



# Agenda

## San Miguel Community Services District

### BOARD OF DIRECTORS

John Green, President  
Anthony Kalvans, Director      Joseph Parent, Director      Ashley Sangster, Director  
Hector Palafox, Director

**THURSDAY, April 25<sup>th</sup>, 2019**  
**6:20 P.M. closed session 7:00 P.M. opened session**  
**BOARD OF DIRECTORS REGULAR MEETING AGENDA**

**SMCSD Boardroom**  
**1150 Mission St.**  
**San Miguel, CA 93451**

**Cell Phones:** As a courtesy to others, please silence your cell phone or pager during the meeting and engage in conversations outside the Boardroom.

**Americans with Disabilities Act:** If you need special assistance to participate in this meeting, please contact the CSD Clerk at (805) 467-3388. Notification 48 hours in advance will enable the CSD to make reasonable arrangements to ensure accessibility to this meeting. Assisted listening devices are available for the hearing impaired.

**Public Comment:** Please complete a "Request to Speak" form located at the podium in the boardroom in order to address the Board of Directors on any agenda item. Comments are limited to three minutes, unless you have registered your organization with CSD Clerk prior to the meeting. If you wish to speak on an item not on the agenda, you may do so under "Oral Communications." Any member of the public may address the Board of Directors on items on the Consent Calendar. Please complete a "Request to Speak" form as noted above and mark which item number you wish to address.

**Meeting Schedule:** Regular Board of Director meetings are generally held in the SMCSD Boardroom on the fourth Thursday of each month at 7:00 P.M. Agendas are also posted at: [www.sanmiguelcsd.org](http://www.sanmiguelcsd.org)

**Agendas:** Agenda packets are available for public inspection 72 hours prior to the scheduled meeting at the Counter/ San Miguel CSD office located at 1150 Mission St., San Miguel, during normal business hours. Any agenda-related writings or documents provided to a majority of the Board of Directors after distribution of the agenda packet are available for public inspection at the same time at the counter/ San Miguel CSD office at 1150 Mission St., San Miguel, during normal business hours.

- I. Call to Order: 6:20 PM**
- II. Pledge of Allegiance:**
- III. Roll Call: Green\_\_\_ Parent\_\_\_ Palafox\_\_\_ Kalvans\_\_\_ Sangster\_\_\_**
- IV. Approval of Regular Meeting Agenda:**

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

- V. ADJOURN TO CLOSED SESSION: Public Comment for items on closed session agenda**  
**Time:\_\_\_\_\_**

**A. CLOSED SESSION AGENDA:**

- 1. CONFERENCE WITH DISTRICT GENERAL COUNSEL – Existing Litigation** Pursuant to Government Code Section 54956.9 (d)(1) Case: *Steinbeck v. City of Paso Robles, Santa Clara County Superior Court Case No. 1-14-CV-265039* and Case: *Eidemiller v. City of Paso Robles, Santa Clara County Superior Court Case No. 1-14-CV-269212*
- 2. CONFERENCE WITH DISTRICT GENERAL COUNSEL-ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:(1 case)WO
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Pursuant to Government Code section 54957(b)(1)  
Title: General Manager
- 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Pursuant to Government Code §54957)  
Title: Fire Chief
- 5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Pursuant to Government Code §54957)  
Title: Assistant Fire Chief

- VI. Call to Order for Regular Board Meeting/Report out of Closed Session 7:00 PM**  
**Time:\_\_\_\_\_**

- 1. Report out of closed session by District General Counsel Seikaly

**VII. Public Comment and Communications for items not on the Agenda:**

Persons wishing to speak on a matter not on the agenda may be heard at this time; however, no action will be taken until placed on a future agenda. Speakers are limited to three minutes. Please complete a "Request to Speak" form and place in basket provided.

**VIII. Special Presentations/Public Hearings/Other:**

1. **Public Hearing** to consider approving an Ordinance 01-2019 of the San Miguel Community Services District board of directors adopting the San Miguel Community Service District (“District”) water code and authorizing the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief to enforce the provisions of the Water Code.
2. **Public Hearing** to consider approving an Ordinance 02-2019 of the San Miguel Community Services District (“District”) Board of Directors adopting and amending the 2019 edition of the California Fire Code including articles, appendices, amendments, and errata of California Building Code section 7A.

**IX. Staff & Committee Reports – Receive & File:**

**Non-District Reports:**

- |    |   |           |
|----|---|-----------|
| 1. | San Luis Obispo County Sheriff (Commander K. Scott)                             | No Report |
| 2. | San Luis Obispo County Board of Supervisors                                     | No Report |
| 3. | San Luis Obispo County Planning and/or Public Works                             | No Report |
| 4. | San Miguel Area Advisory Council  | No Report |
| 5. | Camp Roberts—Army National Guard<br>(LTC Robert Horvath or LTC Arnold Andersen) | No Report |

**District Staff & Committee Reports:**

- |     |                          |                  |                 |
|-----|--------------------------|------------------|-----------------|
| 6.  | Interim General Manager  | (Mr. Roberson)   | Verbal          |
| 7.  | District General Counsel | (Mr. White)      | Verbal          |
| 8.  | District Engineer        | (Dr. Reely)      | Report Attached |
| 9.  | Director of Utilities    | (Mr. Dodds)      | Report Attached |
| 10. | Fire Chief               | (Chief Roberson) | Report Attached |

**X. CONSENT CALENDAR:**

The items listed below are scheduled for consideration as a group and one vote. Any Director or a member of the public may request an item be withdrawn from the Consent Agenda to discuss or to change the recommended course of action. Unless an item is pulled for separate consideration by the Board, the following items are recommended for approval without further discussion.

1. **Accept plans prepared by Monsoon Consulting for rehabilitation of the SM Reservoir access road.**  
Authorize staff to identify and secure funding, as well as release plans for bidding once funding is identified. (plans available for review at District office)
2. **Review and Approve Board Meeting Minutes**
  - a) 2-20-2019 Ad- Hoc Meeting Minutes
  - b) 3-13-2019 Special Meeting Minutes
  - c) 3-28-2019 Regular Meeting Minutes

**XI. BOARD ACTION ITEMS:**

1. **Review and Approve amended Conflict of Interest Code by RESOLUTION 2019-18 and Exhibit A of Resolution.**

**Public Comments:** (Hear public comments prior to Board Action)

**Recommendation:** Review and Approve amended Conflict of Interest Code by Resolution and list of designated positions that are required to file disclosure statements.

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

2. **Discuss and approve ORDINANCE 01-2019 of the San Miguel Community Services District Board of Directors adopting the San Miguel Community Service District (“District”) Water Code and authorizing the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief to enforce the provisions of the Water Code.**

**Public Comments:** (Hear public comments prior to Board Action)

**Recommendation:** Approve Ordinance 01-2019 adopting a Water Code for the San Miguel Community Service District, and authorizing the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief to enforce the provisions of the Water Code.

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

3. **Discuss and approve ORDINANCE 02-2019 of the San Miguel Community Services District (“District”) Board of Directors adopting and amending the 2019 edition of the California Fire Code including articles, appendices, amendments, and errata of California Building Code section 7A.**

**Public Comments:** (Hear public comments prior to Board Action)

**Recommendation:** Approve Ordinance 02-2019 adopting and amending the 2019 edition of the California Fire Code including articles, appendices, amendments, and errata of California Building Code section 7A.

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

4. **Discussion on status of Machado Wastewater Treatment Facility expansion and aeration upgrade project (Dodds)**

**Recommendation:** Discuss the status and next steps of the Machado Wastewater Treatment Facility expansion and aeration upgrade projects.

**Public Comments:** (Hear public comments)

5. **Review and Approve **REVISED** RESOLUTION 2019-07 adopting an application and inspection process with associated fee schedule for Fire, Life and Safety review. (Young)**

**Recommendation:** Approve revised Resolution 2019-07 adopting an application and inspection process with associated fee schedule for Fire and life safety review.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

**6. Review and Discuss Resolution No 2019-19 Declaring Hazardous Weeds a Public Nuisance within the District.**

**Recommendation:** Review and Discuss Approving **Resolution No 2019-19** Declaring Hazardous Weeks a Public Nuisance within the District.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

**7. Review and authorize the release of a Request for Proposal (RFP) seeking contractual services for financial audits for fiscal years 2018-19, 2019-20, 2020-21 to be circulated for competitive bidding process.**

**Recommendation:** Authorize the release of RFP for Financial Audit Services for competitive proposals.

**Public Comments:** (Hear public comments prior to Board Action)

M\_\_\_\_\_ S\_\_\_\_\_ V\_\_\_\_\_

**8. Discuss options regarding office space for the administrative offices of the San Miguel CSD**

**Recommendation:** Provide direction to Staff on preferred office option

**Public Comments:** (Hear public comments prior to Board Action)

**XII. BOARD COMMENT:**

This section is intended as an opportunity for Board members to make brief announcements, request information from staff, request future agenda item(s) and/or report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.

**XIII. ADJOURNMENT TO NEXT REGULAR MEETING OF 05-23-2019**

ATTEST:

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss.  
COMMUNITY OF SAN MIGUEL )

I, Tamara Parent, Board Clerk/Accounts Manager of San Miguel Community Services District, hereby certify that I caused the posting of this agenda at the SMCSO office on April 18, 2019

Date: April 18, 2019

Rob Roberson Rob Roberson, Fire Chief/Interim General Manager Ashley Sangster Ashley Sangster VP SMCSO



# **SAN MIGUEL COMMUNITY SERVICES DISTRICT**

## **NOTICE OF PUBLIC HEARING**

### **AN ORDINANCE OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS ADOPTING THE SAN MIGUEL COMMUNITY SERVICE DISTRICT WATER CODE AND AUTHORIZING THE GENERAL MANAGER, DIRECTOR OF UTILITIES, FIRE CHIEF, AND ASSISTANT FIRE CHIEF TO ENFORCE THE PROVISIONS OF THE WATER CODE**

**NOTICE IS HEREBY GIVEN THAT THE**, San Miguel Community Services District (“District”) Board of Directors will hold a public hearing on:

**Thursday, April 25, 2019, at 7:00 P.M.**, or soon thereafter, **in the Board of Directors’ Chambers located at 1150 Mission Street, San Miguel, CA**, to consider the adoption of an ordinance, which adopts the District’s Water Code.

Since its formation, the District has not had a comprehensive water code, which establishes procedures and practices for managing the District’s water system. The proposed ordinance will provide clarity for District customers and staff as it pertains to the administration of connections to the District’s water system. Additionally, the proposed ordinance will enforce requirements for water installations, devices, and conditions. The proposed water code addresses several topics in the District’s water system, including: (1) the District’s ability to provide new developments water through the will serve letter process; (2) the temporary use of District water service during construction activities; (3) water conservation procedures during times of water shortages; (4) the District’s backflow prevention program; (5) District fees and charges related to the water system; and (6) provides the mechanisms to enforce the provisions of the water code. Uniting these topics into a single code as proposed under Ordinance 01-2019 will allow for a single reference for the District, increasing the operational efficiency of the District.

**ALL INTERESTED PARTIES** are invited to attend the April 25, 2019, public hearing to express opinions or submit evidence for or against the approval of the ordinance. At the above noted time and place, testimony from interested persons will be heard and considered by the San Miguel Community Services District Board of Directors before taking action or making any recommendation on the proposed ordinance. On request, the agenda and the documents in the

hearing agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the San Miguel Community Services District encourages those with disabilities to participate fully in the public hearing process. Any person requiring special assistance to participate in the meeting should notify the Board Clerk by calling 805-467-3388 or in person at 1150 Mission Street, San Miguel, CA, at least forty-eight (48) hours before the meeting.

Interested individuals will be given an opportunity to speak in favor or opposition to the above proposed action. Written comments are also acceptable, if submitted or delivered to the Board Clerk at the District's Office (1150 Mission Street, San Miguel, CA) prior to the public hearing. If a challenge to the above proposed action is made in court, persons may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the District before the meeting.

Copies of the proposed ordinance are available for public review at the District Office (1150 Mission Street, San Miguel, CA) or may be found on the district website, [www.sanmiguelcsd.org](http://www.sanmiguelcsd.org). Any additional questions should be directed to the Board Clerk at 805-467-3388, or stop by the office at 1150 Mission Street, San Miguel, CA.

District Contact information: [www.sanmiguelcsd.org](http://www.sanmiguelcsd.org) or 805-467-3388

**BY THE ORDER OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS.**

Date: \_\_\_\_\_

Published on: \_\_\_\_\_



# **SAN MIGUEL COMMUNITY SERVICES DISTRICT**

## **NOTICE OF PUBLIC HEARING**

### **AN ORDINANCE OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS ADOPTING AND AMENDING THE 2019 EDITION OF THE CALIFORNIA FIRE CODE INCLUDING ARTICLES, APPENDICES, AMENDMENTS, AND ERRATA OF CALIFORNIA BUILDING CODE SECTION 7A**

**NOTICE IS HEREBY GIVEN THAT THE**, San Miguel Community Services District (“District”) Board of Directors will hold a public hearing on:

**Thursday, April 25, 2019, at 7:00 P.M.**, or soon thereafter, **in the Board of Directors’ Chambers located at 1150 Mission Street, San Miguel, CA**, to consider the adoption and of the 2019 California Fire Code and Ordinance 02-2019, which amends provisions of the 2019 California Fire Code.

The purpose of adopting and amending the current Fire Code is to ensure that the fire, life and safety issues directly related to the District are properly mitigated and enforceable. In order to remain compliant with the San Luis Obispo County and State of California regulations, it is necessary to adopt the current California Fire Code in its entirety including all Articles, Amendments, Appendices A-N, and Errata of California Building Code Section 7A, which will be collectively referred to as San Miguel Community Services District Local Ordinance 02-2019.

**ALL INTERESTED PARTIES** are invited to attend the April 25, 2019, public hearing to express opinions or submit evidence for or against the approval of the ordinance. At the above noted time and place, testimony from interested persons will be heard and considered by the San Miguel Community Services District Board of Directors before taking action or making any recommendation on the proposed ordinance. On request, the agenda and the documents in the hearing agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the San Miguel Community Services District encourages those with disabilities to participate fully in the public hearing process. Any person requiring special assistance to participate in the meeting should notify the Board Clerk by calling 805-467-3388 or in person at 1150 Mission Street, San Miguel, CA, at least forty-eight (48) hours before the meeting.



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**BY THE ORDER OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS.**

Date: \_\_\_\_\_

Published on: \_\_\_\_\_



MONSOON CONSULTANTS

P.O. Box 151 San Luis Obispo, CA 93406  
(805) 476-6168 [www.monsoonconsultants.com](http://www.monsoonconsultants.com)

**SAN MIGUEL COMMUNITY SERVICES DISTRICT**

Rob Roberson, Interim General Manager  
Post Office Box 180  
San Miguel, CA 93451  
(805) 467-3300

**BOARD OF DIRECTORS**

John Green, President  
Joseph Parent, Vice President  
Anthony Kalvans  
Ashley Sangster  
Hector Palafox

**Re: DISTRICT ENGINEER REPORT - APRIL 2019**

Gentlemen:

The following is a summary of the activities performed and the status of relevant issues which pertain to the duties and responsibilities of this position:

**OVERVIEW**

The District produced approximately 5.9 MGAL (7,874 CCF) of water during the month of March 2019. This represents a increase of approximately 13% from the prior month. No major failures or unexpected major expenditures were encountered within the water, wastewater or street lighting systems during the month.

**MEETING PARTICIPATION**

A brief summary of relevant issues that were discussed during meetings attended by the DE during the previous month are summarized below. (Note that routine meetings with SMCSO staff are not included):

1. March 25, 2019: The DE participated in a conference call between all Paso Robles Groundwater Basin GSP coordination committee staff members to discuss the initial DRAFT chapter Nos. 9,10,11 & 12 of the GSP.
2. March 27, 2019: The DE participated in a meeting between all Paso Robles Groundwater Basin GSP coordination committee staff members to discuss the initial DRAFT chapter Nos. 9,10,11 & 12 of the GSP and discuss future tasks, including a schedule for delivery of the remaining GSP chapters.
3. March 28, 2019: The DE participated in a meeting between all Paso Robles Groundwater Basin GSP coordination committee staff members and

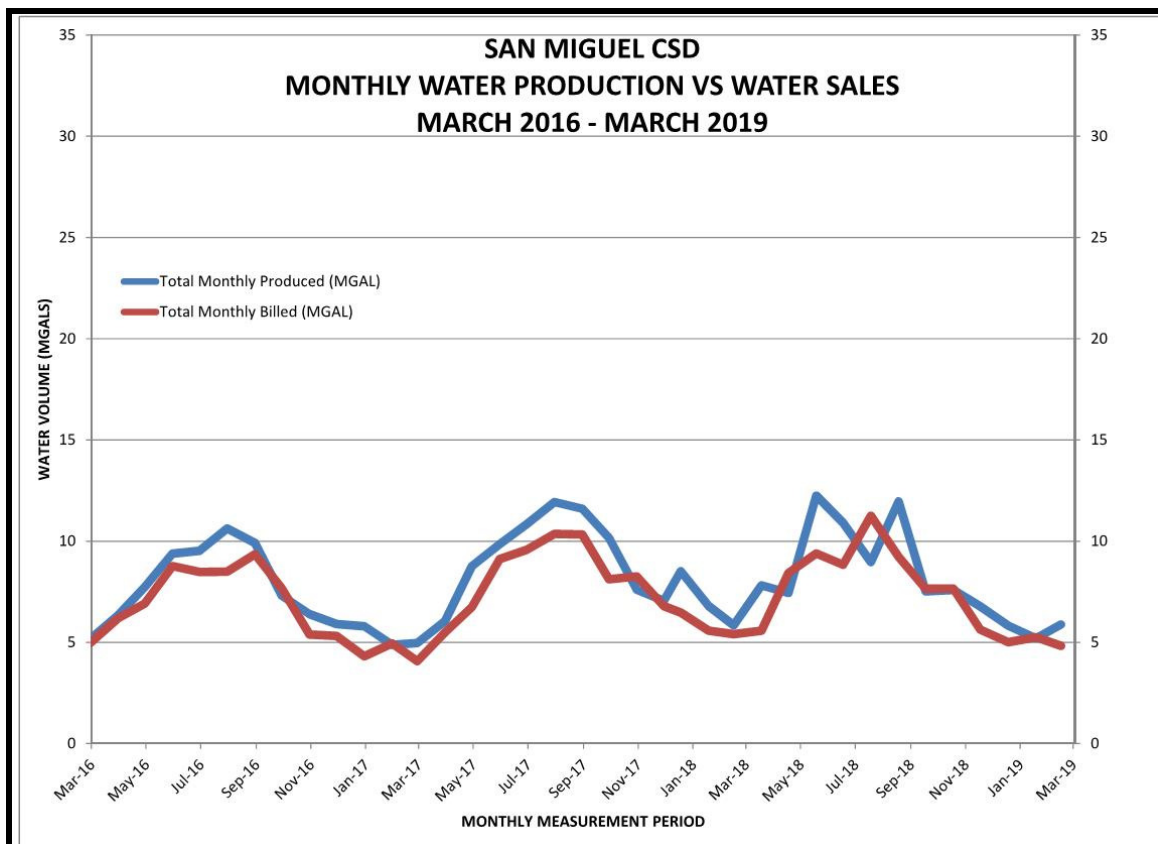
**CIVIL ENGINEERING / HYDROLOGY**

representatives from the GSP Consultant team to discuss the proposed approach to Management Actions and Projects. The GSP consultant team was given direction to make significant revisions to the Management Actions and Projects sections of the DRAFT GSP.

4. April 9, 2019: The DE attended the County of San Luis Obispo County Board of Supervisors meeting during which the BOS held a hearing to consider the proposed projects to be partially funded with CDBG grant funds. At the meeting, the BOS recommended that CDBG grant funds be awarded to the District for the 10<sup>th</sup> & 11<sup>th</sup> Street Water Main Replacement project. .
5. April 17, 2019: The DE participated in a meeting between all Paso Robles Groundwater Basin GSP coordination committee staff members to discuss proposed revisions to DRAFT Chapter Nos. 6,7 & 8 of the GSP.

### **WATER PRODUCTION HISTORY**

The following graph depicts the water production and sales for the proceeding 36-months.



### **CAPITAL IMPROVEMENT PROGRAM**

The following is a summary of the principal activities that were related to the Capital Improvements Program during the previous month:

1. WWTP Aeration System Upgrade: Under the terms of an agreement between the District and the County, their consultant has completed a study to evaluate design alternatives for improvements to the WWTP aeration system. As part of the project, four (4) different aeration systems were evaluated with considerations given to treatment & energy efficiency, installation & operational

costs, and compatibility with the existing WWTP. In addition, the consultant evaluated various headworks alternatives for the facility. The engineering phase of this project has been completed at no cost to the District. The County's consultants have issued the Final Technical Memorandum outlining some of the options for the replacement of the existing surface aerators with bubbler aeration in the ponds. This project is on hold pending completion of the WWTP expansion / upgrade engineering report at which time a decision will be made regarding further pursuit of this project.

2. Wastewater Treatment Plant Renovation / Upgrade & Recharge Basin Engineering Study: The District was notified in early 2018 that the District is the recipient of \$177,750 Prop 1 IRWM DAC Involvement Grant Funds which will be used to fund a Wastewater Treatment Plant Upgrade and Recharge Basin Study. The DE has initiated work on this project. The following milestones have been completed to date:
  - Complete Data Collection / Document Review
  - Identify and Assess WWTP upgrade / expansion alternatives
  - Prepare Final of WWTP Upgrade / Expansion Engineering Report
  - Initiate hydro-geologic analysis of potential recharge basin locations

The Board authorized the DE to proceed with the engineering studies at the September 2018 regular meeting. All work to be performed in conjunction with the subject engineering study will be reimbursable from the \$177,750 Prop 1 IRWM DAC Involvement Grant Funds. Because of the DAC status, no matching funds are required. The DE made a presentation to the Board to summarize the results of the study to date and solicit input from the Board at the November 2108 Board meeting. The Board approved the Final WWTP Engineering Study at their regular January 2019 Board meeting.

The District received the Sub-Recipient Agreement from the County of San Luis Obispo in February 2019 and the agreement was approved by the Board at the February meeting. Now that the agreement has been approved, the District will receive reimbursement for expenditures made to date which are associated with the WWTP Renovation / Upgrade & Recharge Basin Engineering Study.

Regarding additional funding, we have submitted a grant application to the DWR for funding in the amount of \$250,000 for Planning & Design for the Wastewater Treatment Plant renovation. We have been assigned a project manager at the DWR and the DWR has reviewed our submittal and found it to be complete. We are currently in the process of investigating other grant funding opportunities for the permitting and construction phases of the plant expansion.

3. SLT 6-inch A.C. Waterline Replacement: A major break a 6-in asbestos cement pipeline occurred on January 7, 2018. The DE has prepared Engineering Plans & Specifications to allow the District to solicit bids from qualified contractors to replace the existing waterline between Oak Drive and the SLT Water Tank. The DE and the Director of Utilities met with the developers and their planning & engineering consultants of February 11, 2019 to discuss the project and their proposed development schedule.
4. Water Storage Reservoir Access Road Improvements: The DE has completed work on this project and the construction documentation has been delivered to the Director of Utilities for review.

## **DEVELOPMENT**

The following is a summary of private development projects that are either in-progress or planned that staff is currently reviewing or inspecting during construction:

- a) People's Self Help (Tract 2527, formerly Mission Garden Estates): The developer has completed the installation of all infra-structure and home construction has begun with approximately 20 homes currently underway. In addition, construction of ten (10) new homes has been started in the portion of the development that was acquired by Nino Development.
- b) Tract 2779 (Nino - 34 lots) – All underground utilities have been installed and paving operations have been completed. New home construction is anticipated to begin in early 2019.
- c) Tract 2647 Hastings The Bluffs - The developer has started construction on the initial three (3) residences.

## **GROUNDWATER SUSTAINABILITY AGENCY**

The HydroMetrics GSP Consultant Team continues to work on the development of the Paso Robles Groundwater Basin GSP. The DE has participated in periodic meetings of the GSA cooperative committee staff and the consultant team and has contributed information / data as requested by the consultant team for incorporation into the GSP. Draft copies of the first eight (8) chapters of the GSP, including appendices, have been distributed to the District Board members to date. Draft copies of Chapter 9,10 and 11, including appendices, will be distributed to the District Board in advance of the May 2019 meeting.

I would like to take this opportunity to thank each of you and District staff that will review the information contained in this report. If there are any questions or you wish to discuss, please do not hesitate to contact me.

Respectfully Submitted,  
**MONSOON CONSULTANTS**

*Blaine T. Reely*

Blaine T. Reely, Ph.D., P.E.  
President, Monsoon Consultants

April 18, 2019

Date



# San Miguel Community Services District

## UTILITY REPORT

3-22-19 Thru 4-19-19

AGENDA ITEM# IX.9

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### Well Status:

- Well 4 is fully operational - Well Level 73.4' 3-7-19
- Well 3 is fully operational - Well Level 78' 2-22-19
- SLT well is in service

### Water System status:

Water leaks this month:0 This year: 11

Water related calls through the alarm company after hours this month: 0 this Year: 3

### Sewer System status:

Sewer overflows this month: 0 this year: 0

Sewer related calls through the alarm company this month: 0 this Year: 0

### WWTP status:

- On 3-31-19 an individual cut the fence at the WWTF and stole the District's welding trailer. That trailer was recovered on April 11<sup>th</sup> with the help of the Sheriff's office and CHP auto theft task force. There was only minimal damage to the trailer and it doesn't look like anything was stolen from the trailer. The fence where the individual came in has been repaired and we are working on updating and increasing security measures at the WWTF.

### State Water Resources Control Board (SWRCB):

- 

### Ongoing Billing Audits: (27 units in White Oak Mobile Home Park are under 1 account)

- 15 water accounts were identified that do not have sewer service where it is available.
- 81 water accounts were identified that do not have sewer service where it is not available

### Billing related activity:

- **Total active accounts**
  - 871 water accounts
  - 749 wastewater accounts
- **Overdue accounts**
  - 116 accounts 30 days past due for March billing period
    - (13.3% of total accounts, this is UP from February billing period)
  - 61 door hangers issued after attempting to contact the past due account holders
    - (52.6% of total past due accounts, this is UP from February billing period)
  - 1 account shut off for non-payment
    - (1% of total past due accounts, this is the SAME from February billing period)

- **Meter changeouts**
  - 42 Meters changed since July 1<sup>st</sup>
    - Meters changed for age, mechanical defects, radio operability issues

### **Lighting status:**

- Following is a list sent to PG&E for new street lights, which were reapplied for at the end of January... The lights were accepted by PGE and will be installed in the next few months
  - On K street across from 1010 K street, first wood pole on the west side of K street north of 10<sup>th</sup> street
  - On 11<sup>th</sup> street at L / K street alley on the South West Corner, there is a wood pole with no #
  - On 9<sup>th</sup> Street at L / Mission Street alley on the South West corner, pole # 120025159
  - On 9<sup>th</sup> street at L / K Street alley on the south west corner Pole # 431773
  - 10<sup>th</sup> and mission south west corner pole # 110336395
  - On 12<sup>th</sup> street at L / K street alley south west corner there is a wood pole there with no #
  - On Lubova way pole # 120025354
  - Next to 1212 N Street on 12<sup>th</sup> street, pole # 120173810

### **Project status:**

- 

### **WWTP expansion and Aerator Upgrade**

- See agenda item for ongoing information

### **SCADA:**

- Staff will be working with Local IT Experts (our IT company) to remount and reconfigure the SCADA servers in a new rack to better protect the servers and UPS backups. We have experienced a few UPS failures recently that have been attributed to the exposure of the UPS's to dust and static.

### **“N” St Property Acquisition:**

- The county is having an appraisal done on the three lots in question. I met with the appraiser on 10/15/18 so they could assess the infrastructure component of the appraisal. A request for an update was made to the County. (12/2018)

### **Solid Waste:**

- Staff is working on options to provide additional recycling options to the community.
- Staff is working with the Mattress Recycling Council to develop a mattress collection center for the community at the WWTF. The center will only be on open specific times and days as a trial. If it works well it will be expanded and incorporated into the development of the WWTF expansion.

### **SLO County in San Miguel:**

- Nothing to report

### **Caltrans in San Miguel:**

- Caltrans is underway on improvements to the HWY 101 corridor, for what will be a 2-year project. We have received notice of road closures; notices are available in the

office. South Mission street onramp is closed and will remain closed for the next few months until the new bridge is built. (1-2018)

**Rain in San Miguel:**

2018	9"
1/5-6/19	.75"
1/7-17/19	1.75"
1/31-2/3/19	2"
2/4-17/19	.5"
2/18-3/20-19	3.25"

PREPARED BY:

*Kelly Dodds*

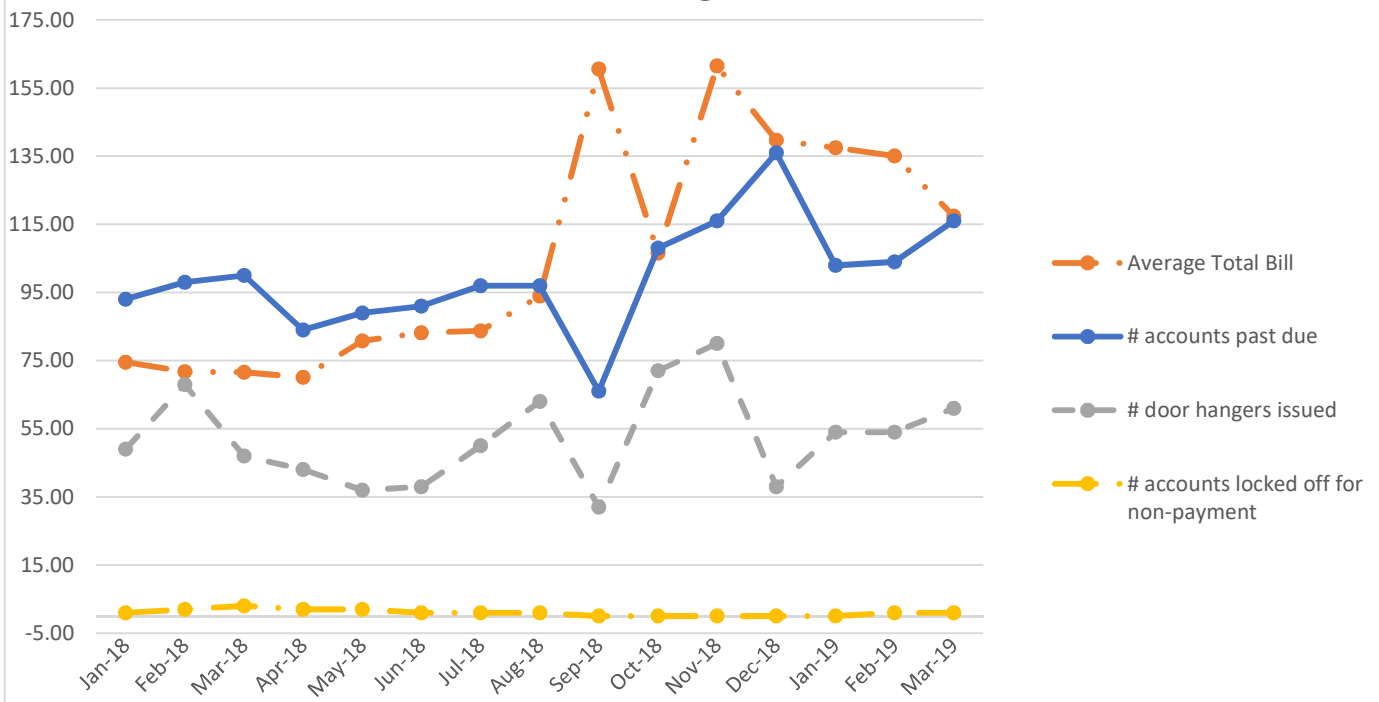
Kelly Dodds

Director of Utilities

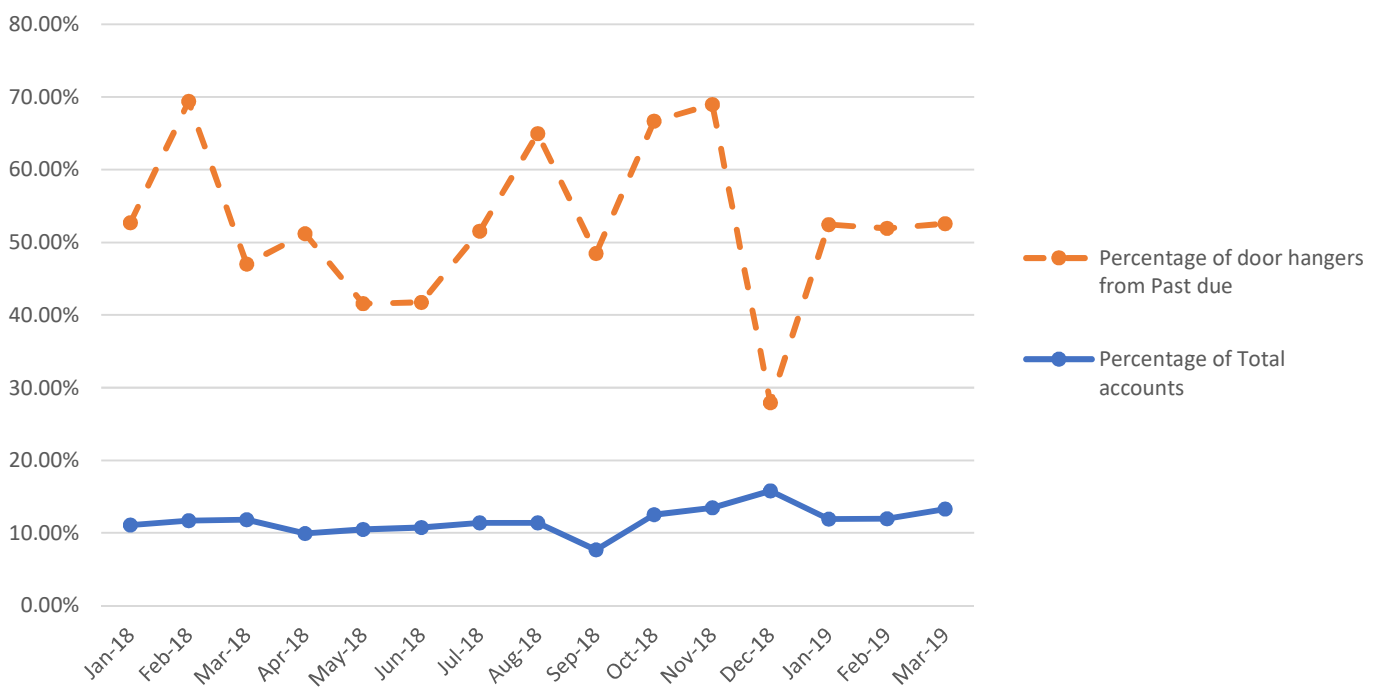
Date: April 18<sup>th</sup>, 2019



### San Miguel CSD Past Due, Door Hanger, shutoff Counts



### San Miguel CSD Percentage of Door hangers resulting from Past Due accounts



# San Miguel Community Services District Board of Directors Meeting



## Staff Report

April 25<sup>th</sup>, 2019

AGENDA ITEM: IX 10

**SUBJECT: Fire Chief Report for March 2019**

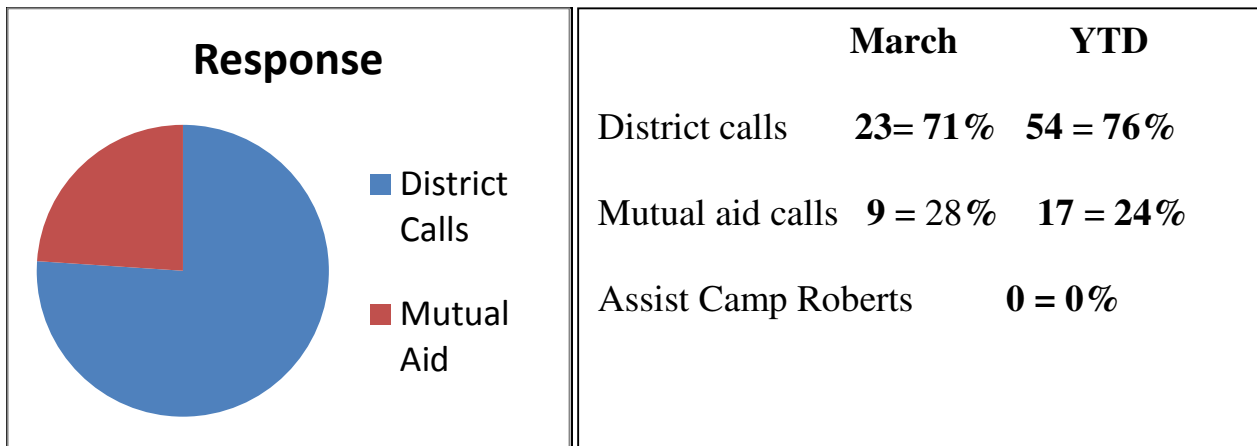
**STAFF RECOMMENDATION:** Receive and File Monthly Reports for the Fire Department

