/office		20.31
6282	8/12/2020	0114	South County Sanitary Services, Inc.	798.44
	AUG2020	Solid Waste tax liens		798.44
6283	8/12/2020	0073	State Water Resources Control Board - Drinking Water	60.00
	AUG2020	T2 renewal - German		60.00
6284	8/12/2020	0183	Sterling Communications	389.69
	0008094	Vehicle communications radio repair		389.69
6285	8/12/2020	0035	Terminix Commercial	59.00
	398756824	Pest control		59.00
6286	8/12/2020	0074	Tesco Controls, Inc.	11,553.50
	66103-Reten	Retention Payment		11,553.50
6287	8/12/2020	0255	Tuckfield & Associates	3,968.22
	0595	Rate consultant		3,968.22
6288	8/12/2020	0037	Underground Service Alert of Northern California & Nevada	303.69
	2020155282	Service alerts subscription		303.69
6289	8/12/2020	0458	United Rentals	2,567.25
	165510172-022	Water truck rental		2,567.25
6290	8/12/2020	0038	US Bank National Association	3,161.49
	7-22-20A	Supplies		17.00
	7-22-20B	Employment Ad		105.00
	7-22-20C	Travel and meals		194.48
	7-22-20D	Software subscription		50.97
	7-22-20E	Storage Unit		199.50
	7-22-20F	Zoom and conference calls		178.30

ITEM D-1 WARRANTS AUGUST 12, 2020

Payment Dates: 8/12/2020 - 8/12/2020

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Payment Amount Item Amount
	7-22-20G	Uniforms		88.12
	7-22-20H	Operations training materials		358.27
	7-22-20I	Conference phone		1,969.85
6291	8/12/2020	0077	USA Bluebook	9,354.45
	295462	Uniform- Safety vest		20.11
	296473	Cotton alcohol wipes		139.92
	298198	Ammonia, nitrite, and nitrate tests, pipet tips		316.71
	299478	CHEMKEYS		4,309.29
	300895	Portable Analyzer Kit		4,568.42
6292	8/12/2020	0008	Verizon Wireless	646.29
	9859312361	Cell service		646.29
6293	8/12/2020	0006	Waste Connections	530.37
	6954679	Trash service-Office		48.26
	6955603	Trash service-Old Town		255.91
	6955966	Trash service-Southland WWTF		226.20
6294	8/12/2020	0213	Water Environment Federation	332.00
	1649582	Membership dues		332.00
6295	8/12/2020	0334	Woodlands Mutual Water Company	1,629.00
	CM#3	FY 19-20 Year End Reconciliation		1,629.00

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: AUGUST 7, 2020

AGENDA ITEM
D-2
AUGUST 12, 2020

**APPROVE JULY 22, 2020
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. July 22, 2020 draft Regular Board Meeting Minutes

AUGUST 12, 2020

ITEM D-2

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

Serving the Community since 1965

DRAFT REGULAR MINUTES

JULY 22, 2020 AT 9:00 A.M.

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

BOARD of DIRECTORS

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

PRINCIPAL STAFF

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

Mission Statement:

Provide our customers with reliable, quality, and cost-effective services now and in the future.

Pursuant to Governor Newsom's Executive Order N-25-20, members of the Nipomo Community Services District Board or staff may participate in this meeting in person, or via teleconference. To protect the health and safety of the public, Board members, and staff, social distancing will be practiced at the District's physical location, 148 S. Wilson Street. Members of the public may choose to participate in person at this location or monitor the audio portion of the meeting and any public hearings telephonically by calling (800) 567-5900 (code 242-2614#). Pursuant to Governor Newsom's Executive Order N-29-20, members of the public may also comment – on items on this agenda or items not on the agenda but within the jurisdiction of the Board – via email sent to info@ncsd.ca.gov prior to the 9:00 am meeting start time. All emails received by that time will be distributed to the Board. Public participation in the meeting and public hearings will be taken only as described above. If any individual with a disability requires assistance to observe or participate in the meeting, please contact the District office by telephone at least 24 hours in advance.

A. CALL TO ORDER AND FLAG SALUTE

President Gaddis called the Regular Meeting of July 22, 2020, 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, Director Woodson, Eby, Armstrong and Gaddis were present. Director Blair was absent.

There were no public comments.

C. PRESENTATIONS AND REPORTS

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

Director Gaddis

- *July 13, attended Board Officers' meeting.*
- *July 13, attended IRWM meeting remotely.*

Director Eby

- *July 6, attended LAFCO meeting remotely.*

SUBJECT TO BOARD APPROVAL

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

- C-2) RECEIVE PUBLIC COMMENT ON PRESENTATIONS AND REPORTS PRESENTED UNDER ITEM C AND BY MOTION RECEIVE AND FILE PRESENTATIONS AND REPORTS

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved receiving and filing presentations and reports.

Vote 4-0.

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

The Board heard Item E-2 next

- E-2 PROPOSED AUTHORIZATION OF THE ISSUANCE OF NIPOMO COMMUNITY SERVICE DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION) LIMITED OBLIGATION IMPROVEMENT BONDS, SERIES 2020 [RECOMMEND ADOPT RESOLUTIONS AUTHORIZING THE BOND ISSUE].

Mario Iglesias, General Manager, presented the item and answered questions from the Board. Maryann Goodkind, Bond Counsel, Curt de Crinis, Financial Advisor, and Katie Koster, Bond Underwriter, answered questions from the Board telephonically.

There were no public comments.

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Resolution, as amended, determining unpaid assessments.

Vote 4-0.

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

RESOLUTION NO. 2020-1568

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT DETERMINING
UNPAID ASSESSMENTS FOR NIPOMO COMMUNITY SERVICES
DISTRICT ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE
SEWER CONSOLIDATION)**

Upon the motion of Director Armstrong and seconded, the Board unanimously approved the Resolution, as amended, authorizing the issuance of bonds and approving certain documents.

Vote 4-0.

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

RESOLUTION NO. 2020-1569

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF BONDS PURSUANT TO THE PROVISIONS
OF THE IMPROVEMENT BOND ACT OF 1915 FOR NIPOMO COMMUNITY SERVICES DISTRICT
ASSESSMENT DISTRICT NO. 2020-1 (BLACKLAKE SEWER CONSOLIDATION) AND APPROVING
CERTAIN DOCUMENTS AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH**

SUBJECT TO BOARD APPROVAL

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

D. CONSENT AGENDA

- D-1) WARRANTS [RECOMMEND APPROVAL]
- D-2) APPROVE JUNE 24, 2020, REGULAR BOARD MEETING MINUTES [RECOMMEND APPROVE MINUTES]
- D-3) AUTHORIZE PURCHASE OF PICKUP TRUCKS IN ACCORDANCE WITH APPROVED FY 20-21 BUDGET [RECOMMEND AUTHORIZE STAFF TO PURCHASE PICKUP TRUCKS FROM PERRY FORD AT A COST OF \$59,100]
- D-4) APPROVE TASK ORDER WITH MNS ENGINEERS INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION IMPROVEMENTS [RECOMMEND BY MOTION AND ROLL CALL APPROVE TASK ORDER WITH MNS ENGINEERS, INC. IN THE AMOUNT OF \$110,936 AND AUTHORIZE STAFF TO EXECUTE TASK ORDER]
- D-5) AUTHORIZE TASK ORDER FOR MODIFICATION OF SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM [RECOMMEND BY MOTION AND ROLL CALL VOTE ADOPT RESOLUTION AUTHORIZING STAFF TO EXECUTE TASK ORDER IN THE AMOUNT OF \$31,995 WITH TESCO CONTROLS, INC.]
- D-6) CONSIDER AUTHORIZING TASK ORDER FOR SOUTHLAND WASTEWATER TREATMENT FACILITY BLOWER #3 ENGINEERING SERVICES [RECOMMEND BY MOTION AND ROLL CALL VOTE, AUTHORIZE TASK ORDER WITH MKN & ASSOCIATES IN THE AMOUNT OF \$31,080]
- D-7) CONSIDER AUTHORIZING TASK ORDER FOR BLACKLAKE SEWER SYSTEM CONSOLIDATION PROJECT SOUTHLAND WASTEWATER TREATMENT FACILITY CAPACITY EVALUATION ENGINEERING SERVICES [RECOMMEND BY MOTION AND ROLL CALL VOTE AUTHORIZE TASK ORDER WITH MKN & ASSOCIATES IN THE AMOUNT OF \$44,828]
- D-8) REVIEW INVESTMENT POLICY – SECOND QUARTER REPORT [RECOMMEND ACCEPT AND FILE REPORT]
- D-9) AUTHORIZE STAFF TO BID NIPOMO PALM LIFT STATION REPLACEMENT PROJECT [RECOMMEND AUTHORIZE STAFF TO BID NIPOMO PALM LIFT STATION REPLACEMENT PROJECT]

There were no public comments.

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, Eby and Gaddis	None	Blair

SUBJECT TO BOARD APPROVAL

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

RESOLUTION NO. 2020-1570

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 IMPROVMENTS TO UNIFIED FIELD SERVICES CORPORATION IN THE AMOUNT OF \$385,149 AND AUTHORIZING CONSTRUCTION CONTINGENCY OF \$40,000

RESOLUTION NO. 2020-1571

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AUTHORIZING A TASK ORDER FOR MODIFICATION OF SUPPLEMENTAL WATER PROJECT JOSHUA ROAD PUMP STATION SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM WITH TESCO CONTROLS INC.

E. ADMINISTRATIVE ITEMS

- E-1) *RECEIVE PRESENTATION FROM RATE CONSULTANT REGARDING PROPOSE WATER RATE ADJUSTMENT [RECOMMEND REVIEW AND DISCUSS RATE PRESENTATION AND DIRECT STAFF*

Clayton Tuckfield, Rate Consultant, presented the Power Point presentation and answered questions from the Board.

There were no public comments.

The Board of Directors directed staff to prepare the draft rate report and include the uniform rate and the three-tier rate structure for consideration.

F. GENERAL MANAGER'S REPORT

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

The Board of Directors directed the General Manager to provide the production numbers as an attachment to the General Manager's report.

There were no public comments.

G. COMMITTEE REPORTS

None

H. DIRECTORS' REQUESTS TO STAFF AND SUPPLEMENTAL REPORTS

Director Eby requested a copy of the Dana Reserve Annexation Application. Director Eby asked if staff was monitoring the bond market for potential refinancing savings.

