



February 23, 2015

**TO:** LOCSD Board of Directors  
**FROM:** Robert Miller, District Engineer  
**SUBJECT:** **Agenda Item 11H – 3/5/2015 Board Meeting**  
Clarify District Policy Concerning Sewer Lateral Maintenance for Bayridge Estates and Vista de Oro

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**DESCRIPTION**

The purpose of this agenda item is to clarify District policy concerning sewer lateral maintenance.

**STAFF RECOMMENDATION**

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

***Motion: I move that the Board adopt Resolution 2015-05 providing clarification on the District's policy on sewer lateral maintenance at Bayridge Estates and Vista De Oro.***

**BACKGROUND AND DISCUSSION**

The District operates and maintains gravity wastewater collection systems for the subdivisions of Bayridge Estates and Vista De Oro. These systems collect wastewater via sewer mains within the public right of way and sewer laterals to each property. The term "lateral" or "sewer lateral" means that part of the sanitary piping of a drainage system that extends from a public or private building, structure, or facility and conveys wastewater to the point at which it enters the District's sewer. A sewer lateral often extends beyond the boundaries of the property being served, with a portion in the public right of way. The District's policy with respect to maintenance responsibility of sewer laterals is not sufficiently clear. As a result, blockages or other maintenance problems within sewer laterals have subjected the District to at least one recent claim for damages.

Local agencies within San Luis Obispo County typically require the property owner where the sewer lateral originates to maintain the sewer lateral from the building to the sewer main. One reason for this approach is that blockages originate from the building and may lodge at any point in the lateral. The attached resolution clarifies the District's position consistent with local practice.

**FINANCIAL IMPACT**

Clarification of the District's sewer lateral policy is expected to result in fewer claims against the District, thereby reducing the potential for unbudgeted expenses.

Attachment

**RESOLUTION NO. 2015-05**

**A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE LOS OSOS COMMUNITY SERVICES DISTRICT  
CLARIFYING DISTRICT POLICY ON SEWER LATERAL MAINTENANCE RESPONSIBILITY FOR  
THE SUBDIVISIONS OF BAYRIDGE ESTATES AND VISTA DE ORO**

**WHEREAS**, the Los Osos Community Services District ("District") became effective January 1, 1999, pursuant to an election and Resolution No 98-239 of the Board of Supervisors of the County of San Luis Obispo, and under the authority of the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code §56000 et seq.); and

**WHEREAS**, Community Services Districts are authorized under Government Code §61100 (b) and (c) to have as its purpose the collection, treatment, or disposal of sewage and waste generated within the District's boundary; and

**WHEREAS**, the Los Osos Community Services District is authorized under Health and Safety Code §6951 to operate a central septic system; and

**WHEREAS**, Bayridge Estates and Vista Del Oro communities are within the Los Osos Community Services District and have a central septic system that is serviced by the District; and

**WHEREAS**, this resolution is for the purpose of clarifying the District's policy for sewer lateral maintenance to conform to common local practice.

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

Section 1. Incorporation of Recitals

The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Section 2. Reference for Sewer Lateral Responsibility

"Lateral" or "sewer lateral" means that part of the piping of a drainage system that extends from a public or private building, structure or facility and conveys wastewater to the point at which it enters the District sewer. This may extend beyond the boundaries of the property being served. The property owner will be responsible for all construction, maintenance, improvements and repairs of the sewer lateral, up to and including the wye connection to the sewer main. Laterals shall be maintained by the owner of the property in a safe and sanitary condition; and all devices or safeguards which are required for the operation thereof shall be maintained in a good working order.

Section 3. Repeal of Prior Ordinances and Resolutions

All Ordinances, Resolutions and sections of Ordinances and Resolutions that are inconsistent with this Resolution are hereby repealed.

Section 4. Effect of Repeal on Past Actions and Obligations

This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any prior Resolution or Ordinance.

Section 5. Severance Clause

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 7. Effective Date

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect March 5, 2015.

**ADOPTED** this 5<sup>th</sup> day of March 2015 by the Governing Body of the Los Osos Community Services District by the following roll call votes:

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

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

The foregoing resolution is hereby passed and adopted this 5<sup>th</sup> day of March 2015.

\_\_\_\_\_  
R. Michael Wright  
President, Board of Directors  
Los Osos Community Services District

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy A. Kivley  
General Manager and Secretary to the Board

\_\_\_\_\_  
Michael W. Seitz  
District Legal Counsel