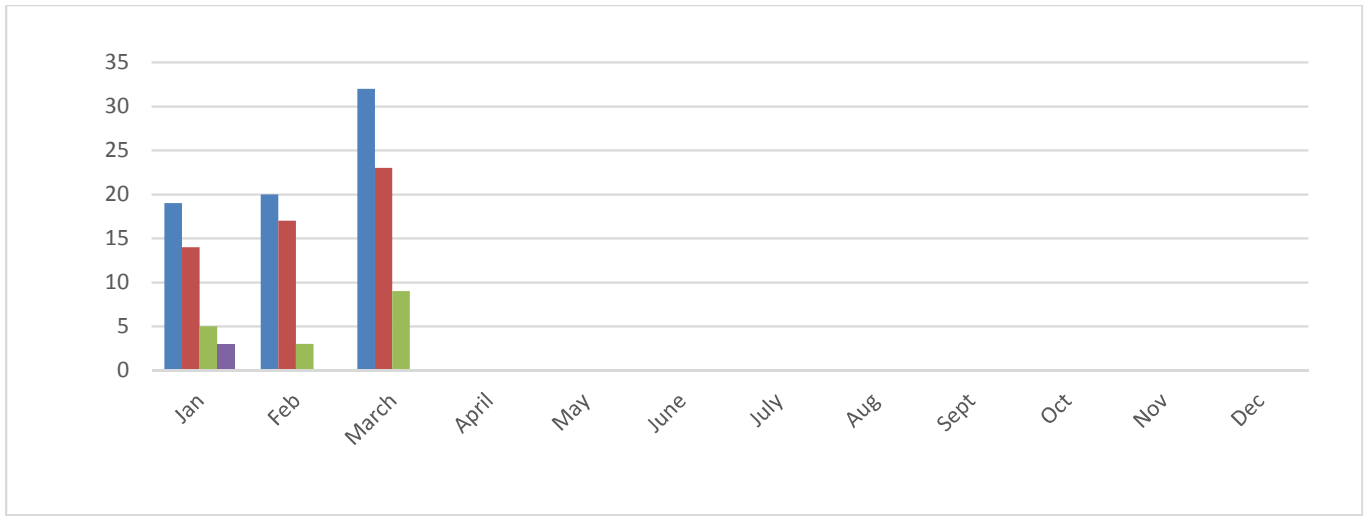
**INCIDENT RESPONSE:**

- Total Incidents for March 2019 **32**
- Average Calls for per 2 Month in 2019 **23.6**
- Total calls for the year to date **71**
- 

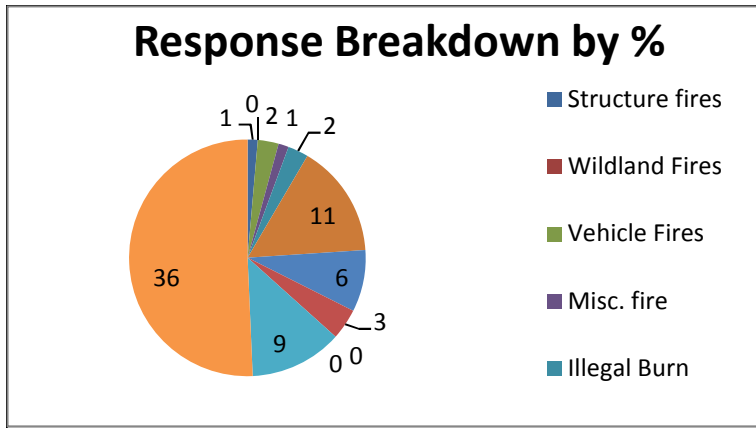
Emergency Response Man Hours in March = <b>72</b>	total	183
Stand-By Man Hours for March = 14		<u>50</u>
	<b>Total hr.</b>	<b>233</b>

Emergency Response Man Hours = <b>2.25 hr.</b> Per call for March	<b>2.5 hr.</b> Per call for the year
Stand-By Average per Call = <b>.43 hr.</b> Per call for, March	<b>.7 hr.</b> Per call for the year





- Total calls
- District
- Mutual Aid
- Camp Roberts



For 71 calls for 3 Months in 2019

District Calls	54	76%
Mutual Aid	17	24%
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
Structure fires	1	1 %
Wildland Fires	0	0%
Vehicle Fires	2	2.8%
Misc. fire	1	1%
Illegal Burn	2	2.8%
Vehicle Accidents	11	15.4%
False Alarms	6	8.4%
Haz Condition	3	4.2 %
Haz Mat	0	0%
Stand by	0	0%
PSA	9	12.6%
Medical Aids	36	50.7%

**Personnel:**

We currently have 19 active members.

- 1 Chief
- 1 Asst. Chief
- 3 Fire Captains
- 2 Engineer
- 12 Firefighters

- A Duty officer schedule will be made to fill any gaps in the coverage.
- Emergency Reporting system is in service, all fire reports and inspection are now captured. New reports to follow as information is gathered.

**Finances:** See Agenda Item 1

**Equipment:** N/A

## Activities:

### March

<u>Date</u>	<u>Subject Matter</u>	
5	Hose Loads and Pulls, Small and Large Lines	
12	Auto Extrication/ Patient Removal	
19	Vehicle Fires Attack	
26	Association Meeting	
<u>Date</u>	<u>Other activities</u>	<u>Time</u>

### April

<u>Date</u>	<u>Subject matter</u>
2	Ropes and Knots / Rescue Systems
9	Search and Rescue
16	Tools and Equipment Set up / Lights, Ventilation, Rescue
23	Association Meeting

<u>Date</u>	<u>Other activities</u>	<u>Time</u>
	Clean up	0800-1200
	Sagebrush Day's Parade	0900-1200

## Information:

- Emergency Reporting Systems Fire Program has been purchased for the operational function of the fire department. There will be a training break in period for all department information. Once the training has been done the department reports will be generated through the Emergency Reporting system program.
- Working on Fire Chief and Asst. Fire Chief Contracts
- First Reading of the Fire Code

**Prepared By:**

*Rob Roberson*

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**Rob Roberson, Fire Chief**

# FIRE EQUIPMENT

## 2019 MILEAGE / FUEL REPORT

IX-10

Mileage/ Fuel	January		February		March		April		May		June		Total		Avg. MPG
Diesel	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	
E-8696	119	18.9	58	12.8	94	16.8							271	48.5	5.6
E-8687	60	10.6	37	18.5	16	0							113	29.1	3.9
E-8668	36	0	40	14.2	32	8.2							108	22.4	4.8
<b>6 Month Total</b>												<b>492</b>	<b>100</b>	<b>4.9</b>	
Gas	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	
U-8630	0	0	129	0	115	0							244	0	#DIV/0!
C-8601	532	33	502	33	434	0							1468	33	44.5
C-8600	341	35.5	378	15.2	306	17.8							1025	35.5	28.9
<b>6 Month Total</b>												<b>2737</b>	<b>68.5</b>	<b>40.0</b>	

Mileage / Fuel	July		August		September		October		November		December		Total		Avg. MPG
Diesel	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	
E-8696													271	48.5	5.6
E-8687													113	29.1	3.9
E-8668													108	22.4	4.8
<b>6 Month Total</b>												<b>492</b>	<b>100</b>	<b>4.9</b>	
Gas	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	mi.	gal.	
U-8630													244	0	#DIV/0!
C-8601													1468	33	44.5
C-8600													1025	35.5	28.9
<b>6 Month Total</b>												<b>2737</b>	<b>68.5</b>	<b>40.0</b>	

YTD 2016 Total	mi.	gal.	Avg. MPG
<b>Diesel</b>	<b>984</b>	<b>100</b>	<b>9.8</b>
<b>Gas</b>	<b>2737</b>	<b>68.5</b>	<b>40.0</b>

||

# Call per time of day and day of the week 2019

	After Hours					CSD Work Hours										Off Hours									
	0:00	1:00	2:00	3:00	4:00	5:00	6:00	7:00	8:00	9:00	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	19:00	20:00	21:00	22:00	23:00	Total
Sunday						1	2	1		1			1										1		7
Monday							1	1		1	2				1	1	2			1	1	1	1		12
Tuesday		1						3	1						3								1		9
Wednesday					1			2		3			2					1	1	1	1	1			13
Thursday	1	1			2			1	0		1				2			1							9
Friday								1	2	2	1				1			1	1	1	1	0			10
Saturday						1		1	2	1		1		2	2							1			11
Hour Total	1	2	0	0	2	1	2	3	10	5	8	4	1	3	8	4	2	3	2	3	2	3	2	0	71

Total calls during CSD Work Hours 32 31%

8am to 8pm

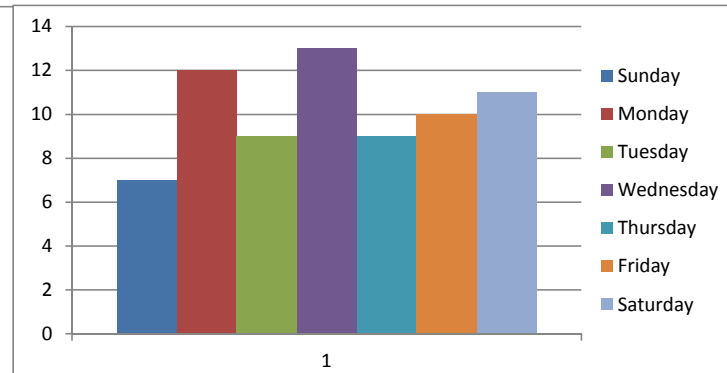
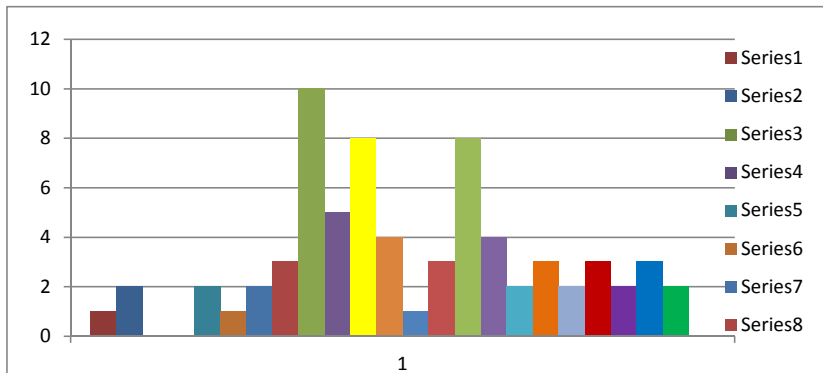
55

Total calls during Off time and weekends 39 68%


After Hours calls 22:00 to 06:00 8 5%

Total Weekend Calls 18 26%

Total Calls Monday thru Friday 53 73%



IX-10

	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEP		OCT		NOV		DEC		TOTAL			
	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid	District	Mutual Aid		
Structure Fires	1	0	0	0	0	0																				1	0	
Veg. Fires	0	0	0	0	0	0																					0	0
Vehicle Fires	0	1	1	0	0	0																					1	1
Misc. Fires	1	0	0	0	0	0																					1	0
Illegal Burning	0	0	1	0	1	0																					2	0
Vehicle Accidents	1	1	1	1	0	7																					2	9
False Alarms	1	1	3	0	1	0																					5	1
Hazardous Condition	0	0	2	0	1	0																					3	0
Hazardous Materials	0	0	0	0	0	0																					0	0
Standby	0	0	0	0	0	0																					0	0
Pub.Svc.Asst.	1	0	1	0	7	0																					9	0
Medical Aids	9	2	8	2	13	2																					30	6
<b>Call TOTALS</b>	14	5	17	3	23	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	54	17
	<b>19</b>		<b>20</b>		<b>32</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>71</b>	
<i>CPR</i>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mutual Aid SLO/Mon.	5	0	3	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0
Camp Bob Asst.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Average Calls Per	<i>Month</i>		23.6	<i>Day</i>		0.7	<i>SLO Co. MA</i>				17	<i>Montrey Co. MA</i>				0	<i>CPR TOTAL</i>						0					



## San Miguel Community Services District

### Board of Directors Staff Report

April 25<sup>th</sup>, 2019

**AGENDA ITEM: X-1**

**SUBJECT:** Accept plans and specifications for the repair and partial replacement of the water tank access road as prepared by Monsoon Consulting.

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**RECOMMENDATION:** Accept plans and specifications for the repair and partial replacement of the water tank access road.

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#### **BACKGROUND:**

During the April 2018 meeting the Board authorized a contract with Monsoon Consulting to evaluate options and develop a set of plans and specifications for the rehabilitation of the SM Reservoir access road.

This access road is the only access to the SM Reservoir and the road was in poor condition. The District is responsible to maintain the road in a usable state, but not necessarily improve it. Being that parts of the road have already seen several failures it is imperative that the District make needed repairs and improvements to ensure that this access is not lost due to neglect.

The District Engineer and Director of Utilities reviewed several options from simply coating the entire road to total removal and replacement. The final plan will be partial replacement and partial repair, including water runoff mitigation and soil retention along the length of the road.

The final plans represent the most appropriate measures to repair this road at the most reasonable cost to the District.

Staff is requesting that the Board accepted the final plans, Staff will bring back a bid packet and funding source for approval prior to release for bidding.

The engineers estimate for this project in its entirety is \$239,000.

#### **NEXT STEPS:**

- Continue pursuing funding through multiple sources
- Once funding is secured staff will submitting plans for permits with Caltrans.



- At the same time as plans are being submitted for permits plans and specifications will also be released for public bid.
- Once bids are received they will be brought to the Board for acceptance along with the funding element.

**FISCAL IMPACT**

Approval of this item has no financial impact until funding is acquired.

PREPARED BY:

*Kelly Dodds* \_\_\_\_\_

Kelly Dodds, Director of Utilities

Plans and specifications are available at the District office for review

SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
FEBRUARY 20, 2019

AD- HOC PERSONNEL COMMITTEE MEETING

MEETING HELD AT DISTRICT OFFICES  
1150 MISSION STREET  
SAN MIGUEL, CA 93451

**I.** Meeting Called to Order by President Green – 10:00 A.M.

**II.** Pledge of Allegiance lead by Director Kalvans.

**III. Roll Call:** Directors Present: Green, Kalvans

District Staff in attendance: Rob Roberson, Tamara Parent, Kelly Dodds, and District General Counsel Seikaly (Skype).

**IV. Oral and Written Communications:** None

**V. CONSENT CALENDAR:** None

**VI. AGENDA ITEMS:**

- 1. Third review and discussion of revisions to the personnel policy adopted September 15, 2016 by Resolution 2016-30.** Item was presented by Interim General Manager Rob Roberson. Directors and staff with help from District General Counsel Seikaly reviewed changes discussed in prior Ad- hoc meetings of the 2016 SMCS D Personnel policy. Changes will be made by Counsel Seikaly and a redline version will be brought to the full Board of Directors for review at the February 28th Regular Board Meeting. Any changes made during this committee meeting were made to memorialize the current District practices. No negotiable items, such as benefits, were considered or changed.

**XII. BOARD COMMENT:**

Director Green voiced that he would like to get the redline and clean version out as soon as possible. Mr. Green voiced that he would like to keep item on the February regular meeting and if they Directors have lots of questions or changes then we can discuss having a special meeting. District General Counsel Seikaly explained that she would be sending Director Green chapter 10 and the revised vehicle policy to review. Counsel Seikaly will get changes to the Board of Director as soon as possible.

Director Kalvans asked about the Minutes on the Agenda, it was explained that they will be approved at the February board meeting, and a draft is in packet for review.

**Public Comment:** None

**XIII. ADJOURNMENT:** @11:42 A.M.

SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
MARCH 13, 2019 Special Meeting Minutes  
MEETING HELD AT DISTRICT OFFICES  
1150 MISSION STREET  
SAN MIGUEL, CA 93451

- I. Meeting Called to Order by President Green – 6:30 p.m.
- II. Pledge of Allegiance led by Director Green.
- III. **Roll Call:** Directors Present: Green, Parent, Kalvans @ 6:33pm, Sangster, and Palafox  
Directors Absent: None  
District Staff in attendance: Interim General Manager Rob Roberson, Board Clerk Tamara Parent, Director of Utilities Kelly Dodds, Bookkeeper Paola Freeman, and District General Counsel Seikaly  
District Staff Absent: District Engineer Dr. Blaine Reely
- IV. **Adoption of Regular Meeting Agenda:**  
Motion by Director Sangster to approve agenda.  
Seconded by Director Palafox. Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.
- V. **ADJOURN TO CLOSED SESSION:**  
Closed Session convened at 6:35 p.m.
  - A. **CLOSED SESSION AGENDA:** None
- VI. **Call to Order for Regular Board Meeting/Report out of Closed Session:** None
- VII. **Public Comment and Communications for matters not on the Agenda:** Michelle Hido, San Miguel Resident voiced that she would be recording the meeting.
- VIII. **Special Presentations/Public Hearings/Other:** None
- IX. **STAFF & COMMITTEE REPORTS:** None
- X. **CONSENT ITEMS:** None
- XI. **BOARD ACTION ITEMS:**
  1. **Review and discuss approving Resolution 2019-09 reviewing and filing of the FY 2017-18 financial audit report by Moss Levy Hartzheim.**

Item was presented by Interim General Manager Rob Roberson explaining that Alex Hom from Moss, Levy, Hartzheim was in attendance to answer any questions. Alex Hom, Auditor from Moss, Levy Hartzheim explained that the FY2017-18 Financial Audit was being presented to the Board of Director to accept and file. Mr. Hom explained that he has finished the Audit and that he was able give the District an “unmodified clean opinion”. Mr. Hom voiced that he feels that the unmodified clean opinion for the District was because of all the work that the CPA had done in regard to cleaning up the accounts and the accounting controls that have been put in place.

**Board Comment:** Director Parent asked Mr. Hom, if the controls that have been put into place from the last audit has helped and if they are working. Mr. Parent also asked if there was a good accounting of the District’s restricted funds? Alex voiced that he feels that the controls put into place have been working and that the Audit shows the restricted fund amounts.

Director Sangster asked, under the “Accumulated Depreciation” section is that assets outside real property? Mr. Hom voiced that yes, like buildings and equipment.

Director Sangster asked how that is being calculated? Mr. Hom explained by IRS guidelines and tracked on spreadsheet and is a straight-line age.

Director Green asked how accumulated depreciation effects the District? Auditor Alex Hom explained that when you look at depreciation it will affect the value of the assets.

Director Kalvans asked if Mr. Hom firm worked with other District, San Miguel size and how San Miguel Community Services District debt percentage compares with another District he has worked with. Mr. Hom explained that the District is right on par for our debt.

Director Green asked about wages, and Mr. Hom explained that he would not know that.

Director Sangster asked about the debt for liabilities for retirement? Mr. Hom explained that the District liabilities are low, because the District doesn’t have very many employees.

Director Parent asked if the District has had anyone retired from San Miguel CSD? It was explained that, yes one employee.

Director Kalvans asked what the ideal percentage of debt to asset that the District should have? Auditor explained that it should be at least one to one, basically whatever the district can achieve.

Director Sangster asked about schedule of revenue and expenditures, the third column fire fund page (page 3 of 3) fund balance and asked if these are the correct numbers for the fund to date. Mr. Hom explained that it is the cash, receivables and each fund has the same information.

**Public Comment:** None

Motion by Director Sangster to approving Resolution 2019-09 accepting of the FY 2017-18 financial audit report by Moss Levy Hartzheim

Seconded by Director Kalvans. Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT.

**2. Review and Approve the fireworks fees, sales duration and use of “Safe and Sane” Fireworks for the 2019 calendar year and adopt RESOLUTION 2019-08.**

Item was presented by Fire Chief/interim General Manager Rob Roberson. Mr. Roberson explained that the document has been reviewed and explained that the Resolution has been consolidated into one document.

**Board Comment:** Director Green asked if the staff had found out when the last ordinance was adopted and if the resolution has the correct dates? Mr. Young explained that yes and explained that the ordinance works with the California Fire Code.

Director Kalvans asked when the Document would be ready for the non-profits to pick-up paperwork/application? It was explained that it should be ready by Monday. Discussion ensued about application period.

Motion by Director Sangster to approve Resolution 2019-08 for the fireworks fees, sales duration and use of “Safe and Sane” Fireworks for the 2019 calendar year.

Seconded by Director Parent. Motion was approved by Vote of 5 AYES and 0 NOES and 0 ABSENT

**3. Review and Discuss changes recommended by the Ad-Hoc Personnel Committee of the District Personnel Guidelines & Policy Manual, previously adopted by the Board September 15, 2016 and hear any Board recommendations.**

Item Presented by Counsel Seikaly. Counsel Seikaly explained that she would be sharing her screen with the Board for review and changes to the Personnel document if needed. President Green voiced that he would be taking public comment at the end of the review. Counsel Seikaly informed the Board of Directors that they would be going by chapter and asked for any comments.

**Board Comment:** Discussion ensued between each board member and general counsel regarding each chapter. Interim General Manager and Director of Utilities made comments when necessary. District General Counsel made changes through out document and read aloud any changes made. Any changes made during this meeting were made to memorialize the current District practices. No negotiable items, such as benefits, were considered or changed.

**Public Comment:** None

Information Item only

**4. Adopt revisions to the District Personnel Guidelines and Policy Manual Resolution 2019-12; Previously Adopted by the Board in Resolution 2016-30**

Item presented by District General Counsel voicing that the Board of Directors could go two ways. Continue the item to next meeting or approve with changes as revised.

Discussion ensued between board and counsel reviewing and changing as they went through each chapter of the policy.

Counsel Seikaly informed the Board that she would need to rework the document and send out for final review to the Directors.

**Board Comment:** Director Sangster asked about timeline for Counsel to review the changes made that need to be made. Counsel explained that they should have it soon.

**Public Comment:** None

Motion by Director Sangster to continue item four to consent agenda for March 28<sup>th</sup> Regular Board Meeting, and to dissolve the Ad-Hoc Personnel Committee.

Seconded by Director Parent. Motion fails by Vote of 0 AYES and 5 NOES and 0 ABSENT.

Motion by Director Green to approve Resolution 2019-12 with Revisions from District Counsel to the Personnel Policy and bring Resolution to dissolve Ad- Hoc Personnel Committee to next regular meeting.

Seconded by Director Kalvans. Motion Passes by Vote of 5 AYES and 0 NOES and 0 ABSENT.

**XII. BOARD COMMENT:** Director Sangster asked to get an updated phone list

**XIII. ADJOURNMENT TO NEXT MEETING March 28, 2019: 10:25 P.M.**

SAN MIGUEL COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS  
MARCH 28<sup>TH</sup>, 2019 REGULAR MEETING MINUTES

MEETING HELD AT DISTRICT OFFICES  
1150 MISSION STREET  
SAN MIGUEL, CA 93451

- I.** Meeting Called to Order by President Green – 6:30 p.m.
- II.** Pledge of Allegiance lead by Director Green.
- III. Roll Call:** Directors Present: Green, Sangster, Parent, and Palafox  
Directors Absent: Kalvans  
District Staff in attendance: Rob Roberson, Tamara Parent, Kelly Dodds, Paola Freeman and District General Counsel Siekaly  
District Staff Absent: District Engineer Dr. Blaine Reely
- IV. Adoption of Regular Meeting Agenda:**
- Motion by Director Sangster to adopt Regular Meeting Agenda.
- Seconded by Director Palafox Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT
- V. ADJOURN TO CLOSED SESSION:**  
Closed Session convened at 6:33 p.m.
- A. CLOSED SESSION AGENDA:**
- 1. CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to Government Code Section 54954.5(f) and Government Code Section 54957.6)  
Unrepresented Bargaining Units: Non-Management Non-Confidential Unit and Non-Management Confidential Unit
  - 2. CONFERENCE WITH DISTRICT GENERAL COUNSEL-ANTICIPATED LITIGATION**  
Initiation of litigation pursuant to [paragraph \(4\) of subdivision \(d\) of Section 54956.9](#):(1 case)WO
  - 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Pursuant to Government Code §54957)  
Title: Fire Chief

#### 4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Pursuant to Government Code §54957)

Title: Assistant Fire Chief

**VI. Call to Order for Regular Board Meeting/Report out of Closed Session: 7:06 P.M.**  
Report out of closed session by District General Counsel Seikaly: No reportable action.

**VII. Public Comment and Communications for matters not on the Agenda: None**

**VIII. Special Presentations/Public Hearings/Other: None**

#### **IX. STAFF & COMMITTEE REPORTS:**

1. San Luis Obispo County Sheriff No Report
2. San Luis Obispo County Board of Supervisors No Report
3. San Luis Obispo County Planning and/or Public Works No Report
4. **San Miguel Area Advisory Council** Verbal  
Nanette Roe, San Miguel Advisory Council Secretary voiced that the Peoples Self Help Housing has started to move families into the second phase of the development. Mrs. Roe voiced that the SLO County Sherriff said that February had 144 calls in San Miguel. Camp Robert's 70<sup>th</sup> Birthday celebration.
5. Camp Roberts—Army National Guard (LTC Kevin Bender) No Report
6. **Interim General Manager:** Interim General Manager/ Fire Chief Rob Roberson, Verbal report updating the Board of Directors that the FY17-18 Audit is completed and approved at the March 13 Special Meeting. Interim General Manager spoke of setting a financial meeting as soon as the Directors are available. Mr. Roberson spoke about the District Investment and changes in the Districts 5-year CD's. Annual 700 forms are due April 1<sup>st</sup> and to see the Board Clerk for any questions. Mr. Roberson asked for any questions.  
**Board Comment:** None  
**Public Comments:** Owen Davis, San Miguel resident voiced that he has concerns about the Paychex system and how the staff will account for their tasks during work time. Discussion ensued about hours and tasks worked daily.
7. **District General Counsel:** Presented by Counsel Siekaly. ChurchwellWhite, LLC. Counsel Siekaly reminded the Directors that she had sent out the final version of the Personnel Policy and wanted to hear from each director, then she will send final copy to District Staff.  
**Board Comments:** None.  
**Public Comments:** None
8. **District Engineer:** Written report submitted as is. Dr. Blaine Reely is absent  
**Board Comments:** None  
**Public Comment:** None
9. **Director of Utilities:** Written report submitted as is. Director of Utilities Kelly Dodds asked for any questions on either Utilities or Engineer Report.  
**Board Comment:** None.



**Public Comments:** Owen Davis, San Miguel resident voiced that he has concerns about the Paychex system and how the staff will account for their work time. Discussion ensued about hour worked.

**Fire Chief:** Fire Chief Rob Roberson, updates the Board of Directors that he had a meeting with the Battalion Chief from Cal Fire regarding mutual aid agreement they reviewed. The Location that the Cal Fire is at is taxing them, and discussion ensued about the agreement and response. Chief Roberson asked for any questions.

**Board Comments:** None

**Public Comment:** None

## **X. CONSENT ITEMS:**

### **1. Review and Approve Board Meeting Minutes**

a) 2-28-2019 Regular Board Meeting Minutes

### **2. County of San Luis Obispo Notice of Interest or Objection:** Not Interested in purchasing Parcels and does not object to sale of any parcels. (No San Miguel Properties on list) Due 3-31-2019

### **3. Review & Approve RESOLUTION 2019-16 Dissolving the Personnel Committee**

Motion by Director Sangster to Approve Consent Item #2 and #3 and pull item #1 asked that an amendment be made to the 2-28-19 meeting minutes for Item 4 with it reading Director Buckman seconded.

Seconded by Director Parent. Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**Board Comment:** None

**Public Comment:** Owen Davis San Miguel Resident asked what the amendment would be, he was informed that the Video will be looked at and the minutes will be revised.

## **XI. BOARD ACTION ITEMS:**

### **1. Review, Discuss, Receive and File the Enumeration of Financial Report for January 2019.**

Interim General Manager/ Fire Chief Rob Roberson reminded the Board that this was tabled last meeting and asked for any questions

**Board Comment:** None

**Public Comment:** None

Motion by Director Sangster Receive and File the Enumeration of Financial Report for January 2019.

Seconded by Director Parent. Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**2. Review, Discuss, Receive and File the Enumeration of Financial Report for February 2019** (Freeman)

Item presented by Interim General Manager/ Fire Chief Rob Roberson asking for any questions.

**Board Comments:** None

**Public Comments:** None

Motion by Director Sangster to Receive and File the Enumeration of Financial Report for February 2019

Seconded by Director Parent, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**3. First reading of proposed ORDINANCE 01-2019 SMCS D Water Code**

Item was presented by Director of Utilities Kelly Dodds explaining that the Water Code is the first Water Code for the District and it is an all-encompassing document that has every aspect of what the District does in regard to Water. The Code is more legally binding and gives resident and builders more structured outline and will help with enforcement of health and safety issues.

**Board Comments:** Director Parent asked if there was anything that has changed that is not current practice. Director of Utilities Kelly Dodds explaining the only added a section that allow for retrofit for low flow in the future and it spells out the processes for Will Serves and complaints.

Director Green asked if there was anything in the Water Code that will affect a resident that is just currently living here? Director of Utilities Kelly Dodds explaining that there is a provision explaining how to apply for a rebate for retrofitting. The Code does provide a clear path to inspect Back-Flow devices, and a minor provision for conservation in case of a drought. Discussion ensued about conservation and how the provision was taken from the State practice. Director Green and Parent went over section 4.3 with Mr. Dodds. Discussion ensued.

**Public Comment:** Nanette Roe asked for the Code number, it was explained that what was in discussion was the District first reading of the District Water Code.

**Board Comments:** Director Kalvans is out of town but sent in comments that are read into record.

“1. With regards to the water code and conservation section: it might be helpful to have a section regarding water conservation for development. i.e. drought tolerant landscaping for new construction, and or the use of rain barrels for collection of water for irrigation on properties larger than .25 acres.

I also had a question with regards to the viability and use of grey water for landscaping irrigation on private properties. Is that legal to encourage and is it an effective tool for conservation. If these

items are acceptable I would ask for their consideration to be included into the water code.

Also do, we have a standard for potable AG water? Not the purple pipe system but AG water that is supplied via our drinking water distribution network. Also, what standard if any are we proposing with regard to chemicals and pesticides use in the district. I am concerned about the use of chemicals and pesticides getting into the water supply. Will that be covered under the GSP?"

Director of Utilities Kelly Dodds explained that Conservation for development is already done through the County. Also, in regard to rain barrels the County has a policy on rain barrels and grey water, but as Director of Utilities I would not put a section in this water code at this time because it causes a cross connection/vector issues that we are not prepared to deal with. Director Green voiced that he feels that Director Kalvans was speaking more about grey water. Discussion ensued about cross connection and backflow. Pesticides are regulated by the County and homeowners would have to get the Pesticides at a local store that is regulated by the County. The Pesticide question about it being covered in the GSP (*Groundwater Sustainability Plan*), was explained that the GSP will not have a section regarding pesticides. Purple Pipe will have its own section but will have to be brought back to the Board in a revision of the Water Code and the District at this time doesn't have agriculture users. We do have parks in town but not agriculture irrigation and doesn't see it coming into the District anytime soon. Discussion ensued about the District boundaries and who might in the future use District water, it was also explained that the Water Code can be amended.

Interim General Manager read aloud the process of adopting of a District Ordinance.

**Board Comment:** Director Palafox asked if the Document could be translated into Spanish? Staff explained that they are looking into translation services and that we do have a Spanish speaker at the front office, but she doesn't have time to translate a 60-page document. Staff did explain that the District does have a water conservation flyer in Spanish, and all doorhangers/notices are always in Spanish and English.

Director Sangster voiced that 2.2 2.23.2 last sentence refunds wording need to be changed. Director Sangster voiced that he would sent email out to Kelly Dodds with typing errors. Director Sangster asked for clarification on section 5.3 and questioned if it was referring to lot size or square foot.

**Public Comment:** Owen Davis San Miguel resident asked if the code was available for the public. Staff asked Mr. Davis to come into the office and they would have a printed copy for him. Mr. Davis voiced that he was concerned that Mr. Dodds said "enforce" Director of Utilities Kelly Dodds explained that he meant, to enforce the code so the District can protect the Health and Safety of the community.

Nannette Roe San Miguel resident asked about the Code and enforcement and tried to explain to Mr. Davis that no one was trying enforcing anything.

Scott Young voiced that the he agreed with Director Palafox to have a Spanish version of each code.

Motion by Director Sangster for first reading and introduction, reading by title only, an ordinance of the district establishing a water code

Seconded by Director Parent, Motion was approved by Vote of 3 AYES and 1 NOES and 1 ABSENT.