I. CLOSED SESSION ANNOUNCEMENTS

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 ALL
CONSOLIDATED CASES

SUBJECT TO BOARD APPROVAL

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

2. ANNUAL PERFORMANCE REVIEW PROCESS OF DISTRICT GENERAL
MANAGER PURSUANT TO GOVERNMENT CODE SECTION §54957

J. PUBLIC COMMENT ON CLOSED SESSION ITEMS

There were no public comments.

K. ADJOURN TO CLOSED SESSION

L. OPEN SESSION

ANNOUNCEMENT OF REPORTABLE ACTIONS, IF ANY, TAKEN IN CLOSED SESSION

Craig Steele, District Legal Counsel, announced the Board discussed Item 2 in Closed Session and took no reportable action. Item 1 was not discussed.

ADJOURN MEETING

President Gaddis adjourned the meeting at 11:05 p.m.

MEETING SUMMARY	HOURS & MINUTES
Regular Meeting	1 hour 23 minutes
Closed Session	0 hour 42 minutes
TOTAL HOURS	1 hour 05 minutes

Respectfully submitted,

Mario Iglesias, General Manager and Secretary to the Board

Date

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



REVIEWED: CRAG A. STEELE
DISTRICT COUNSEL

DATE: AUGUST 6, 2020

**AGENDA ITEM
D-3
AUGUST 12, 2020**

BIENNIAL REVIEW OF LOCAL CONFLICT OF INTEREST CODE

ITEM

Conduct Biennial Review of Local Conflict of Interest Code and Direct Staff [RECOMMEND CONDUCT REVIEW AND DETERMINE NO UPDATE IS REQUIRED]

BACKGROUND

The Political Reform Act requires that the Nipomo Community Services District (District) maintain a local Conflict of Interest Code, which prohibits conflicts of interest and determines which District officials and employees must file annual statements of economic interest. The District must then review the local Code every two years to determine whether any changes or updates are necessary. The District last reviewed and adopted an updated Conflict of Interest Code in 2018 and it is due for another review this year. Amendments to the Conflict of Interest Code are typically required if any of the following questions are answered in the affirmative:

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

Staff and District Counsel believe the answers to each of the questions is no. As part of the biennial review process, and to affirm to the District's constituents that the District carefully complies with State law on conflicts of interest, District Counsel recommends that the Board review the local Conflict of Interest Code. If the Board agrees with staff's assessment, to the best of Board Members' knowledge, the Board should confirm with staff that no update is required.

The District is required to submit a report to the San Luis Obispo County Clerk-Recorder by October 1, 2020, indicating whether the District's Conflict of Interest Code requires revisions (see Attachment B). If the Board concurs with staff and District Counsel, the District General Manager will provide the required form, to the County Clerk-Recorder before the October 1, 2020 deadline.

FISCAL IMPACT

The District's current Conflict of Interest Code does not create additional fiscal impacts to the District.

STRATEGIC PLAN

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

6.A. ACTIVITIES FOR COMPLETION

A.1. Periodically review, update and reaffirm District policies and procedures.

RECOMMENDATION

It is recommended that your Board review the District's Local Conflict of Interest Code and direct staff to inform the County that, to the best of the Board Members' knowledge, no update is required.

ATTACHMENTS

- A. Nipomo Community Services District Local Conflict of Interest Code
- B. 2020 Local Agency Biennial Notice

AUGUST 12, 2020

ITEM D-3

ATTACHMENT A

RESOLUTION 2018-1484

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN UPDATED CONFLICT OF INTEREST CODE**

WHEREAS, the Nipomo Community Services District (herein "District") is a local governmental agency formed and authorized to provide services within its jurisdiction, pursuant to Section 61000 et seq. of the California Government Code;

WHEREAS, the Political Reform Act, Government Code Sections 81000, et seq., requires the District to adopt a Conflict of Interest Code;

WHEREAS, the Fair Political Practices Commission has adopted a standard model Conflict of Interest Code, codified at 2 California Code of Regulations Section 18730, which can be incorporated by reference as the District's Conflict of Interest Code;

WHEREAS, the District Board of Directors, by prior Resolution 2016-1423, adopted Regulation 18730 by reference as the District's Conflict of Interest Code; and

WHEREAS, the District Board of Directors has reviewed its Conflict of Interest Code and recommends that a new Conflict of Interest Code be adopted, as shown in Exhibit "A" hereto and its Appendix.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District does hereby resolve, declare, determine and order as follows:

1. The District adopts its Conflict of Interest Code attached as Exhibit "A" to this Resolution, including the Appendix attached thereto which designates District officers and employees that are deemed to make, or participate in the making of, decisions which may have a material effect on a financial interest and designates disclosure categories for its designated officers, employees, and consultants.

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

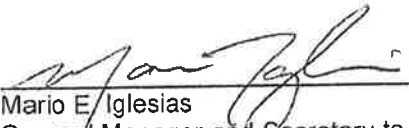
AYES: Directors Gaddis, Blair, Woodson, Armstrong and Eby
NOES: None
ABSENT: None
CONFLICTS: None

The foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Nipomo Community Services District this 8th day of August, 2018.




Ed Eby
President, Board of Directors

ATTEST:



Mario E. Iglesias
General Manager and Secretary to the Board

APPROVED AS TO FORM:



Whitney G. McDonald
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2018-1484

EXHIBIT "A"

CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Nipomo Community Services District (District)

Individuals holding designated positions shall file their statements of economic interests with the District, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the District.

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2018 – 1484

APPENDIX TO EXHIBIT "A"
(cont.)

NIPOMO COMMUNITY SERVICES DISTRICT
CONFLICT OF INTEREST CODE

DESIGNATED OFFICERS AND EMPLOYEES
WITH DISCLOSURE CATEGORIES

I. DESIGNATED POSITIONS

The persons occupying the positions listed below are hereby considered designated officers and employees and are deemed to make, or participate in the making of, decisions, which may have a material effect on a financial interest.

DESIGNATED POSITION	ASSIGNED DISCLOSURE CATEGORIES
Members of the Board of Directors	1
General Manager	1
District Legal Counsel	1
Assistant General Manager/Finance Director	1
Director of Engineering and Operations	1
Consultants*	2
New Positions	2

The District has determined that all the positions listed above manage public investments within the meaning of Government Code Section 87200 and California Code of Regulations title 2, Section 18720, and those persons holding these positions must file statements of economic interest (FPPC Form 700) pursuant to the state Political Reform Act.

* **Consultants.** "Consultant" has the same meaning as set forth in California Code of Regulations, Title 2, Section 18700.3.

II. DISCLOSURE CATEGORIES

Subject to the definitions set forth in the Political Reform Act and its applicable regulations:

Category 1. All persons in this disclosure category shall disclose the following:

- a) All reportable investments.
- b) All reportable interests in real property.
- c) All reportable income and loans.
- d) All reportable business positions in business entities.
- e) All reportable gifts, travel payments, advances, and reimbursements.

Category 2. All persons in this disclosure category shall disclose everything listed under Category 1, subject to the following limitation:

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2018 – 1484

APPENDIX TO EXHIBIT "A"
(cont.)

- a) The General Manager may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. (Gov. Code Section 81008.)

AUGUST 12, 2020

ITEM D-3

ATTACHMENT B

2020 Local Agency Biennial Notice

Name of Agency: Nipomo Community Services District
Mailing Address: 148 S. Wilson Street, Nipomo, CA, 93444
Contact Person: Mario Iglesias Phone No. 805.929-1133
Email: miglesias@ncsd.ca.gov Alternate Email: lbognuda@ncsd.ca.gov

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☐ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☐ Include new positions
- ☐ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☒ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer

August 6, 2020

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

**County Administrative Office
Wade Horton, Clerk of the Board
1055 Monterey St. Ste. D430
San Luis Obispo, CA 93408**

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER

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

AGENDA ITEM

D-4

AUGUST 12, 2020

DATE: AUGUST 5, 2020

**CONSIDER REQUEST FOR WATER AND SOLID WASTE
SERVICE (INTENT-TO-SERVE LETTER) FOR
PARCEL MAP CO 19-0082, A 4 PARCEL RESIDENTIAL
SUBDIVISION LOCATED AT 1441 EWING AVENUE**

ITEM

Consider request for water and solid waste service (Intent-to-Serve Letter) for Parcel Map CO 19-0082, a 4-parcel residential development located at 1441 Ewing Avenue, APN 091-054-025 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS].

BACKGROUND

The District received an application for water and solid waste service for Parcel Map CO 19-0082 located at 1441 Ewing Avenue, APN 091-054-025, on July 1, 2020. The applicant, Marc Brandt, is requesting water and solid waste services for a 4-parcel residential subdivision.

The project will consist of a subdivision of 1 existing parcel into 4 residential parcels. The existing 20.71 acre parcel is zoned Residential Rural and the District currently provides water and solid waste service to the parcel.

All parcels, existing and planned, will be required to obtain water and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

In accordance with the District's Supplemental Water Accounting Policy, Resolution 2015-1372, water demand for the project will be tracked against the 500 AFY supplemental water project capacity reservation for new development. Based on the preliminary information provided, total water demand for the project is estimated at 2.1 acre-feet per year (AFY). After applying a credit of 0.53 AFY for the existing service (1 @ 1-inch), the project's supplemental water demand is estimated at 1.6 AFY. Sufficient supplemental water for the project is available.

FISCAL IMPACT

Water capacity fees will be based on the domestic sizes requested for the final County approved project as well as CAL FIRE's fire service requirements. Based on the information provided, the following services are proposed:

- Domestic: 4 @ 1-inch
- Fire: 1 @ 6-inch

The estimated fee deposit for the project is \$83,500.00 based on the current FY 20-21 District fee schedule including a credit for 1 existing 1-inch service. Fees for Connection shall be calculated and owing as of the date the District accepts the public water improvements for the project and sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

RECOMMENDATION

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

PROJECT-SPECIFIC CONDITIONS

- Each new parcel shall be served by a single 1-inch meter and backflow assembly for indoor use and fire sprinkler service, as required and approved by CAL FIRE of SLO County. Water capacity charges are applicable.
- A separate 6-inch fire service, backflow assembly, and private fire hydrant, if required and approved by CAL FIRE of SLO County, shall be provided for fire service. Fire capacity charges are applicable.