**4. First reading of proposed ORDINANCE 02-2019 SMCSO Fire Code**

Item presented by Fire Chief Rob Roberson and Fire Prevention Office Scott Young.

**Board Comments:** Director Green asked that Director Kalvans questions be read aloud. “With regards to fire code, and the section regarding the sale and use of safe and sane fireworks. I don't know if I missed it or not, but I wasn't clear on the use dates of fireworks. It looked like it must be set by the board of directors, but I also read that the standard was a cleared area and water supply. If the case is only certain dates. I would like to request that the dates include July 4th. December 31st to 12:30am January 1st and the date of the lunar new year.”

Mr. Young voiced that the Fireworks dates are established by the local ordinance and if Mr. Kalvans would like to use fireworks on any other day he would have to become a pyrotechnician.

Director Green asked if he was correct that if you have left over fireworks after the fourth of July you would be in violation. Mr. Young explained that yes, per the District Ordinance you can't store explosives within the boundaries of the CSD.

Director Sangster thanked Mr. young for his explanation and dose not support having fireworks on any other days.

**Public Comments:** Nannette Roe San Miguel resident thanked Mr. Young for his clarification and does not support fireworks on any other date.

Owen Davis San Miguel resident voiced that he agreed and asked for clarification on State Fire Code dates, not state fire code but the local ordinance.

Motion by Director Sangster for first reading and introduction, reading by title only, an Ordinance of the San Miguel Community Services District Board of Directors adopting and amending the 2019 edition of the California Fire Code including Articles, Appendices, Amendments, and Errata of California Building Code Section 7A

Seconded by Director Parent, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**5. Discussion on status of Machado Wastewater Treatment Facility expansion and aeration upgrade project.**

Item presented by Director of Utilities Kelly Dodds explained that this is an informational item only. Mr. Dodds informed the Board of Directors that he will be starting the CEQA with the current grant and that should be coming to the Board of Director should see the information in May. Director of Utilities explained that the flows from February for an average day was at 74% hydraulic design capacity and on the max day the plant was at 100.1% hydraulic capacity. It was explained that the project has spent just under 100k of the 170k grant for the engineering study and engineering for the recharge study and the Board should see in May. Utilities has also been working on the revolving fund grant for 250k and the application has been accepted. Discussion ensued about the District Bonds. We are at about two years out for estimated completion of the WTF.

**Board Comment:** Director Sangster asked what got us to the 100.1%? D.O.U Kelly Dodds explained that it is around 200,295 gallons and it is possible, that it could be from a rainy day and it was explained that it is calculated as an average.

**Public Comment:** Nannette Roe, San Miguel Resident asked the D.O.U if the District Bonds are something the tax payers have been paying for or is the District holding the monies. Mr. Dodds explained that the Bond that he is speaking of was assumed in 1981. Mrs. Roe voiced that she was talking about the \$170k Grant. It was explained that it was a grant and will not have to be payed back but will be reimbursed for the monies paid out. Discussion ensued about the AB bonds for the terrace.

Owen Davis San Miguel Resident voiced that it sounds like the District is paying someone a lot of money to design the new facility and voiced that he feels the people that have the pumps can do the design because they have all the specs. Director of Utilities Kelly Dodds explained that the cost that the District has paid for “The Engineering Study” design is to decide what is the most feasible and cost effective and still meet the State requirements. Discussion ensued.

*Information Item only*

**6. Review and approve RESOLUTION 2019-14 adopting an updated District Reserve Policy for the San Miguel Community Service District.**

Item presented by Interim General Manager / Fire Chief Rob Roberson explaining that the District Reserve Policy has not been looked at since 2016 and needed to be updated.

**Board Comment:** Director Palafox asked about the funds and Audit. Mr. Roberson explained that it was more about the District financial accounts and what each fund is used for. The reserve policy is more like what amount of funds should each fund should have in savings and what it is designated for. Interim General Manager / Fire Chief Rob Roberson explaining that in the past and with the old policy, funds were being used to support other funds and were not tracked properly. The new policy will help with accounting of the funds and for auditing purposes.

Director Sangster voiced that it also stipulates that if funds are used to support other funds that an agreement will be made to pay back that fund.

Director Green voiced that he was told that it was not legal to borrow from other funds. Counsel Seikaly it is not good practice and would not be recommended.

**Public Comment:** Nanette Roe San Miguel resident voiced that she wanted to make sure that the District has funding for education for staff and wanted to make sure that the funds for education is split. It was explained that it is in the Budget and employee’s contracts.

Motion by Director Sangster to approve RESOLUTION 2019-14 adopting an updated District Reserve Policy for the San Miguel Community Service District.

Seconded by Director Parent, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**7. Review and approve a RESOLUTION 2019-13 updating the District Timekeeping Policy for District personnel.**

Item presented by Interim General Manager / Fire Chief Rob Roberson explaining that the Timekeeping Policy had to be updated for Paychex and to meet the new needs of the District.

**Board Comment:** Director Green asked counsel if the policy reflects that the District still reserves the rights to track time as they see fit. Counsel Seikaly explained that yes, and it looks like the policy is the current practice and has only made changes due to using Paychex. Timekeeping is at the management's discretion.

Director Parent asked if staff was getting the reports that they need from the Paychex System. Staff explained that it is a work in progress and is working with the CPA to get information into the Black Mt. system

**Public Comment:** Owen Davis San Miguel resident voiced that there will be a need to go through someone phone record? Interim General Manager Rob Roberson explained that it can be looked at on a computer, each employee has a time card that must be approved by supervisor then approved by the General Manager before payroll can be processed. Discussion ensued about work production.

Nannette Roe San Miguel resident voiced she was concerned that if an employee's phone was dead, how would they clock in and out. Interim General Manager explained the process of clocking in or out on computer laptop. Discussion ensued about ways to clock in and clocking out.

Motion by Director Parent to approve a RESOLUTION 2019-13 updating the District Timekeeping Policy for District personnel.

Seconded by Director Palafox, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**8. Review & Approve RESOLUTION 2019-17 Appointing the Interim General Manager, Rob Roberson, and the District's General Counsel, as the San Miguel Community Services District's Labor Representatives for the Purposes of Negotiating Future Collective Bargaining Agreements.**

Item presented by District Counsel Seikaly explaining that this is the start of the process, and Counsel Seikaly and Interim General Manager Rob Roberson would sit down with union represented then bring back to the Board of Directors for discussion then ratification.

**Board Comment:** Director Green voiced that he would like to be part of the negotiation team. Counsel Seikaly voiced that he is part of the Board and it is not common practice to have an elected official be part of the negotiation team and would never recommend as counsel for a Director to sit and negotiate with the employees; there needs to be a separation. Director Green told her that he had been part of the negotiation team in the past. Counsel Seikaly explained that at the time the District did not have a General Manager but now does and would like to keep the Board of Director out of the negotiation to keep it clean and not have any retaliation. Discussion ensued about the process.

Director Green asked what the consensus of the Board was.

Director Sangster voiced that because we are a public entity he liked the separation because it does limit us as a Board for liability reasons.

Director Green voiced that last time they negotiated the General Manager signed the agreement before the board even saw it. Counsel voiced that she did understand.

Director Parent voiced that last time the agreement never got voted on and agrees with Counsel Seikaly that they need to keep a separation.

Director Sangster voiced his trust in the General Manager and District General Counsel.

**Public Comment:** Owen Davis San Miguel resident voiced that he feels that the Board represents the community and needs to be in negotiations. Counsel Seikaly reexplained the process, that the Board will be informed every step of the way and have final decision.

Nannette Roe San Miguel Resident voiced that she would like to see Director Green be a negotiator and feels that the directors are paid and have a level of responsibility to the community. Counsel Seikaly explained that it is not commend practice, and that the entire Board will be asked and have final say on each part of the negotiations.

Michelle Hido San Miguel resident asked for clarification from District Counsel about the process. District Counsel explained that they will sit down with the representative from the collective bargaining unit in a private session. Then the items that are negotiated will be brought to the Board of Directors in closed session for discussion with all the Directors. When everyone is okay with the agreement the agreement will be brought in open session for ratification. Discussion ensued. Government code section 3500.05 ratification process. Owen Davis voiced that the District needs to be run like a business and feels that you guys have to take ownership because you are representing the communities. We pay you we pay the employee and we don't want the employee demanding anything. Mr. Davis voiced that he likes what Director Green does on the Board.

Director Parent voiced that the past MOU was not passed because of boot allowance and cost of living. Discussion ensued about the District receiving a PERB charge with a cease and desist order.

Motion by Director Parent Approve RESOLUTION 2019-17 Appointing the Interim General Manager, Rob Roberson, and the District's General Counsel, as the San Miguel Community Services District's Labor Representatives for the Purposes of Negotiating Future Collective Bargaining Agreements.

Seconded by Director Sangster, Motion was approved by Vote of 3 AYES and 1 NOES and 1 ABSENT.

**9. Review & Approve RESOLUTION 2019-15 Certifying the Secret Ballot Election of the San Miguel Employees' Association and Recognizing the San Miguel Employees' Association as the Exclusive Bargaining Agent for the Newly Formed Bargaining Units to Be Known As the Non-Management Confidential Unit and the Non-Management Non-Confidential Unit.**

Item presented by District General Counsel voiced that around two weeks ago the San Miguel Employees' Association (SMEA) voted in a private ballot. The District Board Clerk counted the votes, and this resolution is to certify the vote and Recognizing the San Miguel Employees' Association as the Exclusive Bargaining Agent for the Newly Formed Bargaining Units to Be Known as the Non-Management Confidential Unit and the Non-Management Non-Confidential Unit. They will officially be recognized as SMEA.

**Board Comment:** None

**Public Comment:** None

Motion by Director Sangster to Approve RESOLUTION 2019-15 Certifying the Secret Ballot Election of the San Miguel Employees' Association and Recognizing the San Miguel Employees' Association as the Exclusive Bargaining Agent for the Newly Formed Bargaining Units to Be Known As the Non-Management Confidential Unit and the Non-Management Non-Confidential Unit.

Seconded by Director Palafox, Motion was approved by Vote of 4 AYES and 0 NOES and 1 ABSENT.

**XII. BOARD COMMENT:**

Director Parent voiced that he has full confidence in management to come up with an agreement with SMEA.

Director Green asked about scheduling a financial meeting. Discussion ensued.

Director Green voiced that he would be absent in the April and May Board meetings.

Director Green asked about the changes to the upstairs and would discuss with Interim General Manager Rob Roberson.

**Public Comment:** Jose San Miguel Resident, new resident in San Miguel and wanted to know if they could get speed bumps in the new PSHH. He was informed to contact SLO County Public Works Department. Directors apologized for having him wait.

**XIII. ADJOURNMENT TO NEXT MEETING 4-25-2019 Regular Meeting:**

approximately 9:10 PM





# San Miguel Community Services District

## Board of Directors Staff Report

April 17, 2019

**AGENDA ITEM: XI -1**

### **SUBJECT:**

Review and Adopt Resolution 2019-18 Amending the District's Conflict of Interest Code.

**RECOMMENDATION:** Review and approve amendment to the current policy and adopt resolution No. 2019-18. As a follow up action, staff will submit proof of the Conflict of Interest Code review and the updated Designated Positions List to the San Luis Obispo Board of Supervisors.

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### **DISCUSSION:**

Each California government agency must have a conflict of interest code that lists positions within the agency that must submit financial disclosure statements. (Gov. Code, § 87300.) The bulk of the Conflict of Interest Code is promulgated by the Fair Political Practices Commission and adopted by the San Miguel Community Services District ("District"). The District's primary responsibility is to ensure the District's list of designated positions remains accurate and up to date. After conducting its review, the District must submit a review form to the County who is the District's "code reviewing body." (Gov. Code, § 87306.5.)

The current version of the District's Conflict of Interest Code was approved in August 2014 by Resolution 2014-13 and revised in December 2014 by Resolution 2014-27 to amend the "List of Designated Positions." The Conflict of Interest Code was again reviewed in 2016 as required by Government Code section 87306.5, but no changes were necessary.

The District was informed by the Deputy County Counsel Ann C. Duggan, that the submitted Resolution 2018-24, Conflict of interest has some issues that she wanted the District to review and fix. District General Counsel has conducted a review of its Conflict of Interest Code and determined that minor adjustments to the Designated Positions List are necessary to correspond with current titles. The attached Resolution and Exhibit "A" provides corrections and amendments to the District's list of Designated Positions List to conform with Fair Political Practices Commission (FPPC) regulations and current District titles.

**FISCAL IMPACT:**

Review, and Approval of the District's Conflict of Interest Code has no financial impact. However subsequent changes to the policies will incur legal review and may cause additional fiscal impacts.

**STAFF RECOMMENDATION:**

Review and Approve amendments to the 2018-24 resolution and Conflict of Interest code. As a follow up action, staff will submit proof of the Conflict of Interest Code to Deputy County Counsel to the San Luis Obispo Board of Supervisors.

**Attachments:**

2019-18 Resolution with amendments and corrections to previous Resolution 2018-24

2018-24 Resolution

Letter to Ann Duggan Deputy County Counsel from District General Counsel.

PREPARED BY:

Tamara Parent

Board Clerk/Accounts Manager

**Nubia Goldstein**

Attorney- Churchwell White, LLP

April 1, 2019

**VIA EMAIL ONLY**  
**(aduggan@co.slo.ca.us)**

Ann C. Duggan  
Deputy County Counsel  
County of San Luis Obispo  
1055 Monterey Street, Ste. D320  
San Luis Obispo, California 93408

Re: San Miguel Community Services District – Conflict of Interest Code

Dear Ms. Duggan:

Churchwell White LLP is General Counsel for San Miguel Community Services District (the “District”) and is in receipt of your email, dated January 27, 2019, regarding your request for clarifications and suggested revisions to the District’s Conflict of Interest Code amendments submitted to the San Luis Obispo County Board of Supervisors (the “County”). Each of your concerns and suggestions are addressed below:

**Conflict of Interest Code Format**

As stated in Resolution 2018-24, the District adopted the Fair Political Practices Commission’s model Conflict of Interest Code in April 2000. Each subsequent amendment has only applied to the List of Designated Positions and Disclosure Categories titled “Exhibit A.” In order to clarify the record, the District has revised Exhibit A to clearly identify it as an exhibit to Resolution 2018-24 and clearly delineate the title and substance of the List of Designated Positions and Disclosure Categories.

**Designated Positions and Disclosure Categories**

You are correct that, in most public agencies, all designated positions do not have the same categorization and do not require a position such as the Board Clerk to disclose under the broadest category. However, the District has a small staff and all designated positions listed are positions that make or influence District financial decisions. The Board Clerk for the District is in a unique position in that she also serves as the Accounts Clerk Manager. The District has revised the List of Designated Positions and Disclosure Categories to reflect this unique position and provide clarification as to why such a position falls under the broadest disclosure category. The District has selected its broad disclosure categories for each designated position in order to comply with Government Code section 87309, which provides in part:

No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it: (a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented.

The District has further revised Exhibit A to Resolution 2018-24 to reflect your suggested grammatical revisions to the last paragraph of the List of Designated Positions and Disclosure Categories, as well as to separate out the requirements under Government Code section 87200 and specifically list those positions that are subject to Section 87200.

Once the Board of Supervisors reviews and approves the proposed revisions, the District Board of Directors will consider the revised resolution at the next regularly scheduled meeting, as time allows for proper notice of the agenda item.

Please do not hesitate to contact me should you wish to discuss the proposed revisions.

Kind regards,

Churchwell White LLP

Nubia I. Goldstein  
CRP/dmg

Enclosures

Cc: Rob Roberson, General Manager (via email)

**RESOLUTION NO. 2018-24**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MIGUEL COMMUNITY SERVICES DISTRICT  
REGARDING THE BIENNIAL REVIEW OF ITS  
CONFLICT OF INTEREST CODE  
AND CORRECTING THE AMENDED EXHIBIT “A”  
THE LIST OF DESIGNATED POSITIONS SUBJECT TO  
THE CONFLICT OF INTEREST CODE**

**WHEREAS**, on April 10, 2000, the San Miguel Community Services District (“District”) approved Resolution 2000-08, adopting the Fair Political Practices Commission’s (FPPC) model Conflict of Interest Code; and

**WHEREAS**, pursuant to Government Code §87306.5 the District is required to review its Conflict of Interest Code and, if a change is needed, submit an amended Conflict of Interest Code to the Board of Supervisors of the County of San Luis Obispo, which is the designated code reviewing body; and

**WHEREAS**, on August 28, 2014, pursuant to Government Code §87306.5, the District Board of Directors adopted Resolution 2014-27 amending the “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories”;

**WHEREAS**, the Board of Directors does, hereby, reaffirm its prior decision to incorporate FPPC Regulation #18730 and the FPPC model Conflict of Interest Code by reference as the District’s Conflict of Interest Code, and

**WHEREAS**, the Board of Directors of the District has determined that the “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories” (reference Government Code §87302(a)) should be amended to reflect organizational changes and to correct required Positions and Disclosure Categories subject to District Conflict of Interest Code regulation, and should be discussed and approved annually by the Board, and sent to the County Clerk office.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Miguel Community Services District as follows:

1. The prior “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories” is hereby deleted and replaced in its entirety with the new “List of Designated Positions and Disclosure Categories”, as set forth in Exhibit “A” attached hereto and to more closely conform to State regulations.-
2. Other than the amendments and corrections contained herein, the Board of Directors has determined that no other changes to the District’s Conflict of Interest Code are required.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act. \_\_\_\_\_

3. In accordance with Government Code §87303 and §87306.5, this Resolution amending the San Miguel Community Services District’s Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Luis Obispo, as the designated code reviewing body, along with the executed “2018 Local Agency Biennial Notice”.

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

**AYES: Buckman, Sangster, Green**

**NOES: 0**

**ABSENT: Kalvans/Parent**

**ABSTAINING: 0**

The foregoing Resolution is hereby passed and adopted this ~~26<sup>th</sup>~~ \_\_\_ day of \_\_\_\_\_ ~~July~~ 2018\_\_.

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John Green, President  
SMCSD Board of Directors

**ATTEST:**

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Robert Roberson, Interim General Manager

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Tamara Parent, Board Clerk

**APPROVED AS TO FORM:**

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Douglas L. White, District Counsel

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act. \_\_\_\_\_

**Exhibit A to Resolution 2018-24**

**SAN MIGUEL COMMUNITY SERVICES DISTRICT  
CONFLICT OF INTEREST CODE**

**APPENDIX B**

**LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

Designated Positions. The employees and officers listed below are designated as persons who are deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest. Persons holding designated positions listed below shall disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<b>Designated Position</b>	<b>Disclosure Categories</b>
District Board Member*	1,2,3
General Manager*	1,2,3
Board Clerk/ <u>Accounts Clerk Manager</u>	1,2,3
Director of Utilities	1,2,3
District Fire Chief	1,2,3
Assistant Fire Chief	1,2,3
District Counsel*	1,2,3
District Engineer	1,2,3
Consultant	1,2,3

**Disclosure Categories.** The disclosure categories are defined as follows:

**Category 1:**

All persons in this disclosure category shall disclose all interests in real property located in the District or within two miles of the District's boundaries. This disclosure category is not applicable to the person's principle residence or real property interests with a fair market value of less than \$2,000.

**Category 2:**

All persons in this disclosure category shall disclose all investments in business entities and business positions in business entities that have an interest in real property in the District, or that have done business with the District during the year prior to the date of the person's disclosure statement, or that are likely to do business with the District during the year subsequent to the date of the person's disclosure statement. This disclosure category is not applicable to investments with a fair market value of less than \$2,000.

**Category 3:**

All persons in this disclosure category shall disclose all sources of personal income and business entity income from entities that provide services, materials, machinery, equipment, or supplies of the type utilized by the District or that are located within the District, including gifts, loans and travel payments. This disclosure category is not applicable to income received from the District.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.

**Consultants.** “Consultant” means an individual who, pursuant to a contract with the District, either:

(A) Makes a governmental decision whether to (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the agency, or for any subdivision thereof;

(B) serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, §18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District’s Conflict of Interest Code. (California Code of Regulations, Title 2, §18701(a)(2).)

“Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District’s Conflict of Interest Code, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “consultant” and “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to fully comply with the disclosure requirements described in this section.

The General Manager’s written determination shall include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as the District’s Conflict of Interest Code.

**~~Officials Who Manage Public Investments:~~**

~~The District has determined that positions managing public investments within the meaning of Government Code §87200 and California Code of Regulations, Title 2, §18720, and that persons holding these positions must file statements of economic interest (FPPC Form 700) pursuant to the State Political Reform Act instead of the District’s Conflict of Interest Code.~~

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act. \_\_\_\_\_



**RESOLUTION NO. 2019-18**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN MIGUEL COMMUNITY SERVICES DISTRICT  
REGARDING THE BIENNIAL REVIEW OF ITS  
CONFLICT OF INTEREST CODE  
AND CORRECTING THE AMENDED EXHIBIT “A”  
THE LIST OF DESIGNATED POSITIONS SUBJECT TO  
THE CONFLICT OF INTEREST CODE**

**WHEREAS**, on April 10, 2000, the San Miguel Community Services District (“District”) approved Resolution 2000-08, adopting the Fair Political Practices Commission’s (FPPC) model Conflict of Interest Code; and

**WHEREAS**, pursuant to Government Code §87306.5 the District is required to review its Conflict of Interest Code and, if a change is needed, submit an amended Conflict of Interest Code to the Board of Supervisors of the County of San Luis Obispo, which is the designated code reviewing body; and

**WHEREAS**, on August 28, 2014, pursuant to Government Code §87306.5, the District Board of Directors adopted Resolution 2014-27 amending the “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories”;

**WHEREAS**, the Board of Directors does, hereby, reaffirm its prior decision to incorporate FPPC Regulation #18730 and the FPPC model Conflict of Interest Code by reference as the District’s Conflict of Interest Code, and

**WHEREAS**, the Board of Directors of the District has determined that the “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories” (reference Government Code §87302(a)) should be amended to reflect organizational changes and to correct required Positions and Disclosure Categories subject to District Conflict of Interest Code regulation, and should be discussed and approved annually by the Board, and sent to the County Clerk office.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Miguel Community Services District as follows:

1. The prior “List of Positions Designated as Subject to the Provisions of the District’s Conflict of Interest Code and Applicable Disclosure Categories” is hereby deleted and replaced in its entirety with the new “List of Designated Positions and Disclosure Categories”, as set forth in Exhibit “A” attached hereto and to more closely conform to State regulations.
2. Other than the amendments and corrections contained herein, the Board of Directors has determined that no other changes to the District’s Conflict of Interest Code are required.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.

3. In accordance with Government Code §87303 and §87306.5, this Resolution amending the San Miguel Community Services District's Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Luis Obispo, as the designated code reviewing body, along with the executed "2018 Local Agency Biennial Notice".

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

**AYES:**

**NOES: ABSENT:**

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this 24th day of \_April 2019

\_\_\_\_\_  
Ashley Sangster, Vice-President  
SMCSD Board of Directors

**ATTEST:**

\_\_\_\_\_  
Robert Roberson, Interim General Manager

\_\_\_\_\_  
Tamara Parent, Board Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Douglas L. White, District Counsel

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.

**Exhibit A to Resolution 2019-18**

**SAN MIGUEL COMMUNITY SERVICES DISTRICT  
CONFLICT OF INTEREST CODE  
LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

Designated Positions. The employees and officers listed below are designated as persons who are deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest. Persons holding designated positions listed below shall disclose interests and investments in accordance with the corresponding disclosure categories as defined below:

<b>Designated Position</b>	<b>Disclosure Categories</b>
District Board Member*	1,2,3
General Manager*	1,2,3
Board Clerk/Accounts Clerk Manager	1,2,3
Director of Utilities	1,2,3
District Fire Chief	1,2,3
Assistant Fire Chief	1,2,3
District Counsel*	1,2,3
District Engineer	1,2,3
Consultant	1,2,3

**Disclosure Categories.** The disclosure categories are defined as follows:

**Category 1:**

All persons in this disclosure category shall disclose all interests in real property located in the District or within two miles of the District's boundaries. This disclosure category is not applicable to the person's principle residence or real property interests with a fair market value of less than \$2,000.

**Category 2:**

All persons in this disclosure category shall disclose all investments in business entities and business positions in business entities that have an interest in real property in the District, or that have done business with the District during the year prior to the date of the person's disclosure statement, or that are likely to do business with the District during the year subsequent to the date of the person's disclosure statement. This disclosure category is not applicable to investments with a fair market value of less than \$2,000.

**Category 3:**

All persons in this disclosure category shall disclose all sources of personal income and business entity income from entities that provide services, materials, machinery, equipment, or supplies of the type utilized by the District or that are located within the District, including gifts, loans and travel payments. This disclosure category is not applicable to income received from the District.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.

**Consultants.** “Consultant” means an individual who, pursuant to a contract with the District, either:

(A) Makes a governmental decision whether to (1) approve a rate, rule, or regulation; (2) adopt or enforce a law; (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement; (4) authorize the District to enter into, modify, or renew a contract provided it is the type of contract that requires District approval; (5) grant District approval to a contract that requires District approval and to which the District is a party, or to the specifications for such a contract; (6) grant District approval to a plan, design, report, study, or similar item; or (7) adopt or grant District approval of policies, standards, or guidelines for the agency, or for any subdivision thereof;

(B) serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in California Code of Regulations, Title 2, §18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District’s Conflict of Interest Code. (California Code of Regulations, Title 2, §18701(a)(2).)

“Consultants” are included in the list of designated positions and must disclose interests and investments in accordance with the broadest disclosure category in the District’s Conflict of Interest Code, subject to the following limitation: The General Manager may determine in writing that a particular consultant, although a “consultant” and “designated position,” nevertheless is hired or retained to perform a range of duties that is limited in scope and therefore is not required to fully comply with the disclosure requirements described in this section.

The General Manager’s written determination shall include a description of the consultant’s duties, and, based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as the District’s Conflict of Interest Code.

\* In accordance with Government Code section 87200 and California Code of Regulations, tit. 2, section 18720, officials who manage public investments must file statements of economic interest (FPPC Form 700) pursuant to the Political Reform Act.



# San Miguel Community Services District

## Board of Directors Staff Report

April 25<sup>th</sup>, 2019

AGENDA ITEM: XI-2

### **SUBJECT:**

Discuss and consider adoption of Ordinance 01-2019, an ordinance of the San Miguel Community Services District (“District”) establishing a District water code.

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### **RECOMMENDATION:**

Discuss and consider adoption of Ordinance 01-2019.

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### **DISCUSSION:**

Since the formation of the San Miguel Community Services District (“District”) in 2001 the District has not had a comprehensive water code, establishing procedures and practices for managing the District’s water system. Ordinance 01-2019 adopts a water code to govern the District’s operations related to water service. The water code will provide clarity for District customers and staff by outlining the procedures and practices regarding water services within the District.

Beyond the clarity for District customers and staff, adoption of the water code through Ordinance 01-2019 will enable the District to more effectively administer connections to the District’s water system and enforce requirements for water installations, devices, and conditions. Currently, the District relies on Best Management Practices (“BMPs”) to enforce the requirements for operating the District’s water system. The water code proposed for adoption under Ordinance 01-2019 will codify the BMPs and establish other procedures, allowing the District to require specific design and installation criteria and review to protect the District’s water supply, the health of District customers, the general public, and the District as a whole.

The proposed water code addresses several topics in the District’s water system, including: (1) the District’s ability to provide new developments water through the will serve letter process; (2) the temporary use of District water service during construction activities; (3) water conservation procedures during times of water shortages; (4) the District’s backflow prevention program; (5) District fees and charges related to the water system; and (6) provides the mechanisms to enforce the provisions of the water code. Uniting these topics into a single code as proposed under Ordinance 01-2019 will allow for a single reference for the District, increasing the operational

efficiency of the District. This operational efficiency will result in better customer service and in clear procedures for District staff into the future.

This presentation is the second of two required meetings in which Ordinance 01-2019 is presented before it is formally adopted by the Board.

**FISCAL IMPACT:**

There is no cost to review this Ordinance, aside from Staff and the Attorneys time.

**PREPARED BY:**

Kelly Dodds, Director of Utilities

**Attachments:** Ordinance No. 01-2019 – An ordinance of the San Miguel Community Services District adopting a Water Code Exhibit A.

**ORDINANCE NO. 01-2019**

**AN ORDINANCE OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT  
ADOPTING THE SAN MIGUEL COMMUNITY SERVICE DISTRICT WATER  
CODE AND AUTHORIZING THE GENERAL MANAGER, DIRECTOR OF  
UTILITIES, FIRE CHIEF, AND ASSISTANT FIRE CHIEF TO ENFORCE THE  
PROVISIONS OF THE WATER CODE**

**WHEREAS**, Government Code sections 61060 and 61100 authorize the San Miguel Community Services District (“District”) to adopt by ordinance and enforce rules and regulations for the administration, operation, and use and maintenance of the District’s water system; and

**WHEREAS**, the District seeks to establish a clear policy to address all activities related to the operation of the District’s water system; and

**WHEREAS**, the District has drafted the San Miguel Community Services District Water Code (“District Water Code”) to address the District’s policies and procedures associated with: (1) will serve letters; (2) temporary water use during construction activities; (3) water conservation requirements during water shortages; (4) the District’s backflow prevention program; (5) the fees and charges related to the District’s water system; and (6) provisions to enforce the District’s water code; and

**WHEREAS**, Government Code section 61064 provides that the District Board of Directors may designate District employees with the power to enforce District policies; and

**WHEREAS**, the District Board of Directors seeks to authorize the General Manager, Director of Utilities, Fire Chief, and Assistant Fire Chief with the authority to enforce the provisions of the District Water Code.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:**

**Section 1. Purposes and Authority.**

The Board of Directors of the San Miguel Community Services District (“District”) hereby adopts the San Miguel Community Services District Water Code, attached hereto as **Exhibit A**, to govern the operation of the District’s water system.

**Section 2. Establishment of Enforcement Authority.**

Pursuant to Water Government Code section 61064, the Board of Directors authorizes the General Manager, Director of Utilities, Fire Chief and Assistance Fire Chief to enforce the provisions of the San Miguel Community Services District Water Code.

**Section 3. Severability.**

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase no declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 4. Posting.**

The District General Manager shall post a copy of this Ordinance in three public places in the District within ten (10) days after its adoption. Within fifteen (15) days after its passage, this ordinance or summary thereof shall be published at least once in a newspaper of general circulation published and circulated within the San Miguel Community Services District.

**Section 5. Effective Date.**

This Ordinance shall take effect thirty (30) days after its adoption.

This Ordinance was introduced at a regular meeting of the Board of Directors of the San Miguel Community Services District, held on the 28th day of March, 2019, and given its first reading at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the Board of Directors held on the 25<sup>th</sup> day of April, 2019 and after such reading, Board Director \_\_\_\_\_, who moved its adoption, seconded by Board Director \_\_\_\_\_, and said ordinance was thereupon adopted by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

\_\_\_\_\_  
Ashley Sangster, Vice President  
Board of Directors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Rob Roberson, General Manager

\_\_\_\_\_  
Douglas L. White, District General Counsel





# San Miguel Community Services District Water Code

Adopted per Ordinance 01-2019 APRIL 25<sup>th</sup>, 2019

*Revised April 25<sup>th</sup> 2019*

DRAFT

SECTION 1: GENERAL PROVISIONS.

- 1.1. Title.
- 1.2. Definitions.
- 1.3. Enforcement of this Code.
- 1.4. District Access onto Private Property
  - 1.4.1. Interference with Access
  - 1.4.2. Enforcement
- 1.5. Service to Separate Premises.
- 1.6. Service to Multiple Units on Same or Adjoining Premises.
- 1.7. Division of Presently Serviced Lots or Premises.
- 1.8. Meters.
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SECTION 2: WATER AVAILABILITY & WATER WILL SERVE COMMITMENTS.

- 2.1. Water Availability Letter.
  - 2.1.1. Fee for Water Availability Letter
- 2.2. Application for a Will Serve Commitment.
  - 2.2.1. Information Required of the Applicant
  - 2.2.2. Determination of Water Availability.
  - 2.2.3. Deposits.
    - 2.2.3.1. Deposits Required for Will Serve, Non-Discretionary Projects.
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  - 2.2.4. Issuance of Will Serve Commitment.
    - 2.2.4.1. Issuance of Will Serve Commitments for Non-Discretionary Projects.
    - 2.2.4.2. Issuance of Will Serve Commitments for Discretionary Projects.
  - 2.2.5. Refunds of Capacity Fees.
  - 2.2.6. Water Allocation System.
    - 2.2.6.1. Allocation of Supply.
    - 2.2.6.2. Public Interest Variance, Applicant Dedication of Additional Water Supply.
    - 2.2.6.3. Public Interest Variance, Service to Public Agencies.
    - 2.2.6.4. Service to Address Failing Water Wells.
    - 2.2.6.5. Highest Priority Water Service for Low Income Housing.
    - 2.2.6.6. Additional Service to Existing Permanent Structures.
    - 2.2.6.7. Priority of Water Service.
  - 2.2.7. Will Serve Commitments and Applications for Water Service for Guesthouses and Secondary dwellings.
  - 2.2.8. Request for More Units of Use.
  - 2.2.9. Non-Transferability of Will Serve Commitments.
  - 2.2.10. One-Time Voluntary Relinquishment of Water Units of Use.

- 2.3. Applications for Water Service.
  - 2.3.1. Information Required.
  - 2.3.2. Service to Premises for Which Capacity Fees Have Already Been Paid.
  - 2.3.3. Service to Premises for Which a Will Serve Commitment is Not Outstanding and Effective.
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  - 2.3.5. Limitations on Water Use.
  - 2.3.6. Property Owner's Liability.
  - 2.3.7. Individual Liability for Joint Service.
  - 2.3.8. Change in Applicant's Equipment.
  - 2.3.9. Allocation of Units of Use When a Lot Split Occurs and Payment of Increased Capacity Fees.
  - 2.3.10. Water Service Only When No Available Sewage Treatment Capacity.
    - 2.3.10.1. Request for Water Service Only.
    - 2.3.10.2. Conditions of Will Serve Commitment Issuance.
    - 2.3.10.3. Conditions for Providing Water Service.
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### SECTION 3: TEMPORARY CONSTRUCTION SERVICE.

- 3.1. General Provisions.
- 3.2. Application for Temporary Construction Service.
- 3.3. Limits of Temporary Construction Service.
- 3.4. Temporary Construction Service Usage Rates.
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- 3.6. Change of Temporary Construction Water Service Prohibited.
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- 4.1. Purpose.
- 4.2. Definitions.
- 4.3. Resource Severity Levels: Stage I.
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- 4.6. Penalties for Violations of Use Restrictions.

### SECTION 5: WATER CONSERVATION RETROFIT PROGRAM.

- 5.1. Purpose.