STANDARD CONDITIONS

- Project shall obtain solid waste and water service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service laterals are required.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.
- 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 lot configuration.
- Any easements required for water 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 water laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water 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 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 District sets the water meter(s) to serve the affected property 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, tract number and water improvements
 - Offer of Dedication
 - Engineer's Certification
 - Summary of all water improvement costs
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than residential use as defined by the District.
- 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.
- District service is conditioned on the applicant complying with all terms, conditions, rules, and regulations of other agencies that have jurisdiction over the project.
- This Intent-to-Serve letter shall not be interpreted as the District's Board of Directors endorsement of the project.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

ATTACHMENTS

- A. Application
- B. Site Plan

AUGUST 12, 2020

ITEM D-4

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

JUL 01 2020

NIPOMO COMMUNITY
SERVICES DISTRICT

INTENT-TO-SERVE APPLICATION

1. This is an application for: ☐ Sewer and Water Service ☒ Water Service Only
2. SLO County Planning Department/Tract or Development No.: Vesting Tentative Parcel Map CO 19-0082
3. Project location: 1441 Ewing Ave, Arroyo Grande, CA
4. Assessor's Parcel Number (APN) of parcel(s) to be served: 091-054-025
5. Owner Name: Marc Brandt
6. Mailing Address: P.O.Box 5611, Santa Maria, CA 93456-5611
7. Email: mbrandtcon@gmail.com
8. Phone: 805-705-6174 FAX: None
9. Agent's Information (Architect or Engineer):
Name: FJ Technologies, Inc. (Brien Vierra)
Address: P.O. Box 926, Atascadero, CA 93423
Email: fjtechbcv@msn.com
Phone: 805-235-7943 FAX: 805-460-9123
10. Type of Project: (check box) (see Page 3 for definitions)

<input checked="" type="checkbox"/> Single-family dwelling units	<input type="checkbox"/> Multi-family dwelling units
<input type="checkbox"/> Commercial	<input type="checkbox"/> Mixed Use (Commercial and Residential)
11. Does this project require a sub-division? ☒ Yes ☐ No
If yes, number of new lots created⁴ (Existing lot of 20 acres will be split into four lots in which one house already exists that is served by NCSD)
12. Site Plan: Refer to attached vesting tentative parcel map
For all projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11") of site plans.

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable. **Note that the District only provides one domestic meter per parcel.**
13. Board Approval:
Board approval is required for the following type of projects:
 - more than four dwelling units
 - property requiring sub-divisions
 - higher than currently permitted housing density
 - commercial developments

14. **RESIDENTIAL SERVICE**

Single Family Residential (SFR)

Number of Parcel's created	4	Proposed number of SFR	3 new
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Multi-Family Residential (MFR)

Number of Parcel's created		Proposed number of MFR	
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)	

15. **COMMERCIAL AND/OR MIXED USE SERVICE DEMAND ESTIMATES:**

Commercial and Mixed Use

Number of Parcel's created		Proposed number of residential dwellings	
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)	

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

It is estimated that each new residence will use approximately 10,000 gallons per month or 0.35 acre feet per year per residence or a total of 1.05 acre feet in additional use.

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 3**

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 6/30/20

Signed

Marc Brandt
(Must be signed by owner or owner's agent)

Print Name Marc Brandt

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, 2019

PROJECT SIZE/TYPE	TOTAL AMOUNT DUE AT TIME OF APPLICATION**
Residential <4 units	\$1,241.25
Residential 4-20 units	\$1,704.97
Residential > 20 units	\$2,007.39
Commercial <1 acre	\$1,704.97
Commercial 1-3 acres	\$2,007.39
Commercial > 3 acres	\$2,773.51
Mixed Use with less than 4 Dwelling Units	\$2,007.39
Mixed Use with four or more Dwelling Units	\$2,773.51
*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.

AUGUST 12, 2020

ITEM D-4

ATTACHMENT B

LEGAL DESCRIPTION

LOT 8 OF THE PORTER PACIFIC TRACT NO. 2,
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA,
AS RECORDED IN BOOK 3, PAGE 43 OF MAPS, IN THE OFFICE
OF THE COUNTY RECORDER OF SAID COUNTY.

VESTING TENTATIVE PARCEL MAP CO 19-0082

ADDITIONAL INFORMATION SHEET

SITE INFORMATION

APN: 091-054-025
OWNERS: MARCUS BRANDT
PO BOX 5611
SANTA MARIA, CA 93456-5611
NET AREA: 20.71 ACRES
GROSS AREA: 20.71 ACRES
CURRENT USE: RESIDENTIAL SINGLE FAMILY
PROPOSED USE: RESIDENTIAL SINGLE FAMILY
ZONING: RESIDENTIAL RURAL

PROJECT DESCRIPTION

THE PROJECT PROPOSES TO DIVIDE AN EXISTING 20.00 ACRE PARCEL
INTO FOUR PARCELS 5+ ACRE PARCELS.
ONE BUILDING PAD PER PARCEL IS PLANNED WITH THIS PROJECT
A FINAL TOTAL OF FOUR LOTS ARE PROPOSED AS PART OF THIS PROJECT.
PARCEL 1: RESIDENTIAL SINGLE FAMILY
PARCEL 2: RESIDENTIAL SINGLE FAMILY
PARCEL 3: RESIDENTIAL SINGLE FAMILY
PARCEL 4: RESIDENTIAL SINGLE FAMILY

NOTES:

- At the time of application for construction permits, the applicant shall clearly delineate the approved building size and access drive or other proposed plans. No disturbance shall take place outside the designated building envelope and access drives.
- No oak trees shall be removed (except where approved for construction of a subdivision improvement or any development of sites, including but not limited to, roads, driveways, utilities, water storage tanks, drainage facilities, erosion control facilities or any other development).
- At the time of application for building permits, for each lot, the lot owner shall submit the tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees that may be removed as a result of the development of the proposed lot and 2:1 for oaks impacted by development of each lot. No more than 30 oak trees shall be removed as a result of the development of the proposed lots as follows:

Building Envelope	Trees Removed or Impacted
Parcel 1	Not Applicable (extensively developed)
Parcel 2	30dp Env. 2A: Potentially 8 trees impacted
Parcel 3	30dp Env. 2B: Potentially 5 trees impacted
Parcel 4	30dp Env. 3A: Potentially 7 trees impacted
	30dp Env. 3B: Potentially 4 trees impacted
	30dp Env. 4A: Potentially 8 trees impacted
	30dp Env. 4B: Potentially 10 trees impacted

* Note that only one building envelope per parcel will be completed. Building envelopes and drive-ways shown are only diagrammatic to address potential environmental impacts. Final environmental review to be completed once construction permit applications are submitted. The applicant shall refer to notes 4 and 5.

- At the time of application for construction permits for each lot, the applicant shall submit a tree replacement plan to be reviewed and approved by the Environmental Coordinator. The plan shall provide for the replacement, in kind at a 4:1 ratio, all oak trees that may be removed as a result of the development of the proposed lot and 2:1 for oaks impacted by development of each lot. No more than 30 oak trees shall be removed as a result of the development of the proposed lots as follows:

Building Envelope	Trees Removed or Impacted
Parcel 1	Not Applicable (extensively developed)
Parcel 2	30dp Env. 2A: Potentially 8 trees impacted
Parcel 3	30dp Env. 2B: Potentially 5 trees impacted
Parcel 4	30dp Env. 3A: Potentially 7 trees impacted
	30dp Env. 3B: Potentially 4 trees impacted
	30dp Env. 4A: Potentially 8 trees impacted
	30dp Env. 4B: Potentially 10 trees impacted

* Note that only one building envelope per parcel will be completed. Building envelopes and drive-ways shown are only diagrammatic to address potential environmental impacts. Final environmental review to be completed once construction permit applications are submitted. The applicant shall refer to notes 4 and 5.

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON
NAVD83 AS DETERMINED BY GPS OBSERVATIONS
CONSTRAINED TO NGS MONUMENT DESIGNATED HYPON:
CA 05 054 HAVING A PUBLISHED ELEVATION OF 220.8

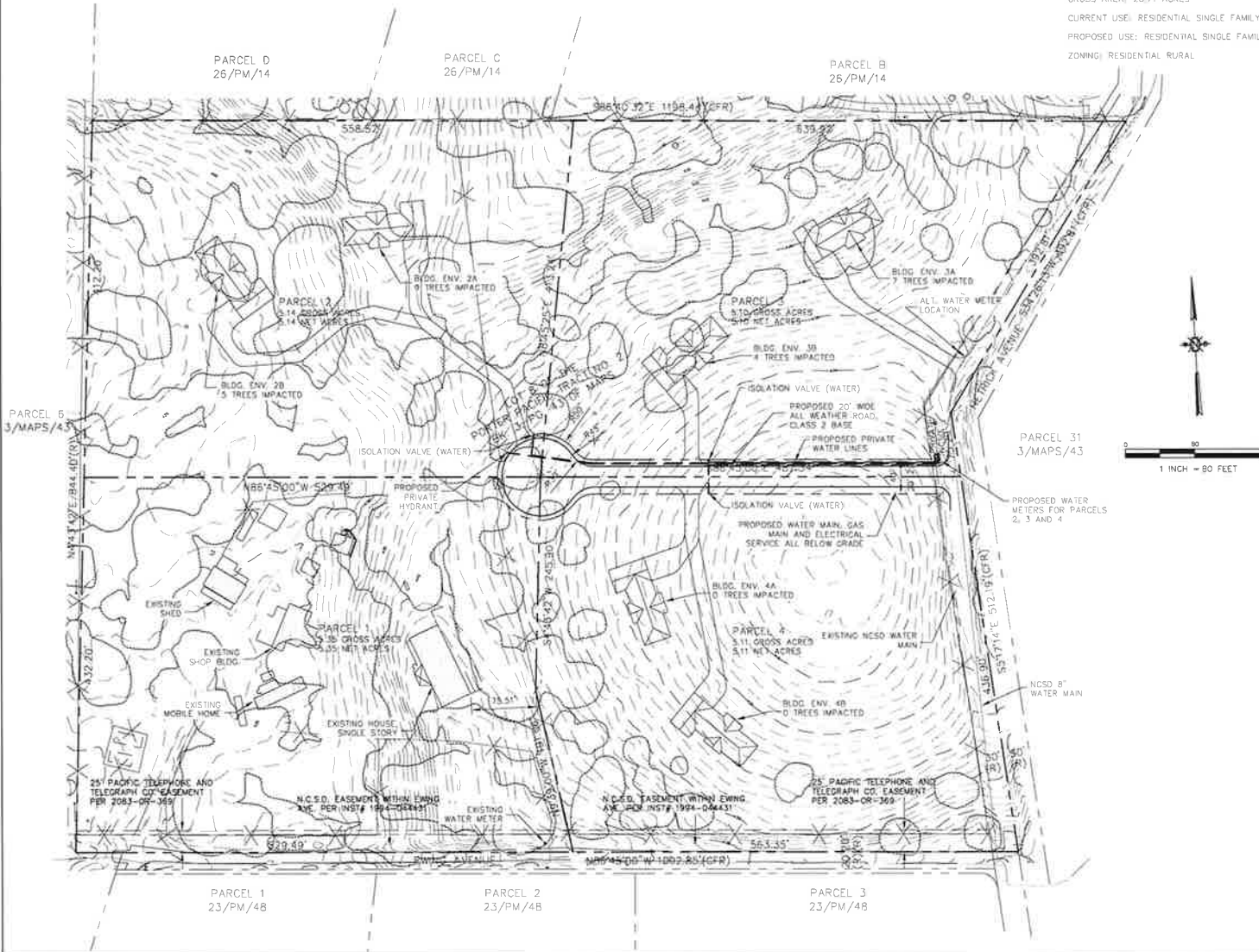
LEGEND

- | | |
|-------|----------------------------------|
| (R) | 30/RS/94 |
| (CFR) | CALC'D FROM RECORD DATA 30/RS/94 |
| (C) | EXISTING COMMUNICATION PULL BOX |
| (D) | EXISTING TELEPHONE RISER |
| (O) | EXISTING UTILITY POLE |

- | | |
|--|-------------------------|
| | EXISTING TREE DRIP LINE |
| | EXISTING FENCE |
| | EXISTING OVERHEAD LINE |
| | CONTOUR LINE (MAJOR) |
| | CONTOUR LINE (MINOR) |

APRIL 2020

SHEET 2 OF 2



TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



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

P.V.S.

DATE: AUGUST 5, 2020

AGENDA ITEM

D-5

AUGUST 12, 2020

CONSIDER REQUEST FOR WATER, SEWER AND SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR 6 PARCEL RESIDENTIAL TRACT MAP LOCATED ON TEFFT STREET, APN 092-577-006

ITEM

Consider request for water, sewer and solid waste service (Intent-to-Serve Letter) for 6 parcel residential tract map located on Tefft Street, APN 092-577-006 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS].

BACKGROUND

The District received an application for water, sewer and solid waste service for a 6 parcel tract map, APN 092-577-006, on June 25, 2020. The applicant, Floyd Hinesly, is requesting water, sewer and solid waste services for a 6 parcel residential subdivision.

The project will consist of a subdivision of 1 existing parcel into 6 residential parcels. Six units in clusters of two with a common wall are proposed for the project. The existing 0.92 acre parcel is zoned Residential Multi-Family. The District does not currently provide water or sewer service to the parcel.

All parcels, existing and planned, will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

In accordance with the District's Supplemental Water Accounting Policy, Resolution 2015-1372, water demand for the project will be tracked against the 500 AFY supplemental water project capacity reservation for new development. Based on the preliminary information provided, total water demand for the project is estimated at 3.2 acre-feet per year (AFY). Sufficient supplemental water for the project is available.

Sufficient wastewater treatment capacity for the project is available in the District's Southland WWTF.

FISCAL IMPACT

Water and sewer capacity fees will be based on the domestic and irrigation meter sizes requested for the final County approved project as well as CAL FIRE's fire service requirements. Based on the preliminary information provided, the following services are estimated to be required:

- Domestic: 6 @ 1-inch
- Sewer: 6 services

The estimated fee deposit for the project is approximately \$134,900 based on the current FY 20-21 District fee schedule. Fees for Connection shall be calculated and owing as of the date the District accepts the public water and sewer improvements for the project and sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

RECOMMENDATION

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

PROJECT-SPECIFIC CONDITIONS

- Six (6) 1-inch water meters and backflow assemblies shall be provided for indoor water use and fire sprinkler service, if approved by CAL FIRE of SLO County. Water capacity charges are applicable.
- Applicant shall be required to install all necessary off-site and on-site water and sewer facilities required to serve the project. Improvements anticipated include but are not limited to extending water and sewer lines on Flint Place from Blume to the project and looping the new waterline to Hill Street.

STANDARD CONDITIONS

- Project shall obtain solid waste, water and sewer service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable if dedicated fire service lateral(s) are required.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Pay all appropriate District fees associated with this development.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.
- 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 lot configuration.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private water and/or laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.
- Applicant shall 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 District sets the water meter(s) to serve the affected property 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, tract number and water and sewer improvements
 - Offer of Dedication

- Engineer's Certification
 - Summary of all water and sewer improvement costs
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than residential use as defined by the District.
- 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.
- District service is conditioned on the applicant complying with all terms, conditions, rules, and regulations of other agencies that have jurisdiction over the project.
- This Intent-to-Serve letter shall not be interpreted as the District's Board of Directors endorsement of the project.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

ATTACHMENTS

- A. Application
- B. Site Plan

AUGUST 12, 2020

ITEM D-5

ATTACHMENT A



NIPOMO COMMUNITY SERVICES DISTRICT

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

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

INTENT-TO-SERVE APPLICATION

1. This is an application for: ☒ Sewer and Water Service ☐ Water Service Only
2. SLO County Planning Department/Tract or Development No.: CO-97-0134
3. Project location: NIPOMO CA
4. Assessor's Parcel Number (APN) of parcel(s) to be served: 092-577-006
5. Owner Name: FLOYD HINESLEY
6. Mailing Address: 772 HERMOSA VISTA WAY, AG, CA 93420
7. Email: _____
8. Phone: 661-979-3106 FAX: _____
9. Agent's Information (Architect or Engineer):
Name: CODY McLAUGHLIN
Address: 967 S. 16TH ST, GROVER BEACH CA 93433
Email: cmarchitect@live.com
Phone: 805-704-1713 FAX: _____
10. Type of Project: (check box) (see Page 3 for definitions)

<input type="checkbox"/> Single-family dwelling units	<input checked="" type="checkbox"/> Multi-family dwelling units
<input type="checkbox"/> Commercial	<input type="checkbox"/> Mixed Use (Commercial and Residential)
11. Does this project require a sub-division? ☒ Yes ☐ No
If yes, number of new lots created 6
12. Site Plan:
For all projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11") of site plans.
Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable. **Note that the District only provides one domestic meter per parcel.**
13. Board Approval:
Board approval is required for the following type of projects:
 - more than four dwelling units
 - property requiring sub-divisions
 - higher than currently permitted housing density
 - commercial developments

NIPOMO COMMUNITY SERVICES DISTRICT
Intent to Serve Application

Page 2 of 3

14. **RESIDENTIAL SERVICE**

Single Family Residential (SFR)

Number of Parcel's created		Proposed number of SFR	
----------------------------	--	------------------------	--

Multi-Family Residential (MFR)

Number of Parcel's created	6	Proposed number of MFR	6
Number of Domestic Meter(s)	6	Estimated Meter Size(s)	1/2"
Number of Landscape Meter(s)	0	Estimated Meter Size(s)	
Number of Fire System(s)	0	Estimated Meter Size(s)	

15. **COMMERCIAL AND/OR MIXED USE SERVICE DEMAND ESTIMATES:**

Commercial and Mixed Use

Number of Parcel's created		Proposed number of residential dwellings	
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)	

16. 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 3

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 6.25.20 Signed

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

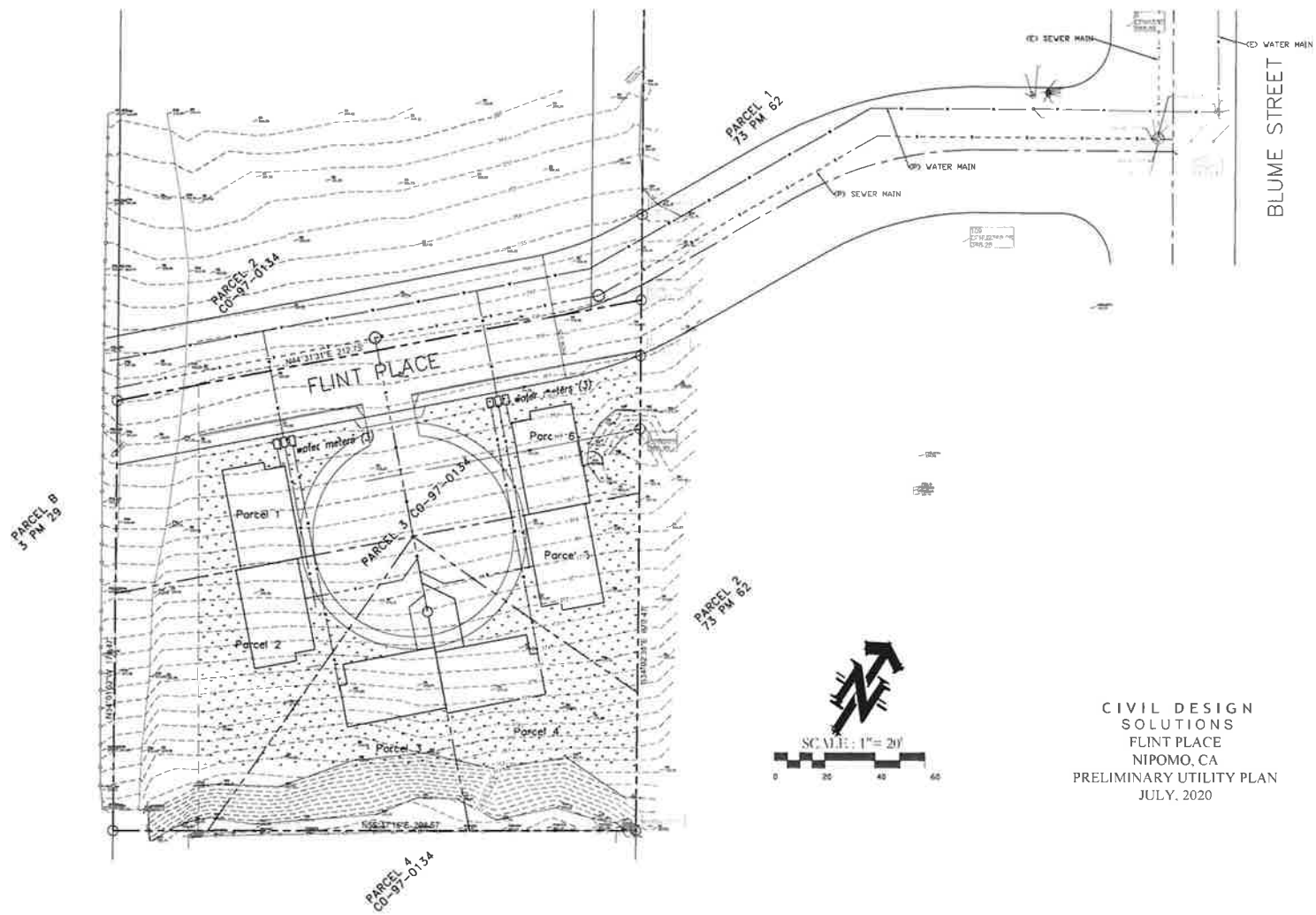
Print Name

CORR MCLAUGHLIN

AUGUST 12, 2020

ITEM D-5

ATTACHMENT B



TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



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



DATE: AUGUST 5, 2020

**AGENDA ITEM
D-6
AUGUST 12, 2020**

**CONSIDER REQUEST FOR WATER, SEWER AND
SOLID WASTE SERVICE (INTENT-TO-SERVE LETTER) FOR
APN 090-384-015, A RESIDENTIAL DEVELOPMENT
LOCATED ON BRANCH STREET**