- 5.2. Applications for Participation.
- 5.3. Determination of Required Number of Retrofits for Approval of Application.
- 5.4. Retrofit Program Procedure.
- 5.5. Approval of Water Service Applications or Issuance of Water Will Serve Commitment Upon Completion of the Retrofit Work.
- 5.6. Retrofit Program Application Fees.

## SECTION 6: BACKFLOW CONNECTION CONTROL PROGRAM

- 6.1. Cross Connection Protection Requirements: General Provisions.
  - 6.1.1. Backflow Device Charges
- 6.2. Where Cross Connection Protection Required.
- 6.3. Type of Protection Required.
- 6.4. Backflow Protection Devices.
- 6.5. Backflow Protection Device Installation.
- 6.6. Backflow Prevention Device Testing and Maintenance.
- 6.7. Backflow Prevention Device Removal.
- 6.8. User Supervisor.
- 6.9. Administrative Procedures, Water System Survey.
- 6.10. Administrative Procedures, Customer Notification – Device Installation.
- 6.11. Administrative Procedures, Customer Notification – Testing and Maintenance.
- 6.12. Water Service Termination.
- 6.13. Requirements For Certification as a Backflow Prevention Device.

## SECTION 7: FEES AND CHARGES.

- 7.1. Water Connection and Capacity Fees.
  - 7.1.1. Residential Water Capacity Fees.
  - 7.1.2. Commercial, Industrial and Other Similar Water Capacity Fees.
  - 7.1.3. Calculating Water Capacity Fees for Senior Housing Projects.
- 7.2. Application Fees.
- 7.3. Water User Rates.
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- 7.5. Administrative and Inspection Fees.
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## SECTION 8: ENFORCEMENT OF WATER FEES & DISCONTINUATION OF WATER SERVICE.

- 8.1. Collection and Enforcement of Water User Rates and Charges.
- 8.2. Established as a means of Enforcement.
- 8.3. Property Owner Responsibility and Basis of Billing.
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- 8.5. Judicial Relief and Attorney's Fees.
- 8.6. Lien.
- 8.7. Discontinuance of Service.
  - 8.7.1. Discontinuance of Residential Service.
    - 8.7.1.1. Discontinuance of Residential Service for Nonpayment.
    - 8.7.1.2. Discontinuance of Residential Service to Customers on Master Meters.
  - 8.7.2. Discontinuance of Service, Other than a Discontinuance of Residential Service for Nonpayment.
  - 8.7.3. No Discontinuance of Service on Weekends, Holidays or After Hours.
- 8.8. Amortization of Delinquent Bill for Residential Service.
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- 8.9. Authority to Settle Controversies Relating to Discontinuance of Service.
- 8.10. Procedure on Appeal to Board.
- 8.11. Reconnection.
- 8.12. Unsafe Apparatus.
- 8.13. Fraud or Abuse.
- 8.14. Collection of Delinquent Charges with Taxes
- 8.15. Public Nuisance.
- 8.16. Enforcement Remedies Cumulative.
- 8.17. Liability.

SAN MIGUEL COMMUNITY SERVICES DISTRICT WATER CODE

SECTION 1: GENERAL PROVISIONS.

1.1 Title.

This document shall be known as the “San Miguel Community Services District Water Code” and may be cited as such.

1.2 Definitions.

Except as otherwise expressly provided, the following words used in this Code shall have the meanings hereinafter set forth:

- (a) Agent. The person, firm, corporation, partnership or other entity duly authorized by the applicant to act for the applicant.
- (b) Air-Gap Separation. The term "air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap separation shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch.
- (c) Applicant. The person, firm, corporation, partnership, public entity, or other entity applying to receive a commitment of water and/or sewer service or applying to receive water and/or sewer service for property owned by the applicant.
- (d) Approved Backflow Prevention Device. The term "approved backflow prevention device" means devices that have passed laboratory and field evaluation tests performed by a recognized testing organization that has demonstrated their competency to perform such tests to the California Department of Health Services.
- (e) Approved Tentative Map. Approved tentative map means an approved or conditionally approved tentative map or vesting tentative map for a subdivision, as such terms are found in Government Code Sections 66410, et seq.
- (f) Approved Water Supply. The term "approved water supply" means any water supply whose potability is regulated by a State or local health agency.

- (g) Auxiliary Water Supply. The term "auxiliary water supply" means any water supply on or available to the premises other than the approved water supply.
- (h) Available Water Capacity. Available water capacity means that District water supply which is or becomes available to serve new or additional water service connections over and above that water supply required to serve users of existing water service connections and development for which will serve commitment letters have been issued.
- (i) AWWA Standard. The term "AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA) for water treatment and supply.
- (j) Backflow. The term "backflow" means a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Back-siphonage and back pressure are both causes of backflow.
- (k) Board. Board shall mean the Board of Directors of the San Miguel Community Services District.
- (l) Certified Backflow Prevention Device Tester. The term "certified backflow prevention device tester" means a person certified by the District pursuant to Section Six herein to test backflow prevention devices within the District.
- (m) Code. The San Miguel Community Services District Water Code.
- (n) Construction Purposes. Construction Purposes are limited to building construction, dust control, and irrigation for erosion control (including revegetation).
- (o) Contamination. The term "contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.
- (p) Cross-Connection. The term "cross-connection" means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections,

removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

- (q) County. County shall mean San Luis Obispo County.
- (r) Development Plan. Development Plan shall have the same meaning as that term is used within San Luis Obispo County's land use ordinance, currently codified as Title 22 of the San Luis Obispo County Code, as such may be amended from time to time.
- (s) District. District shall mean the San Miguel Community Services District.
- (t) Double Check Valve Assembly ("DC"). The term "double check valve assembly" means an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water-tightness of each check valve. At a minimum, a double check valve assembly shall conform to AWWA Standard C506-78 (R83) adopted on January 28, 1978 for Double Check Valve Type Backflow Preventive Devices.
- (u) Final Map. Final map means a final map or parcel map that is recorded for a subdivision pursuant to California Government Code Sections 66464, et seq.
- (v) Guesthouse. Guesthouse shall have the same meaning as such word is used in section 22.08.030(G) of Title 22 of the San Luis Obispo County Code, as such may be amended from time to time.
- (w) Health Agency. The term "health agency" means the California State Water Resources Control Board, Division of Drinking Water, or the local health agency with respect to a small water system.
- (x) Local Health Agency. The term "local health agency" means the County of San Luis Obispo Health Agency.
- (y) Lot. Lot means any piece or parcel of land bounded, defined, or shown upon a final map or deed recorded or filed in the Office of the County Recorder of San Luis Obispo County; provided, however, that in the event any building or structure covers more area than a lot as defined above, the term "lot" shall include all such pieces or parcels of land upon which said building or structure is wholly or partly located, together with the yards, courts or other unoccupied spaces legally required for the building or structure.



- (z) Person. The term "person" means an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.
- (aa) Plot Plan. Plot plan shall have the same meaning as that term is used within the San Luis Obispo County's land use ordinance.
- (bb) Premises. Premises shall mean any lot or any piece or parcel of land comprising two or more lots of record in one ownership, or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.
- (cc) Property Profile. A document issued by a title company containing the property owner's name and address, assessor's parcel number and map, and a copy of the deed of the property described in the application.
- (dd) Public Water System. The term "public water system" means a system for the provision of water through pipes or other constructed conveyances to the public for human consumption that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system may include the following:
- (i) Any collection, treatment, storage, and distribution facilities under control of the operator that are used primarily in connection with the system.
  - (ii) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
  - (iii) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.
- (ee) Recycled water. The term "recycled water" means wastewater that as a result of treatment is suitable for uses other than potable use.
- (ff) Reduced Pressure Principle Backflow Prevention Device ("RP"). The term "reduced pressure principle backflow prevention device" means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing. As a minimum, a reduced

pressure principle backflow prevention device shall conform to AWWA Standard C506-78 (R83) adopted on January 28, 1978 for Reduced Pressure Principle Type Backflow Prevention Devices.

- (gg) Retrofit. The replacement of all plumbing fixtures within an existing building or other structure within the District with the following:
  - (i) Toilets: ultra-low flush, 1.6 gallon per flush maximum;
  - (ii) Urinals: 1.0 gallon flushometer positive pressure type;
  - (iii) Showerhead with shut off valve: 2.0 gallons per minute maximum;
  - (iv) Lavatory faucets: 2.0 gallons per minute maximum; and
  - (v) Kitchen faucets: 2.0 gallons per minute maximum
- (hh) Secondary Dwelling. Secondary Dwelling shall have the same meaning as such word is used in section 22.80.030(S) of Title 22 of the San Luis Obispo County Code, as such may be amended from time to time.
- (ii) Service Connection. The term "service connection" means the point of connection of a user's piping to the water supplier's facilities.
- (jj) Site Plan. Site plan shall have the same meaning as that term is used in San Luis Obispo County's land use ordinance.
- (kk) Subdivision. A subdivision as defined in Section 66424 of the California Government Code.
- (ll) Sub-Meter. Sub-meter means a water flow measuring device approved by the District that is owned, installed, operated, maintained, repaired and replaced by the property owner, at its expense. The District shall have rights of access across the property owner's property to read the sub-meter.
- (mm) Unit of Use. A unit of use is equivalent to 575 gallons of water per day ("gpd"), which is the average amount of water used on a daily basis in one apartment, one single family residence, one condominium unit and one mobile home unit.
- (nn) Water Supplier. The term "water supplier" means the person who owns or operates the approved water supply system.

- (oo) Water User. The term "water user" means any person obtaining water from an approved water supply system.

### 1.3 Enforcement of this Code.

The District General Manager, Director of Utilities, Fire Chief and Assistant Fire Chief are authorized by Government Code sections 53069.4 and 61064 to cite violators of District Ordinances, including all provisions of this Code, and they shall perform the aforementioned task in a professional manner without malice or personal bias.

### 1.4 District Access onto Private Property

- a) District agents, employees and representatives shall have the right of access, ingress and egress, to the premises of customers of the District water system at all reasonable hours for any purposes reasonably connected with the furnishing of water service, including, but not limited to, inspecting and closing such laterals as necessary to protect the public health and District operations and facilities, and inspecting, maintaining, improving, replacing and operating District water system facilities, equipment and apparatus located on such premises. Such agents, employees and representatives also shall have the right of access to install and construct on the customer's dwelling or building an automatic meter reading system, including necessary connections to the telephone utility line, and the installation of necessary cable lines, equipment and apparatus.
- (b) District employees, agents and representatives shall identify themselves upon request when entering upon the premises of any customer for the purposes allowed by this section.

#### 1.4.1 Interference with Access

No person shall install, construct, place or locate any structure, building, or facility of any kind, whether permanent or temporary, or any other object which is difficult to remove, on any District water line easement, or in such manner as to interfere with the District's ready and easy access to any District water system equipment, facility or apparatus. Any such obstruction, upon request of the General Manager, or Director of Utilities shall be removed immediately by the violator at no expense to District and shall not be replaced.

#### 1.4.2 Enforcement

The rights conferred, and restrictions imposed, by this Section 1.4 shall be conditions of receiving District water service. By receiving District water service, the customer agrees to comply with and consents to access by the District, in accordance with the terms of this Section 1.4. If a customer fails to comply with this Section 1.4, or otherwise violates any provision of this Section 1.4, such action shall be grounds for termination of water service to the affected premises in the manner provided by Section 8.7, or in any manner provided by law.

#### 1.5 Service to Separate Premises.

Each separate premise under single control or management shall be supplied through separate, individual service connections and meters, unless the District elects otherwise.

Service connections to separate premises must be solely on the lot which that premise resides or may be allowed to cross property lines with a recorded easement prior to the installation of the water service.

#### 1.6 Service to Multiple Units on Same or Adjoining Premises.

Separate houses, buildings, living or business establishments on the same premises or on adjoining premises under single control or management, or separately owned lots or units in multi-lot or unit structures, may be served at the option of the District by either of the following methods:

- (a) Through separate service connections and meters to each and any unit or structure, provided that the piping system from each service connection is independent and not interconnected.
- (b) Through one or more service connections or meters, which supply the entire premises or lots. Each separate premise shall be provided with a sub-meter, unless the District elects otherwise.

Service connections to separate premises must be solely on the lot which that premise resides or may be allowed to cross property lines with a recorded easement prior to the installation of the water service.

#### 1.7 Division of Presently Serviced Lots or Premises.

When a lot or premises which is presently serviced by the District is divided into two or more lots or premises, the existing service connection and/or meter shall be considered as belonging to the lot or premises which the service connection and/or meter directly enters. Prior to the delivery of water to the new lot (s) or premises,

the new lot (s) or premises shall require the installation of a service connection and meter, payment of appropriate fees, such as water ~~capacity~~-connection fees, and compliance with other District ordinances.

1.8 Meters.

- (a) All equipment associated with metering, including valves, fittings, settings, meter box and meter, shall be supplied by the District at the permittee's expense.
- (b) At the District's option, the meter and related equipment shall be installed by the District at the permittee's expense or by the permittee at the permittee's expense.
- (c) If the District elects to allow the permittee to install the meter and related equipment, the District shall inspect and approve the meter and related installation. Until the District inspects and approves the installation, water service shall not be charged to any permittee based upon metered usage. The District reserves the right, for any meter installation determined to be inadequate by the District, to complete the installation and charge the permittee for the District's installation costs.
- (d) The size of the meter and related equipment supplied by the District shall be based upon the information provided in the permit, upon existing construction, and upon the estimated water usage computed from this data.
- (e) The District reserves the right to require the location of the meter and meter box on the curb line or property line most accessible for the District from existing distribution lines. Existing service connections shall determine the point of delivery of water to the permittee.
- (f) When the District is to install the meter, the permittee or the permittee's agent shall notify the District at least five days (District holidays and weekends excluded) in advance of the time the meter is required for installation. Multiple meter installation shall be scheduled with the District at the time the permit is issued.

1.9 Operation and Maintenance of Distribution System.

- (a) The owner of the property served by the District's distribution system shall be responsible for the operation and maintenance of the private water line, and all devices or safeguards required by the District, which are located upon the owner's property and which are after the meter and/or customer service valve whether they are outside the public right-of-way line or not.

- (b) The District shall be responsible for the operation and maintenance of that portion of the distribution system, which is in the public right-of-way, which has been dedicated to the District, or which is not located upon the owner's property served by the District's distribution system.
- (c) The owner served by the District's distribution system shall be responsible and liable for all costs involved in the repair of all damage caused by the owner or agents thereof to any portion of the owner's distribution system, wherever located.

## SECTION 2: WATER AVAILABILITY & WATER WILL SERVE COMMITMENTS.

### 2.1 Water Availability Letter.

Upon receiving a written request, the District shall issue a letter giving the current status of water availability to a project or parcel of land. This letter will state, in general terms and without making a commitment to serve the project or parcel, whether the project or parcel is within the boundaries of the District, if water supply and facility capacity are currently available to serve the project or parcel, and under what conditions service would be made available. The District will attempt to identify potential problems that may be associated with making water service available to the project or parcel.

#### 2.1.1 Fee for Water Availability Letter

The written request for a water availability letter shall be accompanied by a fee, as established by Resolution of the District's Board of Directors, to cover the District's administrative costs in processing and responding to the request and issuing the letter.

### 2.2 Application for a Will Serve Commitment.

#### 2.2.1 Information Required of the Applicant

- (a) Any person desiring a will serve commitment for water service for a subdivision, final map, development plan, site plan, plot plan or premises shall submit an application to the District on a form and in such manner as determined by the District. At a minimum, said application shall include the following information:
  - (i) Date of application;
  - (ii) Name, address, and telephone number of owner and agent of the subject premises;

- (iii) Location and legal description of the subject premises, number of lots to be served, and proposed zoning;
  - (iv) Number of expected water units of use for each expected lot; and size and number of water meters for needed water service;
  - (v) Date that water service is expected for all or any part of the subject premises;
  - (vi) Purpose for which water service will be used; and
  - (vii) Such other information as District may reasonably require.
- (b) The District shall be notified by the applicant of any change in the information provided above within thirty (30) days after such change.
  - (c) If an agent will act for the owner of the subject premises in matters concerning the application, the agent shall submit to the District written evidence of such agency and authority, having a notarized signature of the owner of the subject premises.
  - (d) All applications for a will serve commitment shall be accompanied by a Lot Book Guarantee issued no more than thirty (30) days prior to the date of the application or such other written evidence satisfactory to the District evidencing the applicant's ownership of the subject premises. The Lot Book Guarantee shall be issued by a title company located within San Luis Obispo County and shall be at the expense of the applicant.
  - (e) The District shall not accept applications for water will serve commitments or applications for water service for service outside its boundaries except as provided in the succeeding sentence. Annexation shall be required to become eligible for such service, provided that commitments may be issued and service may be provided pursuant to an agreement entered into pursuant to District ordinances, rules and regulations, and as otherwise may be decided by the Board and may be required by law.
  - (f) The applicant shall pay a non-refundable application fee of \$200 per parcel at the time of submittal of the application to cover the District's costs of processing the application; provided that if the application concerns a proposed subdivision, which includes more than fifteen Assessor's Parcel, then the application fee shall be \$1000 for proposed subdivision. If a subdivision is proposed, the application and fees for individual parcels will be also required at the time those parcels are developed. In the event that

sewer service is also required additional fees will be required for such service.

- (g) Application fees will be those in effect at the time of application as adopted by Board Resolution.

## 2.2.2 Determination of Water Availability.

Upon the furnishing of the information required in Section 2.2.1 above, the District shall determine within sixty (60) days whether or not there is available water supply and facility capacity to serve the subject premises at the time of application.

- (a) If the determination is affirmative or conditionally affirmative, then the District will so notify the applicant.
- (b) If the District determines there is not available water supply or facility capacity to serve the premises at the time of application, then the application shall be denied without prejudice and placed on the District's waiting list. At the time water supply or facility capacity becomes available to serve the subject premises on the waiting list, the applicant and his/her successor shall be so notified and, if the applicant or his/her successor still desires water service, the application that was denied without prejudice shall be reconsidered and the District shall follow the procedures set forth in Sections 2.2.3 to 2.2.9.

## 2.2.3 Deposits.

### 2.2.3.1 Deposits Required for Non-Discretionary Projects.

For any application for a will serve commitment which is not required by the County in connection with any discretionary approval of a project for the subject premises, such as a tentative map, development plan, use permit, site plan or plot plan, the applicant shall deposit with the District, within fifteen (15) days after the date of the notice referenced in Section 2.2.2, one-fifth of the water connection fees owing on the application which are in effect at the time of the notice. The applicant and District shall enter into an agreement affecting the subject premises providing for the applicant's payment of the balance of the connection fees by the completion of the project. Such agreement shall provide that if, during the term of the agreement, the District pursues formation of a special zone covering those lands subject to will serve commitments and the payment of water connection fees, the applicant's property shall be proposed for inclusion in the zone and whatever balance may be owing on the water capacity fees at the time of formation of the zone shall be paid through whatever taxes, assessments, fees and/or charges are approved for such zone. The agreement also shall provide for an annual fee to administer the agreement and the payment of any installments, and the



consequences if any such installment is not timely paid. Such agreement further shall provide that the then balance owing on the connection fees shall be fully paid prior to the issuance of a building permit for the subject premises as no water service shall be provided until 100% of the connection fees is paid. On the date of such one-fifth payment and full execution of such agreement, the application for a will serve commitment shall be deemed complete. Refunds on money paid in connection with the application are nonrefundable, except as provided in Section 2.2.5.

#### 2.2.3.2 Deposit Required for Discretionary Projects.

With respect to applications for will serve commitments that will be submitted to the County in connection with the discretionary approval of a project for the subject premises, such as a tentative map, site plan, use permit, development plan or plot plan, the applicant, within thirty (30) days after the date of the notice provided in Section 2.2.2. above, shall submit proof from the County that it has accepted the applicant's application for a tentative map, development plan, site plan, use permit, plot plan or other project approval application for the subject premises ("County Accepted Application") and shall deposit within said thirty (30) day period one fifth of the water connection fees due for the units of use applied for consistent with the County Accepted Application. The amount of the connection fees due shall be based on those in effect at the time of the payment. The District and applicant shall enter into an agreement affecting the subject premises providing for the applicant's payment of the balance of the connection fees by the completion of the project. Such agreement shall provide that if, during the term of the agreement, the District pursues formation of a special zone covering those lands subject to will serve commitments and the payment of water connection fees, the applicant's property shall be proposed for inclusion in the zone and whatever balance may be owing on the water connection fees at the time of formation of the zone shall be paid through whatever taxes, assessments, fees and/or charges are approved for such zone. The agreement also shall provide for an annual fee to administer the agreement and the payment of any installments, and the consequences if any such installment is not timely paid. Such agreement further shall provide that the then balance owing on the connection fees shall be paid prior to the recording of a final map pursuant to the County Accepted Application or within thirty (30) days after County approval of the project for the subject premises, whichever is applicable. No water service shall be provided to the subdivision or project until 100% of the connection fees are paid. As of the date of such submission of proof of the County Accepted Application, the full execution of the agreement and the payment of the deposit with the District, the application for a will serve commitment shall be deemed complete. Refunds of money paid in connection with the application are nonrefundable, except as provided in Section 2.2.5 below.

#### 2.2.4 Issuance of Will Serve Commitment.

#### 2.2.4.1 Issuance of Will Serve Commitments for Non-Discretionary Projects.

- (a) With respect to an application for a will serve commitment for water service only which is not required by the County in connection with any discretionary approval of a project for the subject premises, the District shall issue to the applicant a will serve commitment for the subject premises upon receipt of the deposit submitted pursuant to Section 2.2.3.1, execution of the agreement also referenced in Section 2.2.3.1 and compliance with any other requirements of the District. The will serve commitment shall obligate the District to provide water service to the premises to the extent that water service applications for such premises propose no more units of water use than are stated for such premises in the application for the will serve commitment. The will serve commitment shall terminate at the sooner to occur of ten (10) years after the date of the will serve commitment or unless connection to the District water system has been made prior to the termination or expiration of any permit or approval, or upon the termination or expiration of any building permit issued to the applicant for construction of improvements on the parcel subject to the will serve commitment.
- (b) If an applicant fails to pay an installment of the connection fees due pursuant to an agreement, as referenced in Section 2.2.3.1, within 60 days after the date that it is due, then the will serve commitment shall be deemed forfeited and the water units of use specified in such commitment shall be relinquished to the District as of the date of such forfeiture. Interest at 1 % per month and a penalty of 10% of the installment payment due shall be paid with respect to any late installment payment made prior to such forfeiture. Upon forfeiture, refunds of installment payments made on forfeited units shall be made without interest and in accordance with Section 2.2.5.

#### 2.2.4.2 Issuance of Will Serve Commitments for Discretionary Projects.

- (a) With respect to applications for will serve commitments that will be submitted to the County in connection with the discretionary approval of a project for the subject premises, the District shall issue the applicant a will serve commitment for such premises upon payment of the deposit, the execution of the agreement, submission of proof of the County Accepted Application and compliance with any other requirements of the District. The will serve commitment shall be effective for the soon to occur of ten (10) years or for so long as the County accepted application remains in effect and its continued validity shall be subject to timely payment of the installments of the connection fees, and County approval of the project for

the subject premises consistent with such Application. If the County approves the project consistent with the County approved application, then the will serve commitment shall remain in effect consistent with such County approval.

- (b) If the County accepted application is withdrawn, expires, is denied or fails for any reason in whole or in part, then the units of use in the will serve commitment no longer required for the project, as described in said County accepted application, because of the withdrawal, expiration, denial or other failure shall be deemed forfeited and relinquished to the District as of the date of such withdrawal, expiration, denial or other failure. Refunds of money paid on units of use so forfeited and relinquished shall be refunded in accordance with Section 2.2.5.
- (c) If County approval of the project reduces the number of units of use required for the subject premises from that stated in the County Accepted Application, then those units not so approved shall be forfeited and relinquished to the District as of the date of the County approval. Refunds of money deposited on units of use so forfeited and relinquished shall be refunded in accordance with Section 2.2.5.
- (d) Upon forfeiture of a will serve commitment, the applicant must apply for a new will serve commitment for the subject premises in accordance with District rules, regulations and ordinances.
- (e) The will serve commitment issued pursuant to Section 2.2.4.2 shall obligate the District to provide water service to the subject premises to the extent that applications for water service to any portion or all of the subject premises propose no more units of use than such are stated for such premises in the application for the will serve commitment consistent with any County approval.
- (f) If an applicant fails to pay an installment of the capacity fees due pursuant to an agreement, as referenced in Section 2.2.3.2, within 60 days after the date that it is due, then the will serve commitment shall be deemed forfeited and the water units of use specified in such commitment shall be relinquished to the District as of the date of such forfeiture. Interest at 1 % per month and a penalty of 10% of the installment payment due shall be paid with respect to any late installment made prior to such forfeiture. Upon forfeiture, refunds of installment payments made on forfeited units shall be made without interest and in accordance with Section 2.2.5.

#### 2.2.5 Refunds of Connection Fees.

No refunds on water connection fees paid shall be allowed, except under the following circumstances:

- (a) With respect to connection fees paid pursuant to Section 2.2.3.1 or 2.2.3.2, the applicant may request a refund of the capacity fees paid without interest for any unit of use forfeited as long as a written request therefor is made within thirty (30) days after the units of use were forfeited to the District. The amount of the refund shall be equal to the amount of connection fees paid on the units of use forfeited. All refunds shall be made in accordance with (b) below. The District finds that it incurs certain administrative costs with respect to the processing of applications for will serve commitments and requests for refunds. The applicant requesting a refund shall pay a \$150 administrative fee at the time of making the refund request. Such fee reasonably covers the District's costs incurred in such refund processing.
- (b) Upon the timely submittal of a request for refund, the District, so long as it does not have a water supply to allocate, shall make the units of use forfeited available to the next applicant for a will serve commitment or service consistent with such applicant's application. Within five (5) business days after the date of the District's notice of availability of such units, the next applicant shall provide the District with written notice as to the acceptance of all or any portion of the units made available. The applicant shall pay one hundred percent (100%) of the connection fees due on the accepted units within twenty (20) days after the date of the District' notice referenced above. The amount of the connection fees due shall be based on the water capacity fees in effect at the time of the payment for the accepted units. Upon payment of the connection fees due, the District shall make the refund due, as provided in (a) above within ten (10) days after the next applicant who accepts the forfeited units pays the requisite connection fees in the case of a non-discretionary project, and in the case of a discretionary project, within ten (10) days after the applicant accepting the forfeited units timely submits a County Accepted Application.
- (c) If the next applicant does not accept all or any portion of the units made available to him or her pursuant to subdivision (b), then the applicant shall retain his or her position on the waiting list with respect to any units covered by his or her application and not accepted pursuant to the notice of availability.
- (d) If the applicant accepting the forfeited units of use pursuant to (b) above has submitted an application for a will serve commitment which will be submitted to the County in connection with the discretionary approval of a project for the subject premises, as specified in Section 2.2.3.2, and the

applicant has deposited the required amount of the connection fees for all of the units of use requested in the applicant's application, then the applicant shall have on hundred twenty (120) days from the date of the applicant's deposit of connection fees to submit proof of submission of a County Accepted Application. As of the date of such submission, the application for a will

serve commitment shall be deemed complete. Thereafter, the District shall issue a will serve commitment consistent with the provisions of Section 2.2.4.2. If the applicant fails to timely submit proof of submission of the County Accepted Application, then the District shall refund the amount deposited without interest, less an administrative fee of \$150 to cover the District's costs in processing the refund, and the applicant will be removed from the waiting list and will have to reapply for a will serve commitment in accordance with District rules, regulations and ordinances. Further, any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the District as of the date of the deadline for submission of proof of submittal of a County Accepted Application. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Sections 2.2.5(a) and (b).

- (e) A request for refund of forfeited units may be made only by the then legal owner of the premises for which the will serve commitment regarding such units was issued. The person making the refund request must submit to the District, at such person's cost, a Lot Book Guarantee evidencing the person's ownership of the subject premises, which is issued no more than thirty (30) days prior to the date of the refund request or submit other evidence satisfactory to the District evidencing the person's ownership of the subject premises. The Lot Book Guarantee shall be issued by a title company located within San Luis Obispo County. All refunds made pursuant to such request shall be made to the legal owner at the time of the refund request.

## 2.2.6 Water Allocation System.

- (a) The District's water supply shall be allocated and regulated in accordance with the policies, priorities and procedures set forth in this Section 2.2.6.
- (b) The District's water service waiting list will begin at the adoption of this water code.

### 2.2.6.1 Allocation of Supply.

- (a) Any newly developed District water supply source that the District determines can be made available to new users shall be allocated first to those applicants on the waiting list who already have secured from the District all of the sewer units of use applied for by such applicants or have applied for only water service or a water will serve commitment only. Such allocation shall be based on the applicant's priority on the waiting list. The District shall provide that applicant with a written notice of availability of units of use. If an applicant receives such a notice of availability, then, within ten (10) business days after the date of such notice, the applicant shall notify the District in writing whether the applicant will accept the units of use offered in the notice. An applicant for a water will serve commitment of a water/sewer will serve commitment shall pay one-fifth of the connection fees due on the accepted units within thirty (30) days after the date of the District's written notice of availability. An applicant for water service shall pay 100% of the connection fees due within 30 days after the date of the District's written notice of availability. The amount of the connection fees due shall be based on the water connection fees in effect at the time of the payment for the accepted units. If there is any remaining water supply after completion of the allocation process addressed above, then such remaining supply shall be allocated to other applicants on the District's waiting list based on their priority on that waiting list and pursuant to the procedures set forth in the District's Water Code.
- (b) If the applicant's application is for a water will serve commitment only that will be submitted to the County in connection with the discretionary approval of a project for the subject premises, as specified in Section 2.2.3.2, and the applicant has timely deposited the required amount of the connection fees for all of the water units of use requested in the applicant's application or has otherwise secured the requisite water units of use needed for the applicant's application, then the applicant shall execute an agreement consistent with Section 2.2.3.2 and submit proof of submission of a County Accepted Application within one hundred and twenty (120) days from the date that the applicant deposited the connection fees as required in (a) above. As of the date of such submission, the applicant's application for a will serve commitment shall be deemed complete. Thereafter, the District shall issue a will serve commitment consistent with the provisions of Section 2.2.4.2. If the applicant fails to timely submit proof of submission of the County Accepted Application, then the District shall refund the amount deposited without interest, less a \$500 administrative fee to cover District's costs in processing the refund, and the applicant will be removed from the waiting list and will have to reapply for a will serve commitment in accordance with District rules, regulations and ordinances. Further, any units of use previously accepted and paid for by

the applicant shall be forfeited and shall revert to the District as of the date of the deadline for submission of proof of submittal of a County Accepted Application. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Section 2.2.5.

- (c) If the applicant's application is for a water and sewer will serve commitment that will be submitted to the County in connection with the discretionary approval of a project for the subject premises, as specified in Section 2.2.3.2, and the applicant has timely deposited the required amount of the capacity fees for all of the water and sewer units of use requested in the applicant's application or has otherwise secured the requisite water and sewer units of use needed for the applicant's application, then the applicant shall execute an agreement consistent with Section 2.2.3.2 and submit proof of submission of a County Accepted Application within one hundred-twenty (120) days from the date that the applicant deposited the capacity fees as required in (a) above. As of the date of such submission, the applicant's application for a will serve commitment shall be deemed complete. Thereafter, the District shall issue a will serve commitment consistent with the provisions of Section 2.2.4.2. If the applicant fails to timely submit proof of submission of the County Accepted Application or fails to timely execute the agreement, then the District shall refund the amount deposited without interest, less a \$150 administrative fee to cover the District's costs in processing the refund, and the applicant will be removed from the waiting list and will have to reapply for a will serve commitment in accordance with District rules, regulations and ordinances. Further, any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the District as of the date of the deadline for submission of proof of submittal of a County Accepted Application. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Section 2.2.5.
- (d) If the applicant is offered all of the water and sewer units of use requested or the balance needed by the applicant to complete the applicant's application but the applicant declines such offer or fails to timely deposit the required amount of the connection fees as specified in (a) above and (g) below, the applicant shall be removed from the waiting list and will have to reapply for water and sewer service or a will serve commitment in accordance with District rules, regulations and ordinances. Any units of use previously accepted and paid for by the applicant shall be forfeited and shall revert to the District as of the date that the applicant declines the offer or fails to timely make the required deposit. Refunds of money paid on such forfeited units of use shall be refunded in accordance with Section 2.2.5.

- (e) If the applicant is offered only a portion of the remaining balance of the water units of use needed to complete the applicant's application, then the applicant may decline such offer and retain his or her position on the waiting list with respect to any units of use covered by his application and not accepted and paid for pursuant to the notice of availability. If the applicant accepts some or all of the portion of water units needed to complete his/her application, then the applicant shall pay one-fifth of the capacity fees due on the accepted units within thirty (30) days after the date of the District's written notice of availability and within said period of time also shall execute an agreement consistent with Section 2.2.3.1.
- (f) If the applicant's application is for a water will serve commitment only and the applicant does not require County discretionary approval for the project for the subject premises, then the applicant, to the extent it accepts the units of use offered in the notice provided in (a) above, shall pay one-fifth of the capacity fees due on the accepted units within thirty (30) days after the date of the District's written notice of availability and within that period of time also execute an agreement consistent with Section 2.2.3 .1.
- (g) When an applicant is offered all or the balance of the water units of use needed to complete the applicant's application and the applicant has not secured all of the sewer units of use needed to complete the applicant's application for a sewer will serve commitment or application for sewer service, then, assuming there is sewer treatment capacity available, the District shall offer the sewer units needed to complete the applicant's application at the same time that it offers the water units. The total amount of the sewer connection fees due shall be paid within the same period of time required for the payment of the deposit on the water connection fees.
- (h) After any waiting list is exhausted, then any remaining water supply shall be allocated on a first-come, first-served basis with the date of a completed application establishing the applicant's priority. If the District exhausts any newly developed supply, then it shall reestablish a waiting list for all applicants.

#### 2.2.6.2 Public Interest Variance, Applicant Dedication of Additional Water Supply.

At times when the District does not have available water capacity, the Board of Directors of the District may consider and allow exceptions to the foregoing allocation scheme and priorities when the Board finds that an applicant can provide the District an additional source of water sufficient in quantity to meet the water service demands of the applicant's development. A will serve commitment for new or additional units under this section will be issued by the District only after the District and the applicant have executed a contract in a form acceptable to the



District whereby the applicant firmly commits and binds itself to provide and dedicate to the District the additional source of water, such source is actually developed and can be made available for use, and the applicant complies with all other provisions of this Section 2.2 concerning issuance of will serve commitments, unless the District determines otherwise.