ITEM

Consider request for water, sewer, and solid waste service (Intent-to-Serve Letter) for a residential development located on Branch Street, APN 090-384-015 [RECOMMEND CONSIDER INTENT-TO-SERVE LETTER AND APPROVE WITH CONDITIONS].

BACKGROUND

The District received an application for water, sewer, and solid waste service for a project located on Branch Street, APN 090-384-015, on February 24, 2020. The applicant, Mark Albrecht, is requesting water, sewer and solid waste service for a residential multifamily development.

The project will consist of one new single family residential unit and a new two-family dwelling unit (duplex) on one existing parcel. The existing 0.24 acre parcel is zoned Residential Multifamily and the District does not currently provide water, sewer or solid waste service for the parcel.

The project will be required to obtain water, sewer and solid waste service in compliance with current District standards. Any existing well(s) on the property will not be utilized to provide domestic water service to any part of the project.

In accordance with the District's Supplemental Water Accounting Policy, Resolution 2015-1372, water demand for the project will be tracked against the 500 AFY supplemental water project capacity reservation for new development. Based on the preliminary information provided, total water demand for the project is estimated at 1.06 acre-feet per year (AFY). Sufficient supplemental water for the project is available.

Sufficient wastewater treatment capacity for the project is available in the District's Southland WWTF.

FISCAL IMPACT

Water and sewer capacity fees will be based on the domestic and irrigation meter sizes requested for the final County approved project as well as CAL FIRE's fire service requirements. Based on the preliminary information provided, the following services are proposed:

- Domestic: 1 @ 1-inch
- Irrigation: 1 @ 1-inch

- Fire: 1 @ 1.5-inch
- Sewer: 1 service

The estimated fee deposit for the project is \$39,613 based on the current FY 20-21 District fee schedule. Fees for Connection shall be calculated and owing as of the date the District accepts the public water and sewer improvements for the project and sets the water meter(s) to serve the affected property from which the amount of the Deposit shall be deducted.

RECOMMENDATION

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

PROJECT-SPECIFIC CONDITIONS

- One (1) 1-inch meter and backflow assembly shall be provided for indoor water use. Water capacity charges are applicable.
- One (1) separate 1-inch irrigation meter and backflow assembly shall be provided for outdoor irrigation use. Water capacity charges are applicable.
- One (1) separate 1.5-inch or larger fire sprinkler service, as required and approved by CAL FIRE of SLO County, shall be provided for fire sprinkler service. Fire capacity charges are applicable.

STANDARD CONDITIONS

- Project shall obtain water, sewer, and solid waste service for all parcels.
- CAL FIRE of SLO County must approve the development plans prior to District approval. Fire capacity charges are applicable for dedicated fire service laterals.
- Properly abandon any existing groundwater wells and provide documentation to District.
- Record a restriction, subject to District approval, on the property prohibiting the use of well(s) to provide water service to any parcel within the Project.
- Record a restriction, subject to District approval, on all parcels prohibiting use of self-regenerating water softeners.
- Comply with District water conservation program.
- Pay all appropriate District fees associated with this development.
- Applicant shall provide the District with a copy of County application approval and County project conditions of approval.
- Enter into a Plan Check and Inspection Agreement and provide a deposit.
- Submit improvement plans in accordance with the District Standards and Specifications for review and approval.
- Any easements required for water and sewer improvements that will be dedicated to the District shall be offered to the District prior to final improvement plan approval.
- Any easements required for private water and sewer laterals shall be recorded prior to final improvement plan approval and shall be subject to District approval.
- All water and sewer improvements to be dedicated to the District shall be bonded for or otherwise secured in the District's name prior to issuance of Will-Serve letter.
- A Will-Serve letter for the Project will be issued after improvement plans are approved and signed by the District.

- Applicant shall 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 District sets the water meter(s) to serve the affected property 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, tract number, and water and sewer improvements
 - Offer of Dedication
 - Engineer's Certification
 - Summary of all water and sewer improvement costs
- Solid waste collection services are mandatory. Applicant shall provide proof that the Project is provided with solid waste removal services in accordance with District regulations.
- The District will set water meter(s) upon proof of a building permit from the County of San Luis Obispo, the District's acceptance of improvements to be dedicated to the District, if applicable, and the final payment of all charges and fees owed to the District.
- This letter is void if land use is other than residential as defined by the District.
- 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.
- District service is conditioned on the applicant complying with all terms, conditions, rules, and regulations of other agencies that have jurisdiction over the project.
- This Intent-to-Serve letter shall not be interpreted as the District's Board of Directors endorsement of the project.
- The District reserves the right to revoke this Intent-to-Serve letter at any time.
- The Applicant shall provide a signed copy of the Intent-to-Serve letter within thirty (30) days of issuance.

ATTACHMENTS

- A. Application
- B. Site Plan

AUGUST 12, 2020

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

FEB 24 2020

NIPOMO COMMUNITY
SERVICES DISTRICT

INTENT-TO-SERVE APPLICATION

1. This is an application for: ☒ Sewer and Water Service ☐ Water Service Only
2. SLO County Planning Department/Tract or Development No.: Fairview tract
3. Project location: 0 East Branch St. Nipomo, CA
4. Assessor's Parcel Number (APN) of lot(s) to be served: 090-384-015
5. Owner Name: MARK Albrecht
6. Mailing Address: 307 Mercury drive, Nipomo CA 93444
7. Email: MK 4329 @ yahoo.com
8. Phone: 805-720-4139 FAX: _____
9. Agent's Information (Architect or Engineer):
Name: Tim Romano Design
Address: 3505 Sequoia Dr. San Luis Obispo, CA 93401
Email: Tim @ romano design . us
Phone: 805-550-5910 FAX: _____
10. Type of Project: (check box) (see Page 3 for definitions)

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

11. Does this project require a sub-division? ☐ Yes ☒ No

If yes, number of new lots created _____

12. Site Plan:

For all projects, submit three (3) standard size (24" x 36") and one reduced copy (8½" x 11") of site plans.

Show parcel layout, water and sewer laterals, and general off-site improvements, as applicable. **Note that the District only provides one domestic meter per Assessor Parcel Number (APN).**

13. Board Approval:

Board approval is required for the following type of projects:

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

14. **RESIDENTIAL SERVICE**

Single Family Residential (SFR)

Number of Parcel's created		Proposed number of SFR	
----------------------------	--	------------------------	--

Multi-Family Residential (MFR)

Number of Parcel's created	1	Proposed number of MFR	3
Number of Domestic Meter(s)	1	Estimated Meter Size(s)	1"
Number of Landscape Meter(s)	1	Estimated Meter Size(s)	1"
Number of Fire System(s)	3	Estimated Meter Size(s)	1"

15. **COMMERCIAL AND/OR MIXED USE SERVICE DEMAND ESTIMATES:**

Commercial and Mixed Use

Number of Parcel's created		Proposed number of residential dwellings	
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)	

16. 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 3

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 7-20-20 Signed

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

Print Name

MARK ALBRECHT

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**

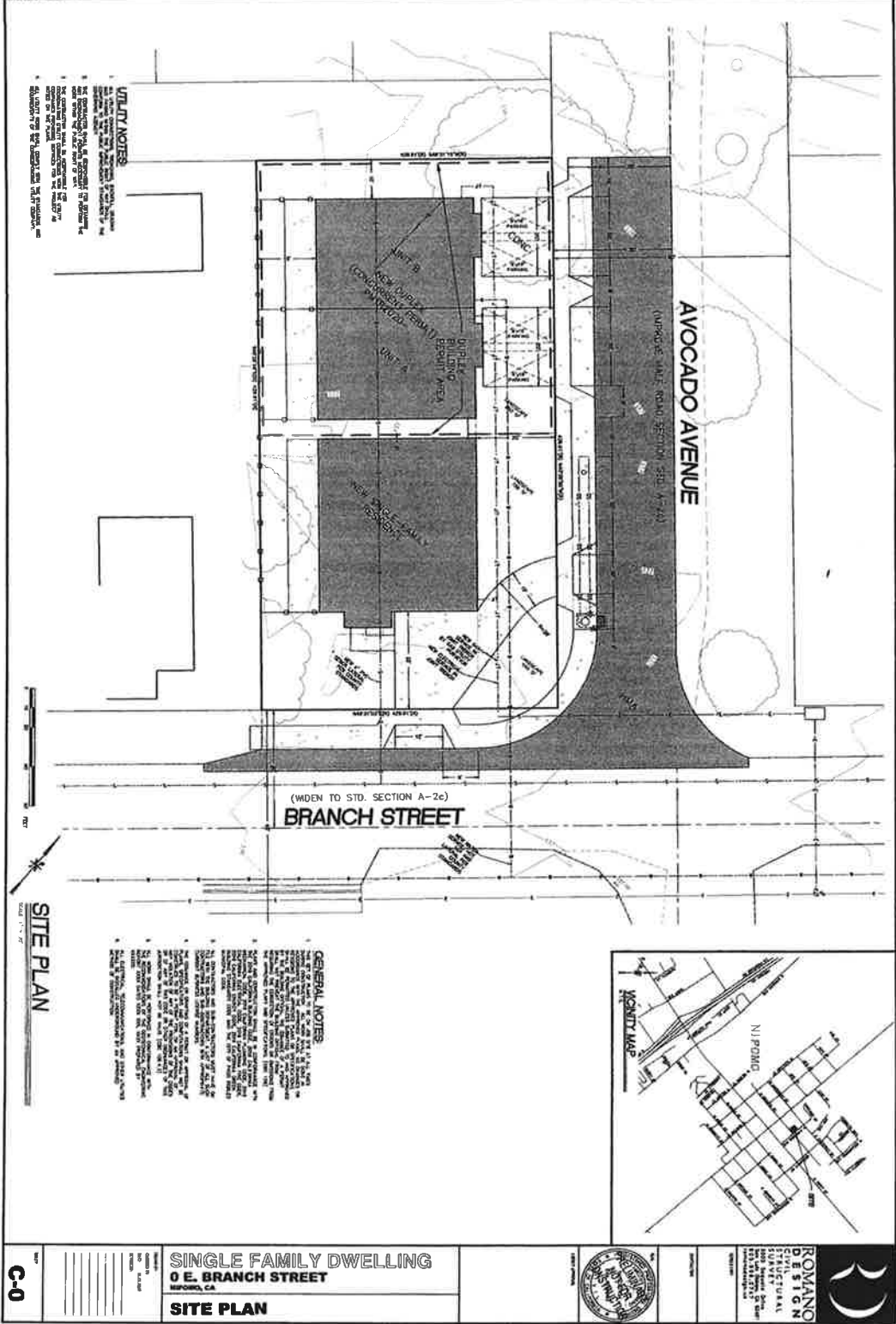
PROJECT SIZE/TYPE	TOTAL AMOUNT DUE AT TIME OF APPLICATION**
Residential <4 units	\$1,196.96
Residential 4-20 units	\$1,644.14
Residential > 20 units	\$1,935.77
Commercial <1 acre	\$1,644.14
Commercial 1-3 acres	\$1,935.77
Commercial > 3 acres	\$2,674.55
Mixed Use with less than 4 Dwelling Units	\$1,935.77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

AUGUST 12, 2020

ITEM D-6

ATTACHMENT B



TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



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



DATE: AUGUST 5, 2020

AGENDA ITEM

D-7

AUGUST 12, 2020

AUTHORIZE STAFF TO BID SOUTHLAND WASTEWATER TREATMENT FACILITY SCREW PRESS PROJECT

ITEM

Authorize staff to advertise Southland Wastewater Treatment Facility Screw Press Project for bid [RECOMMEND AUTHORIZE STAFF TO BID PROJECT].

BACKGROUND

The District's Southland Wastewater Treatment Facility (SWWTF) consists of screening, grit removal, extended aeration treatment, effluent disposal ponds and biosolids handling equipment. Biosolids are processed using a gravity belt thickener (GBT) and concrete-lined drying beds to reduce the water content of the waste biosolids (sludge) from the SWWTF. Water is removed from the biosolids to reduce weight and volume before hauling offsite for beneficial reuse. Reducing the weight and volume of biosolids allows the biosolids to be hauled offsite as well as minimizes hauling and disposal costs.

During the summer, the biosolids drying beds are extremely effective at dewatering the thickened biosolids (increasing the solids content of the biosolids prior to hauling offsite). However, longer residence times in the drying beds during wet weather periods can cause increased odors. In March 2018, the District received a Notice of Violation from the San Luis Obispo County Air Pollution Control District (SLOAPCD) for creating nuisance odors. The District has taken several operational corrective actions to address the issue on an interim basis and per the mutual settlement agreement with the SLOAPCD, the District needs to install a screw press to dewater thickened biosolids from the GBT in order to avoid use of the drying beds during periods of wet weather.

The Board authorized staff to bid the project at the December 11, 2019 Board meeting. On March 26, 2020, bids for the project were opened from four (4) contractors. At the May 27, 2020 Board meeting, staff recommended that the Board reject all bids due to a bid protest by one of the bidders.

Subsequently, at the June 24, 2020 Board meeting, the Board adopted Resolution 2020-1566 that established a contractor pre-qualification policy for the project. Pre-Qualification of contractors will help ensure that the project is constructed by reputable, experienced, and qualified contractors.

MKN and District staff are finalizing the list of general contractors and selected subcontractors that have pre-qualified to submit bids for the project. The final procurement step, in accordance with the District's Purchasing Policy, is Board approval to solicit bids for the project.

STRATEGIC PLAN

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

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

FISCAL IMPACT

The estimated construction cost is \$920,000. Funding for the project is available in the FY 2020-2021 budget.

RECOMMENDATION

Staff recommends that the Board, by motion and roll call vote, authorize staff to solicit bids for the Southland WWTF Screw Press Project.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



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



DATE: AUGUST 5, 2020

AGENDA ITEM
E-1
AUGUST 12, 2020

**AUTHORIZE STAFF TO NEGOTIATE CONTRACT
FOR ENGINEERING SERVICES FOR BLACKLAKE SEWER
CONSOLIDATION PROJECT WITH CANNON CORPORATION**

ITEM

Authorize staff to negotiate contract for engineering services for Blacklake Sewer Consolidation Project with Cannon Corporation [RECOMMEND APPROVAL].

BACKGROUND

The Nipomo Community Services District ("District") worked with the Blacklake community to create an assessment district to fund the proposed Blacklake Sewer Consolidation Project ("Project"). The Project involves the construction of a sanitary sewer lift station and force main to convey raw wastewater from the Blacklake Sewer Service Area to the Town Sewer Service Area for treatment at the District's Southland Wastewater Treatment Facility and decommissioning of the existing Blacklake Water Reclamation Facility. The next step to implement the project is to select an engineering design consultant to prepare construction plans and technical specifications for the Project.

At the June 10, 2020 Board meeting, the Board authorized staff to circulate a Request for Proposals (RFP) for Engineering Services for the Project. The District received and opened proposals on July 22, 2020. Three firms submitted proposals (available for review at the District Office).

The proposals were evaluated by staff including the Director of Engineering & Operations, Assistant Engineer, and the Wastewater Supervisor. The evaluation considered responsiveness, work product time, team experience and expertise and references. Staff ranked Cannon's proposal the highest although Michael K. Nunley & Associates' proposal was a very close second in all aspects. Staff's ranking of proposals was as follows:

1. Cannon
2. MKN
3. AECOM

FISCAL IMPACT

The estimated Project cost is \$10,300,000. Funding will be provided from Nipomo Community Services District Assessment District No. 2020-1 (Blacklake Sewer Consolidation) bond proceeds.

STRATEGIC PLAN

Goal 2. FACILITIES THAT ARE RELIABLE, ENVIRONMENTALLY SENSIBLE AND EFFICIENT.

Plan, provide for and maintain District facilities and other physical assets to achieve reliable, environmentally sensible, and efficient District operations.

A.2 Develop a pathway to complete needed upgrades and replacements for the Blacklake wastewater treatment plant.

B.1 NCSD shall maintain long-range infrastructure management, upgrade and replacement planning.

Goal 4. FINANCE.

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

B.1 Evaluate, plan for and maintain finances that are adequate for all needs, stable, and reliable over the long-term.

B.5 Maintain adequate rates to fund future capital replacements

RECOMMENDATION

Staff recommends that the Board authorize staff to negotiate a contract with Cannon Corporation for engineering services for the Blacklake Sewer Consolidation Project for approval at a subsequent Board meeting.

ATTACHMENTS

None.

TO: BOARD OF DIRECTORS

FROM: CRAIG A. STEELE
DISTRICT COUNSEL

REVIEWED BY: MARIO IGLESIAS
GENERAL MANAGER

DATE: AUGUST 6, 2020

AGENDA ITEM

E-2

AUGUST 12, 2020

**COMPLETE ANNUAL SALARY REVIEW AND COMPENSATION
ADJUSTMENT FOR GENERAL MANAGER**

ITEM

Consider Annual Salary Review and Approve 3% Annual Compensation Adjustment for General Manager [RECOMMEND CONSIDER ANNUAL SALARY REVIEW AND APPROVE 3% COMPENSATION ADJUSTMENT FOR GENERAL MANAGER]

BACKGROUND

The District's General Manager is employed pursuant to an employment agreement that was effective as of July 1, 2019. The employment agreement requires that your Board conduct an annual performance evaluation and salary review for the General Manager. The performance review has been concluded and the Board directed District Counsel to schedule a compensation review and possible adjustment for the next open session of the Board. Based on preliminary discussions, the amount of compensation increase the Board is considering would be a total of 3% of the General Manager's current annual salary. This increase, if approved by the Board would raise the General Manager's salary from \$171,671 to \$176,821.13 per year, effective July 1, 2020.

The employment agreement allows the Board to increase the General Manager's compensation amount without formally amending the agreement. Pursuant to the Brown Act, Government Code Section 54953, this compensation change must be considered in an open session, and the amount of the compensation must be orally disclosed prior to any action by the Board.

No other changes are proposed to the employment agreement.

It is recommended that the Board consider the General Manager's annual salary and the proposed 3% increase and, if appropriate, approve the compensation increase following the oral report of the recommended salary change pursuant to Government Code § 54953, which I will make prior to the Board's consideration of the item.

FISCAL IMPACT

The proposed action will result in a salary increase of \$5,150.13 paid as annual compensation to the General Manager. The approved 2020-2021 budget will accommodate this change without requiring an amendment.

STRATEGIC PLAN

Goal 3. PERSONNEL AND ORGANIZATION. Maintain a qualified, long-term and productive workforce to assure an effective organization:

3.B. ONGOING ACTIVITIES

B.1. Ensure the District is adequately staffed with high quality, long-term employees...

RECOMMENDATION

It is recommended that your Board consider and approve the recommended change in compensation for the General Manager.