#### 2.2.6.3 Public Interest Variance, Service to Public Agencies.

- (a) If, at any time, a public agency applies for water service for one of its facilities when the District does not have water supply or facility capacity available, then the application of such public agency shall be placed at the top of the District's then existing waiting list. If more than one public agency applies for water service when the District does not have water supply or facility capacity available, then those applicants shall be considered in accordance with the priority date of each completed application; and when water capacity becomes available, it shall be allocated in accordance with such priorities. This section shall apply to any need of the District for water service to one of its facilities.
- (b) The Board finds that the above provisions serve valid public purposes and are necessary in order to provide assistance to other governmental entities to allow the carrying out of public services and functions within the District and to make such services more available, responsible, efficient and effective for the inhabitants of the District.

#### 2.2.6.4 Service to Address Failing Water Wells.

In considering applications for water service, the Board of Directors of the District may allow exceptions to the allocation system in this Section 2.2.6 when the Board finds that an applicant's current water supply for the applicant's residence is failing and no longer adequate to provide the water supply necessary to meet health, safety, sanitation and fire protection needs. If the Board of Directors grants such an exception, the applicant shall disconnect the well from the residence and install a District approved backflow prevention device on the customer side of the District meter. District water service to the residence shall not commence until such disconnection and installation have occurred. The applicant, at its cost, shall be responsible for the operation, maintenance, repair and replacement of the backflow prevention device. The District shall have the right to periodically test the device at the applicant's cost. If the device is not functioning properly, the District shall so notify the applicant and may disconnect service until the applicant repairs or replaces the device to the satisfaction of the District.

#### 2.2.6.5 Highest Priority Water Service for Low Income Housing.

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- (a) If, at any time, a proposed development that includes housing units affordable to lower income households, as defined in Government Code Section 65589.5(h)(3), applies for water service when the District does not have sufficient water supply as defined in paragraph (2) of subdivision (a) of Government Code section 66473.7, or is operating under a water shortage emergency as defined in Water Code section 350, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report, or the District is subject to a compliance order issued by the State Water Resources Control Board, Division of Drinking Water that prohibits new water connections, then the application of such proposed low income housing shall be placed at the top of the District's then existing waiting list. If more than one proposed development that includes housing units affordable to lower income households applies for water service when such service cannot be provided for the aforementioned reasons, then those applicants shall be considered in accordance with the priority date of each completed application; when water capacity becomes available, it shall be allocated in accordance with such priorities.
  - (b) This priority shall take precedent over any other public interest variance.

#### 2.2.6.6 Additional Service to Existing Permanent Structures.

- (a) If, after the property owner has diligently attempted to reduce water usage, additional water units of use are needed in order to effect a change in water use at an existing permanent building and/or modify or expand an existing permanent building which already is served by the District, then the property owner shall submit an application for water service requesting the additionally needed water units of use. Upon District review and approval of said application, the application shall be placed on a waiting list separately created for additional service to existing structures. Applications placed on such list shall be listed based on the date that the District approves the application with the oldest dated application placed first on the list. With respect to any newly developed District water supply source that the District determines can be made available to new users in accordance with Section 2.2.6.1, 15 percent of such supply shall be allocated to those on the waiting list created by this Section 2.2.6.6 after allocating any such supply to those on the Section 2.2.6 (b) waiting list pursuant to Section 2.2.6.5. If, after the allocation is provided as provided herein, there is an unused portion of such allocation, then such unused portion shall be allocated pursuant to Section 2.2.6.1.
- (b) The Board finds that this Section 2.2.6.6 is reasonable and serves valid public purposes in order to facilitate changes in use at existing buildings

approved by the County where the increased water demand is known and limited.

#### 2.2.6.7 Priority of Water Service.

If the District's waiting list contains pending applications for service pursuant to more than one of the above-referenced sections providing a priority for service (Sections 2.2.6.3, 2.2.6.4, and 2.2.6.5), then when allocating a new supply or newly available water units of use, the District shall make such allocation in the following order of priority: 2.2.6.5, 2.2.6.4, and 2.2.6.3.

#### 2.2.7 Will Serve Commitments and Applications for Water Service for Guesthouses and Secondary dwellings.

- (a) A Secondary Dwelling shall be subject to the provisions respecting will serve commitments and applications for service and to all other provisions of this Code.
- (b) Upon application to the District in the forms provided for in Sections 2.2 and 2.3, a guesthouse shall be entitled to a will serve commitment and water service from the District without payment of any capacity fees or the need for a water unit of use and shall not otherwise be subject to the provisions of this Code, on condition that the primary residence, through whose meter the guesthouse will receive water service, has allocated to it a valid water unit of use. Except as otherwise specifically provided for herein, a guesthouse shall be subject to District rules, regulations, resolutions and ordinances governing sewer and water service.

#### 2.2.8 Request for More Units of Use.

If an applicant for a will serve commitment for any premises requests additional units of use for such premises over that amount stated in the initial application after the will serve commitment has been issued, then the applicant shall reapply for such additionally requested units of use in accordance with the provisions of this Section 2.

#### 2.2.9 Non-Transferability of Will Serve Commitments.

The water units of use set forth in a will serve commitment issued to premises described in an application for a will serve commitment shall not be transferable to any other premises; provided, however, that if adjacent lots under one legal ownership are combined into one legal lot by virtue of a lot line adjustment or other means, units of use committed to any one of said adjacent lots can be used anywhere on the newly created combined legal lot.

2.3 Applications for Water Service.

2.3.1 Information Required.

- (a) Each applicant for water service shall be required to sign an application form, provided by the District, which, at a minimum, will set forth:
  - (i) Date of application;
  - (ii) Names, addresses and telephone numbers of the owner, agent, and the customer, who is the person to whom District bills shall be mailed;
  - (iii) Legal description (Assessor's Parcel No.(s)) of premises to be served;
  - (iv) The number and size of meters required for requested services;
  - (v) Date applicant will be ready for service;
  - (vi) Whether the premises have been previously served by the District;
  - (vii) Purpose for which water service is to be used;
  - (viii) Whether water capacity fees have been previously paid for such premises, and, if so, the amount of such fees, and the date that they were paid;
  - (ix) Number of water units of use required for the subject premises, as determined by the District upon information provided by the applicant;
  - (x) Such other information as the District may reasonably require.
- (b) The District shall be notified by the applicant of any change in the information provided above within thirty (30) days after such change.
- (c) If an agent will act for the owner of the subject premises in matters concerning the application, the application shall so provide, and the agent shall submit to the District written evidence of such agency and authority, having a notarized signature of the owner of the subject premises.

2.3.2 Service to Premises for Which a Will Serve Commitment Has Been Issued.

- (a) If the application is for service to premises for which a will serve commitment is outstanding and effective, and the number of units of use applied for such premises do not exceed that stated in the will serve commitment, then a water service permit shall be issued for the premises upon submission of the information required in Section 2.3.1, payment of a Water Connection Fee, payment of any applicable charges and compliance with other District rules and regulations governing water service. The Water Connection Fee was established by the District Board and is effective as of July 1<sup>st</sup>, 2018. There shall be no time limit on the permit once all fees are paid in full.

2.3.3 Service to Premises for Which a Will Serve Commitment is Not Outstanding and Effective.

- (a) **Determination of Water Availability.** Once the applicant has supplied the information required in Section 2.3.1, the District shall determine within sixty (60) days whether there is water supply and facility capacity available to provide the requested service. If the determination is affirmative, then within sixty (60) days of such determination, the District shall notify the applicant to pay all applicable charges, including the requisite water connection fees in effect at the time of the notice, which shall be paid within sixty (60) days of the date of the request.
- (b) **Determination of Non-Availability.** If the District determines there is not available water supply or facility capacity to provide the required service at the time of application, then the application shall be denied without prejudice and placed on the District's waiting list. At the time water supply and/or facility capacity becomes available to serve the applicant on the waiting list, the applicant shall be so notified and, if the applicant still desires service, the application that was denied without prejudice shall be reconsidered, and the District shall proceed in accordance with the provisions of subdivision (a) above.
- (c) Once the applicant has supplied all of the information required pursuant to Section 2.3.1, has paid all applicable fees, and has otherwise complied with other District rules and regulations governing water service, then the application shall be deemed complete. The date of such completion shall be stated on the application. As of that date, the applicant shall be entitled to a water service permit for the service provided to the subject premises. There shall be no time limit on such permits. The permit shall not be transferable to other property.

#### 2.3.4 Refunds.

The applicant shall not be entitled to any refund of monies paid pursuant to this Section 2.3, except that the applicant shall be entitled to a refund of the capacity fees paid for any unit of use no longer required by the applicant, if a request therefor is made in writing and is received by the District prior to commencement of service. The request for refund shall be accompanied with a non-refundable fee in the amount \$150 to cover the costs to process the request. The District shall make the refund in accordance with Section 2.2.5(c). The Board finds that it incurs certain administrative costs with respect to the processing of applications for service and requests for refunds, and that a non-refundable fee of \$150 reasonably covers the District's costs incurred in such processing.

#### 2.3.5 Limitations on Water Use.

Use of water by an applicant on different premises, through more and/or larger meters, for different purposes, or for more units of use than stated in the application shall be considered an unauthorized use and is prohibited. Water and/or sewer service to the applicant may be entirely disconnected pursuant to District ordinances, rules and regulations for any such unauthorized use. Use of water on any unauthorized premises, through an unauthorized meter, for unauthorized purposes, or for more units of use shall require the submittal of a new application and shall be subject to the availability of water supply or facility capacity and/or sewer treatment capacity at the time of such application, the payment of all application charges then in effect, and the District ordinances, rules and regulations then in effect.

#### 2.3.6 Property Owner's Liability.

Applicants for service to rental units may be the lessee or renter of the premises for which service is requested or may be the owner of said premises. Bills shall be mailed to the person designated as the customer on the application who shall be liable for payment of all District rates and charges, and shall otherwise be subject to the District ordinances, rules and regulations. In any situation where the lessee or renter is the designated customer for the premises to be served by the District, the owner of the premises so leased or rented shall guarantee payment of all District rates and charges incurred for service to his/her premises, shall otherwise be subject to District ordinances, rules and regulations, and shall be responsible jointly and severally with the designated customer for payment of any delinquent bill.

#### 2.3.6 Individual Liability for Joint Service.

Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills. One person shall be designated on the application for receipt of the bills.

#### 2.3.8 Change in Applicant's Equipment.

Applicants desiring to make any material change in the size, character or extent of the equipment utilized in receiving District service, as such equipment is stated in the completed application for service, shall give the District advance written notice of the extent and nature of the change. If the proposed change requires more water units of use, then the applicant shall submit a new application for service and shall be subject to the availability of water supply and facility capacity at the time of such application, the payment of all applicable charges then in effect, and the District ordinances, rules and regulations then in effect.

#### 2.3.9 Allocation of Units of Use When a Lot Split Occurs and Payment of Increased Connection Fees.

Upon the subdivision of a lot to which water units of use have been committed by the District, units of use so committed in excess of those required to serve any existing building or other structures on any of the newly created lots may be used on any of the other newly created lots; provided that upon application for service to such lots where such application is based on utilization of all or any portion of the excess units, the applicant shall pay the difference between the connection fees previously paid for such units of use and the connection fees in effect at the time of the application for service.

#### 2.3.10 Water Service Only When No Available Sewage Treatment Capacity.

##### 2.3.10.1 Request for Water Service Only.

An applicant may apply for a will serve water commitment or apply for water service only, and the District shall provide such commitment or service upon compliance with the applicable provisions for obtaining such commitments or service as provided in this Code, if the following conditions apply:

- (i) The new construction or development on the subject premises does not require District sewer service, or will not utilize any additional sewage treatment capacity; and
- (ii) The District has available water supply and facility capacity to serve the new construction or development.

##### 2.3.10.2 Conditions of Will Serve Commitment Issuance.

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- (a) The issuance of a will serve commitment pursuant to this Section 2.3.10 shall be made notwithstanding a waiting list established for applicants who require both water and sewer service when sewage treatment capacity is not available, but water supply and facility capacity is available.
  - (b) Notwithstanding Section 2.2.4, a will serve commitment issued pursuant to this Section 2.3.10 shall be valid for ten (10) years. Upon the expiration of such period, the applicant may request renewal of such commitment. Such request shall be in the form of a new application for a will serve commitment. The application shall be treated the same as any other new application for a will serve commitment. For instance, it will be subject to any then existing waiting list established, shall be subject to the availability of water supply and facility capacity at the time of the application, and shall otherwise be subject to District ordinances, rules and regulations then in effect. However, with respect to connection fees, the applicant shall pay the difference between the connection fees in effect at the time of the notice given pursuant to Section 2.2.2 and the fees already paid.

#### 2.3.10.3 Conditions for Providing Water Service.

- (a) The provision of water service pursuant to this Section 2.3.10 shall be provided notwithstanding a waiting list established for applicants who require both water and sewer service when sewage treatment capacity is not available, but water supply and facility capacity is available.
- (b) Notwithstanding Sections 2.3.2 and 2.3.3 hereof, any permit issued on an application for water service shall be valid for two (2) years from the date of issuance. Service shall commence to the subject premises within that two (2) year period. The applicant may request renewal of the permit. Such request shall be in the form of a new application for water service. The application shall be treated the same as any other new application for water service. For instance, it will be subject to any then existing waiting list established pursuant to Section 2.2 hereof, shall be subject to the availability of water supply and facility capacity at the time of the application, and shall otherwise be subject to District ordinances, rules and regulations then in effect. However, with respect to connection fees, the applicant shall pay the difference between connection fees in effect at the time of the notice given pursuant to Section 2.3.3 and the fees already paid.

#### 2.3.10.4 Subsequent Need for Sewer Service.

If subsequent to the issuance of a will serve commitment or permit pursuant to this Section 2.3.10, an applicant requests sewer service before water service



commences, then the will serve commitment or permit shall no longer be effective, as of the date of the request. The applicant shall be required to reapply for both water and sewer service in accordance with the provisions of the San Miguel Community Services District Sewer and Water Codes; provided, however, the applicant shall be credited for any Capacity fees paid.

### SECTION 3: TEMPORARY CONSTRUCTION SERVICE.

#### 3.1 General Provisions.

The District may authorize the use of water for temporary construction service pursuant to the terms of this Section 3.

If a District non-potable water source is available and within reasonable distance to the construction project, then that source will be required to be used before any potable sources. Non-potable sources will be billed in accordance with standard hydrant meter billing rates.

#### 3.2 Application for Temporary Construction Service.

Prior to receiving temporary construction water service from the District and connecting into any District facility, including fire hydrant connections, a contractor shall make written application for such service on the forms provided by the District. No temporary construction water service shall commence until the application is complete and approved by the District, and the applicant has made all deposits required by this Section 3.

#### 3.3 Limits of Temporary Construction Service.

Temporary service shall not exceed 6 months of use without District approval and use is limited to use of water to facilitate Construction Purposes, as that term is defined in Section 1.2.

#### 3.4 Temporary Construction Service Usage Rates.

- (a) The contractor shall pay the District for temporary construction water service at the rates for water service established by the District, as such may be amended from time to time, based on a hydrant meter to be used by the contractor.
- (b) If the amount required by subdivision (a) is not paid within ten (10) days of the date of the demand, interest and penalties shall accrue on said amount at

the rates and penalties charged by the District for late payment of water rate bills.

3.5 Security Deposit.

- (a) The contractor shall be responsible for the correct and safe operation of the meter and other facilities.
- (b) The contractor shall deposit with the District the sum of \$750 as a hydrant security deposit and a \$100 monthly fee (to be billed with the regular monthly billing) to cover the cost of installing, billing and removing any service facilities necessary to furnish the applied service. Such amounts are subject to change pursuant to District Board Resolution.
- (c) Upon termination of temporary construction water service, the District shall refund to the contractor the deposit paid, less any amount owed for actual usage, and less an amount necessary to repair or replace any District facilities damaged or not returned by the contractor, including but not limited to the fire hydrant meter. In the event that the amount to repair and/or replace damaged or not returned facilities exceeds the amount of the remaining deposit, then the contractor shall pay the difference within thirty days of the date of a District bill therefor. Interest and penalties shall accrue on any late payment at the rates and penalties charged by the District for late payment of water rate bills.

3.6 Change of Temporary Construction Water Service Prohibited.

- (a) A contractor applying for temporary construction water service shall receive such service at the location approved and designated by the District and at no other location. Relocation of fire hydrant meter or other District facility necessary to furnish temporary water service to an unapproved location is a violation of this Section 3, and in addition to other applicable enforcement mechanisms, will result in forfeiture of the contractor's hydrant security deposit and immediate confiscation of the fire hydrant meter.
- (b) The contractor receiving temporary water service shall use such water received for Construction Purposes only and at the location approved and designated by the District. Use of water for purposes other than Construction Purposes or at an unapproved location is cause for immediate termination of the supply of temporary water service.

3.7 District's Termination of Temporary Construction Water Service.

The District may terminate the supply of water to any contractor receiving temporary construction water service for any of the following reasons:

- (a) The contractor's violation of this Section 3 or any other provision in this Code, or ordinance, rule or regulation of the District pertaining to the provision of water service;
- (b) Upon the District's determination that the water provided is required for the District's permanent customers; or
- (c) Upon the District's determination that such water is necessary to maintain adequate minimum pressure within the District's distribution systems.

3.8 Contractor Liable for All Reasonable Expenses.

The contractor who receives temporary construction water service shall be liable for all reasonable expenses, including but not limited to attorney's fees, incurred by the District in its enforcement of this Section 3.

3.9 Billing for Temporary Construction Water Service.

The contractor shall be billed monthly or at the time service is terminated whichever is first. The charges shall be based on a current reading of usage from the meter and be billed in accordance with Section 3.4.

3.10 General Rules Applicable.

Where applicable, the provisions of this Code, and other District rules, regulations and ordinances governing District water service shall apply to the provision of temporary construction water service, including but not limited to, the procedures for the collection and enforcement of delinquent water rates.

SECTION 4: WATER CONSERVATION STANDARDS & REGULATIONS.

4.1 Purpose.

It is the purpose of this Section 4 to reduce the demand of potable water within the District boundaries, and to its uses outside the District. This Section 4 provides the method by which certain water use restrictions are implemented, depending on the level of scarcity of the District's water supplies.

4.2 Definitions.

The following words used in this Section 4 will have the meanings hereinafter set forth:

- (a) Resident, Customer, User. The terms Resident, Customer, User, or any other term used in reference to a direct or indirect consumer of water provided by or through the District, shall apply to every person, firm, partnership, association, government agency or entity of any kind receiving water from the District. All water customers whose names are shown on the District's account records shall be equally responsible and liable for water use by tenants, lessees, co-owners, and all other persons utilizing water on the premises through the account.
- (b) Pumping Threshold. Pumping Threshold means the number of hours that all available District wells are being pumped for a specific number of days. Each resource severity level, identified in sections 4.3 through 4.5, has its own pumping threshold, which when exceeded, triggers certain restrictions on water use.
- (c) Resource Severity Level. Resource Scarcity Level represents the relative availability of groundwater as a function of its assigned pumping threshold; or a climatic history of insufficient rainfall which indicates the reaching of any Resource Severity Level is probable or eminent. The computer basin model deriving from the San Miguel Groundwater Basin Study is also a factor in determining the severity level, in terms of the available water storage of the basin.

#### 4.3 Resource Severity Levels: Stage I.

- (a) The Pumping Threshold for Stage I will have been exceeded when all available District wells have pumped seventeen (17) or more hours per day for five consecutive days, or for a total of five (5) days in any ten (10) day period.
- (b) When the Pumping Threshold has been reached, or the Board of Directors has determined that based on the climatic history or available groundwater basin storage data a potential water supply crisis is probable or imminent, a Stage I status will go into effect upon declaration by the General Manager or designee when the Pumping Threshold has been exceeded or upon declaration by the Board of Directors in the event that it has been determined that there is a potential water supply crisis.
- (c) Upon the declaration of a Stage I Resource Severity Level, the following actions and use restrictions will be implemented:

- (i) Written notice of the Stage I Resource Severity Level will be mailed to all customers of the District within three working days of its declaration. The notice will contain the reason for the declaration, and describe the use restrictions imposed, the estimated duration of the restrictions and the penalties for non-compliance;
- (ii) Water conservation brochures will be mailed out with the notices referenced in 4.3(c)(i) above. The brochure will contain tips and suggestions that will help customers reduce their consumption;
- (iii) All watering of lawns, shrubs, or other landscaping, including any other form of outside irrigation, will be prohibited between the hours of 8 a.m. to 5 p.m.;
- (iv) The local newspapers, and radio and television stations will be asked to publicize the declaration of the Stage I level and the implementation measures; and
- (v) Any other special measures that the Board may adopt.

#### 4.4 Resource Severity Levels: Stage II.

- (a) The Pumping Threshold will have been exceeded when all available District wells have pumped nineteen (19) or more hours per day for five (5) consecutive days, or for a total of five (5) days in any (10) day period.
- (b) When the Pumping Level has been exceeded, or the Board of Directors has determined that based on the climatic history or available groundwater basin storage data that a potential water supply crisis is probable or imminent, a Stage II status will go into effect upon declaration by the General Manager or designee when the Pumping Threshold has been exceeded or upon declaration the Board of Directors in the event that it has been determined that there is a potential water crisis.
- (c) Upon the declaration of a Stage II Resource Severity Level, the following actions and use restrictions will be implemented:
  - (i) Written notice of the Stage II Resource Severity Level will be mailed to all customers of the District, within three working days of its declaration. The notice will contain the reason for the declaration, and describe any use restrictions, the estimated duration of the restrictions and the penalties for non-compliance;

- (ii) All watering of lawns, shrubs, or other landscaping including any other form of outside irrigation, will be prohibited between the hours of 8 a.m. to 5 p.m. In addition, all outside watering will be further restricted to alternate days. All residences, businesses, or any other customers of the District whose street address is even numbered will be allowed to water during the appropriate hours on the corresponding even numbered days. Odd numbered street addresses will be allowed to water on the corresponding odd numbered days.;
- (iii) All wasting of water will be prohibited. Examples of water wasting include, but are not limited to: washing streets, sidewalks and driveways down instead of sweeping, letting hoses run open and/or without a controlling device at the end, and outside watering or irrigation practices that result in water running off the property;
- (iv) The local newspapers, and radio and television stations will be asked to publicize the declaration of the Stage II level, and the implementation measures;
- (v) A request of the community to voluntarily conserve water will be publicly made by the District. The percentage of water use reduction requested will be determined by the Board of Directors as soon as possible after the declaration of the Stage II level; and
- (vi) Any other special measures that the Board may adopt.

#### 4.5 Resource Severity Levels: Stage III.

- (a) The Pumping Threshold will have been exceeded when all available District wells have pumped twenty-one (21) or more hours per day for five (5) consecutive days, or for a total of five (5) days in any ten (10) day period.
- (b) When the Pumping Level has been exceeded, or the Board of Directors has determined that based on the climatic history or available groundwater basin storage data a potential water supply crisis is probable or imminent, a Stage III status will go into effect upon declaration by the General Manager when the Pumping Threshold has been exceeded or upon declaration by the Board of Directors in the event that it has been determined that there is a potential water supply crisis.
- (c) Upon the declaration of a Stage III Level, the District will set a date for a public hearing to consider the declaration of a water shortage emergency, pursuant to Water Code sections 350 through 358. The following measures

will be considered for adoption at the hearing if the water shortage emergency is declared:

- (i) Mandatory water use reductions, and the percentage of reductions;
- (ii) The prohibition of all outside watering, irrigation or use of water other than for the use of pets or livestock;
- (iii) An appeal process for those District customers that are dissatisfied with the District's water use restrictions, and are seeking redress from the Board;
- (iv) Penalties to be imposed for non-compliance with the adopted rules and regulations pertaining to the water shortage emergency; and
- (v) Any other identified measures.

#### 4.6 Penalties for Violations of Use Restrictions.

- (a) Upon the observance by District personnel of a violation of use restrictions imposed by the District in response to the declaration of a Stage I or II Resource Severity Level, the District employee shall fill out a violation form, and return the form(s) to the District office for action. The violation form shall at a minimum include the following information:
  - (i) Address and meter serial number of violator;
  - (ii) Date and time violation was observed; and the
  - (iii) Nature of the violation.
- (b) **First Violation.** ———A copy of a violation notice will be left with someone at the establishment, or left in a conspicuous spot, at the time of the violation observance.
- (c) **Second Violation.** A copy of the violation notice will be sent to the address of the violator by certified mail, return receipt requested, with a form letter explaining the gravity of the situation, and the penalties for future violations.
- (d) **Third Violation.** A civil administrative penalty of one hundred (100) dollars will be assessed to the account of the violator. Charges shall be subject to change pursuant to District Board Resolution.

- (e) Fourth and Subsequent Violations. A civil administrative penalty of a two hundred fifty (250) dollars will be assessed to the account of the violator. Charges shall be subject to change pursuant to District Board Resolution.
- (f) In addition to any other remedies provided herein or available under applicable law, the district may alternatively seek injunctive relief in the Superior Court or take enforcement action, including discontinuing or appropriately limiting water service to any single-family residential customer, locking a service, or installing a flow restricting device, for violations of Section 4 of this Code. All remedies provided herein shall be cumulative and not exclusive.
- (g) The cumulative impact of multiple violations is limited to a period of one year from the date of the first violation.

SECTION 5: WATER CONSERVATION RETROFIT PROGRAM.

5.1 Purpose.

This program is intended to extend the District's present water supply and/or sewage treatment capacity. In order to accomplish these objectives, the program will allow an applicant for a water and/or sewer will serve commitment or water and/or sewer service to obtain such commitment or service if such applicant undertakes the retrofit of existing buildings within the District, which will permanently reduce water use equal to twice the water requirements of the applicant's proposed project.

5.2 Applications for Participation.

- (a) Any person or entity desiring water and/or sewer service, or a will serve commitment for water and/or sewer service to a specific premises within the District or its sphere of influence, whether or not such person or entity is on the District's current waiting list for will serve commitment or service, may apply to the District for participation in the water conservation retrofit program. Such person or entity shall submit an application for such will service commitment or service, as applicable, in accordance with the provisions of Sections 2.2 or 2.3. An application for participation in the water conservation retrofit program shall be for service or a will service commitment for service to a specific premises within the District or its sphere of influence.
- (b) In the event that an application for participation in the water conservation retrofit program concerns premises outside of the District, but within its sphere of influence, then the applicant shall enter into a contract with the



District in a form acceptable to the District addressing the applicant's participation in the District's water conservation retrofit program and the terms and conditions pursuant to which the District will extend service to the applicant's premises. Such participation shall be consistent with the terms and conditions of this Section 5.2. The District shall not proceed with the determination set forth in Section 5.3 until such contract is executed. In addition, and also prior to the District's determination set forth in Section 5.3, the applicant, at its sole cost and expense, shall obtain approval from the San Luis Obispo County Local Agency Formation Commission for the extension of service by the District to the applicant's premises.

5.3 Determination of Required Number of Retrofits for Approval of Application.

- (a) Based on the information set forth in the applicant's application, the District shall determine the number of buildings or other structures within the District that the applicant shall retrofit in order for the applicant's application for a water will serve commitment or water service, as applicable, to be approved. The District's determination shall be pursuant to Table A, below. The applicant shall be required to retrofit that number of buildings or other structures, which will conserve the amount of water equivalent to twice the number of water or sewer units of use, as applicable, proposed by the applicant for the premises identified in his or her application.
- (b) In the event an applicant applies for a water will serve commitment only or for water service only and such applicant retrofits buildings or other structures receiving District sewer service, any sewer units of use conserved by such retrofit work shall belong to the District, not the applicant, and shall be allocated by the District in whatever manner it determines to be in the public interest.
- (c) The District requires the applicant to retrofit that number of buildings or other structures which will conserve that amount of water equivalent to twice the number of water or sewer units of use, as applicable, proposed by the applicant for the premises identified in his application for, among other purposes, to make the District's water supply more reliable and to ensure that the amount of water that is actually conserved as a result of the applicant's retrofit efforts at least equals that number of water or sewer units of use, as applicable, that will be committed to the applicant pursuant to his application. If the District determines that the efforts of its retrofit applicants actually conserve more water than the applicable number of units of use committed to those applicants and such excess is not needed for the reliability of the District's water supply or to conserve its sewage treatment

capacity, then the District can allocate units of use in whatever manner it determines to be in the public interest.

**Table A**  
**Residential Retrofit Unit Required**

	<b>Average Usage</b>	<b>Retrofit Units Required*</b>
Single Family Residence Small ( <u>Lot</u> up to 10,000 square feet)	0.64 AFY/unit	12
Single Family residence Medium ( <u>Lot size</u> 10,000 to 22,000 square feet)	1.02 AFY/unit	20
Single Family Residence Large ( <u>lot size</u> 22,000 square feet to 1 acre)	1.7 AFY/unit	32
Single Family residence ( <u>lot size</u> over 1 acre)	2.9 AFY/unit	54

\* Estimated retrofit units required are calculated by dividing the average usage by the anticipated retrofit savings from retrofitting one equivalent single-family dwelling, as illustrated below.

$$\begin{aligned}
 1 \text{ new SFR up to 10,000 square feet} &= 17,250 \\
 & \text{(gal/mo used)/2857 (gal/mo saved)} \\
 &= 6.04 \text{ units} \\
 & \times \underline{2 \text{ (offset factor)}} \\
 &= 12 \text{ units to retrofit}
 \end{aligned}$$

The number of retrofit units required for other examples is found by dividing projected usage by the estimated water savings per residential unit retrofitted (2857 gal/mo) and multiplying by the off-set factor (2).

An offset factor of 2 is used (amount of water initially saved versus water estimated to be consumed = 2:1) because the District needs to be assured that the water savings generated is a permanent savings.

Retrofit requirements for the other proposed uses, such as commercial uses, will be calculated by converting the anticipated water usage to equivalent single family residences using the flow requirements shown in Metcalf and Eddy, Second Edition, as currently required by the District ordinances, and then dividing the projected usage by the retrofit unit saving (2857 gal/mo)

and multiplying by the offset factor of 2 to calculate the number of retrofit units required.

#### 5.4 Retrofit Program Procedure.

The procedure for retrofitting buildings or other structures within the District shall be as follows:

- (a) Once the applicant has completed and submitted the requisite application form and paid any applicable application fees, the District shall make available to the applicant a list of District customers who have expressed an interest in participating in the water conservation retrofit program. Only District customers can qualify for such participation. The applicant shall complete a form for each District customer who has expressed a willingness to participate in the program and has agreed to have the applicant retrofit his premises. The District shall provide the applicant with the requisite form. A form shall be completed for each District customer whose premises will be retrofitted. The customer must sign the form.
- (b) Before the District will conduct a pre-inspection of any customer premises to be retrofitted, the applicant must submit to the District completed and signed forms from District customers, equivalent to the required number of retrofits specified by the District pursuant to Section 5.3. Upon submission of such forms, the District shall inspect each customer premises proposed to be retrofitted by the applicant. The District inspector shall determine which fixtures within each premises shall be retrofitted. When the pre-inspections have been completed, the District shall notify the applicant whether the requisite number of retrofits has been submitted. If the requisite number has not been submitted, then the applicant shall procure any additional District customer participation needed and submit completed and signed forms associated therewith. The District shall conduct further pre-inspections once such completed forms have been submitted. No retrofit work shall be performed by the applicant until the District determines that the required number of retrofits has been arranged by the applicant. The District shall provide the applicant with written notice of such determination. Upon providing such notice, the applicant shall be required to retrofit each of the premises approved by the District for retrofit, subject to the continued participation by the District customer. The customer at all times has the right to withdraw from participation in the water conservation retrofit program, unless the work has already commenced. If any customer withdraws, then the applicant shall obtain the additional customer participation needed consistent with the above procedures.

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- (c) The applicant shall be fully responsible financially and otherwise for all work related to the retrofit of the premises of the District customer. The District shall not be a party to any financial or liability agreements between the customer and the applicants.
  - (d) Retrofits shall be conducted by licensed, bonded and insured contractors. The General Manager of the District may require that a contractor submit a bond or cash deposit to the District and attend the District sponsored orientation programs. On request, the contractor shall provide the District with a detailed invoice of all costs associated with any retrofit.
  - (e) The retrofit shall be conducted so that the customer's premises shall meet the requirements of the definition of retrofit as provided herein this Section 5. The District shall maintain a list of approved replacement fixtures/reduction devices which meet the requirements of such definition. Other fixtures/devices may be approved by the District so long as they meet applicable State of California standards and the requirements set forth herein. The District customer shall have the right to choose any approved fixture or device and the color thereof of like type. If the customer wishes to upgrade, they may do so at their expense.
  - (f) At the time of the retrofit, the plumbing system of the District customer's premises shall be inspected for leaks. If minor leaks (less than two gallons per hour) are found, they shall be repaired by the applicant, at his cost. In addition, a water pressure test shall be conducted. Water pressure regulators shall be adjusted or installed in order that the water pressure does not exceed 50 psi. The regulator shall be installed as close to the water meter as practical. This work shall be done by the applicant or his contractor at his cost. Major leaks (two gallons or more an hour) found in the plumbing system shall require repair by the District customer before a retrofit is approved.
  - (g) The contractor shall be responsible for the disposal of old toilets and the replacement of the toilet seat if required by the District customer. Old toilets, all refuse and discarded materials generated by the retrofit shall be removed from the customer's premises on the same day that the work is performed. Failure to remove materials as required shall result in the assessment of a mandatory reinspection fee. All additional repairs needed to make the toilet fit the customer's bathroom, as well as repairs for damage, shall be at the applicant's expense.
  - (h) When all of the retrofit work has been completed for a District customer, the applicant shall notify the District for the purpose of arranging a final

inspection. The District's final inspection shall not occur until all of the retrofit work has been completed for that premises.

5.5 Approval of Water Service Applications or Issuance of Water Will Serve Commitment Upon Completion of the Retrofit Work.

- (a) Upon District determination that the applicant has completed all of the required retrofit work, the District shall provide the applicant with written notice thereof.
- (b) If the applicant's application is for a water will serve commitment, then upon such notice, the applicant shall be subject to the same terms and provisions of Section 2.2, applicable to an applicant who has received a notice of availability of facility capacity, and shall otherwise be subject to this Code, and District rules, regulations and ordinances governing will serve commitments.
- (c) If the applicant applied for water service, then within 60 days of such notice, the applicant shall pay all applicable charges, including the requisite water capacity fees in effect at the time of the notice. Once such fees have been paid and the applicant has otherwise complied with other District rules and regulations governing water service, then the applicant's application for water service shall be deemed complete. As of that date, the applicant shall be entitled to a water service permit for the subject premises, and such permit shall be subject to the terms and provisions of Section 2.3.