ATTACHMENTS

None

TO: BOARD OF DIRECTORS
FROM: MARIO IGLESIAS
GENERAL MANAGER
DATE: August 7, 2020

**AGENDA ITEM
F
AUGUST 12, 2020**

GENERAL MANAGER'S REPORT

ITEM

Standing report to your Honorable Board -- *Period covered by this report is July 19, 2020 through August 8, 2020.*

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 as well as tracking late fee waivers. For the month of June 2020, the District is waiving all late fees and is not keeping track of late payments due to the District's response to the COVID19 health emergency. There were no Leak Adjustments applied for or granted in June. The District is also offering to customers to credit their account the third-party cost for paying their bill on-line. There is a \$3.95 charge by Official Payments, the third-party vender that provides the service. A total of 20 customers took advantage of the District's offer in the month of June.

Office Activities

	July 20	Jan 20 - July 2020
Reports of Water Waste	0	1
Leak Adjustments	0	11
Leak Adjustment Amount	\$0	\$3,643
Late Fee Waivers	0	15
Late Fee Waiver Adjustment Amount	\$0	\$2,940
Official Payment (Count March-June)	12	54
Official Payments cost to District	\$47	\$213

Water Resources

Table 1. Total Production Acre Feet (AF)

	Jul-20	Jul 20 - Jun 21
Groundwater Production	120.1	120.1
Supplemental Water Imported	<u>92.8</u>	<u>92.8</u>
Total Production	<u>212.9</u>	<u>212.9</u>

NCSD imported 92.8 AF of water over the 31 day period in July, averaging 672 gallons per minute for an average total of 968,092 gallons per day. This is approximately 8% more import water than the previous month. For fiscal year 2020-21 the District must import at least 1,000 AF of supplemental water to meet its contractual obligation with the City of Santa Maria. On average, the District must import an average of 84 AF per month. For the fiscal year, July 1, 2020 through June 30, 2020, a total of approximately 93 AF was imported and that indicates the

District met its targeted import water obligation for the period. Compared to the 84 AF imported in this time period (July through June), the District has reached 110% of its import water obligation.

The District's total combined production, including groundwater production wells and supplemental water imported at the Joshua Road Pump Station, registered 212 AF for the month.

NCSD GW Reduction

Table 2 compares the District's total water production for the month of July and the fiscal year-to-date (July 2020 through June 2021) total against the same period for 2013 (pre-drought production). The Department of Water Resources ("DWR") designated 2013 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. There is no mandate by DWR at this time for the District to reach a particular conservation level. The District's year-to-date conservation effort remains about 25% for the fiscal year.

Table 2. FY 2021 Total Demand To-date Compared to 2013

	Jul-20	Jul 20 - Jun 21
Total Production (AF) for FY 2019-20	212.9	212.9
Total Production (AF) for 2013	<u>282.4</u>	<u>282.4</u>
Reduction (AF)	<u>69.5</u>	<u>69.5</u>
Percentage Reduction	<u>24.6%</u>	<u>24.6%</u>

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 NCSD brings onto the basin through the NSWP. Of the 800 AF minimum imported water from the City of Santa Maria, 266.6 AF or 33.33 % of the imported water – whichever is greater – 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. NCSD GW Production (NCSD GW Well Production plus Purveyor Credit)

	Jul-20	Jul 20 - Jun 21
NCSD GW Well Production	120.1	120.1
Purveyor Customer Credit (33.3% of Import Water)	<u>30.9</u>	<u>30.9</u>
NCSD Total Calculated GW Production	151.0	151.0
Average GW Production for 2009-2013	<u>291.2</u>	<u>291.2</u>
NCSD Percentage of GW Reduction	48%	48%

Taking into consideration the above referenced purveyor customer credit, the District can claim a groundwater pumping reduction of 48% for the month of July compared to the 5-year average from 2009 to 2013 (NMMA-TG assigned comparator). For Fiscal Year 2021, the total groundwater pumping reduction for the District is 48%. At the current Stage IV level of NMMA's Water Shortage Condition and Response Plan, the District is slightly short of achieving its targeted groundwater pumping reduction level of 50% for the year. However, with the requirement of the water import contract with the City of Santa Maria increasing to 1,000 AFY minimally, staff expects there will not be an issue for the District to reach the targeted 50% groundwater pumping reduction level.

2021 Fiscal Year Groundwater Pumping Forecast

Table 4 projects the District's groundwater pumping reduction effectiveness for Fiscal Year 2021. The targeted groundwater pumping reduction as stated above is 50%. At current usage through in July 2021, the District is short of its pumping reduction goals for fiscal year 2021 by 28 AFY. With the increased amount of import water scheduled for the year, it is anticipated that the District will reach its self-imposed groundwater pumping reduction target of 50%.

Table 4. Projected Groundwater Pumping

	Year-to-Date		Target	Over/(Under)	
	Jul-20	Jul-Jun 2021			
NCSD GW Well Production	120.1	942.3			
Purveyor Customer Credit (33.3% of Import Water)	30.9	351.6			
NCSD Total Calculated GW Production	151.0	1,293.9	1,266.0	(27.90)	AcFt
Average GW Production for 2009-2013	291.2	2,533.3	2,533.3	-	
NCSD Percentage of GW Reduction	48%	49%	50.0%	-	

Table 5. FY 2019 v. FY 2020 Groundwater Pumping

	Jul-20	Jul 20 -Jun 21*	Jul-19	Jul 19-Jun 20
NCSD GW Well Production	120.1	942.3	121.8	1,026.0
Purveyor Customer Credit (33.3% of Import Water)	30.9	351.6	28.4	323.1
NCSD Total Calculated GW Production	151.0	1,294.0	150.2	1,349.1
Average GW Production for 2009-2013	291.2	2,533.4	291.2	2,533.4
NCSD Percentage of GW Reduction	48%	49%	48%	47%

**Projected Using Adjutment for 1,000 AFY Import Water*

Table 5 compares the previous year's groundwater pumping with the current year's groundwater pumping for the same period. With the Fiscal Year 2021 requirement to import 8% more water from the City of Santa Maria as required in the water purchase agreement, it is anticipated that the District will reduce groundwater pumping well within the 50% self-imposed restriction. 8% was deducted from last year's "NCSD GW Well Production" and 8% was added to "Purveyor Customer Credit" to accommodate the shift towards increase import water.

Rainfall Gauge – (gathered from the following websites)

Note 1: SLO County Website

https://wr.slocountywater.org/site.php?site_id=3&site=935e7af7-0e94-4042-bc11-e02906d5ba44

Note 2: SLO County Website

https://wr.slocountywater.org/site.php?site_id=2&site=878bfdbf-5c40-4398-8226-418372e4039b

(Reported in inches)	Nipomo East (Dana Hills Reservoirs)	Nipomo South (Southland Plant)
July 2020 Total	0.0	0.0
July-2020 through June-2021 (Season Total)	0.0	0.0
August 1, 2020 to August 7, 2020	0.0	0.0
Total Rainfall to date	0.0	0.0
Average Annual Year Rainfall	18.0 ¹	14.0 ²

Safety Program

No Items

Other Items

- COVID19 NCSD Response Plan Update [ATTACHMENT A]
- Solid Waste Reserve Fund Update [ATTACHMENT B]

Supplemental Water Capacity Accounting

	Number of Equivalent Meters	AFY
Supplemental Water Available for Allocation	947	500
Supplemental Water Reserved (Will Serve Letter Issued)	123	-64.9
Subtotal Net Supplemental Water Available for Allocation	824	435.1
Supplemental Water Assigned (Intent-to-Serve Issued)	126	-66.5
Total Remaining Supplemental Water Available for Allocation	698	368.5

As of August 6, 2020

Connection Report

The Connection Report is current through June 6, 2020.

Nipomo Community Services District
Water and Sewer Connections

END OF MONTH REPORT

	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20
Water Connections (Total)	4441	4444	4444	4445	4449	4452	4459
Sewer Connections (Total)	3208	3211	3211	3213	3217	3220	3227
New Water Connections	0	3	0	1	4	5	7
New Sewer Connection	1	3	0	2	4	1	7
Galaxy & PSHH at Orchard and Division Sewer Connections billed to the County	476	476	476	476	476	476	477

Meetings (July 5, through July 18)

Meetings Attended (telephonically or in person):

- July 20, SLO County EOC Briefing
- July 20, Bond Counsel – Due Diligence Prep.
- July 21, Staff Mtg. – Cust. Service Specialist
- July 21, Eng/Admin Coordination Meeting
- July 22, Rotary
- July 22, Regular NCSD Board Meeting
- July 22, Exec. Team After-Board Meeting
- July 23, Sedaru Asset Management Meeting
- July 23, NMMA Manager's Meeting
- July 23, Sensus – Radio Prop. Study Review
- July 23, Willdan Consultants – BL Bond Issue
- July 24, SLO County EOC Briefing
- July 24, Staff Mtg. – Cust. Service Specialist
- July 27, Customer Meeting – BL
- July 28, Staff Mtg. – Cust. Service Specialist
- July 29, Vacation
- July 30, Vacation
- July 31, Vacation
- Aug 3, Management Team
- Aug 3, Board Officer Meeting
- Aug 4, Staff Mtg. – Cust. Service Specialist
- Aug 4, Pre-Price Meeting BL Bond Issuance
- Aug 5, Pricing Conference BL Bond Issuance
- Aug 5, SLO County CSD Manager's Meeting
- Aug 7, Staff Mtg. – Cust. Service Specialist
- Aug 7, Sensus AMI Site Survey
- Aug 7, Monthly Admin Meeting

Meetings Scheduled (August 9 through August 15):

Upcoming Meetings (telephonically or in person):

- Aug 10, SLO County EOC Briefing
- Aug 11, Staff Mtg. – Cust. Service Specialist
- Aug 11, NMMA-TG Meeting
- Aug 11, Eng/Admin Coordination Meeting
- Aug 12, Rotary
- Aug 12, Regular NCSD Board Meeting
- Aug 12, Exec. Team After-Board Meeting
- Aug 14, Staff Mtg. – Cust. Service Specialist
- Aug 14, SLO County EOC Briefing

Upcoming Water Resource and Other Meetings

Upcoming Standing Meetings:

- NMMA-TG: August 11th (Tuesday) @ 10:00 AM, Conf. Call
- RWMG: No Schedule Posted @
- WRAC: September 2nd (Wednesday) @ 1:30 PM, SLO County Library
- NMMA Purveyor Meeting: August 27th (Thursday) @ 10:00 AM, NCSD Conf. Rm.
- NCSD Board Officer Meeting: August 18th (Tuesday) @ 2:00 PM, NCSD Conf. Rm.