5.6 Retrofit Program Application Fees.

- (a) At the time of submittal of the application to participate in the water conservation retrofit program, the applicant shall submit an application fee to the District. The fee shall be \$400 for applications for water will serve commitments or water service involving three or less units of use and \$800 for applications for water will serve commitments or water service involving more than three units of use. Charges shall be subject to change pursuant to District Board Resolution.
- (b) The fee set forth in subdivision (a) shall cover the District's costs of administering the water conservation retrofit program, as well as pre-inspections and final inspections required in connection with the applicant's application.
- (c) Upon the District's determination that the applicant has completed all of the required retrofit work, any fees advanced by the applicant in excess of the District's actual costs shall be refunded to the applicant without interest.

Conversely, any costs incurred by the District over and above the fees advanced by the applicant shall be paid by the applicant upon demand and before the issuance of any water service permit or water will serve commitment, as applicable.

- (d) In the event that an applicant withdraws from participation in the program prior to completing the required retrofit work, the District shall refund without interest any fees deposited by the applicant that have not been used by the District prior to the date of withdrawal. Conversely, any costs incurred by the District in excess of the fees advanced by the applicant shall be paid by the applicant within 30 days of the date of a bill therefor.
- (e) Interest shall accrue on any late payment at the legal rate.

## SECTION 6: BACKFLOW CONNECTION CONTROL PROGRAM

### 6.1 Cross Connection Protection Requirements: General Provisions.

- (a) Unprotected cross-connections with the public water supply are prohibited.
- (b) Any and all water supply lines from the District's mains entering any premise, building, or structure shall be protected by an approved backflow prevention device wherever backflow protection has been found necessary on a water supply line entering that premises, such as where the premises, building or structure has any supplemental water supply. The type of device to be installed will be in accordance with the requirements of this Section 6.
- (c) Whenever backflow protection has been found necessary, the District will require the water user to install an approved backflow prevention device by and at his/her expense for continued services or before a new service will be granted.

#### 6.1.4 Backflow Device Charges.

Each water user with a backflow prevention device installed in compliance with this program or any law, or who is required to install a backflow prevention device pursuant to this program or any other law, must pay a monthly service charge of \$1 to the District. The monthly service fee offsets the costs to the District for the County of San Luis Obispo's administration of the backflow device monitoring program. Said charge will be included on the water user's regular monthly bill provided by the District. The charge shall be subject to change pursuant to District Board Resolution.

6.2 Where Cross Connection Protection Required.

- (a) Each service connection from the District water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the District and is approved by the public health agency having jurisdiction.
- (b) Each service connection from the District water system for supplying water to any premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of industrial or process waters, waters originating from the District water system subjected to deterioration in sanitary quality, and where the customer is engaged in the handling of especially dangerous or corrosive liquids. In such situations, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection of the backflow prevention device.
- (c) Backflow prevention devices shall be installed on the service connection to any premises having (i) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the District, or (ii) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

6.3 Type of Protection Required.

- (a) The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listed in an increasing level of protection) includes: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and an Air-gap Separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the approved water supply at the user's water connection to premises, with varying degrees of hazard, are given in Table B. Situations that are not covered in Table B shall be evaluated on a case-by-case basis, and the appropriate backflow protection shall be determined by the District or health agency.

Table B

TYPE OF BACKFLOW PROTECTION REQUIRED

	<u>Degree of Hazard</u>	<u>Minimum Type of Backflow Prevention</u>
a)	Sewage and Hazardous Substances:	
	(1) Premises where there are wastewater pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(2) Premises where recycled water is used and there is no interconnection with the potable water system. An RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(3) Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(4) Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.	RP
b)	Auxiliary Water Supplies:	
	(1) Premises where there is an unapproved auxiliary water supply that is interconnected with the public water system. A RP or DC may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(2) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the health agency and the District.	RP



c)	Recycled Water:	
	(1) Premises where the public water system is used to supplement the recycled water supply.	AG
	(2) Premises where recycled water is used, other than as allowed in paragraph (3), and there is no interconnection with the potable water system.	RP
	(3) Residences using recycled water for landscape irrigation as part of an approved dual plumbed use area unless the District and local health agency approves an alternative backflow protection plan that includes an annual inspection and annual shutdown test of the recycled water and potable water systems.	DC
d)	Fire Protection Systems:	
	(1) Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	DC
	(2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
	(3) Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	DC
	(4) Buildings where the fire system is supplied from the public water system and where recycled water is used in a separate piping system within the same building.	DC
e)	Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP
f)	Premises where there is a repeated history of cross-connections being established or re-established.	RP

Two or more services supplying water from different street mains to the same building, structure, or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. The check valve is inadequate if backflow protection is deemed necessary to protect the District's mains from pollution or

contamination; in such cases, the installation of approved backflow devices at such service connections shall be required.

#### 6.4 Backflow Protection Devices.

- (a) Only backflow prevention devices that the District approves and that meet the requirements of sections 7601 and 7602 of Title 17 of the California Code of Regulations shall be acceptable for installation by a water user connected to the District's potable water system.
- ~~(a)~~(b) All backflows must either have a water meter installed prior to the backflow or have an integrated bypass meter. The integrated bypass meter must comply with the Districts current meter program, if it is not compliant it will be replaced at the owners expense.
- ~~(b)~~(c) The District will provide, upon request, to any affected customer a list of approved backflow prevention devices.

#### 6.5 Backflow Protection Device Installation.

- (a) General Provision. Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17 of the California Code of Regulations. Location of the devices should be as close as practical to the user's connection. The District shall have the final authority in determining the required location of a backflow prevention device.
- (b) Air-gap Separation (AG) - The air-gap separation shall be located on the user's side of the service connection and shall be located as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank.
- (c) Reduced Pressure Principle Backflow Prevention Device (RP) - The approved reduced pressure principle backflow prevention device shall be installed on the user's side of the service connection and located as close to the service connection as is practical. The device shall be installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water

supplied from any point between the service connection and the RP device shall be protected in a manner approved by the District.

- (d) Double Check Valve Assembly (DC) - The approved double check valve assembly shall be located as close as practical to the user's connection and it shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade, it must be installed in a vault such that there is a minimum of six inches (6") between the bottom of the vault and the bottom of the device, so that the top of the device is no more than a maximum of eight inches (8") below grade, so there is a minimum of six inches (6") of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three inches (3") clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults that do not have an integrated bottom must be placed on a three-inch (3") layer of gravel.

#### 6.6 Backflow Prevention Device Testing and Maintenance.

- (a) The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated to the District his competency in testing of these devices. Backflow prevention devices must be tested by a certified backflow prevention device tester on an annual basis, or more often if so required by the District, and immediately after installation, relocation, or repair. The District may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the District shall be filed with the District each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective, and all costs of testing, repair, and maintenance shall be borne by the water user.
- (b) The District will supply affected water users with a list of certified backflow prevention device testers who may test backflow prevention devices. The District will notify affected customers by mail when the testing of a device will occur. The District will also supply users with the necessary forms that require completion each time a device is tested or repaired.
- (c) The District will maintain reports of testing and maintenance of backflow prevention devices for a minimum of three years.

6.7 Backflow Prevention Device Removal.

- (a) Approval must be obtained from the District before a backflow prevention device is removed, relocated, or replaced.
- (b) Removal: The use of a device may be discontinued, and the device removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists and is not likely to be created in the future;
- (c) Relocation: A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements set forth in this Section 6 and by law. A retest will be required following the relocation of the device;
- (d) Repair: A device may be removed for repair, provided the water use is either, (1) discontinued until repair is completed and the device is returned to service, or (2) the service connection is equipped with other backflow protection approved by the District after the District is notified about the removal of the device. A retest will be required following the repair of the device; and
- (e) Replacement: A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the District prior to removal of the existing device and must be commensurate with the degree of hazard involved. A retest will be required following the replacement of the device

6.8 User Supervisor.

At each premises where the District has determined that it is necessary, a user supervisor shall be designated by and be at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the user supervisor shall promptly notify the District so that appropriate measures may be taken to overcome the contamination. The water user shall annually inform the District of the identity of the user supervisor, and whenever a change occurs.

6.9 Administrative Procedures, Water System Survey.

- (a) The District shall review all requests for new services to determine if backflow protection is needed. As a condition of service for new service connections, plans and specifications must be submitted to the District, if

requested, for review of possible cross-connection hazards. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

- (b) The District may require an on-premise inspection to evaluate cross connection hazards. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premise inspection of his or her piping system shall be required to install the backflow prevention device considered necessary by the District.
- (c) At its discretion, the District may require a reinspection for cross connection hazards of any premise to which it serves water. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premise inspection of his or her piping system shall be required to install the backflow prevention device considered necessary by the District.

6.10 Administrative Procedures, Customer Notification – Device Installation.

- (a) The District will notify the water user of the survey findings, and it will list required corrective actions. All corrective action required, including installation of backflow prevention devices, must be completed within 60 days of the date of the notice.
- (b) The District will provide a second notice to each water user who does not take the required corrective action prescribed in the first notice within the allowed 60-day period. The second notice will give the water user one month to take the required corrective action. If no action is taken within the one-month period, then the District may terminate water service to the affected water user until the required corrective actions have been completed.

6.11 Administrative Procedures, Customer Notification – Testing and Maintenance.

- (a) The District will notify each affected water user that the backflow prevention device installed on his or her service connection must be tested. This written notice shall give the water user 30 days to test the device and provide to the District the necessary form that must be completed.
- (b) A second notice shall be sent to each water user who does not have his/her backflow prevention device tested as prescribed in the first notice within the 30-day period allowed. The second notice will give the water user a two-

week period to have his or her backflow prevention device tested. If within the two-week period the device is not tested, and the necessary form is not completed and provided to the District, the District may terminate water service to the affected water user until the subject device is tested and the necessary form is completed and provided to the District.

- (c) If the water user fails to have a backflow prevention device tested which serves a fire sprinkler system, fire hydrant system, multifamily building or other essential service, as determined by the District, in which termination of service to that system would adversely affect the public or multiple tenants, then the District, at its sole discretion may have the backflow device tested and charge to the water users account one hundred and twenty dollars (\$120.00) or the actual cost to perform the testing. Whichever is more to the water users water service account. The retest fee is subject to change by Board resolution.

#### 6.12 Water Service Termination.

- (a) When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:
  - (i) Refusal to install a required backflow prevention device;
  - (ii) Refusal to test a backflow prevention device;
  - (iii) Refusal to repair a faulty backflow prevention device;
  - (iv) Refusal to replace a faulty backflow prevention device;
  - (v) Direct or indirect connection between the public water system and a sewer line;
  - (vi) Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;
  - (vii) Unprotected direct or indirect connection between the public water system and an auxiliary water system; and
  - (viii) A situation that presents an immediate or imminent health hazard to the public water system.

- (b) For conditions (i), (ii), (iii), or (iv) set forth in subdivision (a), the District will terminate service to a customer's premise after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. Water service may be terminated if no action is taken within the allowed time period.
- (c) For conditions (v), (vi), (vii), or (viii) set forth in subdivision (a), the District will take the following steps:
  - (i) Make a reasonable effort to advise water user of the District's intent to terminate water service; and
  - (ii) Terminate the water user's water supply and lock the water user's service valve. The water service will remain inactive until the District has approved the correction of the violations that caused the basis for water service termination.

6.13 Requirements for Certification as a Backflow Prevention Device.

Competency in all phases of backflow prevention device testing and repair must be demonstrated by means of education and/or experience in order to obtain certification. Such proof of competency shall be submitted in writing to the District prior to certification.

The following are the minimum requirements that must be furnished to the District before an applicant can be certified by the District as a backflow prevention device tester:

- (a) Approval by County of San Luis Obispo as a backflow tester may serve as certification to the District.
- (b) Evidence that demonstrates at least two (2) years' experience in plumbing or pipe fitting or equivalent qualifications;
- (c) A valid and current certificate from the American Water Works Association (AWWA) California-Nevada Section, from a County certification program, or equivalent training in the opinion of the District and the Health Agency; and
- (d) Evidence that demonstrates that the applicant has available the necessary tools and equipment to properly test such devices. The applicant shall be responsible for the competency and accuracy of all tests and reports he or she prepares. The certificate issued to any backflow prevention device tester

is valid for a period of one year and may be revoked, suspended, or not renewed by the District for improper testing, repairs, and/or reporting.

## SECTION 7: FEES AND CHARGES.

### 7.1 Water Connection and Capacity Fees.

Each connector may be required to pay, at a rate established by District ordinance, fees for the following:

- (a) Connection fees for each connection.
- (b) Fees for the inspection of the connection of the water line from the District's water line to the building.
- (c) Backflow protective service inspection fee providing a backflow protective device required to be installed in accordance with Section 6.

### 7.2 Application Fees.

When a person applies for a District water service permit, the applicant may be required to pay, at a rate established by District ordinance, fees for the following:

- (a) Application fee for the administrative costs involved in processing each application.
- (b) Inspection fees to cover the cost of field and structure inspection of the proposed construction.
- (c) Plan checking fees to cover the cost of reviewing all plans for compliance with District Standards and Specifications.
- (d) Any other necessary administrative, engineering and legal fees incurred by the District for work performed.

Any person who pays these fees and whose application expires or is canceled, withdrawn, voided, terminated or abandoned, whether voluntarily or involuntarily, shall not be entitled to a refund or credit of these fees.

### 7.3 Water User Rates.



7.3.1 Rates.

The monthly water user rates have been adopted by the District in Resolution 2018-19. District rates may be amended from time to time by Ordinance or Resolution of the Board.

7.3.2 Time Charges Become Due.

All accounts are due upon receipt and payable at the District office. Bills are sent as a courtesy and failure to receive a bill does not relieve owner of responsibility to pay, or of penalties levied for non-payment.

7.4 Returned Check Charge.

For any check which has been received by the District for payment of rates, charges, fees or other costs of the District as set forth in District ordinances, regulations and this Code, which check has been deposited twice and returned to the District unpaid by the bank upon which it is drawn, a charge of \$30.00 for the returned check shall be imposed upon the account to which the payment was originally applied. The amount of the returned check charge is subject to change pursuant to District Board Resolution.

7.5 Administrative and Inspection Fees.

7.5.1 Plan Checking and Inspection for New Subdivision.

A fee of \$1000 will be charged for plan review, and inspection of water improvements for all new subdivisions of over 15 parcels and a fee of \$500 for new subdivisions with 15 or less parcels. Projects with both water and sewer improvements will also be required to pay the plan review and inspection fees for sewer.

Subdivisions with active will serves at the time of the adoption of this code will not be subject to the new subdivision fee.

7.5.3 Copying fees.

A copy fee of 10 cents per letter size page will be charged. The copy fee is subject to change pursuant to District Board Resolution.

7.5.4 Notification to Disconnect Fee.

There shall be a fee, as established by Resolution of the District Board, for each notification to disconnect service notice that the District places at the customer's premises.

SECTION 8: ENFORCEMENT OF WATER FEES & DISCONTINUATION OF WATER SERVICE.

8.1 Collection and Enforcement of Water User Rates and Charges.

The provisions in this Section 8 shall apply to the collection and enforcement of District water user charges and rates.

8.2 Established as a Means of Enforcement.

The District hereby declares that the procedures set forth herein are established as a means of enforcement of the terms and conditions of its Code, ordinances, rules and regulations, and not as a penalty.

8.3 Property Owner Responsibility and Basis of Billing.

Whether or not the customer, the owner of property that is furnished water service shall be responsible for all rates, charges or fees, including penalties and interest thereon, respecting such furnished services. Water and sewer service, and drainage facilities maintenance service shall be billed together on a monthly basis. The billing statement will be for service rendered during the preceding month. A statement shall become delinquent on the 10<sup>th</sup> day of the month following the month in which service is rendered.

8.4 Penalties.

A one-time basic penalty of ten percent (10%) of the charge, rate or fee (hereinafter in this Section 8, charge, rate and fee shall be collectively referred to as "charge," unless otherwise specifically noted) for a month shall be added to each delinquent charge for the first month that the charge is delinquent. Thereafter, an additional penalty of one percent (1%) per month shall be added to all delinquent charges and basic penalties until such time as the delinquent charges and penalties have been paid. Monies paid when any portion of an account is delinquent shall first be credited to the delinquent portion and then to the current billing. Upon request, a customer shall be entitled once in any twelve-month period as set by the District to a waiver of one basic penalty.

8.5 Judicial Relief and Attorney's Fees.

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- (a) In the event that any customer fails to timely pay a billing statement, the customer shall be deemed to be in default and in such case, the District may declare the balance or remaining balance due and payable.
  - (b) The General Manager is authorized and directed to file any and all necessary legal actions in the appropriate court within the County of San Luis Obispo and to appear in Court thereon on behalf of District to collect all unpaid water bills and basic penalties and other penalties thereon that may be due.
  - (c) In the event that the District is required to bring an action to collect any sum in default, the customer shall pay any attorneys' fees, court costs or other costs incurred by the District to bring such action.

8.6 Lien.

- (a) In case any charge becomes delinquent, the amount of the delinquency may in the discretion of the District be secured by filing for record in the office of any county recorder, a certificate specifying the amount of such charge and the name and address of the person liable therefor. The District may from time to time compile lists of such delinquent charges and record them with the county recorder as liens.
- (b) The District shall include a statement on its bill to each customer or property owner or shall provide such statement to each property owner by any other means, that any charge remaining delinquent for a period of sixty (60) days shall constitute a lien against the lot or parcel of land against which the charge was imposed.

8.7 Discontinuance of Service.

- (a) Generally, in the event of a violation of any ordinance of the District or of its rules and regulations, or of a failure to timely pay applicable charges, rates or fees, the District shall notify the person or persons causing, allowing or committing such violation, in writing, specifying the violation and that upon the failure of such person or persons to cease or prevent further violation within the time specified in the notice, the District will disconnect service to the property in question.
- (b) Residential customers who are 65 years of age or older, or who are dependent adults as defined in section 15610.23 of the Welfare and Institutions Code, shall be notified that they may request that the District notify a designated third person when the customer's account is past due and subject to termination.

### 8.7.1 Discontinuance of Residential Service.

Water service may be discontinued for any of the following reasons:

- (a) Delinquency in the payment of any water service rate or charge, except that residential service shall not be discontinued for nonpayment in any of the following situations:
  - (i) During the pendency of any investigation by the District of a customer dispute or complaint;
  - (ii) When a customer has been granted an extension of the period for payment of a bill respecting water service.
  - (iii) On the certification of a licensed physician and surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into a amortization agreement with the District and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.
- (b) The unauthorized taking of water or the taking of water in excess of the amount paid for.
- (c) Failure of the customer to maintain his facilities in a suitable condition to prevent waste of water.
- (d) The existence of any unprotected cross connections on the customer's premises or the lack of adequate backflow protection at the service connection.
- (e) Any violation by the customer of any rules and regulations of the District governing water service.

#### 8.7.1.1 Discontinuance of Residential Service for Nonpayment.

- (a) At least fifteen (15) days before any proposed discontinuance of residential water service for nonpayment of a delinquent account respecting such service, the District shall mail a notice, postage pre-paid, to the customer to whom the service is billed of the proposed-discontinuance. Such notice shall be given not earlier than five (5) days from the date of mailing the District's bill for such service and the fifteen (15) day period shall not commence until

five (5) days after the mailing of the notice. In addition to the fifteen (15) day notice provided for in the preceding sentence, the District shall make a reasonable attempt to contact an adult person residing at the premises of the customer by telephone or personal contact at least forty-eight (48) hours prior to any discontinuance of service, except that, whenever telephone or personal contact cannot be accomplished, the District shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of discontinuation of service, at least forty-eight (48) hours prior to disconnection.

- (b) The notice described in subdivision (a) shall include the following information:
- (i) The name and address of the customer whose account is delinquent;
  - (ii) The amount of the delinquency;
  - (iii) The date by which payment or arrangements for payment is required in order to avoid discontinuance;
  - (iv) The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for service contains a description of that procedure;
  - (v) The procedure by which the customer may request amortization of the unpaid charges;
  - (vi) The procedure for the customer to obtain information on the availability of financial assistance, including private, local, state or federal sources, if applicable; and
  - (vii) The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

#### 8.7.1.2 Discontinuance of Residential Service to Customers on Master Meters.

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, where the owner or manager is listed by the District as the customer of record, the District shall make a good faith effort to inform the actual users of the service, by means of a notice, when the account is in arrears, that service will be discontinued within 10 days. Such notice shall also inform the actual users that they have the right to become District customers without being required to pay the amount due under the

delinquent account. Nothing in this Section 8.7.1.2 shall require the District to make service available to actual users unless each actual user agrees to the District's terms and conditions of service and meets the requirements of the District related to water service. If one or more actual users are willing and able to assume responsibility for the entire account to the satisfaction of the District, or if there is a physical means, legally available to the District, of selectively terminating service to those actual users who have not met the requirement of the District's rules and regulations, the District shall make service available to the actual users who have met those requirements.

8.7.2 **Discontinuance of Service Other than a Discontinuance of Residential Service for Nonpayment.**

At least ten (10) days before discontinuing water service, other than the discontinuance of residential service for nonpayment of a delinquent account, the District shall provide a written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the District General Manager, or his or her designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the District General Manager, or his or her designee, shall be included in any such notice of proposed discontinuance given to a customer.

8.7.3 **No Discontinuance of Service on Weekends, Holidays or After Hours.**

No service shall be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, legal holiday or at any time during which the business offices of the District are not open to the public.

8.8 **Amortization of Delinquent Bill for Residential Service.**

Every complaint or request for investigation by a residential customer that is made within five (5) days after receiving the disputed bill for water service, and every request by a residential customer that is made within thirteen (13) days after the mailing of the notice required for an extension of the payment period of such a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the District General Manager, or his or her designee. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination by the District General Manager, or his or her designee, may appeal the determination to the Board of Directors.

#### 8.8.1 Discontinuance of Service for Failure to Comply with Amortization Agreement.

If an amortization agreement is authorized, no discontinuance of service shall be affected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the District shall not discontinue service without giving notice to the customer at least 48 hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the District.

#### 8.9 Authority to Settle Controversies Relating to Discontinuance of Service.

The District General Manager, or his or her designee, is hereby authorized to investigate complaints and review disputes pertaining to any matters for which water service may be discontinued and to rectify errors and settle controversies pertaining to such matters and disputes concerning payment of water, sewer and drainage facilities maintenance fees. The District General Manager, or his or her designee, is also authorized upon a proper showing by a residential customer, to grant permission to amortize the unpaid balance of a bill over a reasonable period of time, not to exceed twelve (12) months. At his or her discretion, the District General Manager may bring any such controversies and disputes to the Board of Directors for settlement by the Board.

#### 8.10 Procedure on Appeal to Board.

- (a) If a customer timely files an appeal of a decision of the General Manager on discontinuance of service, the Board shall set a hearing not sooner than 10 nor more than 40 days after receipt of such appeal. Upon setting of such hearing, the District shall forthwith give written notice of the time and place thereof to the customer by either first-class mail or personal delivery.
- (b) The appeal hearing shall be held before the Board. The customer or his representative shall be permitted to present witnesses, documents or other evidence to show good cause why service should not be discontinued. The Board also may examine District records, documents, witnesses or other evidence tending to show that service should be discontinued for one or more of the grounds stated in the notice of disconnection.

#### 8.11 Reconnection.

When water service has been disconnected as provided in this Code, the customer shall pay the unpaid account balance in full, plus a reconnect charge of seventy-five dollars (\$75.00), before any disconnected service will be reconnected.

8.12 Unsafe Apparatus.

District services may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

8.13 Fraud or Abuse.

Service may be discontinued if necessary to protect the District against fraud or abuse.

8.14 Collection of Delinquent Charges with Taxes

(a) Pursuant to Government Code Section 61115, subdivision (b), all delinquent charges, penalties and interest may be collected in the same manner as the general taxes for the District for the forthcoming fiscal year, as follows:

- (i) The District shall prepare a written report, which shall be filed with the District Secretary. The report shall describe each parcel of real property and the amount of the delinquent charges, penalties and interest associated with each such parcel;
- (ii) The District Secretary shall publish notice of the report's filing and of the time and place of hearing on the report, prior to the date set for the hearing. The notice shall be published at least once a week for two weeks. The District Secretary also shall mail written notice of the report's filing to each affected property owner. The notice shall state that the delinquencies, penalties and interest will be collected on the County tax roll rather than through billing procedures;
- (iii) At the time stated in the notice, the Board of Directors shall hear and consider all objections or protests, if any, to the report. Thereafter, the Board may adopt, revise, change, or modify the report and overrule any or all objections thereto. The Board's determination on each delinquency identified in the report shall be final; and
- (iv) Following the Board's hearing, on or before August 10 of each year, the District Secretary shall file with the County Auditor a copy of the report, signed by the Secretary, stating the Board has adopted the



report. The Secretary shall request the County Auditor to include the amount of delinquencies, penalties and interest on the bills for taxes levied against the properties identified in the report. Once the transfer of delinquent amounts has been made to the County Auditor's office for collection, no payment shall be accepted by the District on said delinquent amounts except as collected by the County Auditor's office.

- (b) A fee of \$50.00 for each assessment, charge or penalty that is referred for collection to the County Auditor which is revised or removed from such tax roll after submitted by the District shall be imposed on the owner of the property to which such revised or removed item relates. The fee shall be subject to change pursuant to District Board Resolution.

#### 8.15 Public Nuisance.

During any period of disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District may cause proceedings to be brought for the abatement of the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District reasonable attorney's fees and costs of suit arising in said action.

#### 8.16 Enforcement Remedies Cumulative.

Each of the enforcement remedies available to the District as specified in this Code shall be non-exclusive and may be asserted cumulatively and in addition to, or in lieu of, any other remedy available to the District under law.

#### 8.17 Liability.

The District and its directors, officers, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any applicant under District ordinances or resolutions. The applicant shall be answerable for, and shall protect, defend, indemnify and save the District and its directors, officers, agents and employees harmless from any and all liability, costs, expenses, damages, claims, demands, causes of action, judgments and attorney's fees, arising out of or in any way connected with the applicant's work, except for the sole or active negligence or willful misconduct of the District. Applicant shall be solely liable for any defects in the performance of his work or any failure that may develop therein.



**San Miguel Community Services District  
Board of Directors  
Staff Report**

April 25, 2019

**AGENDA ITEM: XI-3**

**SUBJECT: 2<sup>ND</sup> Reading and Approval an Ordinance of the San Miguel Community Services District Board of Directors Adopting and Amending the 2019 Edition of the California Fire Code Including Articles, Appendices, Amendments, Errata Appendix's A-N and Local Ordinance 02-2019 of the California Building Code Section 7A and Local Ordinances.**

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**RECOMMENDATION:**

2<sup>ND</sup> Reading and Approval an Ordinance of the San Miguel Community Services District Board of Directors Adopting and Amending the 2019 Edition of the California Fire Code Including Articles, Appendices, Errata of the California Building Code Section 7A and Local Ordinances Approve the 2019 California Fire Code including Amendments, Errata, Appendix's A-N and Local Ordinance 02-2019.

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The purpose of this ordinance is to formally adopt the 2019 California Fire Code including Amendments, Errata, Appendix's A-N and Local Ordinance 02-2019 as the bases for all Fire, Life & Safety items.

The District has been operating on the 2013 California Fire Code including Local Ordinance 02-2013. It is the District's responsibility to adopt use of the California Fire Code every three (3) years, as this is the major update cycle for all Fire and Building Codes in California. In addition, the Authority Having Jurisdiction ("AHJ"), which is the San Miguel Community Services District, must include any Local Ordinances at the time of current Code adoption. The purpose of adopting Local Ordinances is to assure that the Fire, Life & Safety issues directly related to the AHJ are properly mitigated to the best of the AHJ's ability.

The last California Fire Code adoption was approved in November 21, 2013. Since then, an amended Fire Code was brought to the Board in 2016 for adoption, however no action was taken.

In order to remain in compliance with current County and State Regulations it is necessary to adopt the current California Fire Code in its entirety including all Amendments, Errata, Appendix's A-N and Local Ordinance 10-19

**Fiscal Impact:**

There is no negative fiscal impact.

**PREPARED BY:**

**Scott Young**

**APPROVED BY:**

**Rob Roberson**

**ORDINANCE NO. 02-2019  
AN ORDINANCE OF THE BOARD OF DIRECTORS OF  
THE SAN MIGUEL COMMUNITY SERVICES DISTRICT  
ADOPTING AND AMENDING THE 2019 EDITION OF  
THE CALIFORNIA FIRE CODE INCLUDING ARTICLES, APPENDICES, ERRATA  
CALIFORNIA BUILDING CODE SECTION 7A AND LOCAL ORDINANCES.**

WHEREAS, the San Miguel Community Services District (“District”) Board of Directors (“Board”) finds that modifications need to be made to the District’s current Fire Code; and

WHEREAS, the District’s Fire Code has not been updated since 2013, and requires revisions as the law has changed over time; and

**BE IT ORDAINED** by the Board of Directors of the San Miguel Community Services District as follows:

**Section 1. Purposes and Authority.**

The Board of Directors of the San Miguel Community Services District (“District”) hereby adopts the 2019 Edition of the California Fire Code (“CFC”), which includes Articles, Appendices and Errata, with certain amendments and exceptions. The amendments and exceptions as outlined in Section 5 of this Code, are for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. Each and all of the regulations, provisions, conditions, and terms of the “California Fire Code”, 2019 Edition, on file in the District Office, are hereby referred to and made a part hereof as if fully set out in this Ordinance, except as otherwise provided in this Ordinance.

**Section 2. Repeal of Any Previously Adopted Ordinance**

Ordinance No. 01-2013, and or any previously adopted Ordinance adopted by the Board of Directors of the San Miguel Community Services District is hereby repealed in their entirety.

**Section 3. Establishment and Duties of Bureau of Fire Prevention.**

The California Fire Code shall be enforced by the San Miguel Community Services District’s Fire Department (“Fire Department”). The Bureau of Fire Prevention is hereby established and shall operate under the supervision of the District’s Fire Chief. The Fire Chief may assign such members of the Department as inspectors as necessary.

**Section 4. Amendments and Exceptions to the 2019 Edition of the California Fire Code.**

Pursuant to Ordinance No.02-2019, the Board found that because of certain local climatic, geological and topographical conditions existing within the District, more stringent building standards relating to Fire, Life and Safety than those standards adopted by the State of California Fire Marshal and contained in the California Building Standards Code are necessary for fire

protection within the District. Ordinance 02-2019, and the findings contained therein, are hereby incorporated by reference. The following amendments and exceptions to the 2019 California Fire Code, are therefore hereby made:

1) ESTABLISHMENTS OF LIMITS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED.

Storage of explosives and blasting agents are prohibited in the District boundaries. Chapter 56 of the 2019 California Fire Code provides the specific limitations.

2) ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF LIQUIFIED PETROLEUM GASES IS PROHIBITED.

The installation of any liquid petroleum gas tank over five hundred (500) gallons (1893 liters) water capacity is prohibited within the District boundaries.

3) LOCATION WHERE ABOVEGROUND TANKS ARE PROHIBITED

Storage of Class I and Class II liquids in aboveground tanks outside and/or inside of buildings are prohibited within the District boundaries.

a) Exception: Tanks for emergency power generators, which are integrated into the generator assembly, may be above ground. These installations must be reviewed and approved by Fire Chief prior to installation.

4) FIRE PROTECTION SYSTEM AND EQUIPMENT

The District Fire Chief or designee shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises within the District's jurisdiction other than in private dwellings. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. All determinations shall be made based on the California Fire Code Section 9; however, the Fire Chief or his or her designee may determine that additional devices may be deemed necessary due to a specific condition on the property such as access issues or a specific hazard. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the District Fire Chief. Portable fire extinguishers shall be in accordance with 2019 California Fire Code Chapter 9. The minimum fire extinguisher requirement shall be one (1) 2A10BC fire extinguisher for every seventy-five feet (75') of floor travel. Location of the fire extinguisher is to be determined by the Fire Chief.

5) AUTOMATIC FIRE EXTINGUISHING SYSTEMS.

In addition to the requirements of 2019 California Fire Code, Chapter 9 an automatic fire extinguishing system shall be installed in the occupancies and locations as set forth below:

a) New Construction. An automatic fire extinguishing system shall be installed and

maintained in all new buildings in “A,” “B,” “C,” “E,” “F,” “H,” “I,” “M,” “R,” “S” and “U” (when “U” structure is attached to an “R”) occupancies as defined by the California Uniform Building Code, regardless of type of construction or floor area, for which any Building Permit is issued after the effective date of this Ordinance.

Exception:

Detached Group B, C, M occupancies not exceeding five hundred (500) square feet and located at least ten (10) feet from adjacent buildings and five (5) feet from adjacent property lines;

Note: “U” occupancies converted to conditioned habitable space will be required to install an automatic fire extinguishing system.

- b) Existing Construction. Unless the 2019 California Fire Code is more restrictive, an automatic fire extinguishing system shall be installed in all existing buildings or structures where proposed or ongoing additions, seismic retrofit, alterations or repairs are commenced over a three-year period, which meet one or more of the following:
- i) Increases total floor area of structure by more than 25%,
  - ii) Have a total floor area exceeding two thousand five hundred (2,500) square feet,
  - iii) When a second story or higher is added,
  - iv) When occupancy change increases fire risk or hazard

**EXCEPTIONS**

- i) When a proposed addition is less than 25% of current total floor area of existing building in all occupancies
  - ii) In single family residences of less than 2,500 square feet the proposed addition can be 25% of current floor area.
- c) Regardless of additions, alterations or repairs in existing sprinklered buildings, sprinkler coverages shall remain as per the 2019 California Fire Code and the National Fire Protection Association 13, 13R, or 13D standards, which ever are applied by the Fire Chief.
- d) Plans for Automatic Fire Extinguishing Systems. Plans for all automatic fire extinguishing systems shall be required to be reviewed and certified by a third-party Fire Protection Engineer (at the individual’s cost) and submitted for approval by the District Fire Department prior to installation. Plans are subject to all plan check and inspection fees as per the current fee schedule. The automatic fire extinguishing system shall conform to the most current requirements of the California Fire Code, State Fire Marshal regulations and requirements of the National Fire Protection Association Codes and Standards (NFPA 13, 13R or 13D).

e) All automatic fire extinguishing systems shall be supervised by a U.L. approved central, proprietary or remote station service or a local alarm that provides an audible signal at a constantly attended location.

e)f) All mechanical equipment located in a concealed space shall have a 200-degree pilot head

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located at an elevation no more than 18 inches below the highest elevation of the concealed space above the unit and no further than 3 feet away from the unit. Any piping located above the building insulation level shall be insulated.

Exceptions:

- i) Isolated specialty systems such as a paint spray booth or other small systems as approved by the Fire Chief, unless the entire occupancy is equipped with an automatic fire extinguishing system;
- ii) R-3 occupancies with less than fifty (50) heads

#### 6) VENTILATING HOOD AND DUCT SYSTEMS

A type 1 ventilating hood and duct system shall be installed and maintained, in accordance with the California Fire Code Chapter 6, California Mechanical Code and National Fire Protection Association 96 for commercial-type food heating processing equipment that produces grease-laden vapors. Cooking facilities in existing occupancies shall be required to be in compliance of this section when building alterations, which require a building permit, occur.