RECOMMENDATION

Staff seeks direction and input from your Board

ATTACHMENTS

- A. COVID19 - NCSD Response Plan Update
- B. Solid Waste Reserve Fund Update

AUGUST 12, 2020

ITEM F

ATTACHMENT A

DISTRICT RESPONSE TO COVID 19

New Actions

1. The customer counter window modifications at the office is rescheduled for August 13. Once completed, all physical barriers planned to address customer/employee safety for opening the lobby will be completed. However, the State is currently experiencing a dramatic increase in COVID infections as is Nipomo and businesses are being required to close to address the problem. Until the current upward trend of infections reverses, the risk/benefit equation for opening the office does not lend itself to opening the office. Management will continue to monitor the situation and keep the Board apprised of any changes.

Ongoing Actions

1. Participate in SLO County Daily EOC Briefing
2. Review SLO County Daily EOC Status Report
3. Practicing Social Distancing
4. Considering opening Office on August 1, 2020. Evaluating County EOC reports tracking COVID numbers – looking for a decline in number of cases week over week.

Previous Actions

1. NCSD Board Passes Resolution Declaring Emergency in District
2. Admin Office Closed to the Public
 - a. Meetings are virtual – Conference Calls
3. **Discontinued:** Split staff into two teams
 - a. See schedule on Response Plan
4. Received directions for FEMA Public Assistance – Cost Tracking Guidance
5. Governor's Executive Order – No Water Turn-offs
 - a. District instituted this policy as well as a No Late Fee – No Penalty Fees
6. Wipe-down between shifts
7. Each operator in separate designated vehicle.
8. Received additional PPE. Administration Staff will be on normal schedule 8-4:30 starting Monday May 18th
9. Operations Staff are on normal 7:00 am to 3:30 pm work schedule as of Monday, May 4th. County opened up construction sites.
10. Expanded Customer Service Work to include site visits for investigations (high bills, meter issues) week of May 11
11. Trailers for quarantine have been returned – May 1
12. District to begin wastewater sampling in conjunction with County effort to determine presence of COVID19 in communities – May 11
13. Temporary Admin Support Workers brought back to Office (Provider incentivized due to PPP Funds) – June 1
14. Lobby Modifications: Glass will be equipped with speaker plates to allow the communication between customer and clerk without opening the sliding window.
15. Board Meetings open to the public.

Date: August 12, 2020

Response Activities to COVID19 Health Emergency

Prepared by: Mario Iglesias, General Manager

16. County Offices Continued Closed with Appointments provided to some departments as needed.
17. June 18, 2020, Governor Order issued requiring face masks be worn in public places. District management purchased disposable face masks for staff, Board Members, and any public that attends District Board Meetings and lack a face mask.

AUGUST 12, 2020

ITEM F

ATTACHMENT B

Date: August 12, 2020

To: NCSD BOARD OF DIRECTORS

From: Mario Iglesias, General Manager

ITEM: Solid Waste Reserve Fund

Purpose:

Brief NCSD Board of Directors on the Solid Waste Reserve Fund balance.

Discussion:

Resolution 2018-1492 defines the policy that governs the actions of the District regarding the appropriate use of revenues generated from the Franchise Fee collected by the District from the District's Solid Waste Collection Franchise Agreement. Item 3 of the policy establishes a cash reserve target of \$150,000 and states that this fund be review annually – typically scheduled for October. Item 4 of the policy recognizes that the reserve level may eventually exceed twice the reserve target (\$300,000) at which point – and typically at the October review – staff will recommend to the Board a rate holiday be included in the next fiscal year budget.

In October of 2019, the reserve level approached the \$300,000 mark and the District did not schedule a rate holiday for FY 2020-21. The District is collecting approximately \$15,000/month from the Franchise Fee. The current balance in the fund is \$450,000 and is estimated to reach \$480,000 by October 2020.

Possible Next Steps:

Your Board has several options available should you choose to exercise your discretion and spend down the fund balance.

1. Direct staff to inquire what a current rate holiday would cost and then come back to the Board with this information so the Board can decide if the fund can afford the rate holiday. If the Board finds that there are sufficient funds to schedule a rate holiday for the current fiscal year, the Board would direct staff to complete a budget adjustment for the current fiscal year and then schedule the rate holiday.
2. The Board could wait until the October 2020 review period and at that time the Board can elect to follow the policy guidelines and schedule a rate holiday to be included in the next fiscal year, FY 2021-22, or direct staff to complete a budget adjustment for the current fiscal year and schedule a rate holiday.
3. The Board may elect to offset all or part of a rate increase in the future, but there is no rate adjustment scheduled by the service provider at this time.

Attachments:

- A. NCSD Resolution 2018-1492, Governing the Use of Franchise Fees Generated by Solid Waste Collection Franchise Agreement

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2018-1492**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING POLICY
GOVERNING THE USE OF FRANCHISE FEES GENERATED FROM
THE NIPOMO COMMUNITY SERVICES DISTRICT'S
SOLID WASTE COLLECTION FRANCHISE AGREEMENT**

WHEREAS, the Nipomo Community Services District ("District") is formed under the Community Services District Law (Govt. Code §61100 et seq.) and is empowered to provide garbage, recycling, and greenwaste collection services; and

WHEREAS, the District entered into a Solid Waste Collection Franchise Agreement ("Agreement") with Waste Connections, Inc., a Delaware corporation, and South County Sanitary Services, Inc., a California corporation (collectively "Contractor"), whereby Contractor provides garbage, recycling, and greenwaste collection services within the District's boundaries; and

WHEREAS, pursuant to the Agreement, the District collects an annual franchise fee from Contractor; and

WHEREAS, the District Board of Directors desires to establish a policy governing the use of franchise fees collected pursuant to the Agreement.

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

1. The facts and findings stated above are true and correct and incorporated herein.
2. The Policy Governing the Use of Franchise Fees Generated From the Nipomo Community Services District's Solid Waste Collections Franchise Agreement attached hereto as Exhibit "A" and incorporated herein by reference is hereby adopted.
3. The Board finds that this action is not subject to and is exempt from the California Environmental Quality Act, Public Resources Code section 21000, et seq., because it is not a project undertaken or authorized by the District that will have a reasonably foreseeable impact on the environment and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Pub. Res. Code § 21065; 14 Cal. Code Regs. § 15061(b)(3).)

Upon motion by Director Armstrong, seconded by Director Gaddis, on the following roll call vote, to wit:

AYES: Directors Armstrong, Gaddis, Woodson, Blair and Eby
NOES: None
ABSENT: None
CONFLICTS: None

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**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2018-1492**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT ADOPTING POLICY
GOVERNING THE USE OF FRANCHISE FEES GENERATED FROM
THE NIPOMO COMMUNITY SERVICES DISTRICT'S
SOLID WASTE COLLECTION FRANCHISE AGREEMENT**

the foregoing resolution is hereby passed and adopted this 14th day of November, 2018.



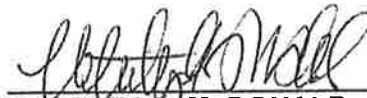
ED EBY
President of the Board

ATTEST:



MARIO E. IGLESIAS
General Manager and Secretary to the Board

APPROVED AS TO FORM:



WHITNEY G. McDONALD
District Legal Counsel

Exhibit “A”

NIPOMO COMMUNITY SERVICES DISTRICT

POLICY GOVERNING THE USE OF FRANCHISE FEES GENERATED FROM THE NIPOMO COMMUNITY SERVICES DISTRICT’S SOLID WASTE COLLECTIONS FRANCHISE AGREEMENT

PURPOSE:

This Policy governs the appropriate use of revenues generated from the Franchise Fee collected by the Nipomo Community Services District (District) from the District’s Solid Waste Collection Franchise Agreement (Agreement).

APPLICABILITY:

This Policy applies to all revenue generated from the District’s Agreement.

DEFINITIONS:

“Agreement” means the current and active District Solid Waste Collection Franchise Agreement.

“Franchisee” means the contractor who is party to the Agreement with the District to collect, recycle, remove and properly dispose of solid waste within the District’s franchise area.

“Rate Holiday” is defined as a period of time measured in a billing cycle, where all solid waste customers of the District are exempt from paying a portion of their solid waste collection fee.

“Routine Operating Conditions” are those operating conditions experienced under non-emergency operations, routine in nature as part of daily, weekly, monthly, or annually scheduled work program.

“Solid Waste” in the context of this policy refers to garbage, green-waste, and recyclable materials.

POLICY:

1. District revenue generated from the Agreement must be used in support of and for the sole purpose of activities that benefit District solid waste ratepayers by reducing, diverting, recycling, or in some manner managing solid waste within the boundaries of the District.

Examples of activities routinely budgeted are listed below. This list of activities is not exclusive. The Board of Directors maintains its discretion to determine when an activity

meets the criterion as expressed above.

- County Creek Clean-up Day
 - Olde Towne Refuse Collection
 - District-wide Street Trash Reduction Programs
 - Other Board approved Solid Waste Collection/Recycling Programs
2. The District's Board of Directors must approve non-budgeted expenditures of monies from the Solid Waste Fund #300 in amounts greater than \$5,000 for a single project, event, or activity.
 3. Establish a cash reserve target of \$150,000. The Board will review cash reserve levels of the Solid Waste Fund #300 annually along with the District's other enterprise reserve levels and direct staff to make reasonable effort to maintain the reserve level under routine operating conditions.
 4. If, during the annual review of the Solid Waste Fund #300 reserve level, it is anticipated that the reserve level balance will exceed \$300,000 or twice the reserve level set in NCSD's Cash Reserve Policy by the end of the current fiscal year, then staff will recommend to the Board of Directors that a rate holiday be included in the next fiscal year budget.
 5. The Franchisee may submit proposed rate adjustments to the District. At the Board's discretion, the District may offset all or part of a rate increase by reducing the franchise fee paid to the District by a like amount. Such reductions shall not reduce the franchise fee paid to the District to less than 5% of franchisee's annual gross receipts attributable to services provided under the Agreement.
 6. The administrative costs incurred by the District in managing the services provided by the franchisee and organizing community clean-up activities such as those enumerated in paragraph (1) may be charged against the franchise fees received from the franchisee. Franchise fee receipts may vary from year to year. However, it is recognized by the District that a minimum level of resources is expended by the District to manage the Agreement and the various community activities. Administrative costs chargeable against franchise fee receipts will be calculated during the budgeting process. At that time, a reasonable cost to manage the Agreement and community activities will be established and included in the fiscal year budget.