##### a) PROTECTION OF EXISTING NON-U.L. 300 LISTED FIRE PROTECTION SYSTEMS.

A fire extinguisher listed and labeled for Class K fires shall be installed within thirty (30) feet of existing commercial deep fat frying equipment. An approved U.L. three hundred (300) listed fire-protection system shall be installed in an existing facility when one or more of the following is met:

- i) Change in cooking medium,
- ii) Change of ownership,
- iii) Any modification to system,
- iv) Any system that cannot be serviced due to unavailability of parts, or
- v) Any system that has lost its rating.

##### b) NEW HOOD EXTINGUISHING SYSTEMS

Prior to the installation of any new hood extinguishing system, the owner or contractor shall submit the plans of the proposed installation to the San Miguel Fire Department for approval. Plans are subject to a plan check and inspection fees as per the current fee schedule, which may be amended by the Board from time to time. Plans for all hood-extinguishing systems shall be required to be reviewed and certified by a Fire Protection Engineer prior to being submitted to the Fire Department. The information required to be included in the plans must include:

- i) Make and model of system;
- ii) Site location of system and type of chemical used;
- iii) Size of Hood;
- iv) Number, type, and location of appliances covered;
- v) Number, type, and location of nozzles;
- vi) Number and location of heat detectors;
- vii) Location and length of run piping and conduit;

- viii) Type, size, and location of gas shut-off valve;
- ix) Location of manual pull station including elevation of installation;
- x) Location of emergency exits;
- xi) Location of hood within the structure;
- xii) Manufactures specifications information for all items and devices being installed;
- xiii) Manufactures specifications for all appliances (except electric ovens); and
- xiv) Location of class “K” extinguisher if applicable.

Plans are required prior to modification of an existing system. A description of the modified plans shall be submitted prior to the commencement of any modifications or alterations to the system to the Fire Department for approval. Plans are subject to a plan check and inspection fees as per the current fee schedule.

Upon completion of installation of a new hood extinguishing system, a system test is required. The test shall be what is commonly referred to as a “Balloon Test”, or what is recommended by the system manufacturer if a “Balloon Test” is not feasible. In any case, the test shall check the operation of the manual pull station, if installed, the mechanical pneumatic or electric energy shut-off valve, and the piping, distribution and nozzle system.

7) FIRE RETARDANT ROOFING MATERIALS REQUIRED

Because of local climatic conditions, it is necessary that roof coverings for all new buildings and for any re-roofing of existing buildings within the District be no less than Class C, regardless of building type or occupancy. Reference California Building Code Chapter 15 Section 1504 & Chapter 7A Section 705A.

8) FIRE APPARATUS ACCESS ROADS - GRADE.

The District shall conform with 2019 California Fire Code Chapter 5 Section 503.2.7 and Appendix “D”; however, portions of these sections shall be revised to read as follows: The standard grade for all roads, streets and driveways shall not exceed twelve percent (12%). The District Fire Chief or his/her designee may approve grades between twelve percent (12%) and twenty percent (20%) with a “non-skid” asphalt or concrete surface, which shall not exceed 500 feet in length.”

9) KEY BOXES.

When access to or within a structure or an area is unduly difficult because of secured openings, or where immediate access is necessary for lifesaving or firefighting purposes, the District Fire Chief is authorized to require a key box (“Knox Box”) to be installed in an accessible location. This box is to contain the keys necessary to gain access for lifesaving or firefighting purposes.

10) FIRE HYDRANTS.

The requirements of 2019 California Fire Code chapters 1, 5, and 9 as well as Appendix C &

CC shall apply to fire hydrants. The type of hydrant to be used shall be determined and installed pursuant to District water standards for installation of a fire hydrant. All fire hydrants are to be identified in the roadway by "blue" reflective markers with a minimum dimension of three (3) inches ("Botz Dot"). [UFC/CFC 901.4.3]

- a) Public Hydrants. All barrels are to be safety yellow in color. The tops and nozzle caps shall be painted with the following capacity-indicating color scheme to provide simplicity and consistency with colors used in signal work for safety, danger, and intermediate condition.
  - Class AA-Light Blue - Rated capacity of 1500 gpm or greater
  - Class A-Green - Rated capacity of 1000-1499 gpm
  - Class B-Orange - Rated capacity of 500-999 gpm
  - Class C-Red - Rated capacity of less than 500 gpmColors to be "Safety" colors
- b) Classifications. The classification and marking of hydrants provided herein anticipate determination based on individual flow test. Where a group of hydrants may be used at time of fire, some special marking designating group flow capacity may be desirable.
- c) Private Hydrants/on-site fire supply systems. On-site private hydrants and fire supply systems shall meet standards set forth in the San Miguel Fire Department's and San Miguel Community Services District's Standards, Specifications and Drawings, unless otherwise approved by Fire Chief. All barrels are to be safety red in color. All underground piping supplying fire sprinkler systems shall be minimum class two hundred (200) piping.
- d) Clear space around hydrants and fire protection equipment. A minimum three (3) foot clear space shall be maintained around the circumference of any fire hydrant, fire department connection or fire protection control valve, or any other fire protection system component

#### 11) PREMISE IDENTIFICATION.

Approved numbers or addresses shall be placed on all new and existing buildings or premises in such a manner and position as to be plainly visible and legible from the street or road fronting the property. Numbers shall be at least four (4) inches in height for residential applications and at least six (6) inches in height for commercial and multifamily applications. Each unit of a commercial or multifamily complex must be independently addressed. Numbers and letters shall contrast with their background and be reflective or illuminated. In some cases, addresses may be required to be placed at the street and on individual structures.

#### 12) FIRE DEPARTMENT ACCESS ROADS

When required, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof. All signage shall include the California Vehicle Section and San Luis Obispo County Roads



signage standards allowing for enforcement.

13) BUILDING OR PROPERTY DAMAGED BY FIRE

An owner, occupant or other person, having under his/her control any property or materials on property damaged by fire, when access by the public is possible, shall secure the property by boarding up all openings, fencing, barricading or other appropriate measures as directed by the Fire Chief or the Fire Prevention Officer within forty- eight (48) hours after the incident.

Within thirty (30) days after written notice to do so has been served, all debris and/or materials shall be removed from the property or proof furnished that contractual arrangements have been made for demolition, replacement or repair of all fire damaged structures remaining on the property involved in the fire.

14) WILDLAND URBAN INTERFACE

When determined by the Fire Chief or designated Fire Prevention Officer, structures built in potentially high-risk fire areas shall comply to 2019 California Fire Code Chapter 49 and 2019 California Building Code Chapter 7A either in full or in part as deemed appropriate.

15) ITEMS REQUIRING PLAN SUBMITTAL AND OR INSPECTIONS

- a) Plot Plans for any proposed housing tracts, multifamily housing project, commercial or educational facility.
- b) Fire Sprinkler Plans for any single-family dwelling, multifamily housing projects, commercial or educational facility.
- c) Any modifications to an existing fire sprinkler system.
- d) Any new fire sprinkler system installation.
- e) Any new fire alarm systems being installed, or any existing fire alarm system being modified.
- f) Any new commercial ventilation hood system being installed or modified.
- g) New photovoltaic systems.

All items requiring submittal or inspections are subject to fees as set forth in the current Fee Schedule.

16) SALE AND USE OF “SAFE AND SANE” FIREWORKS

2019 California Fire Code chapter 56 are hereby modified in the following respect: the possession, storage for purposes of sale at retail and use only, sale at retail and use of “Safe and Sane” fireworks within the District is permitted in accordance with the rules and regulations set forth in the following:

- a) REGULATIONS AND RULES PERTAINING TO THE RETAIL SALE AND USE OF “SAFE AND SANE” FIREWORKS.

The possession, storage for purposes of sale at retail and use only, sale at retail and use of “Safe and Sane” fireworks within the District is allowed subject to the following rules and regulations:

i) Definition of “Safe and Sane” Fireworks

“Safe and Sane” Fireworks shall mean those fireworks defined as “Safe and Sane” in California health and Safety Code Section 12529 and classified by the State Fire Marshall as “Safe and Sane” in accordance with Section 12562 of the Health and Safety code.

ii) Application

No permits for sale of “Safe and Sane” fireworks will be issued to any person, firm, or corporation except those non-profit associations or corporations organized primarily for veteran, patriotic, welfare, civic betterment, or charitable purposes. Proof of nonprofit status shall be required by producing copies of documents of incorporation as registered with the Secretary of the State of California.

All permits for the sale of “Safe and Sane” fireworks for for-profit organizations’ or individuals’ applications will be rejected. Only non-profit organizations located within the District boundaries are eligible for these permits. Previous permittees shall have first right of refusal. Any organization whose charter or by-laws requires their funds to enhance the community they serve and desiring to sell at retail “Safe and Sane” fireworks within the District must first make written application for a permit to the Fire Chief.

Applications for permits shall be made in writing and submitted to the District up to 60 days once the annual fireworks resolution has been approved by the Board. If the 60-day period falls on a Saturday or Sunday, then the filing period will be extended to the next business day. A maximum of three (3) permits will be issued annually. The District retains the right to maintain a list of additional applicants should a permittee fail to perform. Applicants shall be advised of status no later than ten (10) business days after the application period.

iii) License as a Prerequisite

The Fire Chief shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts specified on the application for a permit, as such license is defined in Health and Safety Code Section 12517. The applicant must be at least 21 years of age or older.

iv) Investigation and Report

The Fire Chief shall undertake an investigation and prepare a report of his/her findings and determination concerning the issuance of each permit, together with the reasons thereof.

v) Grant or Denial of Permit

The Fire Chief may grant or deny the permit, subject to such reasonable conditions, if any, as he/she shall prescribe. Such conditions shall include, but not be limited to:

- 1) The permittee shall deposit a clean-up fee in an amount set by resolution of the District Board of Directors which may be refunded in whole or in part, as determined by the District, if the sale location, San Miguel park and other areas as determined by the Fire Chief at which "Safe and Sane" fireworks are used, are free of used and spent fireworks, and related materials by July 5, as determined by the District;
- 2) The permittee must provide each purchaser of "Safe and Sane" fireworks with a copy of the restrictions and safety guidelines for the use of "Safe and Sane" fireworks in the District and sign a receipt of acknowledgement agreeing to said provisions. Each purchaser also agrees that she/he is eighteen (18) years of age or older and such fireworks will not be used by anyone less than 18 years of age without adult supervision.
- 3) Notwithstanding any other provision of law, the permittee shall furnish to the Fire Chief a policy of public liability and property damage insurance, with no deductible, with limits and terms set by resolution of the Board. The District and its officers, directors, and employees shall be named as additional insured under such public liability policy. A certificate of insurance shall be presented consistent with the above prior to sale and shall provide that the insurer will not cancel the coverage without fifteen (15) days prior written notice to the Fire Chief.
- 4) There shall be a nonrefundable permit fee set by resolution of the Board to cover the District's reasonable costs in administering and enforcing the provisions of this section of the ordinance.

vi) Designation of Location for Sale of "Safe and Sane" Fireworks.

Any permit issued under subparagraph (e) above shall designate the location at which the permittee may sell at retail "Safe and Sane" fireworks.

vii) Duration of Permit.

The term of the permit shall coincide with the valid period of the license. This provision shall not prohibit the revocation of the permit by the Fire Chief for just cause where a fire nuisance exists or where personal injury may occur.

viii) Salespersons

No person under the age of eighteen (18) shall sell or handle for sale, any "Safe and Sane" fireworks.

ix) Location of Use of "Safe and Sane" Fireworks.

"Safe and Sane" fireworks may be used within the District's boundaries, and may only be discharged when the following conditions are met:

- 1) There is a fifty (50) foot radius clear of all combustible materials.
- 2) There is an adequate water supply provided, consisting of a least a 5/8" garden hose with an adjustable pressure nozzle charged.

x) Violations.

In addition to any other violations provided by law, the following shall constitute violations related to the possession, storage, sale and use of “Safe and Sane” fireworks within the District:

- 1) It is unlawful for any person to sell or offer for sale “Safe and Sane” fireworks at any time outside the period established by resolution of the District Board of Directors.
- 2) It is unlawful for any person to discharge fireworks at any time outside the period established by the District Board of Directors.
- 3) It is unlawful for any person to store any “Safe and Sane” fireworks without having in his/her possession a valid permit as required by this Ordinance.
- 4) It is unlawful for any person to store or possess any “Safe and Sane” fireworks for which a license is required, and which has been revoked or surrendered or any license, which has not been renewed, and such storage or possession is held beyond the period provided for in Section 12604 of the Health and Safety Code.
- 5) It is unlawful for any person to store, sell, or discharge any “Safe and Sane” fireworks in or within one hundred (100) feet of a location where gasoline or any other class 1 flammable liquids are stored or dispensed.
- 6) It is unlawful for any person to place, throw, discharge or ignite, or fire “Safe and Sane” fireworks at any person or group of persons where there is a likelihood of injury to any such person.
- 7) It is unlawful for any person to sell or transfer any “Safe and Sane” fireworks to a consumer or user thereof other than at a fixed place of business of a retailer for which a license and permit has been issued.
- 8) It is unlawful for any person to allow or permit a fire nuisance, as defined in Section 12510 of the Health and Safety Code, to exist on any premises where any “Safe and Sane” fireworks are sold or stored.
- 9) It is unlawful for any person to conduct a public display without possessing a valid permit for this purpose.
- 10) It is unlawful for any person to advertise to sell “Safe and Sane” fireworks without a valid license and permit.
- 11) It is unlawful for any person to sell, give or deliver any “Safe and Sane” fireworks to a person who is under 18 years of age.
- 12) It is unlawful for any person to perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

xi) Penalties.

Except as provided in Section 12702 of the Health and Safety Code, any person who violates any provision of Section 4 of this Ordinance, or any regulations issued pursuant thereto, is guilty of misdemeanor, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) and no more than One Thousand Dollars (\$1,000.00), and/or by imprisonment in the San Luis Obispo County Jail not exceeding one year.

In addition to all other penalties, the Fire Chief may deny an application to sell “Safe

and Sane” fireworks if the applicant violated any provision of Section 4 of this Ordinance, or any regulations issued pursuant thereto, in a prior year.

xii) Signage

Any approved retail location that sells “Safe and Sane” Fireworks will be required to post a banner which shall read, “This booth is sponsored by (name of organization) located in (City or District organization is headquartered).” The banner shall be made of a minimum of 12” wide, white vinyl-type material with 6” solid black-block letters (lettering to have a professional appearance). The banner design shall be approved by the Fire Chief prior to granting permission to sell “Safe and Sane” Fireworks. The banner shall be posted above the retail area of the booth and shall be posted during the hours of retail operation.

**Section 5. Inconsistency.**

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinance, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules or regulations are hereby repealed.

**Section 6. Severability.**

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. Th Board declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase no declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Section 7. Posting.**

The District General Manager shall post a copy of this Ordinance in three public places in the District within ten (10) days after its adoption. Within fifteen (15) days after its passage, this ordinance or summary thereof shall be published at least once in a newspaper of general circulation published and circulated within the San Miguel Community Services District.

**Section 8. Effective Date.**

This Ordinance shall take effect thirty (30) days after its adoption.

This Ordinance was Introduced at a regular meeting of the Board of Directors of the San Miguel Community Services District, held on the 28<sup>th</sup> day of March, 2019, and given its first reading at said meeting. Said Ordinance was given a second reading and adopted at a meeting of the Board of Directors held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and after such reading, Board Director \_\_\_\_\_, who moved its adoption, seconded by Board Director \_\_\_\_\_,

and said ordinance was thereupon adopted by the following vote:

Ayes:

Noes:

Abstain:

Absent:

San Miguel Community Services District

~~John Green~~ Ashley Sangster, Vice President  
Board of Directors

ATTEST:

\_\_\_\_\_  
Rob Roberson, General Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Doug White, District General Counsel

DRAFT



## San Miguel Community Services District

### Board of Directors Staff Report

April 25<sup>th</sup>, 2019

**AGENDA ITEM: XI-4**

**SUBJECT:** Continued Discussion on the status of the Machado Wastewater Treatment Facility expansion and the aerator upgrade project.

---

**RECOMMENDATION:** Discuss status of the Machado Wastewater Treatment Facility expansion and the aerator upgrade project.

---

#### **CURRENT STATUS:**

##### *WWTF*

The existing plant upgrade was completed in 2001, at that time it was upgraded to a maximum capacity of 200,000 gallons per day.

**COMPLIANCE** – Based on the 4th quarter 2018 testing the plant is out of compliance in regard to TDS, and Chloride

**FLOW** – In *February* the plant averaged 143,408 gallons per day (71% of hydraulic design capacity) with a max day of 174,476 gallons (87% of hydraulic design capacity)

On 6/18/18 the District received a letter from SWRCB outlining the status of the plant and setting a timeline of approximately 2.9 years before the plant reaches capacity. This is the window to complete the expansion to prevent potential overflows and potential violations.

Monsoon Consultants is currently working on design requirements and options to meet current/future and proposed regulatory requirements.

- The initial DRAFT of the WWTP Expansion engineering report, which includes a discussion of several design alternatives, was delivered to staff for review and comment on August 20<sup>th</sup>.
- Input from Staff was provided to Monsoon Consulting, and the list of potential expansion design alternatives were “short listed” and these will be taken to the next level of design.
- The DE made a presentation to the Board at the regular November 2018 Board Meeting in which he summarized the results of the engineering study and identified the “short list” of treatment plant expansion / upgrade alternatives.

- On December 11<sup>th</sup> and 12<sup>th</sup>, Kelly Dodds and Swarnjit Boyal, project engineer from Monsoon Consultants, visited three (3) existing wastewater treatment plants (WWTP) to meet with operations staff and tour the facilities on two possible upgrade options for the San Miguel Waste Water Treatment Plant Upgrade. These systems included one Sequencing Batch Reactor (SBR) and two Membrane Bio-Reactor (MBR) systems.
  - Arroyo Grande, Cypress Ridge WWTP Facility – SBR
  - Auburn, Lake of the Pines WWTP Facility – MBR
  - Modesto, Modesto WWTP Facility – MBR
- The DE delivered the FINAL engineering report to the BOARD at the regular January 2019 Board Meeting and the Board subsequently approved the report. Costs associated with the preparation of the engineering report are reimbursable from a IRWM Prop 1 DAC Involvement Grant that the District was awarded in early 2018. The amount of the available grant funds is \$177,750.
- The District submitted the FINAL Engineering Report to the RWQCB for their review and comment. They reviewed the report and the DE and Director of Utilities met with RWQCB staff on February 28th to discuss future project phases, requirements, funding, permitting and schedules.
- The District has submitted the Final Engineering Report to PG&E for their review in advance of a meeting to discuss future WWTP electrical service requirements and the potential for technical / financial assistance for the WWTP expansion / renovation.
- The District also applied for a service change to PG&E to begin the process of determining the extent of improvements needed to service the new power requirements.

#### *AERATOR PROJECT*

5/17/18 WSC has issued the Final Technical Memorandum outlining some of the options for the replacement of the existing surface aerators with bubbler aeration in the ponds. Part of the recommendation is to install a headworks to prevent fouling the diffusers.

The Energy Watch and PG&E are working on preliminary paperwork for On Bill Financing for this project once it is ready.

#### *FUNDS EXPENDED*

Total Costs incurred to date

- Property acquisition - \$240,140 (Paid with Capital Funds not covered under any grant FY2016-17)
- Engineering - \$98,744.69 (Reimbursable through the IRWM Grant)

#### *GRANT FUNDING*

Awarded

- Integrated Regional Water Management (IRWM) Prop 1 DAC -- \$177,750 for Wastewater plant upgrade analysis, basin recharge study.  
The agreement for this grant was received in February 2019 and will be processed and returned so that we can start to receive reimbursement funds.

Applied for/ to



- State Revolving Fund (SRF) -- \$250,000 for construction design and engineering – approval pending the Districts FY2016-17 and FY2017-18 audit. FY2016-17 Audit was sent October 2018 Since the FY 2017-18 audit was adopted by the Board on 3/13/19 it has since been provided to the reviewing engineer for inclusion in the application documents. The Waterboard has confirmed receipt of the FY2017-2018 audited financials and has confirmed that the Districts SRF Grant Application is complete.

## **NEXT STEPS:**

### *WWTF*

Now that the FINAL engineering report is completed and has been approved by the Board, the DE has begun working on a proposed a schedule/ timeline which will be presented to the Board for the preparation of construction documentation, environmental / regulatory compliance measures, and permitting. At that time, the DE will provide cost estimates associated with that schedule.

One of the first things that will be needed will be a headworks and larger lift station. Once a capacity is determined that will be brought to the board for approval.

Based on discussions with the DE, we anticipate that in February 2019, the DE will initiate the preparation of the work plan for the CEQA “Initial Study” and begin the final design phase for the recommended WWTP upgrade and expansion design alternative. We have scheduled approximately 9 months to complete the final design and the preparation of the Construction / Bidding Documents. Pending receipt of notification of a grant award for the SRF funds, we plan to prepare and issue an RFP for Environmental Studies as required for CEQA/ NEPA Compliance for the recommended WWTP upgrade and expansion design alternative. The timing of the environmental compliance & permitting work will coincide with the completion of the final design phase. Under our currently planned schedule, the District should plan on initiating the process of obtaining financing for the WWTP upgrade and expansion project during the second quarter of 2019, with the goal of having financing in place to advertise and award a construction project in the 4<sup>th</sup> Quarter 2019.

### *AERATOR PROJECT*

Once design criteria are determined for the WWTF and it is determined that the aeration upgrade will be maintained with the plant expansion then staff will bring additional items to the board to facilitate the approval and construction of the aeration upgrade.

---

## **COUNT DOWN CLOCK**

**Notice issued – June 2018    Deadline given – March 2021 (2.9 years)**

**Time remaining—1 year 11 months (23 months)**

---

## **FISCAL IMPACT**

No impact resulting from this information.

## RECOMMENDATION

This item is for information and discussion only.

**Due to the limited time frame this item will be updated monthly and the Board will likely have additional items for approval in conjunction with this report.**

PREPARED BY:

*Kelly Dodds* \_\_\_\_\_

Kelly Dodds, Director of Utilities

*Blaine Reely* \_\_\_\_\_

Blaine Reely, Monsoon Consulting



## San Miguel Community Services District

### Board of Directors Staff Report

April 25, 2019

AGENDA ITEM: XI-5

**SUBJECT: Review and approve Amended RESOLUTION 2019-07 allowing modification to Resolution 2019-07 providing clarification for the fees related to “Single Family Dwellings”.**

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**RECOMMENDATION:**

Approve Amended **Resolution 2019-07** allowing modification to Resolution 2019-07 providing clarification for the fees related to “Single Family Dwellings”.

---

The purpose of this resolution is to modify Resolution 2019-07 in order to provide clarification regarding the fees associated with “Single Family Dwellings”.

As a requirement of providing Fire Protection to the District, department personnel are required to receive plans for construction projects, both new construction and remodel. This is to assure that the Fire Life and Safety components of a project are in compliance. Plans are required to be reviewed and approved prior to commencement of construction activities.

Fire Department personnel are also required to perform inspections during the construction process and on an annual bases for all businesses within the District. The proposed fees would provide a mechanism to recover the cost of providing those services to the contractor, homeowner or business owner / operator. A cost associated to reinspection’s due to noncompliance has also been identified within the Fee Schedule.

The proposed fees are to recover the cost to the District. They are not meant to provide any additional revenue beyond cost recovery for personnel and equipment usage.

**Fiscal Impact:**

There is no negative fiscal impact associated with approving and adopting the proposed fee schedule. The proposed fees will provide cost recovery for the services being performed.

**PREPARED BY:**

**APPROVED BY:**

**Scott Young**

***Rob Roberson***

Assistant Fire Chief

Fire Chief

Attachment: Amended **Resolution No 2019-07**  
Modified fee schedule with “Single Family Dwellings”.



San Miguel Community Services District  
Application for Fire, Life & Safety Plan Check and  
Inspection  
4-25-2019

Estimated Fees are due at time of application submission:  
Additional fees may be due upon completion of review.

## San Miguel CSD Fire Plan check & Inspection Fee Schedule

Description	Fee	Rate
<b><i>Single Family Dwelling</i></b>		
Site plan review per dwelling up to 2,500 square feet	150	Flat
.25 cents per square foot beyond 2,500 square feet	0.25	Sqft
<b><i>Tracts</i></b>		
New housing tracts map plan check including 2 inspections	200	Flat
Reinspection's	50	Hourly
<b><i>Fire Sprinkler Single Family Residences Up to 2,500 sqft</i></b>		
New construction fire sprinkler plan check including 2 inspections	150	Flat
Reinspection fire sprinkler	50	Hourly
25 cents per Square foot beyond 2,500 sqft	0.25	Sqft
<b><i>Multi Family Fire Life Safety Plan Check</i></b>		
Site review plan check	250	Flat
Fire sprinkler plan check	150	Per Unit
Reinspection fire sprinkler	50	Hourly
Fire alarm plan check	250	Flat
Reinspection fire alarm	50	Hourly
<b><i>Commercial Building Plan check Fees</i></b>		
Plan check (up to 2,500 sqft)	250	Flat
25 cents per Square foot beyond 2,500 sqft	0.25	Sqft
Fire sprinkler plan check (up to 2,500 sqft)	200	Flat
25 cents per Square foot beyond 2,500 sqft	0.25	Sqft
Fire alarm plan check	200	Flat
All reinspection fees	50	Hourly
<b><i>Commercial Cooking Ventilation Hood System</i></b>		
Plan check fee for new or modified hood systems including 2 inspections	150	Flat
All reinspection fees	50	Hourly
<b><i>Photovoltaic Plan check Fees</i></b>		
Single family home	150	Flat
All others	0.25	Sqft
All reinspection fees	50	Hourly

## Application Check list

### Information required for all Fire, Life & Safety applications:

1. Plot Plan- 8 1/2" X 11" attached to application.
2. Site or Tract Review- 2 Full sized Plot Plans
3. Construction Plans - 1 Electronic PDF file submitted on disc
4. Construction Plans – 2 Complete Full-Size Plan Sets per address
5. Grant Deed or Lot Book Guarantee
6. Initial application fee based on fees from prior page

### NOTICE TO BUILDERS/CONTRACTORS/HOMEOWNERS

San Miguel Community Services District Ordinance 02-2019 requires the following to be fitted with fire safety sprinklers:

New Construction An automatic fire extinguishing system shall be installed and maintained in all new buildings in all occupancies, regardless of type of construction in excess of 500 square feet, for which any Building Permit is issued after the effective date of this Ordinance.

Exceptions:

- (i) Detached Group "U" or "S" occupancies not exceeding 500 square feet and located at least 10 feet from adjacent buildings and in compliance of all county setbacks from adjacent property lines.
- (ii) Some "U" \* uses may be exempted by the fire code official based on specific use (i.e. carports, fences, livestock shelters)

\* May not exceed 500 square feet – must be at least 10 feet from adjacent buildings – no second stories – minimum two exists including one pedestrian door – workshops or offices limited to 10% of floor area – cannot be used for a place of employment or for public assemblage/events – cannot be used as a commercial building.

**Note:** Detached group "U" or "S" occupancies converted to conditioned habitable space will be required to install an automatic fire extinguishing system.

Existing Construction An automatic fire extinguishing system shall be installed in all existing buildings or structures where proposed or ongoing additions, seismic retrofit, alterations or repairs are commenced over a three-year period, which meet one or more of the following:

- (i) Throughout structure where additions to existing buildings adds up to more than 25% of the original square footage;
- (ii) Alterations including modifications to an existing structure which involves complete removal and replacement of 25% or more of the wallboard;
- (iii) Have a total floor area exceeding twenty-five hundred (2,500) square feet;
- (iv) When a second story or higher is added;
- (v) When occupancy change increases fire risk or hazard, as determined by the fire code official.

For the purpose of calculating square footage for the application of fire sprinkler and fire flow requirements, the floor area shall include all combustible areas attached the structure, including garages, patio covers or common areas (protected on three sides), overhangs over 2 feet, and covered walkways.

Furthermore, when an automatic fire extinguishing system is required for an existing single-family residence due to an addition the addition and all existing rooms and spaces in the residence shall be equipped with the fire sprinkler system as required by the fire code in effect.

Regardless of additions, alterations or repairs in **existing** sprinklered buildings, sprinkler coverage shall remain as per the National Fire Protection Association 13, 13R, or 13D Standards, whichever are applied by the fire code official.

**Single-family residence builders please note:**

Your sprinkler contractor's design and calculations will determine the size of the water meter required. Please consult with your sprinkler contractor prior to requesting your water meter to be installed.

## **FIRE, LIFE & SAFETY PLAN CHECK & INSPECTIONS APPLICATION**

**Estimated Fees are required at time of application submission**

*Fee Breakdown as follows:*

- 1. All fees shall be based on the current Fire, Life & Safety Plan Check & Inspection Fee Schedule.*
- 2. Note that additional fees may be due at time of Fire, Life & Safety Plan pick up.*

**APPLICANT INFORMATION** (Please fill out completely)

Primary Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Title: \_\_\_\_\_ Email Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Phone: (\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

Email Address (Owner): \_\_\_\_\_

*Please note that an agent acting for the owner shall submit written authorization with owner's notarized signature.*

Agent Name: \_\_\_\_\_

Agent Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Work Phone: (\_\_\_\_) \_\_\_\_\_ Home: (\_\_\_\_) \_\_\_\_\_ Cell: (\_\_\_\_) \_\_\_\_\_

Email Address (Agent.): \_\_\_\_\_ Title: \_\_\_\_\_

**PROJECT INFORMATION** (Please fill out completely)

**PROJECT LOCATION OR ADDRESS:**

Business Name/Type of Business (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**APN No:** \_\_\_\_\_ **Tract No:** \_\_\_\_\_ **Lot No:** \_\_\_\_\_



**TYPE OF PROJECT:**

**Residential Zoning:** Single Family\_\_\_\_ Multi-Family\_\_\_\_\_

**Commercial/Industrial Zoning:** Office\_\_\_\_ Retail\_\_\_\_ Medical\_\_\_\_ Restaurant\_\_\_\_ Industrial\_\_\_\_

**Other:** \_\_\_\_\_

**Please Note:** If new construction includes an accessory building (guest house, granny unit, pool house, garage, shop, etc.), please list the proposed use of the structure in the Project Description section below. Note that all new residential buildings are required to have fire sprinklers installed. "U" and "S" occupancies in excess of 500sqft are required to be protected by an automatic fire sprinkler system. Should actual use be inconsistent with the classifications defined in the California Building Code, now or in the future retrofit of sprinklers will be required.

**Project Size:**

Total Square Footage (sqft.)\_\_\_\_\_

Existing Square Footage:\_\_\_\_\_

New Square Footage:\_\_\_\_\_

Garage Square Footage:\_\_\_\_\_

Accessory Structure Square Footage:\_\_\_\_\_

**Detailed Project Description:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**A PLOT PLAN, CONSTRUCTION PLANS AND A GRANT DEED IS REQUIRED WITH THIS APPLICATION.**

THE PLAN SHALL INCLUDE AN AREA MAP, ACCESS ROADS, DRIVEWAYS, TURNOUTS, PROPOSED EXISTING BUIKDINGS, AND THE LOCATION OF THE CLOSED FIRE HYDRANT.

“Fire/Life Safety Requirements” will be available within ten (10) working days after review for fire code compliance. A copy of the requirements shall remain on the project site until final inspection or certification of occupancy has been issued.

If you have any questions, please feel free to contact the San Miguel Community Services District or Fire Department between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

**SIGNATURE OF OWNER/AGENT:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**Attach:**  
SITE PLAN HERE

# CONSENT OF LANDOWNER

San Miguel Community Services District

APN No: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

I (we) the undersigned owner of record of the fee interest in the parcel of land located at (print address):  
\_\_\_\_\_, identified as Assessor Parcel Number (APN)  
\_\_\_\_\_, for which a Will Serve Letter and/or Fire Review Letter is  
being requested for: \_\_\_\_\_ (specify type of project, for example:  
addition to a single-family residence; or general plan amendment), do hereby certify that:

1. Such application may be filed and processed with my (our) full consent, and that I (we) have authorized the agent named below to act as my (our) agent in all contacts with the county and to sign for all necessary permits in connection with this matter.
2. I (we) hereby grant consent to the San Miguel Community Services District (District), its officers, agents, employees, independent contractors, consultants, sub-consultants and their officers, agents, and employees to enter the property identified above to conduct any and all surveys and inspections that are considered appropriate by the inspecting person or entity to process this application. This consent also extends to governmental entities other than the District, their officers, agencies, employees, independent contractors, consultants, sub-consultants, and their officers' agents or employees if the other governmental entities are providing review, inspections and surveys to assist the county in processing this application. This consent will expire upon completion of the project.
3. If prior notice is required for an entry to survey or inspect the property.  
Please Contact: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Daytime Telephone Number: \_\_\_\_\_
4. I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property  
\_\_\_\_\_  
\_\_\_\_\_

**PERSON OR ENTITY GRANTING CONSENT:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Telephone Number: \_\_\_\_\_  
Signature of landowner: \_\_\_\_\_  
Date: \_\_\_\_\_

**AUTHORIZED AGENT:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Daytime Telephone Number: \_\_\_\_\_  
Signature of agent: \_\_\_\_\_  
Date: \_\_\_\_\_

# Additional Project Information.

## Section 1. APPLICANT INFORMATION: (Check box for contact person)

Landowner Name \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Applicant Name \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Agent Name \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

## Section 2. PROPERTY INFORMATION:

Legal Description: \_\_\_\_\_

Assessor Parcel Number(s) \_\_\_\_\_ Attached Lot Book Guarantee? yes / no

Number and size of lots to be served: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Address (es) if known \_\_\_\_\_

\_\_\_\_\_

**Section 3. OPERATION(S)** Check all that apply

- |   |   |
|---|---|
| <input type="checkbox"/> Auto Detailing/Wash        | <input type="checkbox"/> Medical Service        |
| <input type="checkbox"/> Auto Service/Repair        | <input type="checkbox"/> Pharmacy               |
| <input type="checkbox"/> Bakery                     | <input type="checkbox"/> Photo Services         |
| <input type="checkbox"/> Automobile Service /Repair | <input type="checkbox"/> Printing               |
| <input type="checkbox"/> Dry Cleaning/Laundry       | <input type="checkbox"/> Professional Services  |
| <input type="checkbox"/> Food Processing            | <input type="checkbox"/> Public Service         |
| <input type="checkbox"/> Food Service/Restaurant    | <input type="checkbox"/> Retail Sales           |
| <input type="checkbox"/> Hotel/Motel                | <input type="checkbox"/> Tasting Room           |
| <input type="checkbox"/> Laboratory                 | <input type="checkbox"/> Wholesale Distribution |
| <input type="checkbox"/> Machine Shop               | <input type="checkbox"/> Winery                 |
| <input type="checkbox"/> Manufacturing/All Types    | <input type="checkbox"/> Other _____            |

**A.** In order to determine whether the proposed project will require a change in occupancy and or an operational permit provide a brief detailed description of the type of manufacturing, business processes, production, or service activities proposed for this site: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### Section 4. Project Information

A. If your facility employs processes in any of the industrial categories or business activities listed below, place a check beside the category or activity.

- |  |   |
|--|---|
| <input type="checkbox"/> Adhesives                           | <input type="checkbox"/> Mechanical Products                    |
| <input type="checkbox"/> Aluminum Forming                    |   |
| <input type="checkbox"/> Anodizing                           | <input type="checkbox"/> Metal Etching/Chemical Milling         |
| <input type="checkbox"/> Automobile Maintenance and Repair   |   |
| <input type="checkbox"/> Battery Manufacturing OR Reclaiming | <input type="checkbox"/> Metal Coating (Phosphating, Coloring,) |
| <input type="checkbox"/> Copper Forming                      | <input type="checkbox"/> Nonferrous Materials                   |
| <input type="checkbox"/> Dairy Products Processing           | <input type="checkbox"/> Organic Chemicals                      |
| <input type="checkbox"/> Electric/Electronic Components      | <input type="checkbox"/> Paint & Ink                            |
| <input type="checkbox"/> Electroplating                      | <input type="checkbox"/> Petroleum Refining                     |
| <input type="checkbox"/> Fruit or Vegetable Processing       | <input type="checkbox"/> Pharmaceuticals                        |
| <input type="checkbox"/> Hospital                            | <input type="checkbox"/> Photographic Supplies                  |
| <input type="checkbox"/> Inorganic Chemicals                 | <input type="checkbox"/> Plastic & Synthetic Materials          |
| <input type="checkbox"/> Iron & Steel                        | <input type="checkbox"/> Plastics Processing                    |
| <input type="checkbox"/> Laundries                           | <input type="checkbox"/> Porcelain Enamel                       |
| <input type="checkbox"/> Leather Tanning & Finishing         | <input type="checkbox"/> Printed Circuit Board Manufacturing    |
| <input type="checkbox"/> Rubber                              | <input type="checkbox"/> Printing & Publishing                  |
| <input type="checkbox"/> Soaps & Detergent                   | <input type="checkbox"/> Pulp & Paper                           |
| <input type="checkbox"/> Winery                              |   |

**Section 5. APPLICANTS SIGNATURE**

*The information provided will be used to determine whether the proposed use of the project site meets the proposed occupancy as per the Fire, Life & Safety Plan Check Application.*

*Note: It is the applicant's responsibility to notify the District in writing of any changes in the information provided above within 30 days of such change.*

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## San Miguel Community Services District Board of Directors

### Staff Report

April 25, 2019

ITEM: XI-6

**SUBJECT: Declaring Hazardous Weeds a Public Nuisance within the San Miguel Community Services District by Resolution 2019-19**

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#### **STAFF RECOMMENDATION:**

Staff recommends that the Board of Directors approve and adopt **RESOLUTION NO. 2019-19** declaring hazardous weeds a public nuisance and direct staff to proceed with mailing notices to abate.

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#### **DISCUSSION:**

District Fire Department conducts a weed abatement program to reduce fuel load and eliminate fire hazards, pursuant to the authority contained in Government Code Section 61100(t) and Health and Safety Code Sections 14875 *et seq.* Abatement is initiated by resolution adoption declaring weeds on identified properties as a public nuisance. Annually, the Fire Department inspects all parcels within its service boundaries for compliance with its weed abatement program. The parcels listed in Exhibit "A" in the attached Resolution were determined to be non-compliant with 245 lots and thereon are deemed a public nuisance.

A formal notice is sent to property owners following adoption of the attached Resolution. In accordance with the comprehensive weed abatement procedures set forth in the Health and Safety Code, a public hearing is scheduled for May 23<sup>rd</sup>, 2019, to consider any objections by affected property owners. All parcels not corrected shall be placed on a list for abatement. Costs of abatement plus administrative expenses are placed as an assessment on each parcel's property tax bill.

#### **FISCAL IMPACT:**

None. The costs of abatement are paid by the affected property owner. Administrative expenses are recovered by imposing a service charge.



Prepared by:

***Scott Young*** \_\_\_\_\_

Assistant Fire Chief  
Prevention Officer

Approved by:

***Rob Roberson*** \_\_\_\_\_

Interim General Manager /Fire Chief

**Attachment:** Resolution 2019-19



# San Miguel Fire Weed Abatement List 2019

#	APN	STREET_1	TYPE_1	STATE	ZIP	EST_ACRES
1	021-371-003	MONTEREY	RD	CA	93451	0.23
2	021-352-001	SLO MONTEREY	RD	CA	93451	4.85
3	021-371-005	EASMENT		CA	93451	0.28
4	021-323-004	9TH	ST	CA	93451	0.68
5	021-322-004	K	ST	CA	93451	0.75
6	021-302-016	K	ST	CA	93451	0.27
7	021-271-012	K	ST	CA	93451	0.1
8	021-271-011	K	ST	CA	93451	0.1
9	021-271-001	K	ST	CA	93451	0.23
10	021-323-005	L	ST	CA	93451	0.47
11	021-323-001	9TH	ST	CA	93451	0.23
12	021-323-006	L	ST	CA	93451	0.24
13	021-341-005	L	ST	CA	93451	0.19
14	021-341-012	MISSION	ST	CA	93451	0.18
15	021-341-009	MISSION		CA	93451	0.2
16	021-322-009	9TH	ST	CA	93451	0.22
17	021-322-015	L	ST	CA	93451	0.29
18	021-322-014	L	ST	CA	93451	0.2
19	021-322-013	L	ST	CA	93451	0.28
20	021-331-034	L	ST	CA	93451	0.19
21	021-331-032	L	ST	CA	93451	0.22
22	021-331-030	MISSION	ST	CA	93451	0.13
23	021-331-019	MISSION	ST	CA	93451	0.28
24	021-331-018	MISSION	ST	CA	93451	0.15
25	021-331-004	10TH	ST	CA	93451	0.08
26	021-331-001	L	ST	CA	93451	0.28
27	021-311-005	10TH	ST	CA	93451	0.31
28	021-311-014	EASMENT		CA	93451	0.17
29	021-311-003	L	ST	CA	93451	0.18
30	021-311-002	L	ST	CA	93451	0.29
31	021-311-008	MISSION	ST	CA	93451	0.26
32	021-312-001	EASMENT		CA	93451	1.08
33	021-301-004	K	ST	CA	93451	0.08
34	021-281-007	L	ST	CA	93451	0.19
35	021-281-014	MISSION	ST	CA	93451	0.17
36	021-281-013	MISSION	ST	CA	93451	0.37

37	021-281-020	L	ST	CA	93451	0.29
38	021-281-005	L	ST	CA	93451	0.19
39	021-281-011	MISSION	ST	CA	93451	0.09
40	021-221-014	MISSION	ST	CA	93451	0.08
41	021-221-013	MISSION	ST	CA	93451	0.08
42	021-221-016	MISSION	ST	CA	93451	0.08
43	021-221-015	MISSION	ST	CA	93451	0.08
44	021-221-018	MISSION	ST	CA	93451	0.25
45	021-221-039	MISSION	ST	CA	93451	0.08
46	021-221-040	MISSION	ST	CA	93451	0.08
47	021-221-037	MISSION	ST	CA	93451	0.06
48	021-221-010	MISSION	ST	CA	93451	0.13
49	021-221-038	MISSION	ST	CA	93451	0.06
50	021-221-035	MISSION	ST	CA	93451	0.08
51	021-221-036	MISSION	ST	CA	93451	0.09
52	021-221-034	MISSION	ST	CA	93451	0.12
53	021-221-032	MISSION	ST	CA	93451	0.12
54	021-221-033	MISSION	ST	CA	93451	0.08
55	021-221-031	MISSION	ST	CA	93451	0.06
56	021-221-030	MISSION	ST	CA	93451	0.12
57	021-221-029	MISSION	ST	CA	93451	0.06
58	021-221-027	MISSION	ST	CA	93451	0.08
59	021-221-028	MISSION	ST	CA	93451	0.06
60	021-221-026	MISSION	ST	CA	93451	0.1
61	021-221-025	MISSION	ST	CA	93451	0.12
62	021-221-024	MISSION	ST	CA	93451	0.13
63	021-221-022	MISSION	ST	CA	93451	0.13
64	021-221-023	MISSION	ST	CA	93451	0.06
65	021-221-021	SAN MIGUEL	ST	CA	93451	0.28
66	021-221-008	EASMENT		CA	93451	0.09
67	021-221-001	MISSION	ST	CA	93451	0.36
68	021-351-008	EASMENT		NE	93451	2.25
69	021-351-002	MISSION	ST	CA	93451	0.46
70	021-351-003	MISSION	ST	CA	93451	0.23
71	021-221-017	EASMENT			93451	4.85
72	021-241-022	11TH	ST	NE	93451	1.14
73	021-231-041	N	ST	CA	93451	0.3
74	021-231-024	N	ST	CA	93451	0.48
75	021-231-032	N	ST	CO	93451	0.04
76	021-231-028	12TH	ST	CO	93451	0.03
77	021-231-026	N	ST	CA	93451	0.26
78	021-231-025	N	ST	CA	93451	0.15
79	021-231-027	N	ST	CA	93451	0.16
80	021-231-004	N	ST	CA	93451	0.74
81	021-231-036	N	ST	CA	93451	0.34
82	021-231-035	N	ST	CA	93451	0.23
83	021-241-023	EASMENT			93451	2.11

<b>84</b>	021-241-024	EASMENT			93451	2.47
<b>85</b>	021-252-006	L	ST	CA	93451	0.19
<b>86</b>	021-252-013	L	ST	CA	93451	0.28
<b>87</b>	021-252-004	EASMENT		CA	93451	0.74
<b>88</b>	021-261-001	13TH	ST	CA	93451	0.39
<b>89</b>	021-261-002	13TH	ST	CA	93451	0.17
<b>90</b>	021-261-004	L	ST	CA	93451	0.27
<b>91</b>	021-261-007	12TH	ST	CA	93451	0.1
<b>92</b>	021-261-018	MISSION	ST	CA	93451	0.16
<b>93</b>	021-261-019	MISSION	ST	CA	93451	0.09
<b>94</b>	021-261-020	MISSION	ST	CA	93451	0.08
<b>95</b>	021-261-016	MISSION	ST	CA	93451	0.09
<b>96</b>	021-261-013	MISSION	ST	CA	93451	0.08
<b>97</b>	021-261-014	MISSION	ST	CA	93451	0.09
<b>98</b>	021-211-012	MISSION	ST	CA	93451	0.42
<b>99</b>	021-202-012	L	ST	CA	93451	0.42
<b>100</b>	021-202-005	K	ST	CA	93451	0.23
<b>101</b>	021-202-004	K	ST	CA	93451	0.26
<b>102</b>	021-202-003	K	ST	CA	93451	0.22
<b>103</b>	021-201-002	K	ST	CA	93451	0.13
<b>104</b>	021-201-009	EASMENT		CA	93451	0.06
<b>105</b>	021-201-004	K	ST	CA	93451	0.18
<b>106</b>	021-202-015	L	ST	CA	93451	0.18
<b>107</b>	021-202-010	L	ST	CA	93451	0.16
<b>108</b>	021-202-007	14TH	ST	CA	93451	0.18
<b>109</b>	021-231-005	14TH	ST	CA	93451	0.66
<b>110</b>	021-162-011	L	ST	CA	93451	0.17
<b>111</b>	021-162-010	L	ST	CA	93451	0.19
<b>112</b>	021-171-008	14TH	ST	CA	93451	0.18
<b>113</b>	021-171-026	L	ST	CA	93451	0.18
<b>114</b>	021-171-027	L	ST	CA	93451	0.19
<b>115</b>	021-171-003	L	ST	CA	93451	0.18
<b>116</b>	021-171-002	L	ST	CA	93451	0.09
<b>117</b>	021-171-001	15TH	ST	CA	93451	0.18
<b>118</b>	021-171-009	MISSION	ST	CA	93451	0.17
<b>119</b>	021-171-020	MISSION	ST	CA	93451	0.19
<b>120</b>	021-171-013	MISSION	ST	CA	93451	0.11
<b>121</b>	021-141-016	MISSION	ST	CA	93451	0.07
<b>122</b>	021-141-015	MISSION	ST	CA	93451	0.08
<b>123</b>	021-141-014	MISSION	ST	CA	93451	0.08
<b>124</b>	021-141-011	MISSION	ST	CA	93451	0.08
<b>125</b>	021-141-010	MISSION	ST	CA	93451	0.08
<b>126</b>	021-141-009	MISSION	ST	CA	93451	0.08
<b>127</b>	021-141-008	MISSION	ST	CA	93451	0.08
<b>128</b>	021-141-007	MISSION	ST	CA	93451	0.08
<b>129</b>	021-141-006	MISSION	ST	CA	93451	0.09
<b>130</b>	021-141-013	MISSION	ST	CA	93451	0.08

131	021-141-020	N	ST	CA	93451	0.19
132	021-141-017	N	ST	NE	93451	3.09
133	021-141-021	MISSION	ST	CA	93451	0.2
134	021-141-024	MISSION	ST	CA	93451	0.43
135	021-181-005	14TH	ST	CA	93451	0.35
136	021-181-008	N	ST	CA	93451	0.25
137	021-181-011	N	ST	CA	93451	0.16
138	021-193-012	BONITA	PL	CA	93451	0.13
139	021-193-013	RIVER	RD	CA	93451	0.11
140	021-193-015	15TH	ST	CA	93451	0.18
141	021-193-002	VERDE	PL	CA	93451	0.18
142	021-194-017	VERDE	PL	CA	93451	0.16
143	021-195-002	RIO VISTA	PL	CA	93451	0.3
144	021-195-007	15TH	ST	CA	93451	1.91
145	021-151-045	15TH	ST	CA	93451	3.17
146	021-151-039	EASMENT			93451	1.34
147	021-151-058	16TH	ST	CA	93451	0.11
148	021-151-043	16TH	ST	CA	93451	0.92
149	021-152-041	EASMENT		CA	93451	0.36
150	021-131-018	MISSION	ST	CA	93451	0.18
151	021-131-011	MISSION	ST	CA	93451	0.55
152	021-131-022	16TH	ST	CA	93451	0.3
153	021-131-023	MISSION	ST	CA	93451	0.15
154	021-131-016	MISSION	ST	CA	93451	0.12
155	021-131-025	16TH	ST	CA	93451	0.17
156	021-131-020	15TH	ST	CA	93451	0.2
157	021-122-021	K	ST	CA	93451	0.13
158	021-121-002	K	ST	CA	93451	0.15
159	021-153-053	16TH	ST	CA	93451	0.21
160	021-051-022	EASMENT		NE	93451	2.66
161	021-112-002	16TH	ST	CA	93451	1.1
162	021-092-002	17TH	ST	CA	93451	1.28
163	021-081-007	EASMENT		CA	93451	3.03
164	021-013-058	L	ST	CA	93451	0.91
165	021-091-008	MISSION	ST	CA	93451	0.18
166	021-091-007	MISSION	ST	CA	93451	0.18
167	021-091-010	MISSION	ST	OR	93451	0.17
168	021-091-013	MISSION	ST	CA	93451	0.17
169	021-091-017	MISSION	ST	CA	93451	0.15
170	021-091-015	MISSION	ST	CA	93451	0.16
171	021-091-005	MISSION	ST	CA	93451	0.19
172	021-091-006	MISSION		CA	93451	0.16
173	021-091-016	MISSION	ST	CA	93451	0.57
174	021-051-020	EASMENT		NE	93451	4.12
175	021-157-039	ARMAND	AV	CA	93451	0.15
176	021-153-040	ALDO	WY	CA	93451	0.11
177	021-153-003	ALDO	WY	CA	93451	0.11

178	021-157-042	BENEDICT	ST	CA	93451	12.83
179	021-051-013	BONITA	PL	CA	93451	17.39
180	021-051-017	EASMENT		CA	93451	17.67
181	021-051-021	EASMENT		NE	93451	2.92
182	027-011-048	EASMENT		NE	93451	0.29
183	021-013-051	PALA MISSION	WY	CA	93451	0.18
184	021-012-002	SAN BUENAVENTURA	WY	CA	93451	0.12
185	027-271-039	POWER	RD	CA	93451	1.26
186	027-272-007	NORTH BLUFFS	CT	CA	93451	2.44
187	027-272-006	NORTH BLUFFS	CT	CA	93451	1.36
188	027-272-005	NORTH BLUFFS	CT	CA	93451	1.15
189	027-272-012	NORTH BLUFFS	CT	CA	93451	1.06
190	027-272-011	NORTH BLUFFS	CT	CA	93451	1
191	027-272-004	RIVER BLUFFS	LN	CA	93451	1.03
192	027-272-010	RIVER BLUFFS	LN	CA	93451	1.08
193	027-272-009	RIVER BLUFFS	LN	CA	93451	1.01
194	027-272-003	RIVER BLUFFS	LN	CA	93451	1.02
195	027-272-002	RIVER BLUFFS	LN	CA	93451	1.69
196	027-272-008	RIVER BLUFFS	LN	CA	93451	1.01
197	027-272-001	RIVER BLUFFS	LN	CA	93451	1.83
198	027-271-034	RIVER	RD	CA	93451	29.27
199	027-271-041	RIVER	RD	CA	93451	62.94
200	027-221-003	MISSION	LN	CA	93451	0.95
201	027-221-058	SAN PABLO	LN	CA	93451	1.66
202	027-221-039	MISSION	LN	CA	93451	5.1
203	027-221-040	MISSION	LN	CA	93451	4.71
204	027-231-005	MISSION	LN	CA	93451	4.37
205	027-231-003	MISSION	LN	CA	93451	4.65
206	027-231-018	MISSION	LN	CA	93451	5.11
207	027-231-013	MISSION	LN	CA	93451	4.88
208	027-231-009	MISSION	LN	CA	93451	5.03
209	027-231-011	MISSION	LN	CA	93451	4.73
210	027-231-007	MISSION	LN	CA	93451	4.92
211	027-231-014	MISSION	LN	CA	93451	7.98
212	027-261-005	MAGDALENA	DR	CA	93451	10.09
213	027-251-013	MAGDALENA	DR	CA	93451	15
214	027-251-017	MAGDALENA	DR	CA	93451	26.31
215	027-251-016	MAGDALENA	DR	CA	93451	0.05
216	027-251-030	MARTINEZ	DR	CA	93451	2.07
217	027-251-029	MARTINEZ	DR	CA	93451	0.98
218	027-251-008	MAGDALENA	DR	CA	93451	1.25
219	027-251-006	MARTINEZ	DR	TX	93451	1.23
220	027-251-003	MARTINEZ	DR	CA	93451	1.19
221	027-251-018	RIVER	RD	CA	93451	2.22
222	027-251-019	RIVER	RD	CA	93451	2.05
223	027-221-036	RIVER	RD	CA	93451	3.29
224	027-221-017	RIVER	RD	CA	93451	2.85

<b>225</b>	027-221-056	RIVER	RD	CA	93451	1.75
<b>226</b>	027-221-055	RIVER	RD	CA	93451	1.08
<b>227</b>	027-221-054	RIVER	RD	CA	93451	0.28
<b>228</b>	027-221-028	RIVER	RD	CA	93451	0.75
<b>229</b>	027-221-052	OAK	DR	CA	93451	0.92
<b>230</b>	027-221-027	OAK	DR	CA	93451	0.61
<b>231</b>	027-221-062	OAK	DR	CA	93451	0.49
<b>232</b>	027-241-060	OAK	DR	CA	93451	0.18
<b>233</b>	027-241-061	OAK	DR	CA	93451	0.14
<b>234</b>	027-221-064	OAK	DR	CA	93451	0.37
<b>235</b>	027-221-041	OAK	DR	CA	93451	3.18
<b>236</b>	027-221-030	EASMENT		CA	93451	0.46
<b>237</b>	027-221-011	SAN PABLO	DR	CA	93451	0.94
<b>238</b>	027-221-023	SAN PABLO	LN	CA	93451	0.71
<b>239</b>	027-221-032	SAN PABLO	DR	CA	93451	0.31
<b>240</b>	027-221-033	SAN PABLO	DR	CA	93451	0.33
<b>241</b>	027-221-009	SAN PABLO	DR	CA	93451	0.63
<b>242</b>	027-221-004	SAN PABLO	DR	CA	93451	2.7
<b>243</b>	027-221-058	SAN PABLO	LN	CA	93451	1.66
<b>244</b>	027-221-003	MISSION	LN	CA	93451	0.95
<b>245</b>	027-231-021	MAGDALENA	DR	CA	93451	10.02



## RESOLUTION NO. 2019-19

### A RESOLUTION OF THE BOARD OF DIRECTORS DECLARING HAZARDOUS WEEDS A PUBLIC NUISANCE WITHIN THE SAN MIGUEL COMMUNITY SERVICES DISTRICT

**WHEREAS**, the San Miguel Community Services District (“District”) is a duly formed Community Services District under Government Code Section 61100(t), and has the power to provide protection against fire and risks of fire; and

**WHEREAS**, pursuant to the authority established in Health and Safety Code Section 14875, *et seq.*, the District may declare hazardous weeds a public nuisance for the purposes of proceeding with a weed abatement program; and

**WHEREAS**, the District Board of Directors finds that it is in the public interest that hazardous weeds within the District be abated as an aid to fire prevention.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Miguel Community Services District as follows:

**Section 1.** That the articles set forth above are true and correct and are incorporated herein by this reference.

**Section 2.** That the weeds located on the private properties described in Exhibit “A” attached hereto and incorporated herein by this reference, all of which are located within the District, are hereby declared to be a public nuisance.

**Section 3.** In accordance with Health and Safety Code Section 14890, the District Fire Chief or His / Her Designee is hereby designated as the person to give the notice, substantially in the form proscribed by Health and Safety Code Section 14892, to destroy, modify, abate and remove such hazardous weeds.

**Section 4.** That said nuisance, unless otherwise corrected, shall be abated by the District, and the cost thereof shall be assessed upon the parcels from which said nuisance is abated.

**Section 5.** That a public hearing shall be held on the proposed abatement of hazardous weeds on May 23<sup>rd</sup> 2019 at 7:00 p.m. at the following address: 1150 Mission Street, San Miguel California, 93451, to provide an opportunity for all property owners having any objections to the proposed removal of such weeds to be heard and given due consideration.



**Section 6.** That the District Clerk is hereby authorized and directed to mail notice of said hearing to the property owners described in Exhibit "A" as their names and addresses appear from the last equalized assessment roll as authorized by Health and Safety Code Section 14896.

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

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINING:**

The foregoing Resolution is hereby passed and adopted this 25<sup>th</sup> day of April 2019.

\_\_\_\_\_  
Ashley Sangster, Vice President  
Board of Directors  
San Miguel Community Services District

**ATTEST:**

**APPROVED AS TO FORM AND CONTENT:**

\_\_\_\_\_  
Rob Roberson, Interim General Manager

\_\_\_\_\_  
Douglas L. White, District General Counsel

# San Miguel Community Services District

## Regular Board Meeting Staff Report

April 25<sup>th</sup>, 2019

AGENDA ITEMS: XI - 7

**SUBJECT: Review and approve release Request for Proposal for auditing services for the next three fiscal years.**

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### **RECOMMENDATION:**

Authorize release of the Request for Proposal (RFP) requesting competitive proposals for District financial auditing services

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The District has recently completed the FY 17-18 financial audit for the District. This concludes the contract with Moss Levy for auditing services.

At this time Staff is requesting that the Board review the proposed RFP for auditing services and authorize staff to release the RFP for auditing services for the next three audit years. (2019-20, 2020-21, 2021-22)

This RFP will be posted, at a minimum, at local plan rooms, the District website, CSDA website, and directly to any firm who specifically requested the RFP in writing.

Staff has prepared a schedule for this competitive bid process as follows:

1. RFP would be released by May 1, 2019
2. Competitive bids from qualified firms will be due by May 31<sup>st</sup> at 4:30pm
3. General Manager will review all the proposals for compliance with the RFP and tabulate a master list of all proposals.
4. The top 3 bids will be presented to the Board at the June 27<sup>th</sup> regular board meeting for final selection.
5. On or around July 1<sup>st</sup> the selected Firm will be issued a notice of award and directed to submit final contracts to the District before issuing a Notice to Proceed.

PREPARED BY:

Rob Roberson

*Rob Roberson*

Interim General Manager

Attachment: Proposed RFP for Financial Audit Services



## San Miguel Community Services District

### Request for Proposal for Audit Services

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#### **REQUEST FOR PROPOSAL**

San Miguel Community Service District (hereinafter called "the District") is requesting audit service proposals from qualified certified public accounting firms to perform annual audits and issue opinions on the District's financial statements for a three-year period for years ending June 30, 2019, 2020, and 2021.

#### **DESCRIPTION OF THE DISTRICT:**

The District, founded in 2000, provides fire protection, lighting, solid waste collection, water and wastewater services to approximately 2,600 community residents. The District's Board of Directors consists of five members elected by the public served by the District. The District's structure consists of a General Manager and a support staff of approximately 6 employees and 20 paid-call firefighters.

The District accounts for its operations as an enterprise fund on the accrual basis. Additional funds with minimal activity account for capital replacement, expansion and debt service. The District has other governmental funds as well.

A customized computer system is used with subsidiary programs in billing, payroll, accounts payable, accounts receivable, inventory, cash receipts, fixed assets, investments, and capital projects.

Other than the usual payments for wholesale water, sewer processing, and debt service, few disbursements exceed the normal scope of review.

Information regarding the District and a copy of the District's most recent financial statement is located on the District's website, [www.sanmiguelcsd.org](http://www.sanmiguelcsd.org). The District does not put together a CAFR and there is no desire to do so in the near future. It is the proposing firm's responsibility to obtain an understanding of the District's accounting system, the scope of the audit, and the work to be performed in order to successfully complete the audit, prior to submitting their proposal and bid.



## San Miguel Community Services District

### Request for Proposal for Audit Services

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#### **SCOPE OF THE AUDIT:**

The audits are to be performed in accordance with generally accepted auditing standards. The auditors will evaluate the adequacy of the internal control system and, where weaknesses are noted, make appropriate recommendations for improvements. A management letter will be submitted by the auditing firm if material weaknesses are noted or if otherwise deemed appropriate.

The auditor will be required to make an immediate written report of all irregularities, fraud and illegal acts, of which they become aware, to the Board President and General Manager.

The audit will cover the general-purpose financial statements and supporting documentation and schedules. The auditor will assist the District in providing more meaningful and concise financial statements by seeking improved methods of reporting.

The auditing firm shall provide twenty copies of the auditor's report, financial statements, supporting schedules, and management letters. The partner in charge of the audit shall be available to attend at least two meetings at which the audit report will be discussed.

The auditing firm shall submit a draft of the financial statements no later than Friday, November 1st, 2019, by 5:00 p.m. for the fiscal year 2018-19 audit and October 1st for subsequent years. In this regard, the District shall provide a year-end adjusted trial balance with support schedules not later than August 1st of each year. Records for appropriate testing will be made available immediately after June 30 of each year.

The firm shall make available its working papers and respond to all reasonable inquiries of successor auditors and others to review working papers of the District, upon the District's written consent. The auditing firm will retain all working papers, at the firm's expense, for a minimum of five years, or longer, if required by generally accepted auditing standards.



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### Request for Proposal for Audit Services

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#### **PROPOSAL REQUIREMENTS:**

Three (3) copies of a proposal must be received **not later than 3:00 p.m. Monday, May 31st, 2019**. The following information is required by the deadline for the firm to be considered:

#### **A COPY OF THE PROPOSAL TO INCLUDE:**

1. Transmittal letter

A signed letter of transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the required time period, a statement of why the firm believes itself to be the best qualified to perform the engagement, and a statement that the proposal is a firm and irrevocable offer until July 31<sup>st</sup>, 2019.

2. Detailed proposal

3. Bidding proposal

#### **GENERAL REQUIREMENTS OF THE PROPOSAL:**

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to undertake an independent audit of the District, in conformity with the requirements of this Request for Proposal. The proposal shall demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the Request for Proposal requirements.

#### **INDEPENDENCE:**

The firm should provide an affirmation statement that it is independent of the District as defined by generally accepted auditing standards. The firm should also list and describe its professional relationships involving the District for the past five years, together with a



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statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.

#### LICENSE TO PRACTICE:

An affirmation statement should be included indicating that the firm and all assigned key professional staff are properly licensed to practice in California.

#### FIRM QUALIFICATIONS AND EXPERIENCE:

The proposal should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed, and the number and nature of professional staff to be employed in this engagement.

The firm is also required to submit information on the report of its most recent peer review, with a statement of whether the peer review included a review of specific government engagements. In addition, the firm will submit a statement whether they have been the object of any disciplinary action in the past three years.

In order to be considered, firms must be within one-hundred-fifty miles of the San Miguel Community Services District. 1150 Mission Street, San Miguel CA. 93451

#### PARTNER/SUPERVISORY/STAFF QUALIFICATIONS AND EXPERIENCE:

The firm should identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists who would be assigned to the engagement, and indicate whether each person is licensed to practice as a Certified Public Accountant in California. The firm should also supply information on the government auditing experience of each person, including information on relevant continued education and professional organizations relevant to the performance of this audit.



## San Miguel Community Services District

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#### SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENT ENTITIES:

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum of five) performed in the last five years that are similar to the engagement described in this Request for Proposal.

Indicate:

the firm's scope of work, date,  
engagement partner(s), total hours,  
and name and telephone number of the principal client contact.

#### SPECIFIC AUDIT APPROACH:

The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, type and extent of statistical sampling, compliance tests, substantive tests, and analytical tests to be performed, as well as a schedule (by date and hours) of the work to be performed to meet the requirements of this Request for Proposal.

#### IDENTIFICATION OF ANTICIPATED POTENTIAL AUDIT PROBLEMS:

The proposal should identify and describe any anticipated potential audit problems, the firm's approach to resolving these problems, and specific assistance that will be requested from the District.

#### BIDDING PROPOSAL:

The bidding proposal should contain all pricing information relative to performing the audit engagement as described in this Request for Proposal. A schedule of rates for partners, specialists, supervisors, and staff, multiplied by the number of hours anticipated by each, should be included. The bidding proposal shall contain all direct and indirect costs including out-of-pocket expenses to arrive at an all-inclusive maximum price.



## San Miguel Community Services District

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#### DISTRICT OBLIGATION:

If it should become necessary for the District to request the auditor to render additional services to either supplement the services requested in this Request for Proposal or to perform additional work as a result of the specific recommendations included in any report issued with this engagement, such additional work shall be performed only if set forth in an addendum to the contract between the District and the firm. Any such additional work agreed to between the District and the firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the formal bidding proposal.

Progress payments will be made on the basis of hours of work performed during the course of the engagement in accordance with the firm's formal bidding proposal. Interim billings shall cover a period of not less than one calendar month.

Proposals submitted will be evaluated by the District General Manager.

The District reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

During the evaluation process, the Board of Directors may, at its discretion, request any one or all firms to make oral presentations and personal introduction of the proposed managing accountant and/or senior partner of the audit. Such presentations will provide firms with an opportunity to answer any questions the Board of Directors may have on a firm's proposal. Not all firms may be selected to make such oral presentations. Routine clarification may be obtained by telephone, fax, or e-mail.

Final selection will be made by the Board of Directors based on the firm's qualifications, experience, audit approach, and bid. Proposing firms should note that the lowest bid will not be the sole deciding factor in the final selection.

It is anticipated that a firm will be selected by Thursday, June 27th, 2019. Following notification





## San Miguel Community Services District

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of the firm selected, it is expected that a contract will be executed by Monday, July 1st, 2019.

Submission of a proposal constitutes acceptance by the firm of the conditions contained in this Request for Proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the District and the firm selected.

The District reserves the right to reject any and all proposals. The District also reserves the right to cancel the contract, due to unsatisfactory performance of audit services, between audit years with a 30-day written notice. The District may extend the contract an additional two years, at any time, upon agreeable terms with the successful bidder.

For additional information and inquiries, contact:

Robert Roberson, Interim General Manager  
San Miguel Community Services District  
1150 Mission Street  
San Miguel, California 93451  
805.467.3388

(continued on next page)



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The proposing firm warrants the following:

1. The firm is willing and able to obtain an Errors and Omissions Insurance Policy providing a prudent amount of coverage for the willful or negligent acts or omissions of any officers, employees, or agents thereof.
2. The firm will not delegate or subcontract its responsibilities under an agreement without the express prior written permission of the San Miguel Community Services District.
3. All information provided by the firm in connection with this proposal is true and correct.
4. The firm will acknowledge and agree with all terms and conditions stated in this Request for Proposal.

On Behalf of Firm:

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Authorized Representative

Date



## San Miguel Community Services District

### Board of Directors Staff Report

April 25<sup>th</sup>, 2019

**AGENDA ITEM: XI-8**

**SUBJECT:** Discuss options for administrative office space for the District as well as remodeling the Fire Station.

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**RECOMMENDATION:** Provide Staff direction on the Boards preference

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The District is in dire need of office space. Over the past year there have been several options proposed to address the office space issues. Of the ideas floating around the three options below are the most viable.

#### **Option 1 (Relocation Offices to the WWTF)**

##### Pros

- Significantly less cost (over other options) to add office space and parking to the new office/ shop building that is already planned for the WWTF expansion.
- Will consolidate District functions and allow the Fire Department to be utilized more effectively
- Reverting the Fire station back to only fire will allow the Fire Department to apply for more grants for remodeling and expansion.
- Most of the site improvements are already going to be included in the construction of the WWTF expansion

##### Cons

- Customers would have to go to the WWTF to pay bills/ talk to staff in person, a drop box at the Fire station to take drop off payments

#### **Option 2 (Build a new office building on District property next to the Fire Station)**

##### Pros

- Keeps all offices at the center of town

Cons

- Significantly more cost to construct
- Significantly more time to complete
- Less Grant funding available to plan and build
- Considerable site improvements necessary at a high cost

**Option 3 (Build a new apparatus building next to the existing fire station and remodel the existing station into offices and meeting space.)**

Pros

- Keeps all offices at the center of town
- Potentially can address issues with apparatus bay now.

Cons

- Significantly more cost to construct
- Significantly more time to complete
- Less Grant funding available to plan and build
- Significant restrictions on space
- Considerable site improvements necessary at a high cost

PREPARED BY:

*Rob Roberson* \_\_\_\_\_

General Manager/ Fire Chief

*Kelly Dodds* \_\_\_\_\_

Director of Utilities

Attachment: